

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, October 2, 2018 - 7:00 PM

INVOCATION

Father David J. Kozak, Incarnation of Our Lord Roman Catholic Church, offered the Invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

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

2. APPROVAL OF MINUTES

The Minutes from September 4, 2018 were approved.

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

Zoning - 2 West Market Street

Beall Fowler, 409 Center Street, informed six years ago Bethlehem adopted an extensive update to its Zoning Code. One of the new items was Section 1304.04 entitled "Reuse of Certain Corner Commercial Uses Allowed in the RT and RG Districts." It came about because the City and Members of Council recognized that when many residential neighborhoods were constructed early in the last century they contained corner stores that primarily served those neighborhoods in a variety of ways. Most of those stores were characterized by a corner entrance, the edge was chopped off and there was a door in the corner and one of these still exist at the corner of New and Church Streets. As time went on most of these stores went out of business and their spaces were converted to residential. Then zoning came along and entire blocks became zoned Residential including these former corner store properties. But because of the corner entrances and the configurations these conversions were not ideal. Mr. Fowler explained as the new Zoning Code was being developed it seemed reasonable then to the City and to Council that under very strict and limited conditions to provide the opportunity for such properties to revert to Commercial uses. This and this alone was the reason for the existence of Section 1304.04. It was very carefully crafted to make this motivation clear and to avoid unintended interpretations. This initiative was in fact described in presentations as reuse of corner stores accompanied by illustrations of such corner properties. Mr. Fowler then read some of the text of that Ordinance. "The lot shall be at the corner of two streets. The primary building shall have an existing storefront character. This shall include such features as large first floor commercial windows and a main entrance at the corner or along one of the street facades abutting the commercial windows. At least a portion of the proposed business face shall have then been occupied at one time by a

principle lawful business use. The business use shall be limited to within the existing building.” Mr. Fowler is talking about this because Council has received a petition on behalf of Morning Star Properties LLC for a spot zoning amendment that is presented to you as a revision of Section 1304.04 and thereby is intended to convince you that their request is just a little tweak of the existing Ordinance. In Item 16 of their petition it says “The proposed amendment closely follows the existing text of Zoning Ordinance Section 1304.04, thereby incorporating the rationale of the existing Section 1304.04.” That statement is clearly false, Section 1304.04 had a very limited rationale and in no way can their petition to rezone 2 West Market Street fall within that rationale. There are many good reasons to reject the petition, but be aware that attaching it to Section 1304.04 is simply an attempt to falsely convince you that it is a simple modification of existing law.

Marijuana Decriminalization/Route 378 Erosion

Jeff Riedy, 905 Seventh Avenue, explained he is at this meeting for two reasons. First he wanted to express his appreciation to City Council for the recent support of decriminalization of marijuana in the City. He wanted to thank Councilwoman Negrón who joined him last Monday in Harrisburg to speak to our State Representatives to try to get them to pass decriminalization at the State level. She represented the City very well. Mr. Riedy noted the second reason he is at this meeting is that he lives in the neighborhood that was referred to the Heights at one time, just beyond Nitschmann Middle School at the Eighth Avenue exit of Route 378. He noticed an ongoing problem on Route 378 with his neighborhood. Mr. Riedy handed out a map to Council and pointed out there are houses that abut Route 378. Our neighborhood was cut off when Route 378 was built and there was a large embankment created of shale to allow for Route 378 to pass through at that point. He related that with all of the houses that abut Route 378, the backyards are eroding onto the highway because of rainfall and the water that flows through our neighborhood. With the map he handed out it shows where all of the street drains are in their neighborhood. He continued to say the high point of our neighborhood is Goepf Street and then it flows downhill to Route 378. The water flows at a river rate when we get heavy rains on Fifth Avenue, Sixth Avenue, Seventh Avenue, Eighth Avenue and somewhat on Fourth Avenue. What is happening is it is falling down those Avenues and alleyways going across the properties that are on Lyons Street and eroding the embankment that abuts Route 378, which he understands is PennDOT’s problem. Mr. Riedy urges the City and City Council to express a concern with PennDOT that at some point we will need to reinforce that embankment or we will be condemning about ten homes along Lyons Street. He walked into the yards of some of the homes today and he has pictures on his phone. One of the neighbors has gone as far as creating a concrete embankment off the back edge of his property so the water can flow off his property quickly. He created something that shoots it down into Route 378 so it exits his property as quickly as possible. Many of the neighbors expressed concern about having water in their basements when we get a lot of rain. As you look at the map you can see from Union Boulevard that is not a single drain that gets rid of any of the water in that area of the City. They anticipated that when they built Route 378 that all of the water would just drain down the embankment onto the highway and it does, but anytime you drive that part of Route 378 please look at that embankment on that side of the road, and you will see large piles of shale. If you ask PennDOT he is sure that they will admit that they go by weekly with a dump truck to collect the shale because it encroaches upon the road. Mr. Riedy is concerned about his neighbors at the end of the street. His home is marked on the map. He informed he lives up hill from all of the neighbors so he does not have the same issue, but he has watched this happen. He would appreciate if the City and City Council could

do something to express concern to PennDOT to address this issue so his neighbors do not lose their backyards.

President Waldron thanked Mr. Riedy and asked Michael Alkhal, Director of Public Works to follow up on this.

Swimming Pools/Golf Course

Jack Toy, 13 West Washington Avenue, informed his two concerns are the swimming pools and the Golf Course. He thinks we should charge more money for the use of our pools. Mr. Toy noted his wife goes to Memorial Pool for \$50 dollars a year, which is the 10 weeks that the pool is open. That is a great deal. We need to keep up these facilities. Mr. Toy thinks that could be raised to \$100 dollars a season without any problems. You may lose a few people, but you will still make money. One of the problems you have at the pool is the supervision of kids that come in groups from the camps. It should be made very clear to these groups to have supervisors so the lifeguards do not have to be the disciplinarians with things going on at the pool. Mr. Toy mentioned that Clearview Pool has about 300 square feet where you can sit in the sun, everything is on concrete. There is a lot of ground around there but why cannot this be expanded, just change the fencing. That would give enough space for more people to sit in the sun. Mr. Toy noted now you have everybody in the right place at the right time at the Golf Course. You have the greens keeper who is taking care of the course and it is in beautiful shape. You have Larry Kelchner, who is a good businessman and golfer, he knows that the operating income has to equal or exceed operating expense and you have Paul Viola who is a very good golf person. He thinks next year we will see a tremendous improvement in both the profitability and the quality of the golf facilities. He pointed to the pace of play and remarked that 3 hours is plenty of time to play a round of golf. Mr. Toy added that people play 4 ½ hours and that drives him crazy. He thinks we should make every effort to keep play moving along but unfortunately the USGA has said it is okay to take 4 hours and 15 minutes to play our Golf Course. That may be good now, but when he was a young man, it was 10 minutes a hole and that was plenty. People are going to stop playing golf. Mr. Toy explained that his son was a good player but he does not play anymore because he is tired of spending 4 ½ or 5 hours on a golf course playing golf. Mr. Toy spoke to Mr. Viola today and he has a good idea that everyone should take a cart and the fee is \$36. There would be no walkers or walking fee, not pull carts. Mr. Toy believes that the cost of playing our course is reasonable although they could be raised a little bit. Mr. Toy continued on to say that the high school kids are around the practice green at the 9 hole course pitching, not chipping and not putting, but pitching at the green. If you make a decent lengthy pitch it leaves marks and it looks like someone aerated the green by mistake. He does not think we should give free access to our golf course for the high schools if the high school administration is not going to make sure that the coaches do the job of supervising and maintaining good golf etiquette and practice.

Zoning 2 - West Market Street

Barbara Diamond, 425 Center Street, stated she is speaking tonight as she has in the past in defense of her neighborhood, but not just her neighborhood. She explained across the City neighborhoods are under assault from commercial incursion most recently by short-term rentals. When the Short-Term Rental Ordinance passed she heard all on Council speak about protecting Bethlehem's neighborhoods from the fate of so many cities that did not act in a timely way. She

hopes you will do so again this evening. Ms. Diamond added that on the agenda tonight is a request by Morning Star Partners to amend the City's Zoning Code so that Mr. Rij can operate his business in the Historic District. What Mr. Rij seeks to do presents the same threat to our neighborhood as Mr. Brew's Airbnb's commercial incursion into a residential neighborhood. A neighborhood is a place where people live, families raise their children, friendships are developed with neighbors and childhood memories are formed. There is a sense of community within a broader community. She queried would you like your neighbor to be a financial services business or an Airbnb. When homes become businesses, people are deprived of those benefits of living in a neighborhood and neighboring properties are devalued, customers/transients replace neighbors and opportunities for community are reduced. Ms. Diamond explained that homes become vacant, dark and empty and become threats to peace and security. Housing stock that could become homes is reduced, not to mention the cascade effect of people fleeing that makes it more likely that more housing will turn commercial. She continued to say 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. Ms. Diamond noted that 2 West Market Street has always been a family home and so have the Airbnb's on Market and Church Streets. There is no reason why they cannot be homes for people now. She hopes that Council will forcefully protect Bethlehem's neighborhoods. Support the residents who do not want to see commercial slices carved out of their streets and should not have to suffer the negative impacts of these operations. Mr. Rij and Mr. Brew made calculated decisions to invest in properties that they knew were not zoned for a business hoping through legal and other maneuvers to prevail. It is not the City's job to prevent their loss on investment. Ms. Diamond also thinks it is important to send a message that individuals cannot establish businesses in residential zones and then expect to be rezoned or grandfathered in through legal maneuvers. She hopes that Council will dismiss the application to rezone 2 West Market Street.

Attorney Tim Stevens, 645 Hamilton Street, Allentown, stated he is a partner at the firm of Davis and McCarthy, and represents the appellants in the underlying zoning appeals with respect to 2 West Market Street. He wanted to touch upon the history so that Council has context when considering the petition to amend the Zoning Ordinance, which the appellants and others oppose. He just received a copy of the Zoning Ordinance and from the outset a number of the issues that he sees initially is the arbitrary and flawed supplement to the corner reuse provision that was discussed by Professor Fowler, that clearly does not fit in with the parameters and confines of the spirit and intent of the corner reuse. This property does not fit within that and should not be a part of that provision. Attorney Stevens informed another problem with it is that it directly conflicts with Section 1323 which guides non-conforming uses. As we know there are two retail properties on this. The whole intent and spirit of a non-conforming use is to ultimately make every attempt to turn it back to a permitted use, in this case a residential use. What this petition and the zoning amendment does is attempt to create a special exception to maintain a retail or a commercial office use, which is directly contrary to the spirit and intention of Section 1323 for non-conforming uses. There is the fact that this is impermissible spot zoning where the zoning amendment is being crafted for the self-serving interest of one particular property owner and not at all mindful of the community wide perspective to preserve and protect neighborhoods that was touched upon by Ms. Diamond. Turning to the petition itself, if you read number 11 it states "Morning Star would like to preserve the buildings in their current historic context; however, it is not possible to do so under the current zoning classification." Attorney Stevens stated that truly is absolutely a false statement. We know that after having five years of litigation with respect to

various applications and requests for zoning relief by this same property owner Morning Star. He noted as a brief overview we started five years ago in November of 2013 with an initial Zoning Hearing Board decision that denied the variance request. Specifically, one of the findings of the Bethlehem Zoning Hearing Board was it was the sole desire of Morning Star to maximize profitable uses of the property, which we know is not a basis for zoning. There was a second application that was denied. The issues were already dealt with. The initial application decision went to Judge Paula Roscioli of the Court of Common Pleas level and she affirmed the decision of the Zoning Hearing Board and then it went up to another level to the Commonwealth Court level and they affirmed that decision that occurred two years later, June of 2015. So Morning Star Partners went back now for the third application and that went before the Zoning Hearing Board and that was granted. It went up to Judge Craig Dally at the Court of Common Pleas level and was affirmed. It went up to the Commonwealth Court and our appellants opposed the relief that was being requested and it was reversed by the Commonwealth Court in May of this year. The argument was requested, that was denied. One of the key components that Judge Renee Jubelirer of Commonwealth Court, and the Zoning Hearing Board acknowledged, that it could be used as a residential property. She acknowledged that the conversion of residential would be less expensive if it was done for commercial use. That was done for the property recognizing that all that is being done here is this is just a more desirous use for the property. So what we have are seven court decisions, three different applications on this, over five years of litigation, and the appellants remained resolved to continue to contest the petition on the grounds that it is not an appropriate zoning relief, particularly on the spot zoning grounds. That is because it is not mindful of the community interest.

Steve Diamond, 425 Center Street, informed that his also talking about the reuse of the commercial corner also known as a corner store. In reading Section 1304.04 of the Zoning Code there are multiple businesses that are listed such as Staples, but there are also lists of other types of businesses that could be within it. That includes hair salons, antique stores, and cafés amongst others. But in no way is a financial services business considered. His question would be what will they sell there that meets a corner store? Mr. Diamond believes it is very unfair for the City management and the Zoning Hearing Board to put the City Council in a position to make this decision for the petition. The Zoning Hearing Board should be the one to say no. First, he would like to ask the City management if the property been fined for breaking the Ordinance in effect. It has been a while since the decision of the Commonwealth Court of Pennsylvania. There is a maximum of a \$500 dollar fine per day. This is real revenue the City is losing. Has the City asked him to leave the property, and if not, please tell us why he has not been asked to leave the premises. Mr. Diamond also does not think the City Council should be helping an investor who made a poor business decision. The occupant is an expert in finance and as you know he made a gamble or risk that he could change the designation of this property. He lost in court. It is not your business to make sure he wins his gamble. Mr. Diamond just does not think the City is in the business of making investors whole after a poor decision. Once again, he does not believe City Council needs to take ownership of a problem the City management refuses to embrace. Therefore you should turn down the petition to rezone the property.

Website

Ed Gallagher, 49 West Greenwich Street, mentioned at the last meeting he made a pitch for his new website. He noted that 49 West Greenwich is where he lives but he has been living most of the past two weeks at bethlehemgadfly.wordpress.com and he has been bugging people

wherever he can to look at this website and come sign up. In short the purpose of the website is healthy dialogue, public participation, good conversation makes community. There are two main divisions to the website, one is called serious issues and the other is called fun stuff. Mr. Gallagher explained after two weeks we have almost a full picture of a serious issue. He knows that some people are anxious about social media and blogs and worried about things that will happen there. He will ask you to think about what happened in regard to the parking thread, just try to frame that issue, set out the Bethlehem Parking Authority and the Desman ask and put out the kinds of things that were said at the public meeting, have those things clear for people to say and find out about that parking issue. Mr. Gallagher hopes that thread will be seen as a kind of model for what he hopes will happen with this website. He wants healthy dialogue, public participation and good conversation because that makes a community. He has thought of his website as a kind of archive for public commentary. He has said that he is bowled over by the quality of the comments from the public at these meetings, but they evaporate. Mr. Fowler, Mr. Diamond and Ms. Diamond have written out comments and he hopes they will give those to him to put on his website so other people can see them and be influenced by them. He was talking to Mr. Evans before tonight's meeting and noted that much of what happens here is tension filled with votes and arguments and we forget sometimes that there is another world out there. On the website he had a few things like a local color section where he did a story about what happened on Lorain Avenue to him in the summer. He had someone who contributed a photograph of a spider in her front yard. Mr. Gallagher stated he loves the gadflies here so he has little biographical sketches of Mr. Antalics and Mr. Scheirer and he will try to do more of that sort of thing. He has the "Bethlehem Moment" feature and a "Then and Now" section where people can send in photographs to remind us of the history of Bethlehem. Mr. Gallagher thanked the elected officials who are part of this and for other people he has a flyer, but everyone here is important to him, it is important that there are a lot of people on the website and that the right people are there. He is hoping that everyone will mention the website to their friends and spread the word.

Bethlehem Press Opinion

Stephen Antalics, 737 Ridge Street, stated he read something the other day which really disturbed him so he wanted to read it tonight so it becomes part of the public record. With the permission of Mr. Dana Grubb, who wrote this article, he read the following.

"For months I have heard rumors that a few members of Bethlehem's seven-member City Council have special code words they use to ridicule residents who regularly attend Council Meetings. "The same 10 people," or "STP" is a designation apparently reserved for those who care about the City enough that they make the effort to attend these meetings regularly and participate in "public comment" if they have an opinion to voice. The rumor was confirmed for me when at a recent Council Meeting, I heard Council President Adam Waldron refer to the residents in the audience as "the same 10 people," after the many golfers in attendance left town hall chambers. How wrong-headed and childish can elected officials be? Council Members should be proud that the City has some residents who make time to attend their meetings. They should welcome input and other points of view. The frat-like, puerile use of derisive terminology for those whom Council Members should be respecting rather than reducing and dismissing, indicates that some Council Members feel threatened rather than supported by meeting attendees. Perhaps the fact that many regulars are accomplished and intelligent and have a great deal of professional and life experience threatens some Council Members. Maybe the threat comes because these regular informed attendees generally counter political rhetoric with

commonsense and practical applications. Possibly some Council Members feel threatened because these "same 10 people" often challenge the status quo and demand accountability. Our political system requires civic involvement to keep government and elected officials honest, productive and accountable for what they say and do. However, not every citizen has the time or inclination to break free from everyday life to attend nighttime meetings. Residents who attend regularly make well thought out, very well-researched and sometimes critical remarks designed to encourage Council Members to think deeply about issues and perhaps rethink their positions. These residents defend neighborhoods and advocate for a decent quality of life. They challenge the ways in which limited City funding is being used. They confront inaccuracies, demand enforcement of City Ordinances, and they act as the eyes and ears for the many who do not or cannot attend these meetings. Despite being met with blank stares, frowns and often dismissive attitudes, these residents return meeting after meeting to play a role and state their viewpoints, in an effort to get their points across to elected officials in the City. The same 10 people? Bethlehem is fortunate to have them, and so is Council. They should be commended, not mocked, for the way they care about Bethlehem. Perhaps voters need to rethink what kind of people they want to have in those elected Council seats, so that when they attend a Council Meeting in the future, because of an issue that affects them directly, they can be assured that they will be respected and heard."

Mr. Antalics mentioned after he read that and calmed down he thought about the past Council Members Delgrosso, Schweder, Belinski, Szabo, Leeson, Donchez who served on City Council. When he reflects on the quality of that board he would call them the golden years of Bethlehem City Council. He queried, can this Council aspire to achieve that level of quality? These Council Members interacted with us; they had lunches and coffee with us and discussed issues with us. But, when he read this article from Mr. Grubb and thought about the President of Council achieving that level, what he just read creates a serious of doubts in his mind.

President Waldron thanked Mr. Antalics, and emphasized that he can say that there are no secret codes on City Council. President Waldron stated in addition, if you would like to check the minutes when they are released, you can see the quote that was addressed to him, is completely made up.

Zoning – 2 West Market Street

Bob Romeril, 26 West Market Street, noted he has lived at this address since 1975. He is at this meeting to speak on one issue, but also wanted to speak about Resolution 10 C the World Heritage Designation, which is an excellent item. He noted that Bethlehem needs this and he is sure that Council will support it, but that leads him to the fact that the designation ends around the middle of Market Street just north of the cemetery. Just north of Market Street is a row of historic homes, we own one, and on July 3, 1809 Abe Mathias had permission to build that house and this is a backdrop for the Moravian heritage area. Bethlehem is very unique, particularly downtown Bethlehem. We have the Historic District, our marvelous Main Street corridor and a very unique residential district with historic homes that are very well maintained. These are residential homes. If you go to Corning, New York or Newport, Rhode Island you will see marvelous restaurant corridors which are the old homes of those cities. They have lost their heritage and we should not lose ours. We will lose it if we do not keep our residential neighborhoods. To that purpose, he created a chart that was handed out to Council which

basically speaks for itself. We have been fighting commercial incursion into residential areas for many years. We are here again tonight for the same thing, to protect our neighborhoods. We have Mr. Fowler and Ms. Diamond; the same gang although we are backed up by many of our other neighbors who cannot always come to these meetings. Mr. Romeril explained this is important to the World Heritage Designation that this area be maintained and kept residential because it is unique. He does urge Council that when it does come time to vote on this item that you unanimously reject considering it further.

Martin Romeril, 26 West Market Street, stressed that they have been fighting basically the commercial incursions into our residential neighborhood since 1977. There is plenty of commercial real estate available on Main Street and Broad Street. We do not see why we need to give up our homes and our neighborhood. The parcel in question has been a subject of five written judicial rulings over the past three years, four of which have been in favor of residential zoning. The most recent two rulings were unanimous 3-0 Commonwealth Court rulings in favor of residential zoning over commercial intrusions into a residential neighborhood. If you take the time to read the two rulings from the Commonwealth Court you could see how they viewed the attempt to degrade a residential neighborhood through the bending of the Zoning Code to enrich one commercial real estate investor. The danger of this proposed zoning change presents to every single neighborhood in our City is that it sets a precedent that Council can overrule a judicial ruling and of its victorious residential zoning defense case by changing the rules to benefit a single commercial interest. Mr. Romeril explained this opens up at first just those properties in every neighborhood located on a corner, and which, at some time in the future get a use variance for an additional use. Now they are non-conforming and now they can do whatever they want. This will establish peninsulas into residential zones, the peninsulas will expand. They can say if the house on the corner is commercial, why not the house next to the corner since 1977, be commercial. Mr. Romeril added that he has been to many Zoning Hearings since 1993 and they say if no one objects they will just give this guy special exception to put his office in the middle of this neighborhood. That is not the five part test to give a use variance. Basically, residential properties will fall like dominoes in every single neighborhood because any residential property converted to commercial use becomes more valuable on the real estate market. You will get speculators coming in and buying up properties and saying if they can just get a zoning variance they can turn a quick \$75,000 profit in 6-9 months, and instead of just having a homeowner there, they can just sell it to someone to put their office in there. Mr. Romeril emphasized that this will reduce the number of homes in the City and consequently the number of affordable housing units in the City and thus, the number of neighbors that you will have in your community. Neighbors are the thread that create the fabric that we call community. They are there to share news with outside of commercial hours and they provide fellowship for you and your children and are nearby in terms of emergency or just when you need an extra hand. They are the eyes of the community when you are not home and businesses are closed. Mr. Romeril noted that without neighbors your home becomes vulnerable to many outside forces and is weakened because it stands alone. These commercial conversions do not only involve offices, restaurants and traditional businesses, but there is also the new wave of transient rentals, whether they are called Airbnb or Stay at Home. They are basically unregulated hotels with no on site staff to ensure the tranquility of your neighborhood. He noted that recently enacted regulations are supposed to prevent these commercial homes sharing businesses in residential areas in all of Bethlehem residential districts. The residents of the oldest surviving neighborhood of single family homes in the City encourage residents throughout Bethlehem to come speak at City Hall. We get in trouble if we put up a yellow sign in the wrong place, but the truth is that you can come to City Hall and

speak out because you have a First Amendment right. Mr. Romeril added that when we go to these Zoning Meetings and fight on things we get a lot of smoke thrown in our face because professionals come out and they are supporting commercial investors. He pointed out what Judge Hannah Leavitt said the first time we won in Commonwealth Court way back in 2015. "The fact that the buyer does not intend to change the exterior of the home is also of no moment (meaning it has nothing to do with zoning). Historic preservation should not be confused with land use. The City of Bethlehem has made the decision to make the neighborhood residential." Mr. Romeril hopes that the City of Bethlehem continues to support that decision to keep residential neighborhood residential.

Bill Scheirer, 1890 Eaton Avenue, referenced 2 West Market Street and noted its is a corner lot and it is an odd lot because it has buildings that were partially commercial with upstairs apartments. Mr. Scheirer was told that they were built in 1829 and they were very dignified residents on the corner. The argument was made that because it was partly commercial it should be wholly commercial. Mr. Scheirer stated no, but one thing that could be done is that the lot could be sub-divided. He does not know why that has not happened. It is equally illogical if it is partly commercial and the commercial should dominate, and equally illogical to say it is partly residential and the residential should dominate. They argued at one point way back that they could not rent out the commercial buildings, which is contrary to their basic argument. This seems to go back and forth with whatever seems to be opportune at the moment. He expressed, they actually pushed out the people who were in those stores. The bookstore was put on a month to month lease and she objected to that and was told there was no alternative; so she decided to retire. The antique shop is sub-leasing from her and so the antique shop had to go, and the clearest example of being pushed out was the fellow that had the wood carvings and the books in that small shop closest one to Market Street. He was told that they could not pay for utilities for just him. He offered to bring in electric heaters and pay for the electricity and they said no, so that does not show much for their argument. They may argue that there are a few non-residential uses that got grandfathered in to the residential area. But establishing grandfathers is not to establish sons, grandsons, great-grandsons, great-great-grandsons, you have to draw the line somewhere, unless you want to be Houston on the Lehigh. Mr. Scheirer explained that Houston is the largest city and perhaps the only city in America that does not have any zoning, but that is not good City planning. If you allow commercial uses to creep one by one into residential areas, eventually you do not have the residential areas. What happens to the properties vacated by these commercial uses? Do they get a new business in there or do some of them remain vacant. If you allow that to happen, not only do the residential areas deteriorate, but the commercial deteriorate as well. That is not very good City planning.

Bruce Haines, 63 West Church Street, mentioned that he sent an email to all of Council with his comments, so he will not review those. He really just wanted to follow up on something that has been touched on, which is the fact that Morning Star is coming in once again. They say in paragraph 11 in the petition that it is not possible to preserve the buildings in their currently historic context under the current zoning classification. That is truly a gross misstatement of facts and the courts have thrown this out three times. The reason they have thrown that out is because there are two buildings on that property of substance. The primary building is the single family home and has been a single family home in this city for its entire 160 years, until the current property owner bought the home, kicked out the wonderful retail that were in the green buildings. Then he realized the 12 months was going to go by and he would have to abandon. According to our zoning ordinance, 12 months of not operating the retail would have abandoned

the non-conforming use and it would have become conforming and he would have had to make the green buildings be residential. So he put the Mounted Police in there to sell their candy at Christmas time as a fundraiser. Mr. Haines informed this is the guy that courted the Mounted Police and donated significant money to put the name of his business on the building that now houses the Mounted Police. All of this was under the period of time that he has been fighting the residents of this community trying to defend our neighborhood. He has struck out three times, not just at the local Court of Common Pleas but at the Commonwealth Court. Mr. Haines thinks that he is doing City Council a tremendous injustice by bringing forth a petition that is loaded with inaccuracies. This petition should never see the light of day and the City should never have to go through trying to unravel the misstatements that are in this petition. To say that this property could not be preserved is totally absurd. At the April, 2016 Zoning Hearing Board hearing Board member Mr. Santanasto verified through the questioning of Morning Star property's construction expert witness that the green buildings could be converted to residential. It was also pointed out that there are only 2,000 square feet. This petition would like you to believe that they are the primary buildings on the lot. They are not the primary buildings on the lot, the primary building on the lot is the wonderful estate home. Mr. Haines mentioned the petition before Council tries to portray the retail green buildings as the most important buildings on the property. The green buildings could easily become a single family or a two residential unit much like the carriage houses at the many homes along Market Street. This could easily be converted to a carriage home which would make it be two single family homes, the main home and a carriage home or even the carriage home could become two smaller homes in the 2,000 square feet. Mr. Haines noted during the same Zoning Hearing Board, and on page 80 of the transcript, he specifically questioned Suzanne Borzak, Zoning Officer concerning bringing the property back to a conforming use property with the single family home remaining a single family and the green building converted to a single family carriage house. The non-conforming retail would be eliminated. The lot would then become completely conforming to the RT zoning standards that all of the rest of the district complies with. The Commonwealth Court affirmed that despite claims by the property owner that he needs zoning relief to bring it into compliance. He does not need zoning relief; the green building would be a wonderful residential property. As our Attorney pointed out, Section 1323 of our own Zoning Code is geared for non-conforming properties and the objective in our Zoning Code in 1323 is to bring non-conforming properties back to conforming at such time as a sale occurs and that has been happening. Mr. Haines mentioned in those blocks you have 51 residents and we are down to only four grandfathered office buildings and we do not want to take it back up to five. He concluded saying please do not even entertain this petition.

Social Media/Video Taping Meetings

Artie Curatola, 813 Laufer Street, mentioned that we are all here to make our City better. We now have social media and the internet. Many people who cannot be here would love to know what is going on. He is sure that many of the good comments that are raised at these meetings, people would like to maybe review again, rather than see it in print. Mr. Curatola would like to know why these meetings are not videotaped and are not on social media. He commended the idea of putting the cameras out on the streets to eliminate crime but he thinks the cameras need to be a little more sophisticated so they can make out who the people are. He moved on to say he believes we should put cameras in the traffic lights, which has been done. He expressed if someone is driving carelessly and they hit an animal they should get a ticket in the mail. He believes those creatures have a right to be put on this earth as much as we do. Mr.

Curatola believes we should put up fences so the wildlife will not cross highways and maybe build a bridge for them to cross. He would donate his time and many others would donate their time to make these things happen. His idea was not only to have a camera on the traffic lights but a lower camera as well to see the license plates.

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

None.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Director of Budget and Finance - Recommendation of Award - Charlene Donchez Mowers - World Heritage Designation*

The Clerk read a memorandum dated September 24, 2018 from Mark W. Sivak, Director of Budget and Finance recommending a contract with Charlene Donchez Mowers for consulting services for the pursuit of the World Heritage Designation. The term of the contract is one year and the fee for the contract is \$25,000.

President Waldron stated Resolution 10 C is on the agenda.

B. *Director of Water and Sewer Resources - Recommendation of Award - Wexcon - Founders Way and Biafore Avenue Sanitary Sewer Improvements*

The Clerk read a memorandum dated September 21, 2018 from Ziad Sayegh, Public Works Project Engineer recommending a contract with Wexcon for the Founders Way and Biafore Avenue Sanitary Sewer Improvements. The term of the contract is 60 days and the fee for the contract is \$224,320.

President Waldron stated Resolution 10 D is on the agenda.

C. *Director of Budget and Finance - 2018 Pension State Aid*

The Clerk read a memorandum dated September 24, 2018 from Mark W. Sivak, Director of Budget and Finance advising a direct deposit for Pension State Aid in the amount of \$3,897,411.25 was received on September 20, 2018 and has been allocated to the Pension Bond Payment, Police and Fire Minimum Municipal Obligation as noted in the memo.

President Waldron stated Resolution 10 E is on the agenda.

D. Parking Authority Director – Amending Article 531 – Parking Generally and Article 533 – Parking Meters – Penalties

The Clerk read a memorandum dated September 24, 2018 from Kevin Livingston, Executive Director of the Bethlehem Parking Authority to which are attached Ordinances to amend Article 531 – Parking Generally and to amend Article 533 – Parking Meters for parking penalties. Also attached is the schedule and supporting information in connection to the increase in parking penalties.

President Waldron stated he will refer this to the Public Safety Committee.

E. Director of Community and Economic Development – Recommendation of Award – Republic Services of New Jersey, LLC – Collection of Recyclables

The Clerk read a memorandum dated September 26, 2018 from Alicia Karner, Director of Community and Economic Development recommending a contract with Republic Services of New Jersey for curbside collection of recyclables in a dual stream fashion. The term of the contract is four years and the fee for the four year contract is \$4,279,860. There is an option to renew the contract for 5 additional 1 year terms.

President Waldron stated Resolution 10 F is on the agenda.

F. Morning Star Partners – Zoning Text Amendment Petition – Reuse of Corner Commercial Uses Allowed in the RT and RG Districts

The Clerk read a Communication dated September 27, 2018 from Attorney James F. Preston representing Morning Star Partners, LLC, to which is attached a petition to amend Section 1304.04 of the Zoning Code titled Reuse of Corner Commercial Uses Allowed in the RT and RG Districts.

President Waldron stated he will accept a motion and a second to schedule a Public Hearing for Tuesday, November 20, 2018 at 7:00 pm in Town Hall.

Mr. Callahan and Mr. Reynolds made the moved to schedule a Public Hearing for Tuesday, November 20, 2018 at 7:00 pm in Town Hall.

President Waldron noted before he opens this up to Council for discussion he wanted to talk about a little bit of a conversation he had with Council Solicitor John J. Spirk earlier today about what we are discussing and reviewing this evening. Based on the City's Zoning Ordinance any petitioner shall be granted a Hearing which is slightly different than what the State allows. The vote this evening is not in fact to review whether we think this is a petition we think should be considered but rather we should be focusing on the date, time and location which would be Tuesday, November 20, 2018. He expressed that is what we should focus on, although Council Members are able to speak on whatever they like. He pointed out that Council is mandated by our City Ordinance that we have a Public Hearing. This would first go to the Lehigh Valley Planning Commission as well as the City Planning Commission and then back to us.

Ms. Negrón does understand that the vote now will be to schedule a Public Hearing, but after what she heard and understands, we do not have to entertain the motion of scheduling the meeting. She does not think we should entertain this request after what this specific business person has been through, especially in Court. She thinks it is disrespectful to be asked to schedule and consider a change to the zoning code. We have been through this has been in Court before. She does not think we should schedule a meeting at all. We should not allow him to have another meeting about zoning that has already been set, and especially this is spot zoning. She remarked that means another litigation. She does not think we should entertain his request.

President Waldron can understand that this is her opinion that she would not support this but again, we are required by our City Ordinance to schedule a Public Hearing. At that point we would be able to make remarks about what our feelings are based on what the Lehigh Valley Planning Commission says as well as the City Planning Commission, and if the Administration would want to weigh in too at that time, we would accept those comments. We would deliberate on the larger idea, but this evening we are focusing on that date of Tuesday, November 20, 2018. Again, we are required by our City Ordinance to schedule a meeting.

Dr. Van Wirt mentioned some of her remarks were geared towards the fact that she was under the understanding also that we did not have to entertain every citizens request for a rezoning that comes forward, but defers to Solicitor Spirk's judgment on this. She will still talk about this because it is important that we all go into this process having heard a variety of opinions. She does not think that she can say it any better than the citizens who came here tonight. Dr. Van Wirt explained that she lives on this block and the block has been weakened by the incursion of commercial interest. She lives next door to a law firm and at 5:00 pm on a Friday night the lights go out and it is dark the entire weekend. This phenomenon of having these commercial interests on her block is because these homes are very big and when Bethlehem was going through a very tough period they were allowed in. But now our residential real estate market is much stronger and we are trying to knit this block and our whole Historic District back together from these uses that are not allowed. She had made a map and made copies and put them on the table outside. This was a plan made by the City in 2012 when this new Zoning Ordinance came out. They made sure to include this whole block as residential zoning. That was done on purpose. That was a goal that the City had to knit this block back together again. Dr. Van Wirt agrees that Mr. Rij of Morning Star Partners bought 2 West Market in a residential neighborhood knowing it was zoned residential and that his office would not be allowed there. This is an entirely self-imposed hardship. He should have bought or built a building in a commercial district. For example, on Broad Street, which is hurting and it needs businesses like his to invest in it to make it a tight vibrant commercial corridor again. Residential real estate is much cheaper than commercial real estate, so there is a permanent incentive for businesses to buy into residential neighborhoods and then ask for a use variance or at its most outrageous for a total City zoning change, which is what this is. Dr. Van Wirt stated this request to have government fix a private businessman's mistake goes against every good government principle she knows. He gambled when he bought the building and he gambled when he renovated the building knowing that there was a lawsuit challenging its use as an office. He lost on both of these gambles and it is not on us or on the citizens of Bethlehem to pay the price for his mistake. Not only would this proposed change undermine the faith of the citizens of Bethlehem, in their Mayor and in their Council by weakening the Zoning Code, this opens up the City to another lawsuit by the same neighbors who triumphed in the Commonwealth Court. Perhaps most disturbingly it allows firms like Adams Outdoor Advertising and Airbnb to demand the same consideration

based on the precedent that would be set with this proposed rezoning. Adams is currently suing our City because the Zoning Hearing Board turned over their request to put a digital billboard in on the south side. It is not allowed to go in there. But they are saying because we allowed that on to go in on the north side that we set a precedent in not following our own codes. These little things help influential businessmen sets up our neighborhoods and our entire City for the incursion of these commercial interests who are intent on monetizing the charm of Bethlehem without regard to neighborhoods or our quality of life. Dr. Van Wirt noted she is an old City planner and feels she has come to this conclusion from a place of education; she has Masters in Urban Planning and experience. She worked as a Project Manager in New York City for the Department of Housing, Preservation and Development. She reflected a rule that she remembered, which is never go up against a City Planner when zoning is on the line. Dr. Van Wirt explained this is why she was surprised to learn that our Director of Zoning, Darlene Heller, who is not at this meeting, was only made aware of this request on Friday, two business days before this meeting when she called her. She hopes that we can expect our City's Department of Economic Development to stick up for the Zoning Code that they created and to stick up for our neighborhoods. This zoning request is without a doubt spot zoning, and she has a long piece that she was going to quote from the Pennsylvania Center Regional Planning Authority. She will not read this tonight but stated this is without a doubt spot zoning. Without a doubt this will be overturned if it is somehow passed by this Council and it will mean we will be entering years and years of more litigation where the taxpayers are footing the bill of the City to go and represent the interest of one person. She thinks it is important to enter into this whole Public Hearing discussion with the viewpoint of the citizens and with her viewpoint as a citizen on the block, but also as somebody who has dealt with commercial incursions into residential neighborhoods and the havoc it can wreak.

Voting AYE: Mr. Martell, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Mr. Waldron, 5.
Voting NAY: Ms. Negrón, Dr. Van Wirt, 2. The Motion passed.

President Waldron stated the Public Hearing will be on Tuesday, November 20, 2018 at 7:00 pm in Town Hall. He will refer this to the City Planning Commission and the Lehigh Valley Planning Commission for comment.

G. *Housing & Community Development Planner – FY 2019 CDBG and HOME Programs*

The Clerk read a memorandum dated September 28, 2018 from Allyson Lehr, Community and Housing Planner to which is attached the proposed 2019 CDBG and HOME Action Plan. They have anticipated a CDBG amount of \$1,200,000 and a HOME award of \$350,000.

President Waldron stated the 2019 recommendations will be reviewed in a Community Development Committee Meeting that has been scheduled for Monday, October 8, 2018 at 6:00 pm in Town Hall.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Charles Krenos – Electrician’s Examining Board*

Eric Evans, Business Administrator, read Mayor Donchez’ reappointment of Charles Krenos to membership on the Electrician’s Examining Board effective through October, 2021. Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-195 to confirm the reappointment.

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

2. *Administrative Order – Peter John Mayes – Recreation Board*

Eric Evans, Business Administrator, read Mayor Donchez’ appointment of Peter John Mayes to membership on the Recreation Board to fill the unexpired term of Keith Young effective through August, 2019. Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-196 to confirm the appointment.

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

3. *Administrative Order – Lynn Fryman Rothman – Civil Service Board*

Eric Evans, Business Administrator, read Mayor Donchez’ appointment of Lynn Fryman Rothman as an alternate to the Civil Service Board effective through October, 2022. Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-197 to confirm the appointment.

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

4. *Administrative Order – Dr. Christine (Muncy) Haasz – Appropriate Mental Health Services Appeals Board*

Eric Evans, Business Administrator, read Mayor Donchez’ appointment of Dr. Christine (Muncy) Haasz to membership on the Appropriate Mental Health Services Appeals Board effective through October, 2022. Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-198 to confirm the appointment.

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

5. *Administrative Order – Kristen Wenrich – Appropriate Mental Health Services Appeals Board*

Eric Evans, Business Administrator, read Mayor Donchez’ appointment of Kristen Wenrich to membership on the Appropriate Mental Health Services Appeals Board effective through October, 2021. Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-199 to confirm the appointment.

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

6. *Administrative Order – Bryan G. Callahan – Appropriate Mental Health Services Appeals Board*

Eric Evans, Business Administrator, read Mayor Donchez' appointment of Bryan G. Callahan to membership on the Appropriate Mental Health Services Appeals Board effective through October, 2020. Mr. Reynolds and Mr. Colón sponsored Resolution No. 2018-200 to confirm the appointment.

Mr. Callahan stated he will abstain from this vote.

Voting AYE: Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Colón, and Mr. Waldron, 6. Abstain: Mr. Callahan, 1. The Resolution passed.

7. *Administrative Order – Dr. Joseph B. Lennert – Civil Service Board*

Eric Evans, Business Administrator, read Mayor Donchez' reappointment of Dr. Joseph B. Lennert to membership on the Civil Service Board effective through October, 2022. Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-201 to confirm the reappointment.

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

8. *Administrative Order –Rosalee Sabo– Civil Service Board*

Eric Evans, Business Administrator, read Mayor Donchez' reappointment of Rosalee Sabo as an alternate to the Civil Service Board effective through October, 2022. Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-202 to confirm the reappointment.

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

2 West Market Street/Sister City Foiano diVal Fortore, Italy/Parking Meter Rates/City Newsletter/Rose Garden Plan/No Nonsense Neutering

Mr. Evans stated that Mayor Donchez went home ill this afternoon and apologizes for not being at this meeting. The Mayor had some items he wanted to report to Council. In regards to Communication 6 F, Morning Star Partners with 2 West Market Street, the zoning text amendment petition, the Administration was provided with a copy of a petition for the amendment as was stated on Friday afternoon. He has not had a chance yet to consult with all of his staff, partly due to the Director of Planning and Zoning being on vacation, and to gather impressions about the request. Until the Mayor has had a chance to consult with the full staff, he will reserve comments. Mr. Evans stated on Monday we established our fifth Sister City, Foiano di Val Fortore, Italy. We had a great turnout in Town Hall for this celebration and the reception in the Library. Mr. Evans added that the Mayor wanted everyone to know that the City newsletter went out. This is a new look and we are very pleased with this this edition. It has a lot of information in it that was gathered through the Administration, and paid for through advertising

to recoup the cost of the printing and the mailing. Mr. Evans continued to say that through a memo dated October 1st to Kevin Livingston, Director of the Bethlehem Parking Authority, and City Council was copied on that memo, the Mayor did approve the increase in on street parking meter rates from \$1.00 to \$1.50 an hour and that will begin on January 1, 2019. Mr. Evans added that with regards to the Rose Garden, at the last Council Meeting several Council Members mentioned the new master plan for the Bethlehem Rose Garden. The plan is being funded through a grant through the Bethlehem Economic Development Corporation, BEDCO. It includes new play facilities, pathways, benches, plantings and other amenities that the public can enjoy. Some of you were able to see this and speak on part of that plan. Currently the City is restoring the stone pillars on Eighth Avenue and has removed a large section of black top in front of the band shell, which is out to bid at this time. We should expect to see new bike racks and plantings soon. Implementation of the plan will continue to be a priority for the Donchez Administration. The Mayor has a memo prepared which includes the master plan and will be forwarded to Council later this week for your review. Mr. Evans related that on October 17th there will be an initiative called the South New Street Streetscape Design and it is an open house with drop in hours on Wednesday, October 17th at 306 South New Street, which is the corner of New and Third Streets between 12:00 and 2:00, and 5:00 and 7:00 pm. Please stop in and talk about what you would like to see, such as new trees, public art, better lighting, traffic calming, benches. Please come and bring in your ideas. This will be an open house format and will be posted. Lastly from Police Chief Mark DiLuzio, he entered into a contract with No Nonsense Neutering, to help address feral cat issues. The issue of feral cats in certain areas of the City has been brought up during the public speaking at Council. This is an issue in our City and nationwide. It is a public safety and public health issue. Over the past year Health Director Kristen Wenrich and Chief DiLuzio have been working on this problem and are happy to announce that we have a contract with No Nonsense Neutering which is a non-profit spay, neuter clinic located in Allentown. They provide high quality, low cost sterilization services for cats as a humane non-lethal solution to pet overpopulation as part of the City's trap, neuter and release program. By contract they will spay, neuter, each feral cat, provide rabies and distemper vaccinations and each cat will be left ear tipped as a universal indication that it has been sterilized and vaccinated. All cats will receive a green tattoo along the surgical incision. A certificate of rabies vaccination will be issued for each feral cat and will be retained by Chief DiLuzio's office. The No Nonsense Neutering will provide traps and trappers who will do that under the Police Animal Control Officer's supervision. They are expecting to start trapping this week in areas of the City where we have a high volume of feral cats and complaints. Mr. Evans noted that Chief DiLuzio stated he was not able to make this meeting but will gladly answer questions at the next Council Meeting on October 16th.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Authorizing Records Destruction – Community and Economic Development*

Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-203 that authorizes the disposition of the public records in the Community and Economic Development Department as stated in the attached Exhibit A.

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

B. Authorizing Records Destruction – Fire Department

Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-204 that authorizes the disposition of the public records in the Fire Department as stated in the attached Exhibit A.

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

C. Authorizing Contract – Charlene Donchez Mowers – World Heritage Designation

Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-205 that authorized to execute an agreement with Charlene Donchez Mowers for consulting services for the pursuit of the World Heritage Designation.

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

D. Authorizing Contract – Wexcon – Founders Way and Biafore Avenue Sanitary Sewer Improvements

Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-206 that authorized to execute an agreement with Wexcon Inc. for the Founders Way and Biafore Avenue Sanitary Sewer Improvements.

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

E. Approving Allocations – 2018 Pension State Aid

Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-207 that authorized the appropriate City officials hereby to allocate \$3,897,411.25 to the 2018 General Municipal Pension System State Aid among the City's pension plans as follows:

Reimbursement	\$ 1,025,409.93
Pension Bond Payment 5/1/18	
Police – MMO	1,436,000.66
Fire – MMO	<u>1,436,000.66</u>
Total	\$ 3,897,411.25

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

F. Authorizing Contract – Republic Services of New Jersey, LLC – Collection of Recyclables

Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-208 that authorized to execute an agreement with Republic Services of New Jersey for curbside collection.

President Waldron noted he had a conversation with Alicia Karner, Director of Community and Economic Development on Friday about this contract. It has a big price tag and is somewhat tricky with the current state of recycling. He asked her to share that information with the rest of Council.

Ms. Karner explained what they discussed was the difference between single stream and dual stream. She continued to say that when we had the opportunity for the contract we did some analysis on what was in the best interest of the City. We have been a dual stream community for a long time and that is paying off right now because single stream is so expensive to recycle. It almost costs more to recycle single stream materials than to put it in the landfill, so we bid the contract in a dual stream fashion. That means the trucks come to the house, they pick up the comingled and they pick up the paper and they take them to our bunkers at the compost center. We then pay to transport them to Cougles where it is separated to greater detail and sold off as a commodity, or we are paying to have it removed as a commodity depending on the price of the commodity. We wanted to take a look at the recycling in the downtowns because we have talked about that before. Ms. Karner noted sometimes the residents and sometimes the Council Members would bring that to our attention. We bid that separately as an option, and we struggled with that. If we went with that portion of the contract it would involve single stream because it is really hard to have dual stream collection in the downtown. The level of contamination is really high so between single stream and contamination we felt it would most likely become garbage which would then contaminate the truckloads in other areas of the City and then contaminate where we are putting the materials in the bunkers. So we opted not to recommend those options to City Council. We can then bid that if the commodities market improves, if we think we can get a better product out of the downtown.

President Waldron does not have any follow up questions. He noted the unfortunately with the current state of the market this seems like the best option for the City.

Ms. Karner explained that we are the one of the few dual stream communities left and we are being praised by DEP for maintaining that status.

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

G. Certificate of Appropriateness – 520 East Fourth Street

Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-209 that authorized a Certificate of Appropriateness to demolish a building, install new landscaping, install a new exterior canopy, install a new ADA-compliant entrance ramp and exterior steps as well as complete exterior façade restoration in selected areas at 520 East Fourth Street.

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

H. *Certificate of Appropriateness – 30-32 East Third Street*

Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-210 that authorized to execute a Certificate of Appropriateness to rehabilitate the existing Goodman Building and add a new four-story mixed-use masonry-clad building addition at 30-32 East Third Street.

President Waldron pointed out he also spoke with Ms. Karner about this last Friday. Previously, as his role on Council he served on the Blighted Property Review Committee and this was constantly on their agenda. Now it seems like this is finally coming to a close.

Ms. Karner noted they still have one other appeal, although she would defer to the Law Bureau on this. We are at a point where construction is happening. If you have been by the building the roof is completely missing, which is a good thing. The partner, who is going to acquire the property, once the appeals are exhausted, will start to move forward with the construction at that location. The next step was the approval from the HCC, and then ultimately Council for the addition and the changes to the façade of the current existing structure.

President Waldron noted if you were not following this closely from his previous position, this was a huge problem property that required a lot of time, resources and money that the City spent to the point where the problem property owner actually spent some time in prison due to non-compliance of the law. He is glad this is moving along.

Mr. Callahan queried about the back taxes that were owed on that property.

Ms. Karner stated there will be a sale of the property and the proceeds will be assigned based on the conservatorship statute. She does believe that the school district taxes should be paid. The big lien is the IRS lien on the property, so they are the big winner. We will not receive any funds from the City's perspective on the property.

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

11. NEW BUSINESS

Rescheduling First City Council Meeting in November to Wednesday, November 7, 2018

Mr. Colón and Ms. Negrón moved to reschedule the first City Council Meeting in November to Wednesday, November 7, 2018 at 7:00 PM in Town Hall, since Tuesday, November 6, 2018 is Election Day.

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

President Waldron stated the First City Council Meeting in November has been rescheduled to Wednesday, November 7, 2018 at 7:00 pm in Town Hall.

Committee of the Whole

President Waldron announced the Committee of the Whole will meet on Thursday, October 18, 2018 at 6:00 pm in Town Hall. The subjects are the Five Year Capital Plan and the Potential Sale of City Property.

Public Safety Committee Meeting/Bethlehem Human Relations Commission Members

Chairman Colón announced the Public Safety Committee will meet on Wednesday, October 10, 2018 at 6:30 pm to talk about the previously mentioned amendments to Article 531 and 533, Penalties for Parking Generally and Penalties for Parking Meters.

Mr. Colón added that he is a member of the Human Relations Commission and they are looking for new members. He advised if anyone present or they know of interested in serving on the Commission, he encourages them to reach out to the City Clerk's Office or the Mayor's Office about joining the Bethlehem Human Relations Commission.

Finance Committee Meeting/Committee of the Whole Meeting

Chairman Callahan announced the Finance Committee will meet on Monday, October 22, 2018 in Town Hall at 6:00 pm. The subject will be the 2017 audit.

Mr. Callahan queried what the amount was for BEDCO.

Ms. Karner stated it is a \$10,000 dollar grant.

Mr. Callahan noted on the Committee of the Whole Meeting on October 18th he assumes we will be getting a list of whatever properties the City is thinking of selling so we can look at them.

Mr. Evan stated that is correct. We are not going to be looking for any votes in particular, this will be for mostly information, but we will get that list to Council. There are 12 properties that have been floating around for many years. He noted that Ralph Carp, former Director of Parks and Recreation first initiated a list of properties that we sometimes maintain that might make more sense to put back on the tax roll. It is an odd variety and Edmund Healy, Assistant Solicitor has built a slide to show the path we would take to sell those properties if Council is interested in doing that. Of course we will need approval from Council to sell the properties; there might or might not be a zoning change. We will give you information on those properties with the idea that we come back to Council in November after the presentation to see what Council is thinking. Some of these properties will take some legal work to move. We will provide a list and then you can go out and visit those sites if you want and talk to neighbors, and then sometime in November Council can let us know if this is something they would support. The actual vote would not be until spring time.

Northside 2027 Meeting/Liberty High School

Mr. Reynolds stated he wanted to take a minute to remind everyone that we will have our Northside 2027 meeting next Thursday, October 11th from 6:00 to 8:00 pm at Liberty High School. He encourages everyone to attend. Last year when he made the decision to build on the Administration's LERTA plans for these north side neighborhoods that start on Broad Street and go

north and launch Northside 2027 as part of his Bethlehem 2017 initiative, it was not just about investing in these neighborhoods in the traditional way. When we look at neighborhood plans, we look at how to improve streetscapes and the physical assets, which we do, but this was more about improving the opportunities and lives of the people that live in these districts. Mr. Reynolds explained one thing that he has worked closely on with the Administration and Ms. Karner on over the past year or so is that we are trying to make this as citizen oriented and citizen run as possible. He noted, Ms. Karner deserves a lot of credit in taking the charge on this. He does encourage everyone to come out to the meeting because what you will hear is from advocates from the neighborhood, the blockwatches, the Bethlehem Food Co-op, and the School District. What this is really about is tying these neighborhoods to our wonderful elementary schools, William Penn and Thomas Jefferson Schools that are in these areas and how do we kind of invest in an area, not just with money or energy, but how do we create structure that will tie to the lives of these neighborhoods. We have many homes here that are not worth \$500,000 or \$600,000, they are middle class neighborhoods. If you look at William Penn or Thomas Jefferson you are looking at over 50% free or reduced lunch. This is about how we invest in these streets that are filled with \$150,000 dollar homes. One of the challenges is that we have a balance of interests. We have retirees, we have old steelworkers, we have young families and people that are struggling. That is why we worked with the Community Action Committee, and the Principals of both elementary schools and we have also worked with Moravian College, so this is really a community partnership. Mr. Reynolds noted it is unique in a sense that it is not the general neighborhood improvement plan where you say what can we do physically to improve these neighborhoods. He remarked that will come, but it is much more service oriented, and about creating an organic structure to move forward. We pulled in a firm that will help to run this meeting next Thursday and they will help come up with a plan that understands the goal he just stated. Mr. Reynolds stated there has been a lot of back and forth between him and the Administration, the school board members, and people from Community Action about how to come up with a plan that includes everybody. Mr. Reynolds is excited about this and thinks this will be a great day for these neighborhoods. This should be a great meeting where we hear from these residents about what they like in these neighborhoods and what they are looking for and how to bring these connections together. He does encourage everyone to come out and see the energy we have in these neighborhoods.

Short-Term Lodging Ordinance Judge's Decision

Dr. Van Wirt noted she understands that on Friday it will be Judge Manwaring's follow up hearing for the short-term housing citations. It is at 1:00 pm in his courtroom and from what she understands, if the ability of the City to enforce its citations is upheld, then we can continue to issue citations for ongoing violations of people who have already been given a citation. She queried if that is correct.

City Solicitor William P. Leeson stated the plan is the same as previously relayed, and that is depending on the results, we will then take a serious look at proceeding with additional citations. But, we wanted to see what the results would be from these hearings, see how the judge reacts to them and see what the judge likes in terms of evidence and what the judge feels is missing in terms of evidence. Based on that, as well as the result, we will take another review on what we are going to do going forward.

Dr. Van Wirt asked if someone from the Administration would update Council on those decisions.

Solicitor Leeson stated when the decision is made, certainly we will update Council.

Mr. Reynolds added that next Thursday there will also be a major investment announcement into these neighborhoods that we will also be releasing at the time.

12. ADJOURNMENT

The meeting was adjourned at 8:52 p.m.

ATTEST:

City Clerk