

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, October 16, 2018 - 7:00 PM

INVOCATION

Reverend Anthony P. Mongiello, Th.M., M.Ed., Pastor, Saint Anne 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.

Postpone Ordinances 9A and 9B

President Waldron announced that Council will vote to postpone the First Reading of Ordinances 9A and 9B when we reach that portion of the agenda. The vote will be to postpone the First Reading of the Ordinances to Wednesday, November 7, 2018 to provide sufficient time for the Parking Authority to provide additional information to the Members of Council.

PUBLIC HEARING

President Waldron stated prior to the consideration of the regular Agenda items; City Council will conduct two Public Hearings:

The First Public Hearing is to receive public comment on the request for the Inter-municipal Transfer of Restaurant Liquor License No. R-18739 from Palmer Township, Northampton County, Pennsylvania, to 831-33 Linden Street, Bethlehem, Northampton County, Pennsylvania.

The Second Public Hearing is to receive public comment and consider the Proposed 2019 CDBG and HOME Programs.

Public Hearing No. 1

President Waldron called the First Public Hearing to order and stated he will recognize Attorney Matthew Anderson to make the presentation and then accept public comment on the request for the Inter-Municipal Transfer of Restaurant Liquor License No. R-18739 from Palmer Township, Northampton County, Pennsylvania, to 831-33 Linden Street, Northampton County, Pennsylvania.

Matthew Anderson, Attorney for Norris, McLaughlin & Marcus of Allentown stated he is here to represent his client Jignesh Patel of Paku & Shachi, LLC. He is here on the request of Paku

& Shachi LLC for the Inter-municipal Transfer of Liquor License No. R-18739. As was stated, this license is being transferred from Palmer Township, but actually the license has been expired since 2008. The license was acquired by Paku & Shachi LLC through the fourth version of the Pennsylvania Liquor Control Board's expired license auctions. He reported the auctions are a closed bid auction and everyone makes a sealed bid with the hopes of winning the licenses at the amount they bid. Paku & Shachi LLC was lucky enough to have the low bid for that auction and this is the next step. Part of the process for the restaurant license auctions is that once you are awarded the bid you have approximately six months to file for the transfer of the license to the location and to the entity that won the bid. Attorney Anderson explained to do so we needed to seek inter-municipal transfer approval to the City of Bethlehem because the license was from an outside municipality. This is the first step in the process. We have been advised by City zoning that there may be some parking issues. He spoke with them today; they are having open dialogue about that. The LLC will obviously comply with all zoning requirements and seek any other municipal building codes or anything else that is required. Attorney Anderson noted this has been a grocery store for approximately 40 to 50 years. It operates as Linden Food Market. His client bought the business in July of this year. They are seeking to acquire this license for the ability to sell beer to take out, and potentially wine to take out in the future. To do so they have to meet what is known as the restaurant definition under the liquor code. Unfortunately, for a lot of these convenience stores and grocery stores that is leading them to have to put in a seating area because the requirement is to have 30 seats to separate it from their other business to have food for 30 people and have a service area of no less than 400 square feet. You may see this in some of the grocery stores that have separated their beer areas. That is how this will be operated. Attorney Anderson stated he passed out two exhibits and on exhibit A6 you will see the preliminary plan. That is currently what will be the proposed food service area. You will see on there that for the potential beer sales there has to be, as required by the Liquor Code, a separate register for the licensed area. The licensed area will be confined to about 400-600 square feet towards the corner of the store. It will contain 30 seats as required, and as indicated on the plan it will have the deli for the food service requirement and will have the separate register to purchase the beer. The business currently operates under the hours of 9:00 am to 8:00 pm, until 7:00 pm on Saturdays, and 5:00 pm on Sundays. They do not plan to expand those hours. They will just have takeout beer service; they do not plan to have a bar at this location. Attorney Anderson added that under the Liquor Code they are required to allow any patron that would like to enjoy a drink on the premises to do so, but they plan to limit every consumer to no more than two beers consumed on the premises, which is within their obligations and requirements. They also plan to scan every person that seeks to purchase beer. They will not be making any sales throughout the rest of the store. All of the sales at that register will be confined to beer or any takeout food that is purchased at the same time. Attorney Anderson stated the liquor license will enable them to potentially purchase what is called a wine expanded permit from the State. That permit comes with an extra fee to the State but would permit them to sell up to 3 liters of wine to go with any transaction, which is similar to the 192 ounces of beer that is limited for a single transaction. They do not have a plan to do that immediately. They have to get approved and operating before they can do so. To get that permit they also have to become fully RAMP compliant, which is the Responsible Alcohol Management Program that the State provides. That would mean their entire facility would be RAMP certified including every server, every owner and every manager. Also, if they would get the wine expanded permit they would be required to use an electronic scan device for every single wine purchase that is made. They plan to scan every identification card, regardless of whether it is a wine or beer purchase. Attorney Anderson stated that is the crux of what they plan on doing. It is a very preliminary plan and this is the initial process for us to

transfer the license into their name. We will be seeking approval from this Council and we respectfully request that if you believe this does not affect the health, safety, welfare and morals of the surrounding community that the request of transfer will be approved.

President Waldron stated he wanted to clarify a few things. You spoke about the store hours not expanding outside of the current hours, but would that be the same for service and sale of alcohol during the 100% of the open hours.

Attorney Anderson stated yes, they are technically allowed to sell between 7:00 am and 2:00 am every single day. They are not expanding into those extra hours that they could open. They do not have a business reason to expand themselves past that point as the rest of their business does not have many sales at that point and there is no need to hire extra employees.

President Waldron pointed out by selling alcohol, beer and wine your business model completely changes so you may see an influx of additional customers especially in the evening. If you are closing earlier people may want to come later and where they were not looking for food before they may be looking for beer and wine. He is not opposed to that but currently there is no idea to expand the hours. He inquired what the process would be if the decision was made to expand those hours of sale.

Mr. Patel stated if they get the liquor license for beer, and then for wine, they may extend their hours to 9:00 pm or 10:00 pm, but not more than 10:00 pm.

President Waldron noted he is permitted to sell until 2:00 am.

Mr. Patel informed that they do not want to do that.

Attorney Anderson mentioned if they would open past 24 hours they would be required to get a certain permit from the State to keep the other business operating.

President Waldron does understand that, but queried if there would be a need for any additional relief from Council or from the Liquor Control Board to do so?

Attorney Anderson stated no.

President Waldron asked if patrons can purchase alcohol and drink there, or do they need to be consuming a meal as well.

Attorney Anderson noted they do not need to be consuming a meal as well. They are required to allow them to have a drink on premises if they would like to; they cannot prohibit that. There have actually been citations issued to businesses for prohibiting a drink on premises.

President Waldron informed the policy would be two drinks.

Attorney Anderson pointed out yes, two beers.

President Waldron asked about wine.

Attorney Anderson mentioned they could serve wine on the premises, but he does not think they have the plan to do so.

President Waldron asked what kind of security system would be in place at the store.

Mr. Patel stated right now they have eight cameras. There are cameras at every entrance and he is planning to put in more.

President Waldron noticed there will be a change in the floor plan. He remarked the camera system you have now may not meet the requirements or needs as the floor plan changes. The addition of the register would require additional cameras.

Mr. Patel stated he can look into that.

Mr. Colón queried if there is a maximum of beer and wine that someone can take out of the store.

Attorney Anderson stated every single transaction can only have a maximum of 192 ounces of beer. They have to pay for it, leave the store and put it in their car and then they can go back in and purchase another 192 ounces. They are obligated under the Liquor Code to analyze every patron who may be intoxicated; someone cannot just go in and out and keep buying beer if they are intoxicated. It is a maximum of 3 liters for wine, which is about four bottles of wine.

Mr. Callahan knows this store very well; it has been in that neighborhood for a very long time. First of all he wanted to thank Mr. Patel for investing in our City. This is basically a neighborhood store and most of the customers that go in there are from the neighborhood. Most people are walking to the store. He would assume the reason for doing this is because the State LCB law changed to allow beer and wine in stores and this is seen in Wegmans, Giant Foods, and other stores. He knows about a half a mile away Nick's Pizza also sells liquor. It is basically two six packs of beer.

Attorney Anderson confirmed it is it is two six packs or one twelve pack.

Mr. Callahan will vote for this tonight and thanked Mr. Patel for investing in the City and keeping that market open. He wishes him luck. The only thing he regrets in looking at the design of the area is that it looks like he will be taking out the meat area in the store.

Attorney Anderson explained they will still be selling sliced meats in the back of the store. He cannot sell that on the licensed premises because the liquor control constitutes that as a bulk food item, which is why Wegmans beer store is completely separate from the rest of the grocery store. That is because they consider the sale of bulk grocery items as the operation of their business and you cannot have that. All you can do is prepared foods and sell very limited items in the licensed area.

Mr. Reynolds queried if he purchased this six months ago.

Attorney Anderson stated the auction ended in August.

Mr. Reynolds asked if there are any plans for any other renovations externally with signage or adding any other entrances.

Attorney Anderson stated no, not at this time.

Mr. Reynolds asked if there is any zoning relief needed if at some point the store would change to being open later in the evening.

Alicia Karner, Director of Community and Economic Development is not sure if any relief has been determined yet. The best way to say this is probably not so much around the time of day that they are open but on what the license will require. If there is seating or if it is considered a café there may be some requirements for parking and other things. We have not had the opportunity to evaluate that, we have not seen those plans.

Mr. Reynolds would say that the one thing we should consider between now and when we vote on this is how that process plays out. We know the time that the store will be open, but he just purchased this in August and plans can always change if someone else, who wants that license, would have a very different idea about what will happen there. That is something he will be thinking about.

Dr. Van Wirt noted if she thinks of this as a neighbor who is next to you; her biggest concerns would be that you would expand the hours. She believes him that right now he does not intend to but if the financial opportunity comes along and makes sense, would we be notified of that in any way.

Attorney Anderson does not believe that you would be notified but as a good neighbor they would certainly let Council know. There is no technical requirement to do that.

Dr. Van Wirt asked if there are security lights on the outside of the building. She would be concerned about loitering and people hanging out if she was one of the neighbors. She noted she sees a street light on the plan, but queried if are there plans for anything extra.

Mr. Patel stated he can put in more lights.

Dr. Van Wirt also had the concern about traffic and parking.

Attorney Anderson stated Mr. Patel is required to through any zoning or building permit relief that is required. The Liquor Control Board will actually reach out to Zoning to make sure he is compliant prior to approving the license. The process would be if you grant approval tonight we would need that approval to even file his transfer application with the State. Then upon that there will be a full investigative process. They will review the premises, determine whether the premises is good for a license, whether he and his partner are fit to own the license, and then at that point they reach out to local zoning to make sure you are compliant in that regard. They would then make their final determination after all of that.

Mr. Callahan noted that this is a corner market and there is not a lot of traffic.

Mr. Martell appreciates the investment that Mr. Patel has made and thinks this would be nice for people who frequent your market. He shares some of the concerns that were brought up. He is also interested in the staffing policy and whether one person will be working the register and another person working this additional required register or will one person be walking back and forth.

Attorney Anderson explained they are required to have two separate employees.

Mr. Martell stated he is worried about the security issue because not only is it a neighborhood market but it is an area that is frequented by students. He is not sure if we have seen a liquor license transfer within an area where there are many children. He is wondering what the education will be for the staff members to follow through to make sure the people who are having drinks are maintained and controlled, and are making sure that people are not coming in and buying alcohol for kids.

Attorney Anderson reiterated they will have a 100% identification policy for everyone who purchases. They are not permitted to have any minors in the licensed area so that would be a violation in that part of the store that has the alcohol sales. As for the security he asked Mr. Patel if he has the ability to partially monitor the outside to be able to see if someone was walking in and getting money from a kid and purchasing alcohol. He queried if they monitor the cameras outside.

Mr. Patel stated there are cameras outside on both sides of the street.

Mr. Martell noted there is a two drink limit and that is good to hear, but do they feel confident in their ability to stop people with that because there are other bars in the area and people might be coming in to the store in a condition where they should not be buying alcohol. He wondered if that was part of the training process.

Attorney Anderson advised as an owner he would be obligated to take the Liquor Control Board responsible alcohol management program, which will teach him all of the requirements they have. In addition, all of the servers will be required to do so. His employee operating the cash register will be RAMP certified. If he would seek that additional wine expanded permit the entire premises has to get RAMP certified. For every employee that is working that area, all the managers and owners, he has to show compliance with all of their requirements and has to be updated every two years on the training. I use to keep a mandated list of all of his servers that have their RAMP certification. There are a lot of checks and balances with the Liquor Control Board system to ensure that those education systems are being followed and if they are not, there are citations that are issued.

Mr. Martell queried how long that certification is good for.

Attorney Anderson stated two years.

President Waldron mentioned with the amount of questions we would feel more comfortable if there was a hard security plan in place for the future as far as the training element, the additional cameras, and the exterior lighting. That is something that you are obviously committed to and want to make sure your store is safe and well run. We can take you at your

word, but once we see that in writing that would be a helpful tool for us to feel confident as well as for that neighborhood to feel confident. He would not put that as a condition on this vote, but that is something that would be helpful to us.

Mr. Reynolds observed that this liquor license transfer is different than the ones that usually come to us. He thinks in his time on City Council we may have done one of these before but he does not remember this type of transfer. He would like to turn to the Administration for any thoughts they might have on this with the questions that came up from City Council including potential zoning issues.

Ms. Karner commented that this is an important neighborhood to us. We have been talking a lot about Northside 2027, and there has not been a lot of information because of the stage of the process. We do not have a good understanding of what is going to happen to the inside of the building. We did not get, to her knowledge, much more than what was included in the Council packet. She sees that Council has a few additional pieces of information and we would like to see and review those. One of the big feedback points from Northside 2027 was the lack of food availability. This is a point the residents have brought to her attention as a result of our public meeting last week. Ms. Karner would always ask for additional information from a community development standpoint on the plans to meet the liquor license, café requirement and then giving us the ability to do some evaluation of it. For security, she certainly would turn to the Police Department to comment on that.

Mr. Reynolds queried what is the process by which the neighbors are notified, and is the notification area a 500 foot radius?

Attorney Anderson stated yes. They notified approximately 182 residents within the 500 feet radius area. He does not believe that they will be taking any of the food that they currently sell away to make this happen. The grocery items will still be there, they just will be separated. He is not planning on reducing his grocery availability; he just has to shuffle it to comply with the requirements.

President Waldron finds that challenging to believe that you are reducing the amount of square footage in the store that sells food. It is not like you are putting an addition on the store so there is less square footage of food to be sold. Unless you are going from 10 of one item down to 3 of one item, and condensing everything, he does not see a way that you are not removing food from the store.

Mr. Patel explained there are some items that are not selling well and he will remove those items to make room.

Mr. Reynolds asked if he bought the market two months ago or was that when the liquor license was awarded.

Mr. Patel stated he bought the business in July but the property is still owned by the current landlord, the property was not sold.

Mr. Reynolds asked if he has any other changes planned to the business other than adding the beer and the liquor.

Mr. Patel stated no.

Mr. Reynolds communicated that he has some concerns about some of the uncertainty that is before us. The question that comes back to him regarding the property is whether this is a good thing for the store and a good thing for the neighborhood.

Attorney Anderson explained that most of their consumers in the neighborhood are excited for this; they are asking how long it will take to get this license. They are looking for the added convenience of being able to walk down the street and purchase a 12 pack of beer or a bottle of wine. Currently he does not believe there are any options in that area except the pizza shop down the street. The consumers are excited and those consumers are the neighborhood. It might not be all of them, and that is why we have the public comment time with this public hearing, and we will hear from them if they are here, but what he is hearing is that the consumers are excited by the idea that the store will have the addition of selling beer and wine.

Mr. Callahan queried how many neighbors they notified.

Attorney Anderson said 182 in that area within the 500 foot radius.

Mr. Callahan wondered how many people showed up at this meeting. It is his feeling that the neighborhood wants this.

City Solicitor William Leeson stated he is curious to know the term of the lease, the terms of renewal and is the owner on board with renewal and the plan.

Mr. Patel stated it is a five-year lease for three renewal periods and the landlord is fine with this plan.

Attorney Anderson added that we are required to get landlord approval from the Liquor Control Board as well because they too have to submit all of their information to the State.

President Waldron clarified that this is on the agenda tonight for a vote and this is our only vote as a Council. When it comes up on the agenda we will be able to deliberate more or take other actions if we wish to do so.

Public Comment

None.

President Waldron explained that Resolution 10 A is on the agenda.

President Waldron adjourned the First Public Hearing at 7:31 pm.

Public Hearing No. 2

President Waldron called the Second Public Hearing to order and stated he will recognize Allyson Lehr to make the presentation and then accept public comment on the Proposed 2019 CDBG and HOME Programs.

Ms. Lehr explained this is for our 2019 CDBG and HOME awards. We just received our 2018 money about a month ago. We had a Community Development meeting on October 8th where we presented the Administration's recommendations for HOME and CDBG. We received \$1.925 million in requests and anticipate that we are getting \$1.2 million so we will make about \$700,000 dollars-worth of cuts from requests that came in. This is not an easy task. Ms. Lehr then continued with the spreadsheet that shows the recommendations and will speak of the highlights. The issue every year is that we have a public services cap with a 15% cap on our allocation for our yearly amount. Everybody wants public service money because that is keeps businesses and organizations running. We have a cap of \$194,000 dollars and we budgeted \$192,000 dollars and these are basically our personnel costs for a non-profit organization and for our public services that we offer to our residents. They include a new program to develop new businesses that will help our housing rehabilitation program by training contractors in small business practices so we can then hire them. The Community Action Development Committee is going to do that for us. They will do some façade work for us. She added that Hogar Crea is again going to get money to service our residents who have drug and alcohol addiction problems. We are budgeting \$10,000 for our Department but we are going to subcontract it out to organizations to do Summer Youth programming. We did that this year for the first time and it worked out well. We are introducing the Salvation Army's rental assistance program again. It is the only program we have in our CDBG portfolio for rental assistance for residents who fall behind and are being evicted. New Bethany Ministries is usually funded and we are funding them for \$20,000 for the representative payee program which prevents homelessness by allowing New Bethany to manage the money of people who are not able to manage their own finances. It is important and serves approximately 30 residents a year and keeps them out of homelessness. Ms. Lehr mentioned that the Center for Humanistic Change is a new program. They are doing a Northeast Middle School mentoring program, so we thought that was interesting and wanted to try that this year.

Ms. Lehr continued to say that the YWCA is a usually funder of the TechGyrls program. It is a mentoring program at East Hill Middle School. ShareCare is usually one that we fund that provides care giving for senior citizens and disabled people. We also have the Bethlehem Food Co-op which is a new request this year. They have requested capital funds and programmatic funds. Their location is a little bit up in the air, but we wanted to show support for when they are ready to go so we have funded both their requests. The rest of the requests are really for City departments. We have Administration and Planning to be paid, and that is federal money and not City money. Also that pool of money can pay for things like the Northside 2027 planning; it also pays for the SALDO update that is coming up this year and the New Street Design Program. Our Housing Rehabilitation Department is doing about 33 houses again this year so they need another infusion of CDBG money to keep that program going. Ms. Lehr added that they have some technical assistance in case we need some assistance with writing grants, checking out regulations or keeping up the trainings. There is also our Community Policing and of course our Streets. We will commit \$300,000 dollars to our Street Overlay and curb cut program.

Ms. Lehr noted that the HOME funds only do one thing and that is building affordable housing, but it is the most important thing we can do right now. Habitat for Humanity has two units going up on Williams Street and they are using our money for that. We have our Housing Rehab Loan programs, Salary Support and CACLV is also going to get more money to do two houses either in the Northside 2027 area or on the south side. The thing that is new and interesting and she is most excited about is our HOOP Delivery Program. We have not had a first time home buyers program in the City for about four years. We are in talks with Community

Action Financial Services to administer this program for us which would provide down payment and closing costs for first time home buyers in the City.

Mr. Martell thanked Ms. Lehr and the Administration for all the hard work that goes into this. There are many conversations that need to happen in terms of evaluating the types of programs that you want to support from year to year and the types of results you are looking for. There was over \$1.9 million requests and we got around \$1.3 million. Unfortunately, there is no way to fund everyone. So that forces many hard decisions. He thanked all of the partners on this list. When we look at this list we see many organizations that really do create the backbone of the Bethlehem community. There is a lot of consistent participation with programs that are trying to solve real problems out there in the community. It is also nice to see new organizations as well like with the Bethlehem Food Co-op. He knows there was some conversation at the Committee Meeting about different programs and he would be interested in the opinions of Council in general. You can make a lot of hard pushes for many types of programs but at some point decisions have to be made. He thanked Ms. Lehr for the work she does.

Ms. Lehr explained it is difficult. We try to get youth programs, small business programs, and housing programs and try to sprinkle them in as much as we can with the funds we have.

Mr. Martell added it is also a matter of what are the programs that are ready to go and ones that will complete what you are looking for within the time period under the constraints of that particular program.

Ms. Lehr stated they will go back and they will work with organizations. The Salvation Army is one that is new and we worked with them.

Mr. Martell noted there is a timeline to spend down money.

Ms. Lehr informed there is, and we are coming up on that November 2nd, but we actually have less than \$80,000 to get out, so we will be fine.

Mr. Reynolds echoed that we had an extensive committee meeting where we talked about this but he does want to thank the Administration for the tough decisions that had to be made. It is a shame that we do not receive more CDBG and HOME funds, because when we look at this these organizations that came out at the Committee Meeting; they really work for the people that need help. They provide important services and the only regret he has about the allocations is that there are not more, but he does want to say thank the Administration for the tough decisions.

Ms. Negrón commented that this is fantastic and she wanted to share a story that happened last week. She hears stories on how important affordable housing is becoming. A young woman who is a single mother with three children and has a full time job called her last week. The woman is sleeping in her car with her three children because she does not have a place to live. Ms. Negrón gave her a list of places she could go and some of these organizations are on this list. But she does not qualify for any of that money with what she has in her paycheck; it is not enough to pay that rent. We have a crisis in our community. She added that no one with a full time job should not be able to afford an apartment, a place to live with her three kids. That is an epidemic we are dealing with so she is glad there is money being put into organizations that can help. She hopes that we get to push the affordable housing more, because it is a major issue

in our community. She asked whether the Food Co-op will provide membership to low income families or perhaps they will be in a low income neighborhood. She knows that is a big requirement of CDBG money.

Ms. Lehr stated one of the requirements of CDBG is that they serve low to moderate income people or that they are located in a low to moderate income area. We have stressed that the downtown area is a food desert and they are absolutely on board with locating in a place that is in need.

Ms. Negrón stated she has nothing against the Food Co-op. She queried if they have a site yet.

Ms. Lehr stated not yet.

Mr. Reynolds added that the Co-op had their annual membership meeting a few weeks ago at Channel 39 and one of the things they are doing now and is big part of their mission is food education. They have community help programs where they work in the elementary schools. We talked about how Thomas Jefferson and William Penn elementary schools have both over 50% free/reduced lunches. They work through the community college and both elementary schools and they have families that are low income that come in and they talk with them about education and what are their barriers to access healthy food. It is a big portion of their mission. No matter what selection they choose, it will be in a low to moderate income neighborhood. Mr. Reynolds pointed out that more exciting than just where they may be, would be the community partnerships that they have. If you talk to the people who are associated with the Food Co-op, the one thing that is certain is that they are not trying to create a co-op that just serves one high end group of people or a couple of high end neighborhoods in Bethlehem. They are committed to not only fulfilling that food desert idea but also make sure the Food Co-op provides a place for people that are of low or moderate or high income, a true wide community based initiative.

Dr. Van Wirt stated she has no questions, problems or concerns about this. She thanked the Administration for all their work. She would like to put a plug in for next year for something that has come to her attention recently which is the homeless people who live in Bethlehem. We have an emergency winter shelter, but we have nothing around the clock. It has also come to her attention that the ratio of female to male homeless people in the Lehigh Valley, according to a study that was done by a friend of hers who started the Lehigh Valley Street Medicine Program, is 50/50. But the ratio of beds that we have is we have 100 male beds and 16 female beds available in the Valley. There are zero beds in Bethlehem, 4 in Allentown, and 12 in Easton. Thus, she feels like there is a big need in our community. We might not see these people, they might not be crossing in front of us every day, but they are in our town. Dr. Van Wirt hopes we can consider funding and working with the churches in the Valley who are currently working on solving this problem, so that is the overall homeless problem and not necessarily specifically a single women's shelter.

Ms. Lehr stated they awarded \$100,000 dollars to the Bethlehem Emergency Shelter in 2016 and are using that to do some renovations to Christ UCC. We will see going forward if we can keep doing that because we know it is an issue.

Mr. Reynolds believes that one of the projects that came up at the Community Development Committee Meeting was the potential rent to own program that the Community Action Committee suggested. He knows that Mr. Jennings from Community Action had talked about some of the synergies between that program and some of the things we have been talking about with Northside 2027. He was not sure if we had a chance to look into that program or thought about any additional funding sources.

Ms. Karner stated they did and there is an opportunity using the HOOP program that Ms. Lehr spoke of. We had to get a little creative with doing that. We did not have anyone to take that over but that is a first time homebuyers program not too dissimilar to what CACLV was proposing. We can fold components of that into our HOOP program to incentivize people who are first time buyers.

Mr. Reynolds applauds those efforts to find another way to fund that program. It is important to help people who are renting on a pathway to homeownership.

Ms. Karner noted she does not think we have the HOOP program in CACLV, but they are agreeing to administer their program for us.

President Waldron then mentioned the Parks allocation of \$30,000 in Public Works and wondered if that is earmarked for anything specifically.

Ms. Lehr stated it is not allocated for anything at this time. Parks has \$190,000 dollars left in their CDBG allocations for the past two years. We want to make sure again, that we do not get into a spending issue. We awarded \$30,000 dollars this year. She thinks it will take at least one year to get through probably half or three quarters of that.

President Waldron asked what the requirements are for those dollars.

Ms. Lehr stated it has to be in a low to moderate income park and serving 51% or more low to moderate income people. We also use it for pool maintenance.

President Waldron queried what pools that covers.

Ms. Lehr informed Clearview pool, Memorial pool, Westside and Yasko.

President Waldron asked if it can be used for other things at the pools rather than maintenance.

Ms. Lehr said yes, but not equipment.

President Waldron expressed that he wanted to put a plug in for the Parks. He mentioned that he talked to Jane Persa, Recreation Director about some of the conditions of the playground equipment. Some of the parks look like they have not been touched in a while. He is speaking specifically the safety material that is in the playground area. Some of it looks like it has not been replaced in a while. He is hoping that some of those dollars can be put to that because it makes a nice park unusable for children where parents feel it is not safe because there is no good ground for the kids to land on if they would fall. His plug is to try to get some of those dollars spent

there. It is not as simple as going to the Compost Center and putting mulch down because it is a different material. He hopes some money can be used for that to protect some of our assets.

Ms. Lehr stated we will never get to the point where we neglect our parks.

President Waldron mentioned he is not saying they are neglected but they could use a little more upkeep.

Mr. Callahan asked if the Rose Garden would qualify.

Ms. Lehr informed that the Rose Garden would not qualify.

Public Comment

None.

President Waldron stated the Resolution will be placed on the November 7, 2018 agenda.

President Waldron adjourned the Second Public Hearing at 7:52 pm.

2. APPROVAL OF MINUTES

The Minutes from September 18, 2018 were approved.

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

Rose Garden

Katie Stafford, 1619 West Broad Street, informed she is at this meeting because she really cares about the Rose Garden. She helped start the Rose Garden Farmer's Market and that came out of the fact that she drives past that park every single day and she thought it would be a great place for a farmer's market. With a lot of help from a lot of people we started a farmer's market with the idea of creating a public space where neighbors can come together, have access to fresh food and get to know each other. We are on our third year and it has been really an amazing experience. Ms. Stafford stressed that they work really hard because they really love doing it and it has been such a wonderful space for neighbors to come together. Most of the people walk there and she has come to know a lot of her neighbors from the market. She thinks this is a positive example of public space where people can come together to socialize, buy fresh produce and just to be a part of a community and feel part of a place. That being said, they are here today to ask for some money to remodel the garden and especially to create a better space for the market. It is a beautiful park but is in need of an update. Ms. Stafford stated she is at this meeting because she cares about the market and the west side of Bethlehem. We have 150 neighbors who come together every Saturday with kids, dogs, and we offer a lot of fresh food. We also have had the Calypso Band come and had Nitschmann Drama Club come and we have also had Dave Fry, who provided entertainment at the event.

Mary Toulouse, 1528 West Market Street, informed she is President of the Mount Airy Neighborhood Association. She thanked Council for their interest and support for the initiatives that MANA has undertaken in the Rose Garden Park. Almost each and every one of you has been able to attend either a Market Constitution day or some other event that we have organized. Your interest and feedback has been appreciated by all of us. She is here tonight to continue our discussion about the future of the park and update City Council on a new and pressing need. Ms. Toulouse explained that the park has the distinction of being located in the west side of Bethlehem but in Lehigh County not Northampton County like most of the rest of the City. For many folks, the west side is good naturedly known as the red headed stepchild of the area and sometimes that is a disadvantage and it can hurt. We are caught between two governing bodies, the west side and its institutions do not always get the same attention as other areas or access to the same monies even though there are over 20,000 residents. Ms. Toulouse noted the City purchased the park about 100 years ago and since then there have been several improvements, but unfortunately, it has been done piecemeal. The planning of the Rose Garden was done in the 1930's and the renovation of the band shell in the 1970's but sadly part of the park has been left basically as a vacant lot for almost 100 years and there has never been an integrated overall design put together for this park. Last year with the help of BEDCO, MANA along with Bethlehem Backyards for Wildlife, applied for a Lehigh Valley Community Spark Grant. With the monies we received from this grant we were able to pay a professional landscaped architect to design the needed cohesive plan connecting the different pieces and developing the vacant lot into a community square for which there is great demand, with a wonderful water feature. Ms. Toulouse explained this plan has been vetted with public meetings, posters of the plan at the market and over social media. It is a plan that is ready to go. Our non-profit organizations had truly hoped that we would be able to find grant money to implement this new design, especially the square with the water feature. Unfortunately, after further investigation, the only grant monies available are for small funds, more small pieces but not the funds necessary to properly lay the foundation of this renovated park. But the time is now to rebuild this park. As seen by the interest in the events at the farmer's market there is an energy in the west side from the people who want to use this park. The millennials moving into the area expect a modern, urban park similar to what they find in other modern urban communities, places they can bike and walk to or have a lunch break from work or push a stroller and spend some quiet time reading by a fountain. Ms. Toulouse is asking Council to build on this momentum and you ask you to do it now. The west side is known for its walking communities. The school district recognized this when it rebuilt Calypso School in the 1970's and again with Nitschmann Middle School last year. We are asking the City to do the same and to do it now. It took us three years to get park benches for the farmer's market. Please do not make us wait any longer for improvements to this park. MANA and the Bethlehem Backyards for Wildlife can continue to raise money for smaller amenities but we need the City's imprimatur and we need approximately \$300,000 dollars to develop the infrastructure so as to convert a vacant lot into a community square with a water feature and connect the different parts of it.

Friendship Park/Rose Garden

Christine Roysdon, 421 2nd Avenue, informed she wanted to add a few more details to what Ms. Toulouse has presented concerning the Rose Garden. First she would like to congratulate BEDCO and the City on the plan improvements to Friendship Park. She knows from working on several volunteer projects at Friendship Park that it is an essential and well used park and it really deserves that attention. Ms. Roysdon noted that Ms. Toulouse has reviewed a

brief history of what we have been trying to do with the Rose Garden. She would just like to point out the basic features that we are trying to achieve there. The Brown Design Group put together a plan for the Rose Garden that divided it into distinctive areas. This had never happened before. There is an activity lawn and that is where the kids play and there is the Rose Garden and something that is called the memorial grove. This is the place where many memorials have ended up. But the plan proposes unifying the entire structure, adding historical markers, letting us know what the history of Bethlehem is through some of the memorials and memorial pieces that are in this part of the park. Ms. Roysdon informed the part that we want to work on right now and has to be done all in one piece, is the core. The core requires that we transform an area in front of the band shell, and take out part of the really ugly macadam and create a new green area for people to enjoy, add a picnic area and make it beautiful. She thinks it will replenish some of the interest in our band program to have a beautiful area for people to come and sit in. Then there is the square and she will point out the features of the square include a water feature in the center, some very interesting paths to use for visitors. This is a very large area without any structure at all. It also includes paths that connect to the rest of the park. She expressed when people experience the Rose Garden in the future, after the square and the core are done, they will be able to walk from one end of the park to another. There will be a defined entrance and hopefully it will say "The Rose Garden", which it does not right now. They will be able to reach a destination and enjoy a beautiful urban park.

Jennifer Lader, 1511 West Market Street, explained she and her husband recently purchased a commercial property and opened a business at 414 West Broad Street between Third and Fourth Avenues. We have been involved with MANA from the very beginning and we live on the west side and love the west side. Once we were on West Broad Street with our business she decided to get to know the neighbors and encourage community and she went door to door. Ms. Lader went down to First Avenue and up the other side of the street to Fifth Avenue and back down again going to each and every door. She found that many other businesses there like hers were staffed by one or a handful of people and were often working without a lot of foot traffic and often behind a locked door and were responsible for maintaining an older building in our City. She had a feeling of siloes, one next to the other. She also noticed that although there is a definite interest in community and connection between the businesses she felt little sense of existing community. Ms. Lader stated she also noticed that there were many cars speeding through the neighborhood making it difficult even to cross West Broad Street. She also found that businesses, that she as a resident for 14 years, did not even know existed and could have been supporting if she had known. In contrast, one of her sons works for a business, one of the shops on Main Street across from the Hotel Bethlehem. What she has seen there and heard through him is that there are certain things happening on Main Street that we also need on the west side of Bethlehem. One is a feeling of unity or community among the businesses. Instead of that on the West Broad Street she notices a sense of maybe holding down the fort. There is also a sense of place on Main Street that would be a wonderful addition to West Broad Street. Right now the main thing that is tying all the businesses on West Broad Street together is West Broad Street. It is different from the neighborhood because it is a walking neighborhood. Once you are getting out to West Broad Street it feels a little bit different, less of a walking neighborhood. Ms. Lader informed as a builder of community and a writer of communities, she knows there needs to be many interactions among people to build community and that sense of place. There needs to be layers upon layers of connection among people. What is best is if there is a central compelling feature that attracts people together. If this were a college it might be a campus. For Main Street, it would be the historic district and its features. But what is there for West Broad Street and West

Bethlehem? We need that central compelling feature that attracts people and as it happens the Rose Garden Park is about halfway along West Broad Street.

Mr. Callahan asked to make a comment.

President Waldron noted typically we would be discussing this as an agenda item or under New Business.

Mr. Callahan stated he will take up under New Business.

Jeff Pooley, 331 Prospect Avenue, stated he just wanted to echo what some of his neighbors have said. He wanted to make the argument that the Rose Garden and the farmer's market energy that has gathered in the last three years is at a hinge point, in his opinion. Mr. Pooley noted that he and his wife and children are at the farmer's market every weekend. He sees a lot of energy there but it is also clear that the park and the farmer's market could go either way. There is kind of a threshold moment for the neighborhood and this gathering momentum. He expressed an investment that is relatively modest in a vibrant engaged neighborhood, would make the difference. Mr. Pooley informed he wanted to convey as a neighbor, as a father, as a homeowner in that neighborhood that the gathering energy around the west park and around the farmer's market is at a point where it could be tipped by the City. Mr. Pooley endorses the recommendations of his neighbors.

President Waldron mentioned to the residents who spoke about the Rose Garden that he is sure Members of Council will have comments and hoped they could stay for New Business on the agenda, when council can make comment on the matter. He added, we may ask the Administration to make comments as well.

Parking Authority/Values

Artie Curatola, 813 Laufer Street, stated that his neighbor is the Parking Authority who owns the parking lot next to his home. He noted that parking tickets for expired inspection stickers that are one or two days over the inspection date, with no evidence that the vehicle was moved from that spot, is exploiting the people on the south side to pay tickets. If a police officer sees a person driving with an expired inspection sticker, they will give them 24 hours or 48 hours to get the vehicle inspected or prove that it has been inspected. Mr. Curatola pointed out that giving a grace period would be nice. It would be a polite thing to do considering that they give the people who are booted one, two or three weeks before they tow the vehicle and they do not give them an extra ticket for parking illegally because they have all these extra fines. He expressed please have cars that are booted towed within 24 hours and have the owners pay the \$150 towing fee, a \$50 maintenance fee and \$25 a day for storage. Mr. Curatola added that he sees this parking by stop signs and crosswalks. He remarked he noticed that people from Lehigh University will not get a ticket if they are parked up to the stop sign for days at a time, and he has the proof in his computer. Residents of Bethlehem get cited if they have garbage in their yards but the Parking Authority can leave garbage in his Laufer Street lot and he has to pay \$30 to tow away their garbage. Sometimes it is there for three months until he takes it away. He remarked that is not fair. Mr. Curatola move on to recite various text from "A Prayer for Our Nation", and included comment related to salaries and benefits for government officials and appropriation of government funds.

Lehigh University Parking

Ed Gallagher, 49 West Greenwich Street, explained his remarks are regarding Lehigh University's parking on the lot at 123 West Lehigh Street, adjacent to the Wooden Match and across from Danny Rice Field. Lehigh University is going through a major kind of growth program at the moment called "The Path to Prominence." They are adding a fifth college to the campus in the next few years and will be bringing in 1,800 more students and faculty; a 20% growth in the undergraduate student body. Mr. Gallagher informed this program is to kick Lehigh University's reputation up a few notches, and it will be a benefit to the City. There is a lot of construction going on in campus as a result of this "Path to Prominence", and several of those pieces of construction are taking parking away. Mr. Gallagher has been at several meetings where Lehigh has received approval for this or that building. There have been some parking costs such as the Bridge West project that is taking 104 parking spaces off on campus. He continued to say that by Lehigh's own records, there is a total of 800 plus parking spaces they are losing by their conscious decision to build on parking lots. Mr. Gallagher explained he is retired for a few years and he knows that parking was tight on campus and it always mystified him what they were going to do. The answer has always been at these meetings that Lehigh has done a parking study and it is all good. He went to a meeting last week and found out that Lehigh is leasing the lot at 123 West Lehigh Street and he had not heard about that. At a few meetings he had heard people ask can we not use that lot for overflow parking, and the answers by City people were always kind of muffled and he never realized what that was. Mr. Gallagher noted when Lehigh has come to make their pitches about changes on campus they have always said that they will absorb the parking on their campus. He asserted that when he was at that meeting last week and saw that they are renting 150 spaces in the north side, and will run a bus across to campus for those who park there, it seemed strange to him. He questioned if we want Lehigh University using that lot or whether we have a better use for the lot. His second question is who will be using that lot. Mr. Gallagher continued on to say Lehigh has a whole new system now where people are going to pay money to park, \$500 dollars to park on lower campus. That lot across the river will be free, but who will use the free lot? It will probably people who do not make a lot of money, people who are at the lower level of income at Lehigh, people who are Bethlehem taxpayers. Mr. Gallagher informed at the Planning Meeting last week he asked if we could wait and ask Lehigh to come back and tell us who they think will use that lot. He thinks the Planning Commission heard what he was saying and when the Chairman called for a vote to approval Lehigh's request none of the members of the would make that motion and the Chair finally made the motion. Mr. Gallagher thought the Committee Members were responding to say that we should think about who is using that lot and whether Bethlehem residents or low payed people are being shunted off campus, made to feel like second rate citizens. Mr. Gallagher thought he should have offered at that meeting an option for them to table it for a week, and ask Lehigh to come with an answer. He is asking someone here to think about this. He wondered if we owe something to those low payed people and does Lehigh really need to come across the river.

Historic Significance

Stephen Antalics, 737 Ridge Street, noted that one of the earlier speakers said that the monuments in the Rose Garden have historical significance in terms of giving insight into the history of the City. That is very true, because one of the monuments reflects on the origins of the beginning of the community of which we now know as Bethlehem. It says, after 1741, people

who were then living in the area could only own property if they were members of the congregation, which is interesting. If you extrapolate that then you will understand why there was another area developed in the City. Mr. Antalics stated that other area of the City that began to develop we now know as the south side.

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. *Assistant City Solicitor - Amending Article 1701 - Pennsylvania Uniform Construction Code*

The Clerk read a memorandum dated October 3, 2018 from Assistant City Solicitor Matthew J. Deschler, Esq. to which is attached a proposed Ordinance amending Article 1701 to incorporate and address changes to the numbering of sections of the Pennsylvania Uniform Construction Code and the Third Class City Code.

President Waldron stated the Ordinance can be placed on the November 7, 2018 agenda for First Reading.

B. *Assistant City Solicitor - Repeal and Replace Article 717 - Noises; Amend Article 705 - Disorderly Conduct; Amend Article 509 - General Enforcement and Penalty*

The Clerk read a memorandum dated October 11, 2018 from Assistant City Solicitor Matthew J. Deschler, Esq. to which is attached a proposed Ordinance to repeal and replace Article 717 titled Noises; a proposed Ordinance to repeal a section of Article 705 titled Disorderly Conduct, the substance of which is incorporated into the revised Article 717 and a proposed Ordinance to repeal a section of Article 509 titled General Enforcement and Penalty, the substance of which is incorporated into the revised Article 717.

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

C. *Director of Planning and Zoning - 2018-2023 Capital Improvements Program*

The Clerk read a memorandum dated October 9, 2018 from Darlene Heller, Director of Planning and Zoning to which is attached the 2019-2023 Capital Program. At the September 13, 2018 meeting the Planning Commission voted to recommend approval of the 2019-2023 Capital Program.

President Waldron stated a Committee of the Whole Meeting has been scheduled for this Thursday, October 18, 2018 to review the Capital Improvements Program.

D. Director of Budget and Finance – Assignment of Fund Balance Resolution

The Clerk read a memorandum dated October 11, 2018 from Mark W. Sivak, Director of Budget and Finance to which is attached a Resolution to authorize the Business Administrator and/or Director of Budget and Finance to assign portions of available fund balances for specific purposes in accordance with GASB 54.

President Waldron stated Resolution 10 B is on the agenda.

E. City Solicitor – Intermunicipal Cooperation Agreement – Cooperative Memorandum of Agreement SR2020 (Easton Avenue) Multi-Jurisdictional Signal System

The Clerk read a memorandum dated October 10, 2018 from City Solicitor William P. Leeson, Esq. to which is attached a proposed Ordinance and Associated Intergovernmental Cooperation Agreement known as the “Cooperative Memorandum of Agreement SR 2020 (Easton Avenue) Multi-Jurisdictional Signal System” between the City of Bethlehem and the Township of Bethlehem.

President Waldron stated the Ordinance can be placed on the November 7, 2018 agenda for First Reading.

F. Director of Community and Economic Development – Recommendation of Award – Urban Design Ventures, LLC – Analysis of Impediments to Fair Housing

The Clerk read a Communication dated October 10, 2018 from Alicia Karner, Director of Community and Economic Development recommending a contract with Urban Design Ventures for an Analysis of Impediments for Fair Housing. The contract is joint contract with the City of Allentown, City of Easton, City of Bethlehem and County of Northampton. The fee for the contract is \$52,800 to be apportioned among the four municipalities. The City of Bethlehem’s portion is \$12,000 and is funded by 2018 CDBG funds. The contract completion date is August 31, 2019.

President Waldron stated Resolution 10 C is on the agenda.

G. Deputy Fire Chief – Recommendation of Award – BRYCER – Software and Services for the Fire Prevention Bureau

The Clerk read a Communication dated October 11, 2018 from Craig Baer, Deputy Fire Chief recommending a contract with BRYCER for “The Compliance Engine” software and services for the Fire Prevention Bureau. The term of the contract is three years with unlimited renewals at three year intervals. There is no cost to the City. All payments to the contracted party will come from a fee of \$15 dollars to be paid by companies required to file inspection reports under the International Fire Code. A Resolution to set the fee will be provided to Council for the November 7, 2018 City Council Meeting for approval.

President Waldron stated Resolution 10 D is on the agenda.

7. REPORTS

A. *President of Council*

Mayor Donchez Congratulations

President Waldron congratulated Mayor Donchez on becoming a Grandfather.

B. *Mayor*

Northside 2027/Lehigh Breakfast

Mayor Donchez thanked City Council and specifically Councilman Reynolds for moderating the Northside 2027 meeting at Liberty High School last week. He also thanked Ms. Karner and Ms. Lehr and the Community and Economic Development Department for putting this together. He noted it was a great success, especially with the announcement of the work to be done at Friendship Park. Mayor Donchez pointed out that Lehigh President John Simon will be holding a breakfast for Members of City Council in the near future to provide an update regarding their master plan. That may come after the holidays.

C. *Community Development Committee Meeting*

Chairman Martell stated the Community Development Committee met on Monday, October 8, 2018 at 6:00 PM in Town Hall. The members of the Committee unanimously recommended that City Council adopt the appropriate Resolution at the November 7, 2018 City Council Meeting, for the 2019 CDBG and HOME Programs.

Public Safety Committee Meeting

Chairman Colón stated the Public Safety Committee met on Wednesday, October 10, 2018 at 6:30 PM in Town Hall. The Committee considered two proposed Ordinances; one to amend Article 531 - Parking Generally; the other to amend Article 533 - Parking Meters, both related to an increase in parking fines. The Committee voted 2-1 to forward the proposed Ordinances to full Council with a negative recommendation. Chairman Colón voted Nay on the recommendation; Committee Member Negrón and Committee Member Van Wirt voted Aye on the recommendation. The Ordinances to amend Article 531 and 533 are on the agenda tonight for First Reading but he understands we are looking at postponing the first vote on amending Article 531 and 533 to the November 7, 2018 City Council Meeting.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

A. *Bill No. 26 - 2018 - Amending Article 531 - Parking Generally*

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES
OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF
PENNSYLVANIA, AMENDING ARTICLE 531 OF THE
CODIFIED ORDINANCES ENTITLED PARKING GENERALLY.

President Waldron noted that as he stated at the beginning of the meeting there were some questions after the Committee Meeting that went to the Parking Authority for more information. At the request of the Director of the Parking Authority, Kevin Livingston we are going to push those first votes to after he has some time to look at those questions and provide the appropriate response to Council.

President Waldron will accept a motion and a second to postpone Ordinance 9 A to November 7, 2018. Mr. Colón and Dr. Van Wirt made the motion to postpone the vote.

Mr. Callahan remarked as the Parking Authority Liaison he has a few comments. He thinks it is really important that we understand that it is not Mr. Livingston and the Parking Authority that are going around saying they want to build a new garage. He thinks it is that there is a need down there, primarily with Northampton Community College. The Mayor and the Administration have agreed upon with the Parking Authority to move ahead with a parking deck at Polk Street. He does not know if it is a lack of homework or that some on Council are new, but this garage has been an ask since 2013. It was part of the plan from the RDA back then with the TIF money. Mr. Callahan explained what we have is a situation where the Northampton Community College opened a south side campus a little over 10 years ago on 3rd Street. The reason they moved there was because we all want a progressive City, and part of that is there are businesses that cannot afford to build parking garages. Parking garages can cost \$17, \$18 or \$20 million dollars. The City gets involved in this because it is part of having a City that is walkable. If you look at some of the things that cities do that are not that affordable like building a water system, that is because it is easier and more efficient versus everyone having a well and the well going possible dry. We have a sewer system because it is more efficient and easier for the residents of the City to use versus having a septic system. So why do we build garages? It is because of places like Northampton Community College move in the south side with a vision. The reason they moved down there is because there is a large number of residents on the south side who, for whatever reason financial reason, do not have the ability to travel to the Bethlehem Township facility of the college. He continued to say because they moved down there they had access to free parking for the last 10 years from a major player down there who owned a parking lot and allowed them to park there. That is now being developed, which is taking away their parking spaces. Northampton Community College has asked for a minimum of 300 spots in that parking garage, not at a reduced rate. They will sign the lease for 300 spaces at the full rate. Mr. Callahan noted that Northampton Community College is trying to buy into the City of Bethlehem and have things down there for people who come for job training skills, to better themselves and make sure that as the south side grew and became more prosperous. Mr. Callahan asked about the lot and the lease on that and if the owner can take that back and develop it.

Ms. Karner stated she believes it is 60 days.

Mr. Callahan noted at any point the owner of the lot can come back and say in 60 days we are taking over that lot. That is a heck of a bind to put Northampton Community College in. They are the major stakeholder that is asking for that parking. So how does the community

college take in income to pay for a \$17 million dollar garage? They get money from the school districts and tuition. Mr. Callahan is not comfortable with a Northampton Community College having to raise tuition rates on low income people that are going to that college who cannot even afford, for the most part, to get transportation over to the Bethlehem Township campus and that is what we are talking about. He noted that Northampton Community College has asked for 300 spaces, St. Luke's has asked for 50 spaces and The Factory 30 spaces which bring in a variety of businesses. The Charter Art School is in for 50 spots. So there is a request for parking spaces for about 450 spots at a full rate, no discounted rates at all. Mr. Callahan cannot believe that after this being on the horizon since 2013. The idea that the Parking Authority is trying to sneak this through is ridiculous. They have had multiple meetings on this. He does not know whether people are not educated about this, but to drop 14 questions on the Parking Authority last night and each question has five or six parts, is ridiculous. He has talked to Mr. Livingston and Mr. Hoffmeier and they are fine with this. Mr. Callahan is not sure who came up with the questions, he does not want to know because it does not matter. The Polk Street Garage been known since 2013, and everyone knew it was coming down the pike. If you do not, you should have. So now we have a community college that is in a predicament because if the owner of the site says they need that in 60 days, we cannot build a parking garage in 60 days. So he does not know if this is a delay tactic or a real reason to say we need more information. He just thinks it is a shame that this memo has all these questions and 5 to 6 parts to each question. Some of the questions as far as walkability, the Parking Authority has nothing to do with that. He is not blaming Ms. Karner at all, but that is where that question should be directed to. There was a study done on the parking situation over there many years ago and that was what the TIF money was going to be used for. Mr. Callahan explained when he saw that memo; he just saw a lot of politics involved with that. He may be wrong, but he does not think so. If Mr. Livingston and the Parking Authority are comfortable in waiting for another month to get all those answers and to make sure everyone is educated about this situation, he is fine with that. But that is what we are dealing with in the parking situation there. Mr. Callahan stated he will have more comments later on this.

President Waldron explained that the memo Mr. Callahan referenced has a pretty extensive list of questions. President Waldron noted that he reached out to all Members of Council to ask if they had any additional questions after the meeting last Wednesday. There was some good healthy back and forth dialogue with the Parking Authority representatives and Council at that meeting. We wanted to continue that conversation so he reached out to all Members of Council and worked with Dr. Van Wirt who had done quite a lot of research and was very knowledgeable about our parking situation, and then others within the community as well as different national models. We worked on putting together a list that came out under his name, but again Dr. Van Wirt did most of the heavy lifting on that, and he thanks her for that. President Waldron stated that memo went out to Mr. Livingston and after he looked at it he said he had no problem getting back to us. He thought it would be most appropriate to push the First Reading of these Ordinances until November. President Waldron also believes that he will be sitting down sometime next week with Mayor Donchez to discuss maybe getting as much information as possible to Council so all that can be out in the light of day and then we can make the best decision going forward. To the point that we should have known this was coming, obviously we did, but this is the first time that it has been listed on one of our agendas. To be clear to everyone in this room, we are being asked to vote on increasing parking fines. We are not asking about the Polk Street garage currently, but that was one of the questions in the memo. The genesis of it was what is the bigger picture for the Parking Authority moving forward and how does the request of increased parking fines relate to their activities for the next 5 or 10 years as well as what is their

plan for parking throughout the entire City. President Waldron informed he does not think this is a big ask for them to come back with more information because that is their job, and it is our job to ask those questions.

Mr. Callahan noted that it is, but we also have no control over the meters.

President Waldron stated that is true, that is up to the Mayor.

Mr. Callahan related that the meter rates have been raised to \$1.50, so obviously the Mayor is on board with trying to fund the additional economic development projects on the south side and to also provide parking for Northampton Community College.

President Waldron believes the Mayor was asked to raise the on street parking from \$1.00 to \$1.50, but he would not put words in the Mayor's mouth on what he wants to do. Council is being asked to increase the fines from \$10 dollars to \$15 dollars or \$15 dollars to \$20 dollars in some cases.

Mr. Callahan noted that the fines are \$10 dollars right now and if we vote no on it which if you want to that is fine. The point of having a fine is to deter someone from doing something illegal. He can park on the street at a meter for 8 hours and say just give me a ticket, I saved \$4 dollars. So he does not know how the parking garage was involved with these questions. He thinks this is convoluted. Mr. Callahan knows that President Waldron was not the genesis of a majority of the questions. His point is that many of those questions should not have been directed to the Parking Authority. Kevin Livingston and the Parking Authority are doing what they have been asked to do, and there is a need and an ask from many non-profits down there to provide parking because there is a possibility that parking might be drying up over there. Mr. Callahan added that he appreciates the comments made by President Waldron.

President Waldron noted that every question on that list is regarding parking within the City. He queried, who would we ask, if not the Parking Authority.

Mr. Callahan mentioned there were probably four or five questions out of the 14 questions that he thought were pertinent to the Parking Authority. There was a question about a walkability study but the Parking Authority would not be involved with that. This question should have been directed to the Administration and Ms. Karner. The Parking Authority Director has the job of providing parking opportunities for the residents of Bethlehem. We are always talking about walkability but where is the model City of walkability, is it Boston or New York. Everyone could say that they are very walkable towns but you are not supposed to have a building and then a flat lot and then a building and another flat lot. That is called the empty tooth syndrome. So parking garages are part of having a walkable City, he just thought it was very disingenuous to drop all of those questions 24 hours before it hits our agenda.

Mr. Reynolds mentioned that he agreed with some of the things and disagreed with some of the things that were discussed at that Public Safety meeting last Wednesday. He thinks one thing that everyone understood at that meeting was that parking is complicated, and when you move one piece, it affects other pieces. When you looked at what came out of that meeting, it was talked about that the fines are one piece. The parking fines are ones City Council handles, and is just one of several moving parts. The process is designed for the Mayor to handle the meter rates and the Parking Authority taking some responsibilities. He does think that it is not just about the fines. Mr. Reynolds noted that Mr. Callahan talked about the Polk Street garage for around 10

minutes, which helps to prove the point that this is not just about the fines. He said last week that he will vote for the fines and he will still vote for the fine increase because it is about turnover and about getting people to the garages. It is cheaper right now just to get a parking ticket than not. But that is only one piece of a much bigger issue having to do with parking and the timeline and what will happen in the future. Mr. Reynolds knows that one frustration he had almost three years ago when we had the bond guarantee for the New Street garage was the fact that some information that came to us had to be adjusted to account for potential meter rate increases and fine increases. He does not have a problem with those things because those are what are necessary. He thinks we need to have a fuller conversation about how the different parts work together. The conversation we had last week at the Committee Meeting on Wednesday was a robust conversation and one where people talked about how these different parts are affected. It is not just about the fines, it is about the efficiency of our parking system and how all of our parking facilities will work together. Mr. Reynolds states ultimately we do have to raise the fines, because right now because for long term parkers there is no reason to not just get a parking ticket. But that is only one piece of a much bigger equation. Having more information about where the Parking Authority is going with some of these finances is important. He agrees some of those questions on that memo do not fall under the purview of the Parking Authority, but they do fall under the purview of the Administration. Mr. Reynolds thinks that getting answers to those questions and how these different parts fit together for City Council, is the best way to go. Some of those questions are vital to our decision because this is the opportunity we have to weigh in. When we got that bond guarantee three years ago much of that information had already been decided on. He voted for it because he thought it was in the best interest of the City. Mr. Reynolds thinks that getting more information early on about any potential bond guarantee down the road, for any parking garage, and how it is affected by fines, fits into the fine conversation. That is part of a larger conversation that we need to have.

Mr. Callahan mentioned that everyone can admit that parking garages do not pay for themselves over the life of the garage. It is the Parking Authority system as a whole that helps support the total parking system. That involves the meters, the fines and the parking garages. If you look at the financing that was done on the Walnut Street Garage along with the North Street Garage, you will see that the construction of those two garages also was financed by the meters. They were not financed by the funds that were being brought in by the leases. To assume that is ridiculous. Mr. Callahan mentioned when we sit down and have the discussion on whatever criteria we will put on Northampton Community College and the stakeholders, he hopes everyone up here has the same requirements when we have to knock down the Walnut Street Garage. Mr. Callahan will not be in favor, if we knock down the Walnut Street Garage, and it is \$20 million rebuild. Those who use that garage are the people who go down to Main Street and the businesses. Are we going to go to all the businesses on Main Street and say that we either are not going to rebuild the garage or we are going to rebuild the garage and give them a monthly bill for parking at the Walnut Street Garage? We would never do that on the north side. We will not charge the major stakeholders for the Walnut Street Garage. It is all the businesses on Main Street. There is no other reason to go downtown and park there. Mr. Callahan mentioned if you will hold the stakeholders on Northampton Community College to pay up now to be a member of our community, we should be doing the same thing to every business on Main Street, which he would not be in favor of. He knows we would never do that because it is the north side. He would like to see the reaction of all of the businesses on Main Street if we went over there said here is your share for the bill for a \$20 million dollar garage on Walnut Street.

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

B. *Bill No. 27 – 2018 – Amending Article 533 – Parking Meters*

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES
OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF
PENNSYLVANIA, AMENDING ARTICLE 533 OF THE
CODIFIED ORDINANCES ENTITLED PARKING METERS.

President Waldron will accept a motion and a second to postpone Ordinance 9 B to November 7, 2018. Mr. Negrón and Dr. Van Wirt made the motion to postpone the vote.

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

10. RESOLUTIONS

A. *Approving Inter-municipal Liquor License Transfer – 831-33 Linden Street*

Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-211 that approved the Inter-municipal Transfer of Retail Restaurant Liquor License Number R-18739 which was won in the liquor license auction conducted by the Pennsylvania Liquor Control Board, formerly located in Palmer Township, Northampton County, Pennsylvania to 831-33 Linden Street, Bethlehem, Northampton County, Pennsylvania, pursuant to Code Section 461.

Mr. Colón thanked the applicant for spending a few hours with us tonight and for the presentation earlier. He will support this request tonight when it goes to a vote. He does have some of the same concerns that other Council Members have expressed, but at the same time he knows the Liquor Control Board and then subsequently the Liquor Control Enforcement has very well defined rules when it comes to regulation and compliance that makes it in the best interest of the applicant to follow all those rules or face stiff penalties. Many of us are aware of other establishments that have gotten into hot water due to non-compliance. Mr. Colón mentioned that Police Chief Mark DiLuzio can correct him if he is wrong, but the City works with the with the Liquor Control Enforcement that regulates a lot of those rules when it comes to selling alcohol to minors and following those rules when it comes to carding and things like that.

Police Chief DiLuzio stated yes, we work closely with the LCB and the LCE.

Mr. Colón mentioned that in terms of loss prevention, it impacts their bottom line to make sure that the security is where it needs to be. This is a very well trafficked area when it comes to the high school. We also have a lot of foot traffic right next to a college for similar establishments on the south side. He will be supporting this tonight and wishes Mr. Patel the best of luck in his new business venture here in Bethlehem.

Mr. Martell thanks Mr. Patel for the investment and he wants to support this because it will be a good addition to the store and also to the community. His number one concern includes what has come up regarding safety, issues of lighting, signage and security cameras ensuring that this will not be accessible to the plethora of kids that are in the area. Additionally there is the

monitoring of people coming in and out who are potentially inebriated and should not have access to those things. He did not get a sense that there was a real strong plan in place for those things and that does not mean that there cannot be one and will not be one. He can say after going through these several times one of the first things people talk about is addressing the concerns of safety and where the restaurant and access will be located and how people are going to ensure they are following the guidelines. Yes, there are State rules and laws and people checking up, but at the same time, a lot of it will be put into the hands of the day to day operations. Mr. Martell brings that up again just to suggest that this is a concern and a plan should be put into place. He does not question his intentions, but he can say that is something we will be following through on.

President Waldron agrees with the sentiments on safety and security. He has seen many liquor license transfers come through and that is usually one of the lead up points during the presentation. That is, what kind of security will be implemented, cameras and physical things that will happen in addition to what the requirements are of the LCB. We got some reassurances tonight, and this is not to say that we do not believe that you will follow through on those. But when we have to ask those questions and those little details it feels like maybe that step was skipped. We have a few options tonight, we can pass this and you can move forward. We can vote against it and that is over, and that is not anyone's intention because we would like to see you succeed and this do well. However, there is another option, we can postpone this vote or we can table it in order to get more information from you. We are not security experts, we do not know what is required to run a successful safe store but there are people who might be able to help with that. The Administration might have some thoughts on that as well. President Waldron will not make a motion at this point but he just wanted to float that as an idea so that way we can be as comfortable as possible, and we can all be on the same page moving forward that this will be a winning venture.

Mr. Reynolds added that we want to see this be successful and be a positive thing. He would echo his concerns about the uncertainty about the allowing the liquor license and then what happens if times change in the future. The materials that we have seen here were ones that he believes judging by their reaction, were not ones that either Ms. Karner or Solicitor Leeson had seen before tonight. Mr. Reynolds noted that Mr. Leeson has been the Solicitor for the City for about five years now and he has never seen Mr. Leeson ask an inquisitive uncertain question at a City Council Meeting. Mr. Reynolds would feel more comfortable allowing them to review this situation going forward so we have some more information about what is allowed by zoning, how easy it is to change the hours and things like that. When he heard that the Linden Street Market had changed hands, that was absolutely a good thing, it could have used a good change of hands and there is room for improvement on that corner. He is hopeful that we can get there but he does echo Mr. Waldron's concerns that there is some uncertainty about that now. The reaction of Administration members would lead him to postponing this would be a wise idea as well.

President Waldron then queried about the timeline of this. We do not want to be obstructionist to the point where we knock things off and we have to start things over. He wondered what window this needs to happen in. He knows there is some talk about extensions and such.

Attorney Anderson informed from the license perspective from the date he is awarded the bid he has six months to file for the application for transfer to the Liquor Control Board or forfeit the license. That clock began ticking in August when he won it. As he said before, this is the first step to him being able to do so. Additionally, another timing consideration is from our request date of August 24th. The Council has approximately 60 days to render a decision or is deemed approved. So we are running up against that timeline as well, which is why the Resolution is being voted on tonight instead of having a second meeting which is usual practice.

Solicitor Spirk queried if this is the one that Attorney Theodore Zeller had previously requested that we extend.

Attorney Anderson replied yes.

Solicitor Spirk noted they have a 45 day timeline by statute and then the City can seek and extension of time for 60 days and he wondered if we did that.

Attorney Anderson explained they extended the time to have the hearing in 45 days of the request; you have to host the hearing within 45 days of the request that is how it works.

Solicitor Spirk stated he has in front of him the approval, there is a deemed approval if we do not act within 45 days and you came to us and said that something was wrong and we need more time. So he thought we had followed the statute and done a one-time 60 day extension of the 45.

Attorney Anderson noted if that is the case then there is an additional 60 days.

Solicitor Spirk mentioned that must have been with Attorney Zeller. Solicitor Spirk explained that there are many ifs with this.

President Waldron does not know where that leads us. He inquired if the will of the majority of Council is that we postpone this vote to November, what does that do?

Attorney Anderson mentioned it gives us the time to come back if you would wish.

President Waldron added what does that do specifically to that cut-off date of the timeline.

Attorney Anderson queried which timeline he is speaking of, is it the six months?

Mr. Callahan asked if it jeopardizes your timeline for the license.

Attorney Anderson stated they have to file within six months.

President Waldron noted the only timeline is six months from August.

Attorney Anderson explained that is correct, six months from August 14th or 15th and possibly earlier than that. We have six months from then to place our application with the Liquor Control Board and we cannot do so without an approving Resolution from you. So essentially if

we got one six months from August, we would be fine but the goal is not to draw that process out that long if possible.

Solicitor Spirk stated he is more concerned about the deemed approval. He does not want this Council to postpone it and then have him come back and say that Attorney Zeller said we really did not extend it far enough so too late, it is deemed approved and you will never get the vote.

Attorney Anderson said they are not trying to make something happen like that.

Solicitor Spirk asked if Attorney Anderson agrees to extend any and all deadlines to the period of time to enable it to be considered at the next Council Meeting.

Attorney Anderson queried when the next Council Meeting will be.

President Waldron stated our next scheduled Council Meeting is November 7th but it would be up to the majority of the will of Council whether we felt that was enough time to get the information or get a proposal or work with the Administration so everyone is comfortable. Would you need more time than that? Because as soon as we list it on that agenda, it will be on that agenda but another option is that we table it which can be indefinitely so that it is listed on every agenda, and we do not have to act on it until we make a motion to bring it onto the agenda. So we have a few options. President Waldron noted we have to poll everyone up here on Council to see what their thoughts are but there might be enough support tonight to move this forward or vote it down completely.

Mr. Callahan asked how many cameras they have at the store right now.

Mr. Patel stated he has 8 cameras.

Mr. Callahan explained that Nick's Pizza does the same business and he thinks they have two cameras. It is a restaurant, but there is one beer cooler where they sell six packs and one at the cashiers stand. He does not know about Machs Gute, but he can guarantee that they do not have more than three or four cameras.

Mr. Reynolds stated his concerns are not so much with security as they are to do with the question that Mr. Leeson asked as far as the time is concerned and what the zoning would allow for here. For him, it has to do with the fact that we would be approving a liquor license transfer that would allow somebody then to operate through whatever the State statute is, which he knows is not the current plan now. We do not have a guarantee, which he is guessing is part of the impetus for Mr. Leeson's question about the lease. That is his concern, not necessarily how many cameras they have.

Mr. Callahan thought that a majority of Council had safety concerns.

Dr. Van Wirt stated she has safety concerns. She thinks that she would like to see a plan for exterior lighting and exterior cameras. This is not a restaurant; it is different than a restaurant. This is a street corner that is vulnerable and she would like to make sure for the community that there are safety concerns that have been taken into account. As President Waldron said, we are

not security experts, but she does think that is a consideration she would like to see considered by the applicant.

Ms. Negrón understands the concerns of Members of Council, however going back to Ms. Karner's feedback, obviously the Administration knows as much as we know. That means that we are just approving the transfer of the license, and that will have to go in front of the Administration and more details will have to be asked and included. She wondered if that is correct.

Ms. Karner stated certainly from a zoning perspective more information would have to be provided to see how it complies with the zoning ordinance.

Ms. Negrón trusts that the City will make sure that they have everything in place that they need to. She noted that Councilman Colón had mentioned about the Liquor Control Board and that what we have been asking here is for the transfer and more will have to follow from the LCB and zoning. She thinks that things are in place to ensure that everything will be included. She feels comfortable to vote tonight to allow them to move forward knowing that the Administration will take care of everything else.

Attorney Anderson noted he was just told that there is lighting outside of the building and the corner is lit. As for the timing thing, the Liquor Control Board does not take contingent approval so if we would put approval together contingent upon them never being open past 10:00 pm they will not accept that, they will reject it. It is not the current plan, but every business changes as they go along. If the plan in the future is to open up for a few more hours, as he said, that would be the maximum, they would not be a 2:00 am establishment. They could be, and he does understand the concern about that, but there is only so much we can do with the planning process. He does understand the concerns, and that some were not addressed and he apologizes for that. But from a timing perspective and all of that, there is only so much they can do to plan for what they will do in the future. None of us are future tellers and can see what will happen in the future. Attorney Anderson explained they do have cameras, they do have lighting and they are not trying to run a bad establishment. The City has had problems like that in the past but we have no intention of doing that, they are not going to operate a bar. They will allow people two drinks on premises, they are required to look for visibly intoxicated patrons, they are required to keep minors out of the area, and they will card everybody. That is their security plan and their plan is to keep their business operating and make a strong investment, almost near a \$50,000 dollar investment in this liquor license alone. The LCB will take the license away if they get a certain amount of citations; we have seen this with other establishments. He is not sure we could present more than that. We could come later and say we have two more cameras and we have more lights 24/7, but they have those things in place and they monitor that. Attorney Anderson stressed they have no interest in being open late; they are not open after 8:00 pm any night of the week. It is a small family business. They are not looking to cause trouble in the community, they work in the community. Attorney Anderson thinks they have presented enough to get this done tonight and you can ensure they will be responsible stewards in the community and look out for your concerns. They will work with zoning on any issues that exist. He is not sure that even postponing to a later date would make much of a difference because they have these measures in place. He added that they have 11 cameras altogether, outside and inside, so he is not sure how many more cameras they can have to cover themselves. Their landlord also is in complete support of this, he is the one that proposed the idea to them to do this.

Solicitor Spirk explained that the City Clerk shared with him the document that he referred to earlier. Attorney Zeller had requested additional time and at that time the City did elect to extend the time but only until a total of 60 days from the date of the request for approval in August, not 60 additional days. So that comes out to be something like October 23rd. So he would be much more comfortable if Council were to vote tonight to eliminate any possibility of a deemed approval for failure to act within the statutory timeline.

President Waldron just wanted to clarify this. If we table or postpone tonight it would move forward.

Solicitor Spirk stated yes, based on information he has with him tonight, he thinks that is a significant possibility.

Attorney Anderson stated they do not want that kind of process; we want the give and take and the feedback. That is why we are here today to discuss these things.

President Waldron noted we do not really have any input nor can the Administration review any of these plans unless we were to vote this down. Would you be able to reapply?

Attorney Anderson mentioned once this is deemed a denial, it is a denial unless we appeal it and it is overturned in court. There has to be a finding that it will be adverse to the health, safety, and welfare of the community. Usually there has to be some substantial evidence to show that.

Mr. Callahan mentioned he is not sure if this will help in moving this forward but if you look at exhibit 8A3 that they presented, they have two cameras outside and eight or nine inside the store. If you look at the outside there is a City street lamp directed right above the opening of entrance to the building. He does not know if anyone has driven down Linden Street, but other than Stefko Boulevard, that is probably one of the best lit streets in the City of Bethlehem. Mr. Callahan does not know if that helps with the lighting concerns. The other thing that he would like to reiterate again is that they did notify all of the surrounding neighbors and we do not have one neighbor at this meeting that has a problem with it. All of us know if there was an issue and a neighbor felt uncomfortable, they would be here tonight.

President Waldron mentioned to reiterate what Mr. Reynolds brought up regarding what Mr. Leeson said is that if for whatever reason this 5 year lease is not renewed with the building owner, this license stays with the property at the business.

Attorney Anderson stated that is not correct. It has to be transferred to a new owner if that would be the case and they would have to purchase it. Then the LCB would do their full evaluation and investigation again. It can be moved from the building as well. It just cannot leave the municipality for five years once it is approved.

Mr. Martell noted we would not have any say on that because we only approved one coming in. So the idea that the conversation is not germane is not necessarily the case.

President Waldron explained this is our only opportunity to weigh in whether this license should come into the City.

Attorney Anderson mentioned through his research there are also no other licenses available in the City, so had he gone and searched for one of those, they would say either, as with any other liquor license with in the municipality that is currently located here, that they are currently going to be used somewhere else or closed as of last week.

President Waldron advised that in his five years on Council we have never refused to grant a liquor license.

Mr. Reynolds mentioned to Solicitor Spirk, as you read that, if we do not hold a hearing or do not have the vote, they are able to go forward, but if we would say we would postpone this until November 7th and we were going to vote on it November 7th and they said they were okay with that, would that still be something we could do.

Solicitor Spirk stated the statute says it is deemed approved.

Solicitor Spirk stated his job is to give Council advice and make this as bulletproof as he can. The thing that would work 100% for him would be if you voted tonight and there would be no risk in that. If you did not vote tonight and October 23rd came and went, and we still had not voted, to him he can read the statute and to him it seems to say that would be a deemed approval. Solicitor Spirk said he will stick with that legal advice.

President Waldron does not think they have given any reason to vote against this. However, in good faith as you are coming to us saying you are willing to make some changes, he would hope that if we were to pass this tonight we would not be putting any conditions on it other than just an agreement that we can work together to be part of the community moving forward. Also, that you can work with the Administration, because more than likely this will be the last time you see us in this room, but you may see us in your store or in your neighborhood. So as you move forward with the Administration and are able to work out some of those details, you can think back on this conversation and the little bit of back and forth we have had this evening.

Attorney Anderson stated absolutely and added that Mr. Patel also operates other businesses in the City and has been a good steward of the City. So he does not see any reason why this would be any different.

President Waldron queried what other businesses Mr. Patel operates.

Mr. Patel stated he operates the Food Pantry on the south side and north side.

Ms. Negrón pointed out she is very familiar with the store because the south side was changed from the Wawa to the Food Pantry and it has been a great store for the south side, and she knows he has the store on the north side. She does believe that he has been a great steward for the community and for the services they provide, so she does trust that the steps he has to go through with the LCB and zoning, they will do what is needed to be done.

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

B. Authorizing Assignment of Fund Balance

Mr. Reynolds and Mr. Callahan sponsored Resolution No. 2018-212 that authorizes the Business Administrator and/or the Director of Budget and Finance to assign, in accordance with GASB 54, portions of available fund balances for specific purposes and for these assignments to be recognized as such on the City of Bethlehem financial statements for 2017 and subsequent years.

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

C. Authorizing Contract – Urban Design Ventures

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-213 that authorized to execute an agreement with Urban Design Ventures for an analysis of Impediments to Fair Housing.

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

D. Authorizing Contract – BRYCER – Software and Services for the Fire Prevention Bureau

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-214 that authorized to execute an agreement with BRYCER, LLC to collect, manage and provide access to commercial fire protection system inspection records as well as collect related fees.

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

Motion – considering Resolutions 10 E through 10 I as a group

Mr. Callahan and Ms. Negrón moved to consider Resolutions 10 E through 10 I as a group.

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

E. Certificate of Appropriateness – 428-444 Main Street

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-215 that granted a Certificate of Appropriateness to paint the façade with a new color palette and a new awning fabric at 428-444 Main Street.

F. Certificate of Appropriateness – 30 East Wall Street

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-216 that granted a Certificate of Appropriateness to paint exterior trim, side porch, shutters, rear siding deck and stairs at 30 East Wall Street.

G. *Certificate of Appropriateness – 462 Main Street*

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-217 that authorized a Certificate of Appropriateness to install front window signage on Hotel Bethlehem Ice Cream Parlor replicating the hotel historic neon signage on its rooftop at 462 Main Street.

H. *Certificate of Appropriateness – 462 Main Street*

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-218 that authorized to execute a Certificate of Appropriateness to install a marque sign on the Hotel Bethlehem Ice Cream Parlor at 462 Main Street.

I. *Certificate of Appropriateness – 91 West Broad Street*

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-219 that authorized to execute a Certificate of Appropriateness to install a sign at 91 West Broad Street

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

11. NEW BUSINESS

Human Resources and Environment Committee Meeting

Chairman Reynolds announced a Human Resources and Environment Committee Meeting will be held on Tuesday, December 4, 2018 at 6:00 pm in Town Hall. The subject will be our Climate Action Plan.

Rose Garden

Mr. Callahan mentioned that he wanted to tell everyone from MANA that he grew up on the west side of Bethlehem in the Kaywin Avenue area. He went to Nitschmann Middle School and spent a lot of time with friends at the Rose Garden. After the recent event at the Rose Garden, he went home and made some phone calls and did talk to Mayor Donchez, Mr. Evans and Lehigh County Executive Phillip Armstrong and Lehigh County Councilwoman Amy Zanelli and also State Representative Jeanne McNeill. He does not know if the money will be coming in as fast as you will need it, but everyone he talked to was very supportive of the project. He does not know what the process is with the budgeting of the pool. He queried if we are going to be going out to a bond on Memorial Pool.

Mr. Evans stated that they have announcements of some grants that will be coming forward and there is some cash involved but he does not think there will be a bond. He explained that on Thursday night at the Committee of the Whole Meeting they will have a full discussion about all of the projects, equipment, purchases or projects and how they will be funded. He does not know where the pool falls in that at the moment.

Mr. Callahan mentioned if it was Council's will is it possible to add \$300,000 to the pool bond for the Rose Garden.

Mr. Evans there will not be a separate bond just for the pool. It will be a bond proposal for all of the capital projects whether it is Public Works, Recreation or Public Safety projects.

Mr. Callahan asked about the \$300,000 dollars that Ms. Toulouse had mentioned and wondered if that is for the basics or for the square, the fountain, the walking paths and everything.

Ms. Toulouse believes the architect said the total for everything is \$400,000 dollars.

Ms. Roysdon stated the \$300,000 dollars would cover all costs for the park and the square in total.

Mr. Callahan knows the Trexler Game Preserve Trust grants millions of dollars every year for grants for parks within Lehigh County. He asked if they have had any discussion with them at all.

Ms. Toulouse stated they have and they had indicated that as a newer non-profit we would be eligible for probably a very small grant in our initial year or two, and that is why because we would really like to see this project get going. We decided that we would like to turn to the City to see what can be done.

Mr. Callahan does not know what the will of Council and the Administration is but he can say that if he has any opportunity to support this financially it will be done with his vote. He can say that if you look at what the west side there was some lighting extended up Broad Street and some CRIZ acreage given to Dempsey's. He cannot think of anything other than that. Not much has been done on the west side of Bethlehem and he thinks this is a very small ask. In the last ten years an enormous amount of energy and vision and money has gone to the south side. West Bethlehem has 21,000 people of 77,000 in our City, and he will do anything he can to support them.

Mr. Martell wanted to echo the comments of Mr. Callahan and thank MANA for all of the work they have done. We talk about the CDBG funds and all the different organizations involved who receive CDBG awards. He noted that MANA would be right up there with these other organizations with the work they are doing. They form the backbone of the City. There is a lot more work that goes into this than was shared tonight. He knows that much goes unrecognized and unnoticed. This is an easy project to support. He would like to also find a way to support this and try to figure that out. Mr. Martell asked Michael Alkhal, Director of Public Works if he had a chance to look at this proposal and if the Public Works Department might be able to handle some of this work and help out with some of the cost that way.

Mr. Alkhal informed that he has not seen the details of this, but they can look at that proposed plan.

Mr. Martell mentioned we have talked about these kinds of things in the past and there are many logistical issues in terms of the Department taking on this project. That is just one question he would have going forward.

Mr. Colón thanked Ms. Roysdon and Ms. Toulouse for the work on this. He knows that from the beginning to having a meeting at the church and starting the farmer's market to now doing something to improve the Rose Garden, he has seen every Member of Council at the

farmer's market on different occasions. It is unique to West Bethlehem. They deserve a lot of credit for the work they have done. We are all looking for ways we can support this and hopefully make this happen.

Public Safety Committee Meeting

Chairman Colón announced that the Public Safety Committee will be meeting on Tuesday, November 13, 2018 at 6:00 pm in Town Hall. The subject will be the repeal and replace of Article 717-Noises; Amend Article 705-Disorderly Conduct; Amend Article 509-General Enforcement and Penalty and a 9-1-1 update.

Rose Garden

Mr. Reynolds once again thanked everyone involved in the Rose Garden Farmer's Market. He knows that at one time or another all of us have been to the farmer's market. The next time he suggests finding more volunteer work for us. Mr. Reynolds believes this plan was paid for by BEDCO funds and asked if that is correct.

Ms. Karner stated it was an application submitted by BEDCO for the Lehigh Valley Community Foundation through the Spark program.

Mr. Reynolds wondered how much the total.

Ms. Karner believes it was \$10,000 dollars and not all of that was spent so there were some monies that were rolled over for implementation. We requested an extension through BEDCO for the use of those funds in other ways and the Community Foundation was to do it.

Mr. Reynolds mentioned we received a memo from Mayor Donchez a while back but inquired as to what the Administration's idea is going forward before Council starts adding things or trying to come up with potential solutions. He would ask about what type of internal conversation or internal plan there had been for some of these priorities that have been discussed earlier tonight.

Mayor Donchez stated that he supports the proposal and that they had internal discussions about the bond. We also had internal discussions about if there is a Casino transfer tax. Two questions that need to be answered are if there will be any County money coming from Executive Armstrong and is Representative McNeill working on any possible DCNR grants. Those are two very important questions we need answered before we actually plug in the numbers for a bond.

President Waldron stated looking at this design and seeing the potential is very clear. He looks at this and thinks about West Park in Allentown. We have the Rose Garden in the west side of Bethlehem and they are twin parks in many ways with the band shell and the fountain. This can really be a focal point for not only the west side, but the entire City. Obviously there will be unanimous support from Council but the question is getting the dollars to do it.

12. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

ATTEST:

City Clerk