

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, December 18, 2018 - 7:00 PM

INVOCATION

Jeremy Lau, Minister of Prayer, El Shaddai Bethlehem Ministries, offered the Invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

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

2. APPROVAL OF MINUTES

The Minutes from December 4, 2018 were approved.

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

Parking Authority

Artie Curatola, 813 Laufer Street, remarked whenever he calls certain people and he complains about the Parking Authority they will say that the Parking Authority has nothing to do with the City. Mr. Curatola wanted to know how the Parking Authority can get money from people parking illegally on the streets when the streets belong to the City. He related he owns a property next to the lot owned by the Parking Authority and the Parking Authority will not pick up their garbage. He informed he has to pay \$40 have their garbage taken away because he does not want the smell of the garbage. He asserted if he is parked for not even 5 minutes in their lot unloading his groceries he will get a ticket and so will everyone else. When the Parking Authority bought the lot next to him they put stones down on the ground and made it that no one could park there. He pointed out some of his windows have been broken by the stones when children are playing stick ball on the lot. Mr. Curatola informed he has a place alongside the alley way that is about 3 to 5 feet from his fence into the Parking Authority's lot. He owns half of that area, but the Parking Authority has a cinder block blocking it off so he cannot park on his half. If they would remove that cinder block which is on his property, he could park there, but he would have to take them to court. Mr. Curatola pointed out all of the vehicles that are being booted for about a week or two on the street hurt the neighborhood since they are taking up legal parking spaces and the people then have to park illegally and have to pay a fine. He concluded saying please let's try to do what needs to be done with the Parking Authority.

President Waldron clarified the City does not contribute any money to the Parking Authority.

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

Bill No. 46 – 2018 – Zoning Text Amendment – Section 1304.04 – Reuse of Corner Commercial Uses Allowed in the RT and RG Districts

Mary Toulouse, 1528 West Market Street, thanked Council for having voted and supported the improvements for the Rose Garden Park. She is also at this meeting to speak about the importance of a very strong zoning ordinance. She related she and her husband lived in White Plains, New York, which is currently a fantastic business and economic center and has thriving residential areas but 25 years ago it was different. White Plains had been virtually abandoned by its middle class that moved to the suburbs. She expressed when they were thinking about buying a house there 25 years ago they were told it is a bad idea, no one would move into a City with no protections, poor planning and weak zoning. This was a textbook case of urban blight. They moved into White Plains because that is all they could afford but were lucky because they found a wonderfully diverse group of people living there, with their confidence in a City government and a City that was ready to make changes. She believes that a strong zoning ordinance is important which is enforced and respected. Most people think about a zoning ordinance as a simple law but in reality it is more of a covenant entered into by the governing body and its community. A zoning ordinance and its code are vetted at length and agreed to by the whole community, businesses and residents. She informed the role of the governing body is to protect that covenant. In return for this protection the residents feel confident enough to invest not only their hard earned money in their homes but also their time, talents and services. She would say that the residents of the downtown historic district have honored their part of the Bethlehem covenant by collectively helping to build a greater network association. Individually they worked tirelessly restoring a landmark hotel that was floundering, started a new arts and educational initiatives, served on our public boards and institutions. But right now the zoning code seems to be up for grabs in Bethlehem. She would ask Council to act responsibly and keep this covenant with the people of Bethlehem. Ms. Toulouse stated vote down this petition. She remarked if you find that change needs to take place ask the Administration to put in place a new process for developing a new zoning ordinance that would be an opportunity, even a referendum by the people, for the people to include the greater community in these changes that seem to keep coming to Council.

Roland Yoshida, 135 East Market Street, affirmed he will comment with an abbreviated version of his email to Council of December 11. Throughout this entire conversation no one has mentioned Mr. Rij's decision to proceed with renovations while the suit at the Commonwealth Court was outstanding. Mr. Yoshida stated this is his summary of what the attorney for City Council stated about spot zoning. He said "I am giving you my opinion but you do not know how others including the courts will interpret the laws and the facts." Mr. Yoshida can imagine the pit in Mr. Rij's stomach when he learned about the Commonwealth Courts decision. Mr. Yoshida stressed we all make decisions in life that sometimes turnout not the way we want it. He explained we now have a text amendment at a final vote that no matter how you dress it up is an end around. Mr. Yoshida added, a not so veiled act of spot zoning. As Justice Potter Stewart once stated in *Jacobellis v. Ohio, 1964*, "I know it when I see it." Mr. Yoshida will not tell you what he thought he did not see. You have heard about how some of his neighbors are concerned about his amendment and how potential opportunists may exploit the new wording. He noted Mr. Scheirer's suggestion to table the amendment until a complete study is made to the amendment, and remarked regardless, the central issue is about the standards of zoning as they

existed in our current ordinance for this property in a residential zone. The Commonwealth court unanimously said no. The wish that the block be multi-purpose is only a wish; not existing law. Mr. Yoshida remarked in providing rationale for a yes vote, one of you told us do not worry; we have plenty of safeguards. He referenced the December 6 Express-Times newspaper article about the sixth floor terrace debate at 306 South New Street and asked if anyone asked why Zest submitted plans that included the terrace when they knew about the setback decision. From reading the article it appears the contractor knowingly submitted the plans contrary to the South Bethlehem Historic Conservation Committee decision. He remarked, in effect you reinforce the catch me if you can behavior, and makes you kind of wonder why some of the citizenry are dubious about the claim that all will be well. If the situation was that our Planning Department dropped the ball, then did the Mayor include money for more staff for a department that he admitted at a previous meeting was overwhelmed with work? Mr. Yoshida then expressed he once stated during this discussion that we were potentially at the start of a slippery downward slope with the decision about 2 West Market Street. After the variance given to Zest he did not realize that you had already taken the first step.

Ed Gallagher, 49 West Greenwich Street, expressed we have the makings of a great movie, but this is not a movie. He asserted Town Hall is like a court house and this is a legal issue and Council are the judges. We have to act that way and expect Council to be impartial, objective, and fair. Mr. Gallagher worried about the kind of coziness that he saw in Mr. Callahan's comments wishing Mr. Rij success and the comment about chumminess with Jim Broughal who is Mr. Preston's boss; maybe that was spontaneous and innocent, but not good. He worries about Mr. Waldron not making any rationale with his judgment, and noted we do not know what that vote was based on. Mr. Gallagher added that Mr. Reynolds lost him in the second half of his comments saying he will tell us something we will not want to hear, and the idea that he said we should move on to the next thing. He expressed this is like a court of law and we should treat it that way. Mr. Gallagher stated for him the people who are opposing this base their arguments on comprehensive planning, zoning code, the State decisions, definitions of boundary, analogy, which are good arguments. Those approving he felt were weak, subjective, the zoning denier, they do not believe that is a residential neighborhood. Mr. Gallagher noted one of the other affirming votes he thought completely misread the nature of the opposition. He remarked Mr. Reynolds had an interesting point when he pointed out the 12 possible businesses that could come in after. Each of those would need a definition in the zoning code. We could not pass that without those definitions. One of those is Art. He joked that the text amendment would make it impossible for a tattoo parlor to show up, but Art is in that list and since tattoo is an art there could possibly be a tattoo business there. Mr. Gallagher pointed out that we have to judge on the quality of the thinking and the arguments and for him the people opposed are much better at that than the people who approve.

Kori Lannan, with Quadrant Private Wealth thanked Mayor Donchez, President Waldron, Mr. Reynolds, Mr. Martell and Mr. Callahan for the support voiced at the last meeting relative to this issue. Ms. Lannan stated she wanted to speak about three salient first hand truths, not revisionist history or hearsay or opinion or idealism. One, there was a substantial opportunity for the house to sell to a family and it did not. Two, this was already a mixed use property allowing for a retail use on a busy intersection and surrounded on nearly all sides by commercial interests. Three, the fate of the historic green buildings is in your hands. She implored that the green buildings be saved and allow to be restored and loved the same way that the home has been. Ms. Lannan noted these vulnerable buildings are among the various properties around the City that

stand to benefit from this amendment. She also wanted to point out that there is often activity in the building into the evenings, early in the mornings and on the weekends and year round. She was at the house on Saturday evening, participating in New Bethany's luminary night with luminaries abundantly lining both Market and New Street. Ms. Lannan stressed they truly believe that an amendment that encourages this type of stewardship and investment in awkward properties, such as the mixed use parcel at 2 West Market Street, is good for the property, the neighborhood, Historic Bethlehem and the City. She thanked the many supporters for their outpouring of vocal and documented support and Council for realistic and level headed consideration in this matter.

Stephen Antalics, 737 Ridge Street, related there are two factions arguing both sides of the issue regarding 2 West Market Street. The supporting group felt that the code amendment should be approved on the basis of what was done in improvements and to deny would create a hardship. They also felt his contribution to the community was further justification. Many of this group viewed those who opposed the amendment as personally attacking the applicant. The vast majority of this supporting group has rarely, if ever, attended any previous Council Meetings. The group opposing the amendment are a disassociated and independent group of concerned citizens who attend the vast majority of Council Meetings. Their primary concern is the welfare of the community. They have no specific interest in the property per se or of the applicant rather what the zoning code variance request would impact the community in a negative way. For their argument against the amendment they presented charts, maps, and statistics. This group has opposed in the past a large number of zoning variation requests strictly on the basis of the negative impact on the community. One in attendance expressed sadness that two groups of good citizens were now pitted against one another over the issue. Some on Council in justifying their vote referenced this observation in their vote of approval. There was no pitting of one group against the other since one group objectively used charts, maps, and statistics while the other used primarily personal and emotional justifications. In the past on popular issues Council members who vote yes did so with short comments, no justification needed. Those who voted no engaged in long dissertations to rationalize their negative vote. The vote at the last Council Meeting on this issue was quite to the contrary. Those voting no did so with simple, short, confident comments. The yes votes could be a study in elaborate rationalizations. When he heard reasons for the vote at the last meeting he was taken by the fact that those voting yes, he felt they were not comfortable and had to justify why they were saying yes and went into long dissertations. He would suggest based upon law and facts that he would urge those Council Members to recant and say no.

Jerry Kindrachuk, 3535 Fox Run Drive, Allentown, remarked he is in support of this proposition. As he said in his two previous appearances, what is at risk here is an historic structure and to paraphrase the woman who spoke earlier, he thinks that Mr. Rij has kept the covenant with the City by restoring the building to a very precise historical state. He is committed to preserve the green buildings. He pointed out if the proposition is not passed that building will be dark and empty for a long while before it is sold or converted into a group home, and the green buildings will become another Boyd Theater. Mr. Kindrachuk added that as the gentleman just said before, he asks the no votes to also examine your conscience. What are you doing to this historic structure? It will never be a single family home; there is no yard and no access to the street, except right on the street. No one will want to be in that home with young children. The historic structure has to be saved. He asks Council to vote yes and pass it. Quadrant Wealth has been there for almost a year or maybe more and everyone is saying what

terrible things in the neighborhood will happen if you pass this, but Quadrant has been there for a year and has anything terrible happened? It has only improved and will continue to improve. He urges Council to vote yes.

Robert Romeril, 26 West Market Street, stated he has lived in this home for 43 years. He pointed out they bought their house in 1975 and had a long list of things that the City gave to their realtor before they bought it, and the City said no one can move into this house until all these things are done. He reflected we did the improvement and moved into the house and has lived there ever since. The house was not in pristine condition. He is sure that 2 West Market Street was in pristine condition, when it was purchased because Mrs. Schadt was a meticulous housekeeper and they kept their yard in meticulous shape. The house was not rehabilitated, although it may have needed storm windows. Maybe it could use air conditioning, but if you chop up the house and put move all the walls, all the walls need repairing, and the ceiling need repairing. The house does not look any different than it was before, only the color has been changed. Mr. Romeril informed the Schadt family had a team of painters come in every summer and they paid a fortune for that property. That property did not need painting. The house is not completely surrounded by other things. One edge of the house borders commercial on the northern edge; the rest is residential. Mr. Romeril wonders why we do not have Moravian Academy people knocking on his door every day asking to sell their house. He asserted they put several of their children through Moravian Academy. The property is a sound piece of property and is residential and completes the residential block that we live in. Yes there are some exceptions and reasons for the exceptions, but they are exceptions and otherwise it is a residential block. He noted the Schadt's raised their four children in that house and several of those children have testified, so you know they are nice people. You can live successfully and raise a family in that house and it should be residential.

Lorraine Schadt, 311 Bridle Path Road, affirmed she is at this meeting in support of passing the amendment. She has spoken before so her opinion is known to everyone. She has heard all the opinions and came here with an open mind, but her opinion is the same; she is still in support of passing this amendment.

Ben Everett, 2708 Bridle Path Place, stated his observation is that we heard testimony that the house was unsalable to another family. He understands how Mr. Rij has taken excellent care of the property and improved the exterior and the other green buildings. His concern is the Committee who opposed Mr. Rij saying they do not fully understand the downside of what could happen. If Mr. Rij chose, he would be able to sell to anyone he chose to, and we would have a less desirable outcome if he sold to, for example Mr. Atiyeh, who may put into a residential drug rehab facility. So, it is just that he would try to recommend that we proceed with letting Mr. Rij stay and do the good job he has done.

John Rule, 1706 Hottle Road, Coopersburg, advised he always loves coming to Bethlehem. It is a wonderful City with much to be proud of including the historic district. He has passed by the house at 2 West Market Street many times and always marveled at the architecture of the house, but it needed a lot of work. He expressed you found someone who put unbelievable TLC into a home and you would not know it is not a residence. It does not get a lot of traffic, you never see people lining up at the door or traffic jams crowding the driveway. Mr. Rule noted you could not find a person with a higher character than the Rij family. Mr. Rule is in support of the vote and certainly recommends Council to vote yes.

Jean Theman, 132 East Market Street, stated she absolutely supports the proposal for this building. They have done a wonderful job with the building and facility. She asserted we need to remember this is a unique piece of property that is both commercial and residential, which brings its own factors into play in terms of obtaining a mortgage and who might be able to purchase it. Things change in the City and she thinks this has been a wonderful repurposing of a unique piece of property in Bethlehem. Ms. Theman advised they have been supportive of the Historic Bethlehem Museum and Sites, as well as other events and community activities in the area. Ms. Theman informed we are delighted to have them as a neighbor and we welcome them. She encourages Council to support the proposal.

Mary Mulder, 133 East Wall Street, mentioned she sent a letter to City Council which she hopes they had the chance to read. She lives and works in the neighborhood and is excited to have Quadrant Private Wealth on the corner. She is not someone who is opposed to change; she actually loves to see change especially if it is something that helps to move a neighborhood or a district into what might be a new opportunity. Ms. Mulder is very much in favor of keeping them there.

Mike Gausling, 1512 Colesville Road, explained he spoke at both the Zoning Board original and the first time when it was a non-vote. He is in full support of the project. We have heard hours and hours from everybody and it has been a due process and has played itself out. He did not attend the meeting two weeks ago, and was relieved to read in the newspaper that after due process and hearing the wisdom from both sides, that there was a 4-3 vote in favor. He asks that you continue this; there is not new information that will come out tonight that should change any view tonight. He fully supports this project and thanks those that have the leadership to do the right thing for the City of Bethlehem.

Ken Aitchison, 2752 Walker Place, pointed out he is a neighbor at 12 East Market as well. He remains in support of this project and he grateful for the Gauslings' and the Rij's of the world who take pride in keeping up these beautiful buildings. He is in full support of this amendment.

Beal Fowler, 409 Center Street, expressed there are two issues here and everyone is focusing on 2 West Market Street and that is mainly what he will be focusing on. But in the previous meeting it is not just 2 West Market Street, it is this piece of legislation which has all of the potential loopholes in it. He asked his neighbors if they will be happy when the building at High and Market Street that currently has a dentist's office, which is non-conforming, is turned into a full-fledged office building. It currently has apartments but that is not a problem as we know, we can de-apartment and make it single family. There are a number of properties in the City and he is not sure we know what they all are. He remarked aside from the validity of 2 West Market this legislation is extraordinarily dangerous and has many loopholes in it. Mr. Fowler continued you are being asked to provide two significant holiday gifts to a business. That is for Morning Start Partners, LLC by rubber-stamping a piece of legislation drafted, not by the City, but by the business that seeks to benefit from that legislation. The first proposed gift to Morning Star has been the basis of nearly all of the favorable testimony on their behalf, namely that the business currently operating in this office building is wonderful, with high-minded principals, and therefore deserves this gift of being allowed to continue to operate at this site. But little or no discussion has appeared regarding the second gift that will be realized when Quadrant leaves that site. He uses the word "when" without any knowledge of timing, but this will certainly happen sooner or later, for that is the nature of a business, particularly a dynamic enterprise like

Quadrant. In general a business is temporary, while zoning is permanent. There will be a time when a proper business decision will be made by Quadrant to leave 2 West Market Street, for any one of a number of legitimate reasons. That is the nature of free enterprise and we see it happening all over the place. It is clear that the Morning Star people have thought about this as well, by including in section (7) of their legislation a long list of 12 permitted uses for this site. These are medicine, law, architecture, engineering, art, religion, music, insurance, real estate, psychology, accounting and financial services. The first 11 of those are the definition of professional offices in the zoning code. This is the second holiday gift that you will grant if you approve this legislation, for it considerably increases the value of the property by increasing the number and types of businesses that may legally operate there. Such a large range of potential buyers will surely add to a sale price, or the rent if they decide not to sell. This is a business decision and that will happen someday. All twelve of these businesses are legitimate enterprises in commercial zones, but none are presently allowed in residential zones. Many of them would involve considerable customer traffic, unlike the Quadrant operation. All could occupy the entire building, as occurs on Delaware Avenue where large buildings were converted to non-residential use. Even the category of financial services is so broad that it encompasses everything from a bank to a pawn shop or payday loan office. These are not likely uses, but it is possible. Some say the Zoning Hearing Board will protect us. But these 12 uses would be allowed by law and cannot be blocked by the Zoning Hearing Board, only regulated. The late Ralph Schwarz once said, "We are all here because we love Bethlehem." As lovers of Bethlehem, we can certainly do much better than this misguided piece of legislation.

Steve Diamond, 425 Center Street, stated he wanted to bring out critical information to make a decision on 2 West Market. It still has not been fully analyzed and made public how many properties in all of Bethlehem's RT and RG districts are affected by this change. President Waldron also said on November 20th it would be irresponsible for a vote without knowing this. He related Council received a list of prospective affected properties identified by the attorney representing Mr. Rij, and the City has blindly accepted it as complete. For the first vote the City gave the City Council a memo originating from Ms. Heller, dated December 3, 2018 that focused on that list and evaluated it. She stated that seven of the eight properties on Mr. Preston's list were not affected by the change. Mr. Diamond stressed as a taxpayer he would like to see how the study of the eight properties was done. He would like to see if this is a comprehensive and valid investigation. Mr. Diamond queried whether Mr. Preston's list represented all the properties that may be affected in Bethlehem. President Waldron's question has not been answered and therefore Mr. Diamond questions how he could now vote. He pointed out Mr. Stevens gave Council seven pages of legal reasons not to proceed. He remarked that Ms. Heller has inappropriately done her own definitions without doing the due diligence and by voting to proceed you will be acting wantonly in your duties. Remarked if the Mayor is for this, why has not the City done its due diligence. Mr. Diamond believes the Mayor and the City are putting Council in a horrible situation. They are expecting you to vote positively without giving you all the information that is germane to the vote. He referenced the word malfeasance, and noted this is what a City is doing by not totally investigating the ordinance proposal and not answering the question both by the Bethlehem Planning Commission and President Waldron. Mr. Diamond read a definition of malfeasance, and remarked to please consider this word before voting tonight, because if you vote yes, the City Council will demonstrate impropriety.

Tim Stevens, law partner of Davison and McCarthy, 645 Hamilton Street, Allentown stated he wanted to follow up on some of the comments, and particularly of his legal

memorandum of December 12 that he sent to Solicitor Spirk and was passed out to Council. First, he wanted to speak about some comments made in earlier meetings as far as the neighbors are threatening a lawsuit. No, we do not want to take that step. We want Council to vote no and it does not have to go down that path. He would not put that information in a letter if he did not feel it was meritorious to challenge this amendment, which is defective and deficient. He takes umbrage in the comments that are made that this somehow not be meritorious. It certainly would be, but we do not want to go there. Attorney Stevens explained if it were not for lawsuits we would not have access for the handicapped, if we did not have lawsuits we would be driving cars that are much less safe, if we did not have lawsuits the injured from a drunk driver would not have their rights. He would only pursue this if he has to, but he does not want to have to go down that path. Attorney Stevens advised what he does find particularly troubling is the fact that there have been comments made that said, if you do not agree with us, City Council, we business owners who renovated this property, will put a drug rehab facility in there, or a group home. He noted that threat has been made and to him that is not very neighborly. It is not something we think this Council should countenance and use as a factor in their determination to pass this ordinance. It is not very neighborly and we think you should deny this ordinance. Attorney Stevens mentioned with his December 12 memo he wanted to focus on a particular area with Darlene Heller's December 3, 2018 memo. In there she uses terms, the single family dwelling term, which is quite general, and he points that out in his memo. She takes the leap and says this amendment only applies to single family detached dwellings, but we say differently. If you look at the ordinance there are actually three categories of single family dwellings and therefore it encompasses other properties that Ms. Heller did not take into consideration. Therefore the memo that she sent you on December 3 saying that 8 properties that Attorney Preston submitted would not be affected by this amendment, is not accurate and is not based on a sound premise. That is because of the vague definition of a single family dwelling that was misinterpreted as submitted by Darlene Heller. It really does not matter if there is a single family detached dwelling, it is our position that any property owner can step in and say a single family detached dwelling with a commercial property in a single floor would qualify under this amendment. The problem we see going down the road, if this is passed, is that you can take this amendment and say I have a commercial on the first floor, residential on the first floor and then we just convert this whole single family detached dwelling to commercial under the way the amendment is currently worded. Attorney Stevens explained this is problematic and something that has not been fully vetted and has not been taken to task by City Planning and that is why it would be irresponsible to pass this amendment. He also wanted to focus on Ms. Heller's earlier comment in the memo that is it is unclear how many properties would be affected. She drew that conclusion and submitted that to you. She also submitted the conclusion that the end result of the amendment is unclear. We are still at the same place; there has been no clarification with respect to the true impact of this particular amendment on the citizens of Bethlehem. It is not just a project that occurred at 2 West Market Street, it is not just about the property owners who did a good job with the property, but that is not what this is about. What is before Council is this amendment and what impact it will have on the citizens of Bethlehem and that remains unanswered. Therefore it truly would be irresponsible to pass this amendment. Attorney Stevens submits to Council there is a further procedural issue that you will hear further on in that there are other properties that are affected. We have evidence that it leads to 8 more properties that would be affected. If that is the case then this truly is more of a comprehensive zoning amendment and therefore there is a procedural defect where the actual property owners who are affected need to have a notice of the hearing and that never happened. So just from the get go we have a clear procedural due process issue to challenge this amendment. With all due respect

Attorney Stevens implores City Council to vote no on this amendment. As he has said all along, to vote it in at this stage, when we do not know the impact, would truly be irresponsible.

Martin Romeril, 26 West Market Street, passed a handout to Council of the petitioner's list of seven other eligible properties. He mentioned that on page one of the handout includes the list that was given to Council on December 4, which was a week after the Planning Commission voted on the proposed zoning change. The residents who question the wisdom of this poorly considered zoning amendment looked at this list and immediately saw that two of these units were multi-family, while five would be eligible for conversion as single family properties with a non-commercial use. There is nothing in the proposed ordinance that says separate building, which was used to confuse a Council person's question about potential widespread use of this ordinance. Mr. Romeril stated this list was obviously deficient to anyone who took the time to drive through the north and south side neighborhoods. He noted on page two there is a list of nine more properties and it may not be an exhaustive list. He does not have fancy software and does not have access to the records of the City. The list is of nine more properties; include non-conforming commercial use of one residential use. There is nothing in the proposed amendment or the rest of the zoning code that would disqualify these non-properties from conversion to this new use. It is a new proposed use in the RT and RG residential zones. On page three there is a list of some of the properties and there are probably more, that are potential deconversions from multi-family to single family because that seems to be the one disqualifying element of the proposed text. If it is not single family it cannot become an office on that property, but he could take his two apartments and make them one apartment, a single family and I can convert it to an office. Mr. Romeril noted to be eligible for office space by deconverting from multi-family units to single family reduces the housing stock in the City. He noted there is nothing in the proposed amendment that requires a residential component on the property to be maintained. Everything could become an office. The entire residential use could be eliminated from any property under this amendment. He queried how an informed decision can be made on the impact when new information is presented each meeting, and asked how many went past seven of these properties on this list that were not the subject property of this amendment. He disagrees with the City Planner that none of those properties qualify. There is nothing in the current zoning ordinance that rules out the properties he has listed here with one family use. He continued on to say what about the other properties on page two and three and the definition of a professional office under Section 1302 of the zoning ordinance. It does not include financial services. You forgot to text amend that one. Judge Roscioli referred to Section 1323 that forbids displacing a conforming use with a non-conforming when she supported the Zoning Boards denial with the variance and defended the zoning code and the Zoning Board when it was sued by the current investor in the property. Mr. Romeril added that Judge Roscioli observed in her 2004 written opinion that the zoning code did not permit the current owner to make the property more non-conforming and that is what this proposed change does. A judge will have to make a decision to either eliminate Section 1323 or eliminate this.

Barbara Diamond, 425 Center Street, advised she has been interested and involved in municipal ethics for a few years having worked with a number of people here including some Council Members on trying to pass an ordinance that would have improved ethics standards in the City. She remarked Council is on the verge of taking official action that benefits one individual without conducting due diligence to determine whether it is in the interest of the City. She stated Quadrant Wealth Management was declined a variance twice by the Zoning Hearing Board but received one on the third try after making a substantial contribution to the City which

resulted in putting his business name on a public building. The Zoning Hearing Boards decision in favor of Quadrant was overturned by unanimous decision of the Commonwealth Court having been found to be improperly decided which then ruled that Quadrant is now illegally operating in a residential zone. Quadrant is now proposing that the City change its corner store provision in a way that goes against the nature and intent of that provision. Ms. Diamond noted the Mayor recently said he supports the amendment but the City did not present testimony that amending the zoning code is consistent with or furthers the Comprehensive Plan and that the amendment would benefit the City. She expressed the City's Director of Planning and Zoning acknowledged that the amendment clearly benefits Quadrant but the potential impacts on the City are unknown. She asserted the City did no extensive analysis of the impact to other properties or neighborhoods. They appear only to have considered Quadrant's Attorney's short list of eight houses and then improperly determined that those properties are not affected. Continuing on, Ms. Diamond noted the City Planning Commission did not recommend the amendment change. Lastly, she pointed out the arguments supporting the amendment are subjective and not based on the law or norms of practice. She expressed that most of the support for Quadrant comes not from people living in the neighborhood but from employees, principals, interns, clients, and the family who sold the home. Ms. Diamond commented Council needs to be aware that approving this amendment will expose the City to questions by the public about how business is conducted. She remarked on the same evening as the first vote, December 4, Council awarded a Certificate of Appropriateness to a favored developer who failed to adhere to mandated building requirements and referenced a newspaper article about grants awarded to favored developers that even Members of Council were not aware of. Ms. Diamond expressed we have the failure to enforce the City's ordinance permitting Jay Brew to operate his Airbnb's illegally. Ms. Diamond stated the conclusion that the City favors special interest is inescapable when we see that it will go so far as to change an ordinance and incur costs of litigation on behalf of Quadrant but refuses to enforce an ordinance against Jay Brew's Airbnb because it does not want to incur legal costs of enforcement. She feels there is a pattern of favorable treatment. Ms. Diamond hopes that Council will reconsider their vote this evening and oppose this amendment in the best interest of Bethlehem.

Mark Schadt, 2257 Pleasant Hollow Road, Coopersburg, emphasized that he is not sure how this property fell into the current zoning; it is a mixed use property and always has been. It is a non-conforming lot and is not sub-dividable. He pointed out, that in and of itself makes it unique and to try to place this zoning ordinance upon it makes it difficult, if not impossible, as we have seen at the last zoning meetings. He expressed therein lies the problem. He does not see how the zoning ordinance as proposed will start an avalanche of development as feared by the opposition. He has tried to understand their point of view, but unfortunately he just cannot. There does not seem to be a middle ground. Mr. Schadt mentioned even if an extensive survey is done and looked into whether this affects any other properties and the answer is none, he still does not think the opposition will be satisfied. People have seemed to dig in their heels and seem to be unwilling to compromise. He still urges Council to go forward with a yes vote. He reminded that this is on the very edge of a residential neighborhood and the vast majority of this block, perhaps 90% is already commercial. You are talking about downtown Bethlehem, storefronts, restaurants, Bell Telephone's tower, a parking garage, and Attorney offices on that block. Mr. Schadt added that is also part of the dilemma of this property.

Bruce Haines, 63 West Church Street, expressed Mr. Schadt grossly misrepresents the neighborhood of west and east Market Street where this property resides. You have been

orchestrated to believing that you have only one choice to avoid a blighted property in the historic district. Mr. Haines expressed the question that none of you have asked to this point is why would an intelligent businessman want to buy this property after being unanimously refused a variance for this business by the Zoning Hearing Board in 2014. Would you not at least wait until your appeal went through the higher courts and would you not want for a favorable reversal before executing a \$550,000 dollar contract? He feels the only answer is that is there had to be another buyer for the property for use as a single family home. Mr. Schadt testified at the Zoning Hearing Board hearing that they would not sell to someone wanting to convert to apartments with an ugly fire escape. Certainly they did not want to buy it for speculation since they repeatedly stated it was not saleable as a single family home, which it was zoned for. Nor was the property financeable for anyone but himself who had the cash, as he alleged. Council's vote was based on this change impacting only one property in one neighborhood of the City based upon an improper zoning interpretation fostered by the Planning Director. Mr. Haines noted that Market Street is not a mixed use neighborhood in the RT blocks immediately east and west of the property. There are 46 other buildings in those two blocks, east and west on Market Street and 42 of the 46 are conforming use properties including 5 schools and churches. Only four grandfathered non-conforming offices remain at this time. There are 37 residences and 31 are single family, not apartments. Deconversions of non-conforming properties in these two blocks have been ongoing for years starting with the purchase of his property at 65 West Market Street that was both residential and commercial but he turned to fully residential. Mr. Haines advised this property is primary single family by the zoning ordinance definition because the single family home is a primary building on this property. The green building is an auxiliary building like properties with carriage houses on Market Street. He noted children have been raised at the house for 160 years. The green buildings cannot be converted to office use by law without proving that it cannot become conforming residential. Mr. Haines asserted if Mr. Rij plans to spend \$400,000 dollars on the green building to become an office he is in for another five year fight because Section 1323 of the zoning ordinance does not allow a conversion of one non-conforming property to another non-conforming property. Following up on Ms. Lannan's comment Mr. Haines mentioned by putting the house under contract in less than four months their claim that the property languid for two years is simply not supported by the facts and the record shows it closed with one year. Morning Star has actually destroyed the single family character of the home with its fire escape addition during the 2017 premature conversion. It is a direct violation of the conditions imposed by the Zoning Hearing Board when it reversed itself irrationally. Mr. Haines stressed the City failed on its enforcement job. The property can now be put up for sale. It is a single family home like the 23 other large single family homes that have sold here in the past decade. He does not believe the property cannot be financed. Another option is Mr. Rij and his family can move into the home. He concluded saying demonstrate your commitment to the integrity of you zoning ordinance and preservation of your neighborhoods and vote no on this bizarre amendment.

Sue Glemser, 2132 Sycamore Street, stated she was Sue Schadt who lived at 2 West Market Street for 30 years. She wanted to make sure that Quadrant has not made any threats about residential drug treatment centers. Those are all concerns from the neighbors, and they are valid concerns. She has been fighting Mr. Atiyeh in her neighborhood for the last five years with the drug treatment center that he wants to put in. When we put the property up for sale it was up for sale for over two years, there were no buyers. Ms. Glemser reported here was one person who came who was a builder and they went to the bank; the banks knew the property and said it is commercial. We said it cannot be commercial, asked why cannot you get a residential loan, but

they said no, those green buildings on it makes it commercial. She then called Bank of America, Embassy and Ambassador bank and all three knew the property well and all said it is commercial. You cannot split it; you cannot divide it and cannot do anything with it. Ms. Glemser asks all the business people in this room, who is going to pay a commercial loan for a residential lot. Who will pay 4 or 5% over prime, nobody will. The opposition's claim is that it either turns into some type of apartments and the house and property is totally gutted and then it could be anything you want. It does not have to be a first class apartment building; it could be anything they want it to be. It is the only way to pay for it. No one will pay 4 % over for a 15 year mortgage, even if you can get it. Ms. Glemser stated by definition, you can call it residential all you want but the banks have determined it is commercial. She also wanted to say that yes, we did have a person 30 years ago who wanted to put a tattoo parlor into the green buildings and her father at that time said no, he did not want that. Those green buildings are commercial. She is for Quadrant moving in and she is for the fact that a house on a major corner of downtown Bethlehem will be maintained and beautiful looking for the next 30 to 40 years. Ms. Glemser hopes that Council votes for this change.

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

6. COMMUNICATIONS

A. *Golf Course General Manager – Recommendation of Award – Fine Golf Design, Inc.*

The Clerk read a memorandum dated December 6, 2018 from Larry Kelchner, Golf Course General Manager recommending a contract with Fine Golf Design to provide the economical solution focusing on developing a hole by hole plan for the 18 Hole Monocacy Course. The completion date for the report is March 31, 2019 with possible additional site visits through December 31, 2019 and the fee for the contract is \$5,000 which includes two half day onsite visits and possible 7 additional half day onsite visits at \$650 per visit through December 31, 2019.

President Waldron stated Resolution 10 B is on the agenda.

B. *Housing and Community Development Planner – Records Destruction – Community & Economic Development*

The Clerk read a memorandum dated December 7, 2018 from Allyson Lehr, Housing and Community Development Planner requesting Council to consider a Resolution for the Destruction of Records from the Community and Economic Development Department listed on the attached exhibit. All records and documents have been saved for the prescribed time per HUD and all other grant and loan guidelines.

President Waldron stated the Resolution can be placed on the January 2, 2019 agenda.

C. *Police Chief – Resolutions Request – Firearm Purchases*

The Clerk read a memorandum dated December 11, 2018 from Police Chief Mark DiLuzio to which are attached three agreements and Resolutions for the purchase of duty weapons by

three retired Officers of the Bethlehem Police Department. Retired officers purchase their duty firearm at fair market value and according to Third Class City Code regulations.

President Waldron stated Resolutions 10 C, 10 D, and 10 E are on the agenda.

D. *Director of Public Works – Resolution Request – Amendment to Penn DOT Reimbursement Agreement – Route 412 Water Facility Relocation*

The Clerk read a memorandum dated December 14, 2018 from Michael Alkhal, Director of Public Works to which is attached a proposed Resolution authorizing the Mayor and Controller to execute an amendment to the Penn DOT reimbursement agreement for water facility relocation in connection with Route 412 Section 001.

President Waldron stated Resolution 10 G is on the agenda.

7. REPORTS

A. *President of Council*

1. *Councilmanic Appointment –Julie Zumas, Bethlehem Area Public Library Board*

President Waldron reappointed Julie Zumas to membership on the Bethlehem Area Public Library Board, effective until January, 2022. Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-258 to confirm the reappointment.

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

2. *Councilmanic Appointment – Sharon Yoshida – Bethlehem Area Public Library Board*

President Waldron reappointed Sharon Yoshida to membership on the Bethlehem Area Public Library Board, effective until January, 2022. Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-259 to confirm the reappointment.

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

B. *Mayor*

Pedestrian Bridge Study

Mayor Donchez explained he met with Northampton County Executive Lamont McClure last Thursday and the City will apply for a grant probably in the first quarter of 2019 for the study for the pedestrian bridge and Executive McClure will support a \$60,000 dollar request from the City for the study of the bridge.

8. ORDINANCES FOR FINAL PASSAGE

President Waldron noted there are a number of ordinances for final passage mostly regarding the budget. When planning the agenda the Clerk asked him which order to put these agenda items in. We thought we would make everyone listen to the all the votes and discussion of our \$78 million dollar budget that we are passing this evening before we got onto the matter at hand of why most of you are here this evening. Hopefully we can get this done quicker than the City of Allentown.

A. *Bill No. 34 – 2018 – Adopting the 2019 General Fund Budget*

The Clerk read Bill No. 34 – 2018 – Adopting the 2019 General Fund Budget, on Final Reading.

Mr. Reynolds mentioned we sat through 10 or 11 hours of budget hearings and he believes Mr. Gallagher was here for much of that, as well as his grandson, and Mr. Haines came to a few of those meetings. Other than that we did not have much citizen participation at the budget hearings. He will sum up what he thinks he learned in those 11 hours. In this budget there are a lot of things that we should be proud of, not just as City Council Members and as Administrators, but as citizens and taxpayers. When you look at our budget as far as our commitment to public safety and initiatives that he and others have championed regarding Climate Action, Northside 2027, Open Data, and there is funding in the budget for the Bethlehem Food Co-op and the Rose Garden, there are many investments in there that we should be proud of. He knows this is a process and he knows for Mr. Evans, Mayor Donchez and Mr. Sivak this can be painful on a day to day basis in talking to employees and Department Heads about tightening our belt. He often looks at the criticism and the conflict and President Waldron jokingly referred to the City of Allentown. Mr. Reynolds works in the City of Allentown every day and it was silly to watch the fact that they knew there was a very small disagreement that they were willing to have that shenanigan vote at 11:59PM on a Saturday night so Council did not have time to veto it. The difference was between a 23% and 27% increase. Mr. Reynolds was at school today and talked to someone who lives in Bethlehem, who also works in Allentown and the individual stated that is why he lives in Bethlehem, because you would never do something like that. Sometimes we forget that. There have been times during budget hearings where we ask the Administration to do different things and have a debate about it, but Mayor Donchez would never say he will sign something at 11:59 pm and we would never say we are going to wait until December 31, that would never happen. We had those 11 hours of budget hearings and heard all about what the departments are doing, and there is a lot to be proud of in there in how we deliver our basic City services and what our commitments are with where we are putting our hard earned tax dollars. Mr. Reynolds thanked the Administration, City Council, and the few residents who came out to those hearings.

President Waldron added the Administration did well to task their Department Heads with holding those 2017 budget numbers and that showed in this budget. It is always a fun thought process to come in with the idea that you are going to chop out a bunch of extra and fat that does not belong in this budget or any budget. But that is not the case when you talk about where your expenses are going from personnel costs for public safety, pension costs which are creeping up, for health insurance and there is just not much left over after that which you would possibly consider cutting when we talk about do we should pave less streets or do we not plow

snow or do we not take care of our parks or not turn the lights on a Christmas tree. These are the practical conversations we are having, such as do we provide services to folks in an effective manner that is responsible also to the taxpayers who are burdened with these increases that are being put on both homeowners, and the Department Heads and Administration that are tasked with providing these services. President Waldron thinks this is a great budget and it shows the willingness of the Administration, Department Heads, and the Council to work well together in order to come to what is ultimately a compromise. He thanks everyone for the work they put into this budget.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 34 - 2018 now known as Ordinance No. 2018-28 was passed on Final Reading.

B. Bill No. 35 - 2018 - Adopting the 2019 Water Fund Budget

The Clerk read Bill No. 35 - 2018 - Adopting the 2019 Water Fund Budget, on Final Reading.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 35 - 2018 now known as Ordinance No. 2018-29 was passed on Final Reading.

C. Bill No. 36 - 2018 - Adopting the 2019 Sewer Fund Budget

The Clerk read Bill No. 36 - 2018 - Adopting the 2019 Sewer Fund Budget, on Final Reading.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 36 - 2018 now known as Ordinance No. 2018-30 was passed on Final Reading.

D. Bill No. 37 - 2018 - Adopting the 2019 Golf Course Enterprise Fund Budget

The Clerk read Bill No. 37 - 2018 - Adopting the 2019 Golf Course Enterprise Fund Budget, on Final Reading.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 37 - 2018 now known as Ordinance No. 2018-31 was passed on Final Reading.

E. Bill No. 38 - 2018 - Adopting the 2019 Liquid Fuels Fund Budget

The Clerk read Bill No. 38 - 2018 - Adopting the 2019 Liquid Fuels Fund Budget, on Final Reading.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 38 - 2018 now known as Ordinance No. 2018-32 was passed on Final Reading.

F. *Bill No. 39 – 2018 – Adopting the 2019 Capital Budget for Non-Utilities*

The Clerk read Bill No. 39 – 2018 – Adopting the 2019 Capital Budget for Non-Utilities, on Final Reading.

The Clerk read the amendment to Bill No. 39-2018 sponsored by Mr. Reynolds and Mr. Callahan.

Amendment to Bill 39-2018

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, ADOPTING
THE 2019 Capital Budget for Non-Utilities

The appropriations from the Capital Budget for Non-Utilities shall be amended to read as follows:

Public Works – Streets

Street Overlays \$2,245,498

Total for Public Works – Street - \$4,534,638

Public Works – Other Projects

~~Artificial 40 foot Christmas Tree – \$90,000~~

Pedestrian Bridge Feasibility Study - \$40,000

Total for Public Works – Other Project - \$1,493,767

Recreation

Rose Garden Improvements - \$100,000

Total for Recreation - \$5,135,270

The total appropriations for the Capital Budget for Non-Utilities for 2019 that reads as follows:

Twenty-Three Million, Seven Hundred Thirty-One Thousand, Eight Hundred Ninety-Two (\$23,731,892) Dollars remains unchanged.

President Waldron noted this is what he was referring to when he talked about compromise and the Administration and Council willing to work together.

Mr. Colón thanked President Waldron and Mr. Reynolds and noted for a long time we have heard Ms. Toulouse and other members on the west side of Bethlehem talk about working on the Rose Garden and they coming to meetings hoping for some funding. He knows Mr. Callahan also expressed his support for funding for the Rose Garden at a few meetings. He thanked them for coming forward with this amendment.

Ms. Negrón echoes what Councilman Colón just stated and added that we had a very healthy and passionate conversation. She is glad we took the fake tree out of the budget and that we will put that money to better use. She also hopes that due to a healthy and passionate conversation that we had about how much we care for the Rose Garden and for the pedestrian bridge, if the sale of the Sands Casino goes through, the Administration will think about this

money for these projects. She thanked Council for being supportive and thinking outside of the box.

Voting AYE on Amendment to Bill No. 2018-39: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7.

Voting AYE to Bill No. 2018-39 as Amended: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 39 – 2018 now known as Ordinance No. 2018-33 was passed on Final Reading.

G. Bill No. 40 – 2018 – Adopting the 2019 Capital Budget for Water Utilities

The Clerk read Bill No. 40 – 2018 – Adopting the 2019 Capital Budget for Water Utilities, on Final Reading.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 40 – 2018 now known as Ordinance No. 2018-34 was passed on Final Reading.

H. Bill No. 41 – 2018 – Adopting the 2019 Capital Budget for Sewer Utilities

The Clerk read Bill No. 41 – 2018 – Adopting the 2019 Capital Budget for Sewer Utilities, on Final Reading.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 41 – 2018 now known as Ordinance No. 2018-35 was passed on Final Reading.

I. Bill No. 42 – 2018 – Adopting the Community Development Block Grant Budget for 2019

The Clerk read Bill No. 42 – 2018 – Adopting the Community Development Block Grant Budget for 2019, on Final Reading.

Mr. Reynolds thanked the Administration for their commitment in CDBG. As we have said many years in a row it is unfortunate our CDBG funds are never nearly as much as we would like for the amount of projects we have. While all of these are important, he knows that the money that has been allocated for the Bethlehem Co-op is an important commitment. He thanked the Mayor and Ms. Karner for recognizing that and for all of their hard work. Mr. Reynolds pointed out that when you look through page 307 in the budget book, and everything between the Bethlehem Co-op and New Bethany Ministries and all these other organizations, it really shows how far a few dollars can go in creating good for the community.

Ms. Negrón informed she will be abstaining from this vote because she is a board member for New Bethany Ministries and they are receiving CDBG funds.

Voting AYE: Mr. Colón, Mr. Martell, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. Abstain: Ms. Negrón, 1. Bill No. 42 – 2018 now known as Ordinance No. 2018-36 was passed on Final Reading.

J. Bill No. 43 – 2018 – Adopting the 2019 9-1-1 Fund Budget

The Clerk read Bill No. 43 – 2018 – Adopting the 2019 9-1-1 Budget, on Final Reading.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 43 – 2018 now known as Ordinance No. 2018-37 was passed on Final Reading.

K. Bill No. 44 – 2018 – Fixing the 2019 Tax Rate for All City Purposes

The Clerk read Bill No. 44 – 2018 – Fixing the 2019 Tax Rate for All City Purposes, on Final Reading.

Dr. Van Wirt explained she has been on Council for nine months so she is fairly new to this. The one thing she struggled with was understanding how the pensions got to the point where we were so underfunded. She related she got some good explanations, but she is still struggling. Dr. Van Wirt is bringing this up because she hopes we can work with the Administration to ask that we have a more regular update from the Pension Board in a simple kind of way that we can understand how we are doing and how do we prevent this from happening in the future. This is really the Administrations' role, but since we are the ones who have to vote for a tax increase she hopes that we can be as informed as possible about the processes that put us in this situation. Dr. Van Wirt mentioned she was driving by Dempsey's today and she wondered what is happening with that place, which led to her think that perhaps some of the reasons we are put in certain positions is because we do not have a lot of this feedback to Council on a regular basis about how projects are going. She would also ask that we have regular CRIZ updates, Bethlehem Parking Authority updates and Redevelopment Authority updates because these agencies and authorities have a lot of activities going on. She acknowledged there are minutes and we can read them, but it is not the same as them coming to us to explain what is happening and give us a chance to ask questions. That would be her request to the Administration to consider a way we could embed more regular updates from these really active and dynamic City activities.

Mr. Callahan thanked the Mayor, Mr. Evans, Mr. Sivak, and all the Department Heads. This is a tight budget that took a lot of work. He pointed out this is only the second time he ever considered raising taxes. The reason why he will be voting yes on this tonight is because there is no additional room for reductions in the budget. We are at the lowest rate of employment of City employees in probably 20 or 30 years. There is not any room to cut anymore other than public safety and no one wants our public safety departments weakened. Mr. Callahan added he wants everyone to know that when we go through budget season and talk about tax increases he tries to think about where he grew up on the west side on Kaywin Avenue. That neighborhood had a drastic impact on his life; he saw people struggling paycheck to paycheck. He added if there was a sickness or loss of a job for a parent it put extreme hardship on people. Mr. Callahan remarked when he gets a chance he goes to the Church of the Manger and runs into some of his old neighbors and many of them are struggling and living on fixed incomes. They are older now and do not have the ability to go out and get a second or third job. So he is always conscious about raising taxes because he realizes it comes out of their pockets. He informed we need to understand there are only two ways that we bring money in. Those are raising taxes or we

increase a ratable on a property, like an empty lot. He expressed if we do not have economic development and increase a ratable on a property; whether it is a new building or a tear down, the only way we bring in additional revenue is by raising taxes. Mr. Callahan does not think anyone here wants to get to a point where our taxes get so high that it becomes unaffordable for people to live here, and that is his worry 10 or 15 years from now. If we keep on raising taxes there will be lower income people who cannot afford to live here anymore, almost like a mini model of Manhattan. Fortunately for us, Bethlehem is a very desirable place to live and probably the most desirable in the Lehigh Valley. So when we are considering economic development projects like the Benner building bringing in \$250,000 dollars a year in taxes and the 510 Flats bringing in \$260,000 dollars a year in taxes that is real money. He noted that is Police Officers and Firemen. Mr. Callahan also thanked the Council Members. He wishes we had all of the citizens who are at this meeting show up for the Budget Hearings. Mr. Callahan added the tax increase is basically due to the rising cost of pension and healthcare.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 44 - 2018 now known as Ordinance No. 2018-38 was passed on Final Reading.

L. *Bill No. 45 - 2018 - Amendment to Intergovernmental Service Territory Agreement - City of Bethlehem, Northampton Borough Water Authority*

The Clerk read Bill No. 45 - 2018 - Amendment to Intergovernmental Service Territory Agreement - City of Bethlehem, Northampton Borough Water Authority, on Final Reading.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 45 - 2018 now known as Ordinance No. 2018-39 was passed on Final Reading.

M. *Bill No. 46 - 2018 - Zoning Text Amendment - Section 1304.04 - Reuse of Corner Commercial Uses Allowed in the RT and RG Districts*

The Clerk read Bill No. 46 - 2018 - Zoning Text Amendment - Section 1304.04 - Reuse of Corner Commercial Uses Allowed in the RT and RG Districts, on Final Reading.

Ms. Negrón stated she is privileged to be sitting here on Council. She added that the residents of the City of Bethlehem elected her to sit in this seat. She ran a second time and won again although she did not think she had a chance mainly because she always speaks her mind. That is what she believes she is supposed to do. She appreciates all of the feedback and those who do not live in our City she welcomes them to Bethlehem and is glad they enjoy it. She appreciates those who live in the City and come to these meetings again and again and speak up. Ms. Negrón heard a few comments that she really appreciated. She voted against this at the last meeting and she will vote against it again. She commented Mary Toulouse said something asking us to allow the residents of the City to make the decisions for what the community and neighborhoods is going to look like. It is a great statement but she challenges Ms. Toulouse that is exactly what happened when the zoning code was written. Some of the residents of the community who are here tonight were here and were part of the decision making that changed the zoning ordinance. So we just have to follow them and then we will be doing what you wanted us to do. She appreciates she mentioned that but that was done already and was proven in court and at the Zoning Board. Then we have the business owner of the property coming to us

asking for the change that you, the people made, and what you wanted it to be to keep your neighborhood. Ms. Negrón stated she does not live in the historic area. She wishes she did, but she lives on the south side and she has seen the changes there as mentioned by Mr. Antalics. She wishes she had the money to buy a home in the historic district and she admires all that keep up the historic district, because you cannot just go to Home Depot and buy a window when it breaks. There are rules and you follow them. You do not come to us and ask for a text change to get something done. She also took notes at the beginning with Beall Fowler and his comments that zoning is supposed to be permanent and she wonders not in the City of Bethlehem, but it should be she guesses. She remarked, at any given time it looks like anyone can make changes or make requests or just break the rules depending on how big your pocket is. Ms. Negrón appreciates the feedback and will again vote against the request for the change.

Mr. Callahan does not want to go over what he said at the last meeting but he noted this is also a mixed use neighborhood. There are people who disagree with that. This property has stirred a lot of discussion and debate. We have spent about nine hours listening to people speak here in Town Hall. Mr. Callahan has also met with other City Council members and had a discussion with Dr. Van Wirt about this. He thinks that everyone on Council has done their due diligence to really research this and come up with a decision in each one of our minds that we are safe with and feel good about. He finds it offensive that there are accusations that we are rubber stamping and that municipal ethics are being violated, and that Mr. Rij is doing something illegal, but this is all of the process and he is following his legal due process. Mr. Callahan noted we received a letter from a resident saying this is pay-to-play. Mr. Callahan informed he barely knows Mr. Rij and he has not taken a dime from him nor would he, especially after this. Mr. Callahan is making this decision based on what he sees and the research he has done. He talked to the past Mayor when the zoning was being redone in 2012 before he was on Council and that lot was originally going to be zoned commercial and there was a pushback from some of the neighbors about it and they pulled it. There has always been a commercial aspect to that property. He actually thought that it was separated at that point because there are two addresses, but it never was, it was always one property on one deed. There are two financial services already on that block, a law firm, two school buildings, the bed and breakfast across the street and also the cemetery, it is a mixed use neighborhood. Mr. Callahan noted nothing shady has happened; there is no pay-to-play scheme. One of the speakers tonight was psychoanalyzing our comments from the last meeting in how we defended our vote. Meanwhile, someone on Council did not say anything and just voted and he too was criticized. He pointed out, if you do not say anything you get criticized; if you do and we explain our vote we get criticized, but we try to do our best. He expressed we always try to do what is best for the City as a whole. Mr. Callahan noted that some may disagree with us on occasions but overall we really try to do what is best for the City and each individual neighborhood and he hopes everyone keeps that in perspective when the next big decision comes up that you care about. Mr. Callahan added to not stop fighting because that makes Bethlehem a great City.

Dr. Van Wirt mentioned she sent a memo to Ms. Heller a week ago asking for clarification of potential properties that are mixed use with a non-conforming use. That means they have a non-conforming use on them and they have a residence on them. She received an answer at 8:30 this morning and a very difficult map to see. She was able to count 64 properties on this map. She pointed out that does not mean that they are all going to be applicable to this zoning amendment, but what it does mean is that we have not done an analysis of how many potential properties could be impacted by this amendment. Dr. Van Wirt does not understand why we have not done an analysis. The Mayor came out at the eleventh hour supporting this, but the City

Planning Bureau has been put in a really tough spot because does the Administration support this or does it not support this? Then one City Council Member having to ask for a map showing potentially affected properties to her puts us in a terrible position of voting on something when we do not understand what the impact is. Dr. Van Wirt reflected having questions for Ms. Heller and disappointment in not being at the meeting. She remarked there has been a lot of discussion about the fact that she made an analysis that these homes Mr. Preston put forward and would it not be applicable. Dr. Van Wirt affirmed she spoke with a professional city planner in the Lehigh Valley about the verbiage here, who felt that it could be completely construed in the just the opposite way very easily by any lawyer or Zoning Hearing Board. She is left with more and more questions and not any answers. She does not have Darlene here to answer these questions; we do not have an impact analysis of what is going on here, it gives her great pause. Dr. Van Wirt informed she met with Mr. Rij at his invitation, and listened to him for about 45 minutes, and he gave a great explanation of why he was in this house. At the end she used all of her experience, training, background and analysis to tell him politely that she did not support it. She noted his response was that he was sure that Mr. Atiyeh is going to be very interested in this as a halfway house or a drug rehab center. Dr. Van Wirt felt this was a threat because this neighborhood is vigorous in selling its residential houses and this neighborhood can support development similar with the Church Street Market and what they have done there with the commercial component behind it. There are a lot of creative interesting ideas that could have happened in that place. It was not necessarily consigned to this fate. Dr. Van Wirt also wanted to ask Ms. Heller if we needed to notify any of these potentially impacted residents. We do not know which residences it will impact and should we be notifying any of the 64 or should we be notifying a subset of the 64 and how do we address that. Also what if Quadrant vacates the premises, sells, rents or creates a subsidiary; she knows they said they will not, but it is a business and things happen, all of those other uses are allowed by right. That means whoever comes in there does not have to go to the Zoning Hearing Board for those types of uses to be permitted, they are just regulated but are permitted by right. We have not had any type of impact on how it would not just affect that building, but any of the other buildings. Dr. Van Wirt feels these four points warrant much more research. Those are her comments specific to 2 West Market Street. She is going to ask the members of Council to rise above the concerns of this building and this corner and think more about what is best for the City as a whole. Dr. Van Wirt noted there is a constant to decisions that have been made to this Council now and before her time. It is based on a willfully outdated concept that any development is good development. We have been told how the building at Third and New Street is better than a vacant lot, as if that is all the choice we have. Development is a road and anyone can drive on this road but only two players really play on this road in Bethlehem; that is Mr. Benner and Peron Development. Other developers now steer clear of Bethlehem choosing to develop in Easton or other aspects of the Valley because they know the rules of the road in those places. The rules in Bethlehem have become muddy. We give \$800,000 dollar grants to developers inappropriately and we let developers build an illegal terrace when they knew exactly what was allowed. We gave them eleven variances on an Armory project with no safeguards that the Armory would actually be protected and built. She continued on to say that one of our citizens, who seldom speaks, but follows Bethlehem City affairs closely, sent her an email about rules and Dr. Van Wirt recited the email. "One analogy that keeps coming back to me as I think about this zoning case and the historic preservation case for the Third and New Building is the City's haphazardly allowing a few people to run red lights, not in a systematic way like fire trucks running red lights but a few random unmarked cars get to run lights. It does not seem like a big deal. Statistically a few people are likely to interact with those few cars at intersections but this means that everyone becomes less confident in green lights. As another

driver I am now always going to check to see if some of those lucky few are about to run and blow a red light at any intersection I am at. The whole set of rules, go at green, stop at red suffers. While zoning is not life or death most of the people investing in housing or neighborhoods like some reassurance that what they invest in is likely to stay the same or at least change in a way that they can foresee. That is one of the biggest points of zoning. When there is not that level of predictability, people become less likely to invest.” Dr. Van Wirt explained on this road where one or two developers get to blow out by the red lights we are in control, not the developers and good community developers. People who want to invest in our City stay away because the rules are ever changing and the rules favor a few investors be they developers, businesses or home buyers. They want to know that the rules are clear applied equally and that their investment will be safe from changing rules. Dr. Van Wirt asserted this Council and the Administration has created an environment where investors stay away due to exactly the thing we are talking about tonight. She expressed we do not have to accept just what the developers hand us. We can build our tax base by giving them straight rules to follow because if we do not they will come back again and again and say they need a special exception or they need to create a whole zoning variance, that will affect the whole City.

Dr. Van Wirt stated she would like to make a motion to table this amendment until we have the analysis done by the City to determine the impact of these votes. Ms. Negrón seconded the motion.

Voting AYE on the motion: Ms. Negrón, Dr. Van Wirt, 2. Voting NAY: Mr. Colón, Mr. Martell, Mr. Reynolds, Mr. Callahan, Mr. Waldron, 5. The motion failed 2-5.

Mr. Reynolds would say that what Dr. Van Wirt said about everyone trying to do what is best for the City, even though we have disagreements, is the backdrop for a few comments he wants to make. At the last meeting he wanted to make the point that he felt we really have two groups of citizens that are living in the historic district. He noted that some that are supporters and some are opponents of the Ordinance. He probably used the word “you” when he could have said someone or some advantages of townships; he probably could have worded that better. It was an attempt to show what separates people. We have had many communications, people have shown up today and we have people who have given their all to the historic district, to historic preservation, to raising their family there and they honestly have a difference of opinion. There are some people who are their neighbors that do not necessarily agree with the potential limited corner uses. It led him to think more about this corner conversation and that is what this really is. Mr. Reynolds mentioned at the beginning of his comments at the last meeting he talked about how he was going to follow the directions of many of the speakers, and he does think we need to take a lot of emotion out of this. He continued to say we heard a lot of positive things and negative things about Mr. Rij. Those are all important but he does not think that is what should drive our decisions. He knows there is a lot of emotion involved in the fact that this is multiple times that this conversation has occurred in different areas of City government. To look back on this, it is more appropriate that we take a look at a text amendment here than there would be a hardship. He went back to 2012 and the conversations we had about what corners meant for a City and how we should zone and legislate corners in our zoning code in 2012. The one thing that you see when you read through the minutes and read through the Planning Commission conversations about corners and different things about corners is that they are distinct and that is an important point. Conversations come up that if you allow something on corners or if you allow potential limited commercial uses on corners, it could allow somebody the same in another area in the middle of the block. He read through all of the meeting minutes from 2012 and

pointed out there was a lot of conversation among members of Council, the Administration at the time. He remembers Mr. Haines and Mr. Stevens and many neighbors had a lot of comments about what was and what was maybe not appropriate on corners. There were some disagreements, but there were a few things that came up. One is that corners are distinct, they are different and they are something that you can look at differently. Also, seven years ago nobody in those conversations, even though there were disagreements about what we should allow on corners, said if we create this kind of corner definition in our zoning code it may lead to people in other parts of the streets to say it is unfair that the City created some type of different distinct definition of what we want from corners. That is important because the one argument he has heard about the past few weeks is the potential legal liability. Mr. Reynolds noted nobody in the last seven years, as far as he knows, has been able to use that. So the question that comes up is what do we want on our corners and what is the process for using our corners. He applauds Dr. Van Wirt for sending the memo to Ms. Heller. When they received the information about non-conforming uses, he looked through the data and looked at the map and noticed that non-conforming uses, and he is not talking specifically about what is in front of us today, but he is talking about what came up with the data of non-conforming uses make a City; especially when we look at what is on corners in our neighborhoods now. The kind of negative connotation around all non-conforming uses is an important one as well when you look at what is non-conforming uses now, whether it is Lumps Deli, or Pott's Hotdogs, or the Church Street Market, any of those. These are a lot of the things, when appropriate, that are the types of things people want in their neighborhood. Mr. Reynolds noted there is some flexibility in the Zoning Code, and it is legal as far as going to the Zoning Hearing Board to ask for a variance and coming here to ask for a text amendment change. He pointed out this Council has voted for zoning changes on other projects in the past. It comes back to that idea of how do you put together that particular process. When he looks at this text amendment he understands a lot of the focus is on what could go at 2 West Market Street. When he looks at this potential list, and he agrees that he does not think a lot of these properties would qualify, he is familiar with many of these. He is familiar with 1124 and 1126 Linden Street because they are a few houses away from where he grew up. The ones that are on Elizabeth Avenue and on Main Street are right around the corner from his home. Mr. Reynolds noted people talk about the potential negatives of this, but he thinks there is positive there as well. When you look at what the text amendment does as far as what the flexibility of corners does, that is an important part. When he read through the 2012 meeting minutes, he noted one of the things that came up was that our original corner commercial uses allowed in RT and RG went to the Planning Commission in 2012. This was before Ms. Karner's time; Mr. Reynolds, Mr. Donchez and Mr. Evans were on Council at the time. He remembers Mr. Haines and Mr. Stevens weighed in on the idea that we wanted to reuse corners had that big commercial storefront. What we ended up doing was passing this ordinance that made it easier for current non-conforming uses on corners to be involved here, but also for people like the Church Street Market to occur at that corner. The Administration at the time went to the Planning Commission with language, and the language that the uses at the time was by the Planning Commission and ended up with a 4-0 vote against the recommendations. It might be that you think the Planning Commission thought that the Administration's corner potential uses was going to be not strict enough, but it was actually the opposite. Mr. Reynolds then read from the minutes. "Mr. Twigger stated that he feels the amendment is much too restrictive. The use restriction states no tattoo parlors. He added that tattoo parlors are not a loud or disruptive use. He stated that the restrictions on the building features, number of chairs in a barber shop are too specific and he would like to see these two sections revised. Ms. Negrón asked why the frying of food was specifically mentioned in the amendment. As long as it is within fire code and kept in a clean

manner why should they not be allowed to fry food. Mr. Fiorentino agreed stating that the amendment does not even differentiate between deep frying and the frying of an egg. Mr. Fiorentino also stated he is puzzled by the need for a large front window. Not all commercial spaces have a large front window." Mr. Reynolds stated then the Planning Commission voted 4-0 because they thought that what the Administration brought forward was not flexible enough. It came to City Council at the time and City Council voted against those Planning Commission recommendations to include these potential uses in the code. When he was reading through the minutes he saw a lot of testimony and realizes when you speak to people, as far as the history of Bethlehem is concerned, a lot of interesting things often happen from non-conforming uses. We hear there used to be a market here and a market there. He noted that Mr. Stevens said back in 2012 that he came from an immigrant Czechoslovakian family. His great-grandfather was a butcher and great-grandmother ran a corner store which was actually in the middle of row homes; it was not a true corner property. That is a perfect plan of allowing a commercial use in a residential neighborhood. The story of what makes a City unique is the idea that you have these individual non-conforming uses, these individual things about neighborhoods that create character. He understands what some of the concerns are and he would never say to somebody else on Council that their vote was wrong. We all end up putting different priorities on different things. What he sees in front of us is an opportunity for flexibility that has a backdrop as far as the Zoning Hearing Board is concerned, as far as those uses in there, as far as precedent, and what the City has done in a large community process when talking about what happened with corners and how they are distinct and what to do in the zoning code, and create a process by which people are able to say yes or no. We can disagree on some of these things, but the one thing that everyone can agree on is that the public process allows City Council to say yes or no, the Zoning Hearing Board to say yes or no, the Administration to say yes or no. Mr. Reynolds thinks you need to create a system that allows the flexibility to move forward while at the same time saying no when need be. He thanked everyone for coming out tonight. He thanked City Council for all of their comments and he will be voting yes on this tonight.

Mr. Martell also thanked everyone for coming to the City Council Meeting. He recognized the amount of input, the many hours of comments and emails. There are many strong feelings and good opinions on both sides. He reflected every single person on City Council runs for office to protect the neighborhoods of Bethlehem, and they focused on the fact of that is what makes Bethlehem special. It is the strength of the neighborhoods and the participation in the neighborhoods. He respects everyone's opinion in their attempt to maintain that. Mr. Martell pointed out sometimes that leads to a difference of opinion and perspective. What is most important in this issue is the focus on the main issue which is the text amendment and the different ramifications of passing it and not passing it. He commented that when he looked at his decision he tried to look at the basics. We can all see it is a unique property. It is on the corner of a busy intersection, abuts the commercial district and is surrounded by residential uses. The Schadt family testified several times how difficult it was to sell the property and the challenges that went along with it, not mentioning the fact that there is a commercial and residential use tied to the property and the challenges with those aspects of the property. Mr. Martell mentioned in listening to everyone he saw three arguments against passing this zoning amendment. The first one was that the project in and of itself would be a detriment to the neighborhood. We have a pretty strong case study in the fact that the business has been operating there for a year and he did not hear of any detriments that had occurred within that property. Many folks in favor of it have cited the benefits that have already accrued in that neighborhood. There were even some who were against the amendment in general who also were recognizing it is really not about the

project, the project in and of itself is a good addition to the neighborhood and they have been good neighborhoods. The second and third one are tied together. The second one is the argument that by doing this it potentially leads to problems down the road, and it will create a precedent, and the fact that you need to look at the effects on other properties, which are two serious concerns that should always be taken into consideration. Mr. Martell thinks both of those are answered by the fact that when you look at the language of the amendment it is sufficiently restrictive in terms of what it does allow. Additionally, there is the component where any use would need to go back to the Zoning Hearing Board and then there are various different requirements that they would need to justify or improve in order to get those variances. That kind of takes the argument that it might change different things down the road when there already is that restrictive policy. He continued to add that when you look at the effects of other properties, we have had several different lists of different properties that would be included in this, some by those in favor of the amendment and some by those opposed, and then we received a response to Dr. Van Wirt's memo, a list of potential properties. He asserted that to him, when you look at all those different examples of existing non-conforming uses it strengthens the argument for this amendment because a large majority of them are currently operating and respected businesses. Mr. Martell mentioned when you look at that list, many are already non-residential uses and many people have them in their neighborhoods and they respect the value that they bring to the neighborhood. In a way, it does provide some flexibility for unique properties in different neighborhoods. That provision is there to safeguard and protect neighborhoods, but allow that flexibility where there might be a problem in selling the unit that it actually can promote smart and sensible investment. Mr. Martell thinks when you take this in totality of all of the information, and the current operation there and throughout the City, it does make sense and will be a benefit to the property and the neighborhood and neighborhoods throughout Bethlehem, and for those reasons he will be voting yes for the amendment.

President Waldron thinks it is easy to sit up here or stand up at the microphone and speak in certainties to say if you do not do this, something bad will happen or if you do take this action I guarantee this other thing will happen. It is easy to say that the other side is wrong. What he is choosing to do is to approach this with the idea of faith. He has faith Quadrant will be a good neighbor, faith that only a few other properties are affected by the change, and faith that the Zoning Hearing Board will stand up to protect our neighbors in the event something comes to them. President Waldron has faith in the process that has been laid out there and he has faith for all those involved in that process. It may be a bit naïve and some of you may criticize him for that but he is choosing to have faith in the better nature of all of us. For that reason he will be supporting this amendment.

Mr. Callahan mentioned at the last meeting we had some people criticizing a lot of things going on with the south side. As President Waldron said, every time there is a controversy or topic there are a variety of people who come out and start listing many varieties of uncertainties. There are some developers in the City and we are very fortunate that we have about six of them. We do not rubber stamp like some people assume or accuse us of doing. We try to look at every single development on its own merits. To accuse us of being in the pockets or saying something was illegal is not right. He noted that Mr. Rij has had the opportunity to go through the legal process and he has the right to ask for this text amendment. We are very fortunate to have the people to invest in the City. Mr. Callahan mentioned that Allentown has three developers. This is Bethlehem, and there are no multi-millionaires jumping out of the woodwork that want to do economic development projects. It is very easy to go and attack Mr. Benner, Mr. Perucci, Mr. Petrucci or Mr. Pektor but if it was such a sure fire deal and you will make a profit on it, why did

that property at Third and New Streets sit there for 10 years. We spent \$65 million dollars in investment in the last year on the south side. A regular speaker at every single meeting talks about how terrible the south side is. We had a Councilwoman last week that was doing the same thing. Mr. Callahan asked Mr. Joe D'Ambrosio, who has been in business for 55 years and has lived on the south side all his life, if the south side was better 10, 20 or 30 years ago and Mr. D'Ambrosio said no. Mr. Callahan has never seen the south side better than it is right now; it is thriving and is vibrant. There has been a lot of effort on many Administrations and many people on Council to try to better that area. He noted people were against the Third and New Street project, the 510 Flats, and the New Street Garage. Mr. Callahan would hate to see where we would be as a City with some of the same people criticizing One East Broad across from Billy's Diner; that is a beautiful building. Mr. Callahan noted there were some against the Sands Casino, but they bring in \$9.5 million dollars in the Host Fee. He pointed out the Sands brings in more money per year than the Bethlehem Steel did in its heyday in taxes. He continued on to say all this does not just happen just because it is a sure thing. It is because people are doing their due diligence and trying to make the best decision for the City. Mr. Callahan remarked we have tried to do our best with Mr. Rij's property. He thinks it is a shame that developers are being attacked, City Council people are being attacked, and it is said that we are on the take, there is pay-to-play going on. He concluded saying please stop this, it is nonsense.

Voting AYE: Mr. Martell, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 4. Voting NAY: Mr. Colón, Ms. Negrón, and Dr. Van Wirt, 3. Bill No. 46 - 2018 now known as Ordinance No. 2018-40 was passed on Final Reading.

N. *Bill No. 47 - 2018 - Intermunicipal Cooperation Agreement - City of Bethlehem - Hanover Township, Northampton County - Bethlehem Township Municipal Authority - Sanitary Sewer Service Transportation*

The Clerk read Bill No. 47 - 2018 - Intermunicipal Cooperation Agreement - City of Bethlehem - Hanover Township, Northampton County - Bethlehem Township Municipal Authority - Sanitary Sewer Service Transportation, on Final Reading.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 47-2018 now known as Ordinance No. 2018-41 was passed on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Authorizing Golf Fee Increases*

Mr. Martell and Mr. Reynolds sponsored Resolution No. 2018-260 that the Golf Fees listed on Exhibit A are hereby established and that the rates shall be effective January 1, 2019.

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

B. *Authorizing Contract - Fine Golf Design, Inc.*

Mr. Martell and Mr. Reynolds sponsored Resolution No. 2018-261 that authorized to execute an agreement with Fine Golf Design to provide the Hole by Hole Plan for the entire 18 Hole Monocacy Course.

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

C. Approving Firearm Purchase – Haubert

Mr. Martell and Mr. Reynolds sponsored Resolution No. 2018-262 that authorized an agreement to effectuate the transfer of the City issued handgun assigned to Wade Haubert, Retired City Police Officer.

Mr. Reynolds thanked Police Chief Mark DiLuzio for sending the communication about the direction of these funds having to do with the revenue from these handguns. It might be somewhat of a symbolic thing but he does think if the government is in the process of selling guns we might as well be taking that money and doing something positive with it. He thanked Chief DiLuzio for getting back to Council and explaining how that money will be directed to a positive, community policing and gun safety type of education.

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

D. Approving Firearm Purchase – Csaszar

Mr. Martell and Mr. Reynolds sponsored Resolution No. 2018-263 that authorized an agreement to effectuate the transfer of the City issued handgun assigned to Louis Csaszar, Retired City Police Officer.

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

E. Approving Firearm Purchase – Beals

Mr. Martell and Mr. Reynolds sponsored Resolution No. 2018-264 that authorized an agreement to effectuate the transfer of the City issued handgun assigned to Zachary Beals, Retired City Police Officer.

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

F. Certificate of Appropriateness – 78 West Market Street

Mr. Reynolds and Mr. Martell sponsored Resolution No. 2018-265 that granted a Certificate of Appropriateness to install new vinyl self-adhesive signage at 78 West Market Street.

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

G. *Authorizing Amendment – PennDOT Reimbursement Agreement – Route 412 Water Facility Relocation*

Mr. Reynolds and Mr. Martell sponsored Resolution No. 2018-266 that authorized the submission of the attached amendment for reimbursement for all costs incurred in relocating our water facilities located in public right of way and affected by S.R. 0412, Section 001. The Mayor is authorized and directed to sign the attached agreements and the Controller is authorized and directed to attest the Mayor's signature.

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

11. NEW BUSINESS

Emergency Shelter

Mr. Colón queried how the voucher program is going now that the shelter is up and running.

Chief DiLuzio informed it is going good. He remarked we only turned away one person who was on a list, two had warrants and they went to another shelter. There were some with summary warrants. The shelter is helping us work that out with the Magistrates. We get them to the Magistrate and set up a payment plan, so we are clearing some ordinance and summary offenses out. One guy was turned away due to being a Megan's Law violator. This is in operation and he spoke to Councilman Reynolds before Council tonight and said he will give him some numbers in a memo tomorrow.

Merry Christmas

Mr. Callahan expressed Merry Christmas to everybody and that he wishes everyone a great holiday. He knows that Council Members all have our disagreements throughout the year but he does wish everyone a Merry Christmas and Happy New Year and also to all the citizens.

Council Rules/Tabling

Ms. Negrón informed she wanted to make a point of order. She expressed we had a motion on the floor and she did not have an opportunity to say anything; there was no ask for questions on the motion before we voted. Also, she had a conversation with Attorney Spirk a few weeks ago in terms of point of order and the Rules of Council. She would appreciate that the conversation she had with him he could have with President Waldron in terms of the Rules of Council when we speak. Many times we have a vote and we speak on our vote and move onto the next Members of Council and no Member of Council should be taking over at any given time and it is happening too often.

President Waldron clarified on a motion to table there is no discussion under Roberts Rules; that is why he did not call for discussion.

Mr. Callahan asked if she is referring to comments by other Council Members.

Ms. Negrón queried if he listened to what she said.

Mr. Callahan stated he is just trying to clarify and asked if she is trying to stifle comment.

Ms. Negrón noted she is just saying the Rules of Council should be followed.

Mr. Callahan asked if there is a rule in particular that she thinks was violated.

Emergency Shelter

Dr. Van Wirt mentioned she has a question for Chief DiLuzio. She understands the voucher system put in place and that is a good thing to trial. Her biggest concern is that it is actually turning away people who are scared to go because they may be undocumented and they do not understand what that would mean in terms of checking into a Police station or they are just scared of the Police. She worries that the numbers in general would be dropping and we will see an increase in fatalities. She would ask in the numbers that he is obtaining that he could also look at the volume prior to implementing the voucher just to see if we can understand if this is having an impact on the most vulnerable people.

Chief DiLuzio stated he will look at those numbers and have something for Council tomorrow.

Ms. Karner stated as of Monday, there were 18 who reported to the shelter in the month of December and she added that December is usually slower than other months so we are not sure yet if that number is off as a result of the voucher program. She noted at her staff meeting on Monday that was a result of information that had just received. We will not know until it plays out a few more months. We will continue to monitor this from a Community Development standpoint.

Chief DiLuzio pointed out when it is bitter cold the officers do pick up the homeless and take them to a shelter when it is dark at night and they find them even without the vouchers. They have done that every year, even before they had the vouchers. It then becomes a public safety issue, their safety. Some do not want to go and some end up in the hospital, but we do our best to try.

Mr. Reynolds added that he spoke to the Chief before the meeting because he has a few emails from people. He knows we do everything with luminary night in supporting New Bethany Ministries efforts. He was hoping that we were using commonsense as far as what we allow. He can say that the concerns that have been brought up here publicly are ones that he already thought about, and one we had been dealing with in a very responsible way. He remarked that it is similar when we had the proposed ordinance a few years ago regarding panhandling on Main Street. If someone is homeless and trying to get through the night and we turn them down, they go somewhere else. They will either sleep outside in our neighborhoods or other neighborhoods.

We need to use commonsense in how we balance all of the interests here and make it so it is a safe situation but also ultimately, we do not want anybody to be harmed with harsh temperatures. Mr. Reynolds was happy with the conversation he had with Chief DiLuzio and he is also thrilled that the other Members of Council have the same thoughts and questions, and that this matter has already been dealt with in a humane and commonsense way.

Chief DiLuzio noted they have talked with Lehigh Valley Hospital Center which have been very much involved in the shelter and other programs. It is easy when you have the problem just to move the problem; the better thing is to solve it.

As follow-up to the prior discussion, Mr. Callahan queried if Ms. Negrón could expand on her prior comments, and wondered if there was something in Roberts Rules of Order that she thought was out of order.

President Waldron mentioned if he has a question he should direct it to the President of Council.

Mr. Callahan repeated the question, and President Waldron replied not that he knows of, although he has not had a conversation with Solicitor Spirk yet as Ms. Negrón had suggested.

Mr. Callahan noted debate is allowed when it is opened up to Council for comments. We are allowed to comment and debate on topics before Council.

Solicitor Spirk stated yes, the Rules of Council do provide some limits to that in terms of how many times a particular speaker can speak on the same topic and after that they need approval from Council President to speak. Then, if it is additional time after that, they need a majority vote of Council. That has not been enforced regularly in his experience, but there are Rules of Council that are specific about a number of times speaking on each topic.

Mr. Callahan asked if there is a specific time listed.

Solicitor Spirk stated not time, a number.

Mr. Callahan asked if there is a specific number of times listed.

Solicitor Spirk informed two by right, third one by leave of the President and beyond that by vote of Council.

Mr. Callahan thanked Solicitor Spirk.

Happy Holidays

President Waldron, on behalf of City Council wished everyone a Merry Christmas and a Happy Holiday.

12. ADJOURNMENT

The meeting was adjourned at 10:07 p.m.

ATTEST:

City Clerk