

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, August 1, 2023 - 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

President Colón called the meeting to order. Present were Grace Crampsie Smith, Wandalyn J. Enix, Hillary G. Kwiatek, Rachel Leon, Paige Van Wirt, and Michael G. Colón, 6; Absent: Kiera L. Wilhelm, 1.

2. APPROVAL OF MINUTES

July 18, 2023

3. PUBLIC COMMENT (on any subject not being voted on this evening - 5 Minute Time Limit)

Walnut Street Parking Garage Concerns

Resident Jim Follweiler noted that the proposed demolition of the Walnut Street Parking Garage is on the Historic Architectural Review Board's agenda for tomorrow night. He said there has been an attempt to "quietly slip" this approval through the process. He believes that Council should ask how this facility came into such a state of disrepair, and why is there a reduction in parking spaces in the proposed replacement garage? He asserted that the Bethlehem Parking Authority should not be selling off part of the property for redevelopment. Mr. Follweiler also asked where are any environmental impact studies involving demolition. Finally, he asked for a parking mitigation plan to show the impacts for downtown residents, workers, and business owners considering the proposed reduction of parking spaces. Mr. Follweiler urged pausing the plan probably for a few years to conduct an impact analysis of lost parking and anticipated greater need as tourism grows, including the potential for Bethlehem's World Heritage designation. He further urged only approving a demolition plan that includes a documented and publicly debated parking mitigation plan along with any environmental impact studies.

Quiet Zone Again Urged

Resident Peg Church first thanked the Public Works Bureau for repairing the hazardous railing at the 3rd Street ramp off Route 378. Ms. Church complained about the damaged and unsafe railing earlier this year. She was told that the railing was the responsibility of PennDOT; however, the City said it would fix it because of the immediate safety concern. Ms. Church again urged the City to try to obtain approval for a Quiet Zone, an area in which Norfolk Southern would not blow train whistles near railroad crossings. Ms. Church distributed a Morning Call article on the subject. She also referred to a Forbes study that lists the Lehigh Valley as the third-most noisy region in the country. Besides general annoyance, the news article also pointed to cardiac stress caused by loud noise. Ms. Church said that Norfolk Southern has said it can help

with financial incentives for communities to apply for Quiet Zones. She asked for progress toward reaching this goal.

Splash Park Encouraged/Dumping Problems Persist

Resident Eddie Rodriguez said he is no longer recommending building a skateboarding park along Stefko Boulevard behind the pharmacy. He now recommends that a splash park for ages 12 years and younger be built there. He does not know who the property owner is and funding would be needed, but he said that area parents and their children are interested if a splash park could be built there. Mr. Rodriguez said there are problems with skateboarders in the Stefko Shopping Center parking lot. He has asked Police Chief Michelle Kott to provide patrols there at least a time or two per shift. Mr. Rodriguez also said he knows of someone who has video of the dumping of large household items going on at the shopping center. He wants Chief Kott to see these videos and hopefully catch those responsible. He also asked Council to increase fines for dumping.

Hanover Avenue Traffic and Flooding Concerns

Resident Paul Fondl again stated concerns for the dangerous intersection at Hanover and Club Avenues. He renewed his request to have skid-resistant macadam, rumble strips, and warning signs installed. He has voiced concerns that traffic from the proposed Hanover Apartments would greatly add to the problems, but he is urging upgrades even before that. Mr. Fondl also again raised flooding concerns near the intersection. He said the runoff was so powerful that it popped the storm sewer lids and the water rose about 3 feet in the street. He believes that Bethlehem is studying the flooding circumstances. He asked if neighbors can be contacted when suggested remedies are available. Mr. Fondl also asked Bethlehem and Allentown to discuss the situation and coordinate development and remedies to minimize the impacts. For starters, he said that Allentown has a 5-foot-diameter pipe running into Bethlehem's 4-foot pipe that already causes problems. He noted that Allentown will have a large redevelopment project at the former state hospital grounds. That will need detention ponds to handle the runoff on that site.

President Colón said he did not have an answer to Mr. Fondl's question but noted that Public Works Director Michael Alkhal is present and the two could speak after the meeting.

More Traffic Worries

Resident Terry Kloiber distributed photos of a July 19 accident at the intersection referenced by Mr. Fondl. Ms. Kloiber noted that painted "yield" markings in the street are no longer visible and believed this was the reason that a vehicle did not yield for a bus. The two collided. Ms. Kloiber urged both cities to discuss remedies since the intersection is roughly on the municipal boundary line and warning methods would be on both sides. She listed three development projects being planned that would greatly impact this intersection: Hanover Apartments, redevelopment of the Banko building, and redevelopment of the former state hospital property. She contacted Allentown City Council via email. She was told that her request for Allentown to repaint the "yield" notice on the street surface would be forwarded to Public Works and Traffic Engineering. She also was told that it would not be necessary to attend an Allentown City Council meeting and that her concerns would be passed along to appropriate

departments. She also brought it to the attention of Bethlehem departments that a warning sign is not flashing and another is covered with stickers that should be removed for better visibility.

Kudos for Tennis Courts

Resident Steve Olshevski thanked Council and the Recreation Bureau for the fine tennis court facility at Sand Island. He said the tennis surface is unusually good and mimics some of the best clay courts in Europe. He cautioned that this type of surface requires special maintenance.

Rent Crisis

Resident Brian Lucas observed that a small number of individuals or corporations own a high percentage of the rental units in Bethlehem. This inflates prices and drives the market. Mr. Lucas said he has heard it said that there is nothing the City can enforce to lower rent prices or to help alter the market. He said he has researched Pennsylvania's Landlord and Tenant Act of 1951 and he has yet to find a clause that would prohibit the City from putting a control on rent prices. Rental prices are a cause for concern and he urged the City to do anything it can to make prices affordable.

Renewed Parking Plea

Part-time resident Alex Hirsch said that his plea to again participate in the Residential Permit Parking program has reached 380 days. He said he assumed that no solution has been found that would again allow him – as a part-time City resident with an out-of-state driver's registration – to participate in the RPP program. He renewed his plea for Council to amend parking regulations to allow parking for out-of-state residents under certain circumstances, such as those living here temporarily.

Best Historic Hotel Competition

Bruce Haines, managing partner of the Hotel Bethlehem, said this is the last week of USA Today's "Best Historic Hotel in the United States" competition. Hotel Bethlehem won this award in 2021 and 2022 and has been in the top three for the past four years. This distinction is good for the hotel and the City, he said.

More Landlord Concerns

Resident William Scheirer referred to his previous remarks concerning the importance of home ownership and civic engagement. He said he received some pushback on those comments. Mr. Scheirer also echoed previously stated concerns about ownership of many rental properties by individuals or corporations purely for profit. Mr. Scheirer referred to a news article stating that this is a national phenomenon. He cannot verify the correctness of the assertion but believes the City should review this situation. This could be an emerging issue.

Police Duty Weapon Gun Sales

Resident Stephen Antalics observed that many matters voted on by this Council yield a 7-0 vote. Mr. Antalics said that many people believe the results of Council votes would reflect

community opinions. But, he said, one Council Member has “taken exception to the opinion that Council’s vote reflects the public’s will.” Mr. Antalics said that a break from this tradition has been a 6-1 vote on purchase of duty weapons by retiring police officers. He further referenced statistics offered by a Council Member concerning children killed by guns. He accepted those statistics, but he said there was no correlation provided between these deaths and the police gun purchase program. Mr. Antalics strongly believes these guns are best in the hands of retired officers. He encouraged the Council Member to put their personal feelings aside and vote what he believes is the will of the people to allow retiring police officers to buy their duty weapons.

Too Much Power

Resident Arthur Curatola spoke out against ArtsQuest and the Bethlehem Parking Authority saying that they have too much power.

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

Requirements Explained

Resident Victoria Bastidas thanked Council and Mayor Reynolds for their efforts toward climate action. She also addressed the zoning text amendment on tonight’s agenda involving Environmental Education Centers. She offered specifics that she alluded to last meeting that the state requires a nature education center to also be zoned as a child care center. This is done to regulate safety standards for visiting children, including meeting the building code to ensure safe surroundings. She thanked the City for its efforts.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Director of Financial Services – Records Destruction*

The Clerk read a July 14, 2023 memorandum with a proposed Resolution from Sophia Vitoroulis, Director of Financial Services, requesting the Destruction of Records from her department. Ms. Vitoroulis has reviewed the Municipal Records Retention Act, and the records listed on the memo fall within the categories where destruction is permitted.

President Colón stated a Resolution will be placed on the August 15 City Council agenda.

- B. *Flaherty & O’Hara – Request for Intermunicipal Liquor License Transfer – Wawa, Inc.*

The Clerk read a July 18, 2023 communication from Ellen Freeman, Esquire of Flaherty & O’Hara, representing Wawa, Inc. Wawa seeks approval for an intermunicipal transfer of Pennsylvania Retail Restaurant Liquor License No. R-17711. The applicant seeks to transfer

ownership of the license from PA Overlook LLC at 4285 N. Delaware Drive in Mount Bethel, Northampton County, to the Wawa store being built at 770 Hellertown Road in Bethlehem, Northampton County.

Scheduling Public Hearing

President Colón stated he will accept a motion and a second to schedule a Public Haring on Tuesday, September 5, 2023 to consider the intermunicipal liquor license transfer.

Ms. Kwiatek made a motion, seconded by Ms. Crampsie Smith, to schedule a Public Hearing on Tuesday, September 5, 2023 at 7:00 PM in Town Hall.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Motion passed.

President Colón stated the Public Hearing will be held on Tuesday, September 5, 2023 at 7:00 PM. The Resolution will be placed on the September 5, 2023 agenda.

C. City Solicitor – WiFi Site License Agreements – W. Broad and Main Sts./W. Market and Main Sts.

The Clerk read a July 17, 2023 memorandum with proposed Resolutions from Matthew J. Deschler, Assistant City Solicitor, recommending agreements with Service Electric Cable TV, Inc. The action would authorize licenses permitting the installation of equipment on City streetlight poles at the two intersections of W. Broad and Main Streets and W. Market and Main Streets for the purpose of providing free Wi-Fi to the general public on a year-round basis. The contract will run from August 3, 2023 through August 3, 2024 with automatic annual renewals unless either party cancels in writing at least 30 days prior to the renewal.

President Colón stated Resolutions 10 C and 10 D are on the agenda.

D. City Solicitor – Use Permit Agreement – Seven Sirens Brewing – 2023 Bethlehem Beer Fest

The Clerk read a memorandum dated July 25, 2023 from City Solicitor John F. Spirk, Jr. with an attached Resolution and Associated Use Permit Agreement. The Permittee is Seven Sirens Brewing Company, LLC and the event is 2023 Bethlehem Beer Fest. The Agreement is from Noon on September 2 to Noon on September 4 and covers Danny Rice Field, and Main Street between Lehigh and Spring Streets.

President Colón stated Resolution 10 E is on the agenda.

E. City Solicitor – Use Permit Agreement – Christmas City Spirits – Cider Fest

The Clerk read a July 27, 2023 memorandum from City Solicitor John F. Spirk, Jr. with an attached Resolution and Associated Use Permit Agreement. The Permittee is Christmas City Spirits and Subpermittees are Social Still, LLC; Franklin Hill Vineyards, Inc.; Easton Wine Project; Five Maidens, LLC, d/b/a Five Maidens Cider Co.; Seven Sirens Brewing Company, LLC; Rowan Asher Winery Warehouse, LLC d/b/a R.A.W. Winery & Hard Cidery; and Tolino Vineyards, LLC. The event is Cider Fest. The Agreement is from 10:00 AM until 6:00 PM on September 9. The

area covered is the Nevin Place right-of-way and a W. Walnut Street parcel, both of which are adjacent to the Sun Inn Courtyard and shown on an exhibit map attached to the Agreement.

President Colón stated Resolution 10 F is on the agenda.

7. REPORTS

A. *President of Council*

President Colón welcomed the delegation from Bethlehem's Sister City in Schwabisch Gmund, Germany. He wished them joy and good weather for their visit.

B. *Mayor*

Welcome Sister City Delegation

Mayor Reynolds introduced those visiting from Schwabisch Gmund, including its Mayor and several Council Members. He noted that there will be several events for interaction this week. The Mayor thanked Angela Delgrosso Stein and Stephanie Augello from his office for coordinating these upcoming events.

Musikfest Efforts

Mayor Reynolds also thanked the many City employees for their efforts in planning for and participating in Musikfest.

Administrative Orders

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

Mayor J. William Reynolds reappointed William Fitzpatrick to the Zoning Hearing Board effective through June 2028. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-154 to confirm the reappointment.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Resolution passed.

2. *Administrative Order – Delia Marrero – Bethlehem Human Relations Commission*

Mayor J. William Reynolds reappointed Delia Marrero to the Bethlehem Human Relations Commission effective through April 2026. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-155 to confirm the reappointment.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Resolution passed.

3. *Administrative Order – Karen Widrick – Parking Authority*

Mayor J. William Reynolds appointed Karen Widrick to the Bethlehem Parking Authority effective through January 2028. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-156 to confirm the appointment.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Resolution passed.

Camel's Hump

Mayor Reynolds noted the ordinance on tonight's agenda relating to Ms. Bastidas' Camel's Hump Farm. He said that he and Janine Santoro from his office toured the property a few months ago. He called this a "truly special community project."

8. ORDINANCES FOR FINAL PASSAGE

8A. Bill No. 32-2023 – Non-Utility Capital Fund Budget – Adjustments – Street Overlays

The Clerk read Bill No. 32-2023 – Non-Utility Capital Fund Budget – Adjustments – Street Overlays, sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE 2023 CAPITAL BUDGET FOR NON-UTILITIES.

Ms. Kwiatek noted that this Bill deals with street overlays including for W. Market Street. She asked for details as to which portion. Mr. Alkhal believed it was between 3rd and 5th Avenues. Mayor Reynolds added that the area of 2nd Avenue also got paved.

Ms. Crampsie Smith also thanked Mr. Alkhal and Public Works for the amount of work being done to repave streets. She said that probably the major complaint that she gets about streets is Wyandotte, which she believes to be PennDOT's responsibility. When will this work be done? She clarified that this would primarily be the portion going up South Mountain.

Mr. Alkhal confirmed that that is a state road. The City does not have control, but it could encourage the state to make this project a priority. He said he knows that PennDOT has a Route 378 project in its plans. He was unsure whether this section is included but he could inquire.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Bill No. 32-2023, now known as Ordinance No. 2023-31, passed on Final Reading.

9 NEW ORDINANCES

9A. Bill No. 33-2023 – Zoning Ordinance Amendment – Environmental Education Center

The Clerk read Bill No. 33-2023 – Zoning Ordinance Amendment – Environmental Education Center, sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, ADDING PROVISIONS FOR ENVIRONMENTAL EDUCATION CENTERS

President Colón thanked Ms. Bastidas for her presence at both meetings as well as the many families who offered support at the last meeting.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Bill No. 33-2023 was passed on First Reading.

10. RESOLUTIONS

A. *Approve Resolution – Records Destruction – Bureau of Health*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-157 that authorized the disposal of public records in the office of the Health Bureau, as set forth in Exhibit A.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Resolution passed.

B. *Approve Resolution – Records Destruction – Police Department*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-158 that authorized the disposal of public records in the office of the Police Department, as set forth in Exhibit A.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Resolution passed.

C. *Approve Resolution – WiFi Site License Agreements – Main Street and West Broad Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-159 that authorized to execute an Agreement with Service Electric Cable TV, Inc. to install equipment on City streetlight poles at the intersection of Main and West Broad Streets for the purpose of providing free Wi-Fi to the general public.

Ms. Crampsie Smith believes offering WiFi is wonderful. She noted the initial contract period of a year and wondered if there will be a continuation beyond that and whether a fee will be charged after that time.

Mayor Reynolds said no fee will be added.

Mr. Alkhal said this agreement was initiated by Service Electric. It came about to provide free WiFi on Main Street and in the areas of Musikfest. He said the agreement will automatically renew unless the City or Service Electric notifies the other to cancel. Mr. Alkhal review that the service will be at no cost.

Mayor Reynolds said that City Solicitor John Spirk worked to make this a year-round service. The idea was that if the equipment was going to be put in place for Musikfest, why not leave it there for year-round use? The option is there to end the contract if it does not work out,

but this is not anticipated to be the case. Download speeds would be appropriate for City guests, but it is not believed that this would offer neighbors free Internet service. The Mayor said these were all questions that were considered including what else might be done in the future in other parts of the City. He thanked Service Electric for entering into this partnership.

Ms. Kwiatek thanked all for their clarifications. She said she assumed that this initiative began because of Musikfest and she is glad for that, but it made her think that if it can be done for this festival and in these locations, why can it not be done in other locations including Housing Authority locations? She would welcome a conversation on expanding this program. She is looking for equity in terms of Internet access.

Mayor Reynolds said that he and Ms. Santoro, Director of Equity and Inclusion, have discussed this subject a lot including possibilities of gaining these services for the Housing Authority. He believes this is a beginning to expand connectivity.

Dr. Van Wirt said she also wanted to promote equity by expanding this availability including if it becomes necessary to use American Rescue Plan funding. But, first, she wanted to know if Bethlehem Area School District is working toward this so that efforts are not being duplicated. She noted that children on the South Side may be a priority.

Mayor Reynolds said they have first looked at the BHA because of need and available information about residents. It is known that a high percentage of BHA residents have Internet but are not taking advantage the federal Affordable Connectivity Program meaning that many of the people who this program is designed to assist are not taking advantage of it. They are paying the full rate. A lot of the one-time capital costs would be a great use of ARP funds. The conversation has not gotten there yet. Although BHA has been discussed, certainly these other conversations should be had as well, including with the school district and how school students can be served.

Ms. Leon was glad to hear that the City is thinking of helping to provide WiFi service to other parts of the City including those with a concentration of low-income residents. She said we saw the need during the pandemic in providing “the greatest equalizer to a quality education” through necessary online learning.

Mayor Reynolds said this is a commitment that has been made by the Administration. Besides learning, he added that this is the vehicle for some to be able to see their doctor. “It’s obviously one of the top priorities,” he said. He appreciated Council’s commitment as well.

Ms. Crampsie Smith thanked both Service Electric and RCN (now Astound) for offering free Internet to students and during the pandemic. One problem is that school districts are not aware of the need in many cases until it comes to light because a student is failing. Making this generally available so that students take advantage before it is too late is the goal.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Resolution passed.

D. *Approve Resolution – WiFi Site License Agreements – Main Street and West Market Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-160 that authorized to execute an Agreement with Service Electric Cable TV, Inc. to install equipment on City streetlight poles at the intersection of Main and West Market Streets for the purpose of providing free Wi-Fi to the general public.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Resolution passed.

E. *Approve UPA – Seven Sirens Brewing – 2023 Bethlehem Beer Fest*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-161 that authorized to execute a Use Permit Agreement with the Seven Sirens Brewing Company, LLC for 2023 Bethlehem Brew Fest.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Resolution passed.

F. *Approve UPA – Christmas City Spirits – Cider Fest*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-162 that authorized to execute a Use Permit Agreement with the Christmas City Spirits and several subpermittees for Cider Fest.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Resolution passed.

11. NEW BUSINESS

Mural Unveiling/Community Clean-up Event

Ms. Leon announced a mural unveiling tomorrow in Yosko Park. A clean-up is planned at Donegan for Saturday. Clean-up projects like this have come about as a result of a community meeting. They also serve as volunteer hours and mentorship programs to students who might need some additional help. She said she learned about a community service program for those students who might have to pay a fine for an infraction in the schools. These fines can disproportionately affect lower-income families. As an alternative, this mentorship program was developed for the student to perform community service.

Chief Kott further discussed the Impact Program, which is run through the Northampton County District Attorney's Office. This is a restorative justice program for low-level juvenile offenses. She said the Police Department is looking to get fully onboard with this program in fall.

Well-wishes from the President

President Colón wished everyone a safe Musikfest and again welcomed those visiting from Schwabisch Gmund. He said he looked forward to conversations with them.

12. ADJOURNMENT

The meeting was adjourned 8:39 PM.

ATTEST:

Tad J. Miller
City Clerk