

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, July 20, 2021 – 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

President Waldron called the meeting to order. Present were Bryan G. Callahan, Grace Crampsie Smith, Olga Negrón, J. William Reynolds, Paige Van Wirt, and Adam R. Waldron, 6. Michael G. Colón was absent, 1.

President Waldron announced the time here is 7:25 pm in the rotunda. We did get a late start due to a Committee Meeting running a little bit long. He added that Mr. Colón informed us that he had a family emergency that came up today so he will not be joining us this evening.

PUBLIC HEARING

Prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to receive public comment on the Zoning Text Amendment request by the property owner related to the OMU (Office Mixed Use) zoning district at the Martin Tower site at 1170 8th Avenue and Bill No. 16-2021, as amended by a June 15, 2021 City Council-initiated amendment related to limiting the permitted number of parking rows and driving aisles that was proposed by Councilman Colon. In connection with this public hearing there are two (2) communications which the clerk will read:

Communication 6A – City Planning Commission – Zoning Text Amendment request by the property owner related to the OMU (Office Mixed Use) zoning district at the Martin Tower site at 1170 8th Avenue and Bill No. 16-2021, as amended by a June 15, 2021 City Council-initiated amendment related to limiting the permitted number of parking rows and driving aisles.

The Clerk read a memorandum dated July 9, 2021 from Darlene Heller, Director of Planning and Zoning with an attached privately-proposed zoning text amendment bill that would affect the Office Mixed Use district at the former Martin Tower site at 1170 8th Avenue. The bill reviewed by the City Planning Commission was amended on June 15, 2021 by a City Council initiated bill proposed by Councilman Colón that limited parking spaces between a principal commercial building and an arterial street to 2 driving aisles and 4 rows of parking spaces. Prior to the Council amendment, the proposed bill did not contain such parking space limitations. At their July 8, 2021 meeting the City Planning Commission voted unanimously to recommend that City Council support the City Council initiated amendment. The commission previously voted to support the original privately-proposed zoning text amendment bill.

Communication 6B – Lehigh Valley Planning Commission – Zoning Text Amendment request by the property owner related to the OMU (Office Mixed Use) zoning district at the Martin Tower site at 1170 8th Avenue and Bill No. 16-2021, as amended by a June 15, 2021 City Council-initiated

amendment related to limiting the permitted number of parking rows and driving aisles.

The Clerk read a memorandum dated July 13, 2021 from Jillian Seitz, Senior Community Planner at the Lehigh Valley Planning Commission concerning their review of the privately-proposed zoning text amendment that would affect the Office Mixed Use district at the former Martin Tower site at 1170 8th Avenue. The bill reviewed by the Lehigh Valley Planning Commission was amended on June 15, 2021 by a City Council initiated bill proposed by Councilman Colón that limited parking spaces between a principal commercial building and an arterial street to 2 driving aisles and 4 rows of parking spaces. Prior to the Council amendment, the proposed bill did not contain such parking space limitations. The Commission stated that aspects of the proposal exhibit partial consistency with The Regional Plan and the revisions to the initially-proposed bill by the City Council initiated amendment are an improvement over the previously proposed zoning text amendment. However, the Commission's letter included a number of recommendations to improve consistency with the regional plan and planning best practices related to reducing automobile dependency, seeking review in front of the Zoning Hearing Board, ADA concerns, environmental concerns, pedestrian access, and other concerns.

Mayor Donchez explained a few weeks ago he asked the property owner to consider hiring a third party to review the project with fresh eyes and to make recommendations and suggestions if they deemed it necessary in an effort to improve and better communicate to the city the goals of this project. He also requested a third party take into consideration the April 5, 2019 memo and the concerns of City Council. The developer hired Alloy 5 an experienced Bethlehem firm. He believes that City Council will get a better understanding conceptually of the plan. It is his hope that you will appreciate this presentation as he does which is a much improved concept of this site. In addition Mayor Donchez stated he strongly supports the amendment that is before City Council this evening and we will continue to work with Alloy 5 as plans come to the city.

Randy Galiotto, Architect at Alloy 5 stated we are here tonight to present 1170 8th Avenue and our review of the site. Mr. Galiotto informed he has been an Architect here in the City of Bethlehem for over 20 years. He founded Alloy 5 with his partner Mike Metzger who is on a beach right now and thinking of us. We founded the firm here in Bethlehem and our namesake is referenced back to the City's history. They have done a lot of planning project throughout all the cities here in the Lehigh Valley and have been very involved in the community and serve as Governor Wolf's Chairman of his Professional Selection Committee. His partner who is at beach is also an Architect in the city for over 20 years and he has worked on a lot of projects, the one that is most recognizable is the ArtsQuest Center at Steel Stacks, he was the project director for that. Sitting next to him is Bekah Rusnock who most will know for her time here in the city and she is the Director of Development and has worked with many communities over the years and we are happy to have her on board to help us tonight. Mr. Galiotto pointed out their firm was founded on three principles, Healthy Design, Honest Collaboration, and Hard Work. That is why we did not name the firm after ourselves but those three principles. Their office is in west Bethlehem on 5th Avenue, we purchased this building about 4 years ago and we are neighbors to the site that we are assessing tonight. We love our neighborhood and the impact we have made on our neighborhood. We blend three services together Architecture, Interiors & Graphic Design and practice communication by design. We do mostly public projects and with public projects you have to communicate them well to the clients and committees and the public so we have developed a practice that caters to that. Many on our team walk by and drive by the site every day and many are city residents, we are a practice of about 17 professionals. We have a number

of awards or recognitions from many different entities, the Eastern Chapter of the American Institute of Architects, the Bethlehem Chamber, we also volunteer a lot. Mr. Galiotto wanted to start by talking a little bit about our planning background and what we have done in the past. We were awarded a special citation by the American Institute of Architects for a planning project. He explained that every site is unique and that is no different than the site we are talking about tonight. He then showed Reading Area Community College, a college campus that floods and they did a master plan for them to celebrate their campus, provided collegiate feel to the campus and were given that award a few years ago. Our work is throughout the entire state of Pennsylvania, north through Wilkes-Barre, and south into Florida. We are neighbors to the Martin Tower site and drive by and walk by this site every day.

Ms. Rusnock mentioned they have an interesting connection to the Martin Tower property. We are a west Bethlehem business and when we were renovating our building we actually found an architectural model of Martin Tower in our basement of our property. We are not sure of the exact story but the history of our property is that it was a dry cleaning business and there is a vault in the basement. Apparently back in the day people would store their furs and their silks and even jewelry in a vault that was kept at their dry cleaners. We believe this ended up at our office because the family that owned the dry cleaner had a good relationship with one of the steel executives. This has become a bit of a mascot for us. One of our employees in our office took this home and cleaned it up and prepared and painted and rebuilt some of the sections. It was mostly dusty and dirty. This is also an important tool for us. Ms. Rusnock pointed out that architecture historically has been done by building these to scale models with balsa wood and toothpicks and today we do all that same type of modeling all digitally so that is what we will be presenting here tonight. This project has become a little bit of a learning tool. We take this to schools, we had a class from Calypso come to our office a few years ago to check it out and we talked to them about how architecture has developed over the years. We are always trying to find new architects and are happy to invest with them even though they are younger. We pack the model up with other materials and take it as an exhibit. We went to a career day at Easton Area Middle School and this has also been displayed at the National Museum of Industrial History and at the Kemmerer Museum as part of Historic Bethlehem. Last year the AIA recognized our efforts and awarded us an award of excellence. Ms. Rusnock stated she will explain their process and this is the process we use with any type of master planning that they do. We start with an analysis, we move into modeling the site, and then we present our findings. Everything we do starts with research; she was a reporter and did a lot of reading. We were able to obtain a bunch of documents that the city provided to us and that the developer provided to us. We reviewed the zoning code, correspondence with the Lehigh Valley Planning Commission, City Planning Commission, and City Council and there were a number of letters sent in regarding this property. We looked at property records through the county website. A few years back, in 2007 Jeff Speck who is a planner was here to do a plan and he is a contributor now to a website called Strong Towns which has become an industry leading progressive planning website. We did review some of the material there. We reached out to our friends in Historic Bethlehem and at NMIH and they provided us with some historic photos and more background history of the site. Ms. Rusnock explained one of the first things they did was to look at the site through history. She then showed google earth images and looked at the site for the past 20 years. We noted the amount of change that has happened in the city. There has been an enormous amount of change in the last two decades in Bethlehem but it is important to note that even in this northwest corridor there was a significant amount of change. The two big items that jumped out to us were the demolition and new construction of Nitschmann Middle School and the

transformation of the former Durkee Spice Plant. That plant was destroyed and there was a redevelopment there which is now a Lowes and Woodmont Mews and Price Rite. After we understood a little bit of the history of the site we moved quickly into modeling. As a group of architects and designers we do like to use our hands a lot so our first stage is sketching, there is a lot of tracing paper and scribbling. We use software called Building Information Modeling and this is commonly used. A lot of architectural firms in the region use this, construction management firms use this and everybody in our office is cross-trained on this software. Revit is the brand name that we use, we also use Enscape and we use Google Earth as well. Ms. Rusnock noted once they have the model to look at instead of building one like our old Martin Tower model we do this digitally and then we start to move into our findings. For this section we broke down our findings into categories and we base these on the correspondence with the Planning Commission, with the planning staff, with LVPC and with the general concern of the public. Our first step is Site Context and Topography.

Mr. Galiotto explained they pick these five items, Site Context and Topography, Site Access, Environment, Zoning, and Experience to break down that are not subjective, they are just simple facts. We use that modeling that Ms. Rusnock just mentioned to model the site. We will end our presentation with showing you an experience through the site as it would sit in post development. What is unique about this site is that there is actually a 65 foot drop from the corner of Easton and 8th Avenue to Burnside and the developer did a good job with the site context and the site topography in making that part of the design.

Ms. Rusnock mentioned they are now showing a Google Earth image of the area, we have blocked out our site just to call attention to it. When we start to model this in our office the first thing that jumped out to us about northwest Bethlehem was the heavy amount of residential in this area. In digging through some of the property records through the county we found that Kaywin Avenue neighborhood was the first subdivision and homes in that area date to about 1951, mid 1950's. This was an American dream type of neighborhood for a lot of residents of Bethlehem. They were able to move here into a small single family home with a yard and a white picket fence. We watched this neighborhood develop over time so throughout the later part of the 1950's and in the 1960's and even the 1970's the second development that grew out of this area was called Rosemont Manor. Those again are single family homes with that same style. The most recent residential in this area is Woodmont Mews which is behind the Lowe's. The street at the top of the page is Schoenersville Road so the residential on the opposite side of the street is Hanover Township. Schoenersville Road delineates between the City of Bethlehem and Hanover Township and is also the line between Lehigh County and Northampton County. We wanted to call out those residences because we know they are outside of the city but we still think this development would affect them and we want to be good neighbors. With all of that residential there has been a lot of recreation although we did not do a full recreation study of the city we thought this neighborhood has probably some of the best access to the amenities across any neighborhood in the city. There is Northwest Little League Field and you can just see the tip of Buchanan Elementary School to the left and at the top of the screen you can see the beginnings of Illick's Mill Park, Lehigh Little League, the Bethlehem Steelers Football Field, the best municipal Golf Course in the region and the 9 hole course, the newly renovated Memorial Pool sits in Illick's Mill, the Ice Rink, the Dog Park, Illick's Mill Park, and the Monocacy Way Trail which will flow behind our site. We also have called out Historic Burnside Plantation. Interesting to note on this slide is that Burnside does abut our site directly but there is a steep drop at the end of the site leading into Burnside. Ms. Rusnock added that other amenities in this site are a pretty strong

commercial corridor. Everyone is familiar with the Westgate Mall and the newly renovated Weis Market is a popular spot. There has been a lot of development along that way and we are calling out some development on the Hanover Township side but it is important to note in terms of the impact of this plan. Another commercial corridor we are familiar with Lowe's, Price-Rite and CVS and a number of medical office buildings have been developed there, a bank, a Wawa and some other amenities for the neighborhood. Ms. Rusnock added that also interesting in this area was this kind of industrial buffer that flows between the residential neighborhood and the highway. This creates a separation so you do not have that heavy traffic going past people's houses. There are some self-storage buildings there and some warehouse buildings. The Puppy-Palace Doggie Daycare is there, and Christmas City Printing. Then there is another industrial area on the opposite side of the site that built up around Monocacy Creek where Casilio Concrete is and where Moravian University has done some recent investment. Their sports medicine building is located in that section also. During this study one of the items that jumped out to us and something that was pointed out by LVPC a number of times in their letter was the accessibility of this site and the close proximity to Route 378. The location of Route 378 has driven a lot of the planning decisions made in this corridor. We did find some history; there is a great historic page on the Bethlehem Library website that states one of the options for the direction that the highway was going to run would have cut between that industrial area and the neighborhood. Fortunately they did not make that connection. This is interesting to note because when Route 378 was built it was a connection to the Lehigh Valley Thruway which we know now as Route 22. But at the time, in the late 1960's when this was developed Route 22 was the connection to New York City. So Route 378 gave you direct access to Manhattan from Bethlehem and now it is about a 5 minute ride to Route 22 and you can get all the way across the Lehigh Valley and if you go south on Route 378 it is about a 15 minute drive to Route 78 which is now the more normal connection to Manhattan. Ms. Rusnock then showed the next slide which is their model placed onto that Google Earth image.

Mr. Galiotto continued to talk then about site access. We all know this has great access to the arterial streets, 8th Avenue and Eaton Avenue along with Route 378. The developer has the existing entrances which makes this plan easy to navigate and lessens the impact on the neighborhood. There are the existing entranceways and they will be creating one new entrance which has already been approved between the Medical Office buildings which we find appropriate because it eases traffic within the development.

Ms. Rusnock added it is interesting to note that additional entryway fills out the fourth branch of an existing three way intersection. So there is already a traffic light there outside the CVS and in between the CVS and the St. Luke's building so this additional entrance to 1170 site completes that four way branch. There are an interior network of roads, Martin Court, Tower Drive, and Steel Drive; they will all be built to city's specifications according to this plan. Those will be dedicated back to the city and then there are also the interior routes through that connection.

Mr. Galiotto remarked what we will see when navigating through the site is that Steel Drive takes on the topography of the existing site and then the site starts to slope. When he says that the developer did a good job here, they balanced the site so there is no export or import so it lessens the impact on other sites and truck traffic around the site. So there will be no moving of dirt off of this site or on to this site.

Ms. Rusnock remarked they wanted to talk about multi-mobility and that the white lines in the diagram are where sidewalks will appear and there is a sidewalk access all the way around the site as well and a nature trail that flows around the back of the site. There will be two connection points with the Monocacy Way Trail which they will get into later and there are two existing LANTA bus stops on 8th Avenue so the access getting onto 8th Avenue will be currently maintained. The next item they want to discuss is environment, and this is always an important issue regardless of where your development is happening. This is something we need to consider for any type of development. Our first item on that is storm water. The development that was there predated storm water management regulations. Martin Tower opened in 1971, 1972 and the first enforceable laws came in 1978 so the considerations that the current developers are taking on the site were not taken previous to that. This is a provisional no detention area and that is what it is called when that situation occurs. It has existed like this for about 50 years now. What you get with that is a chaotic flow of water, it just flows in any which direction it wants to flow and again, it has been like this for 50 years now. What you want to do in storm water management is take that chaos and put it into a more controlled situation. She will give a basic and elementary description of storm water management using a detention basin. This is a very common solution to storm water management; we see these all over the place. This again is a very base level elementary explanation. Ms. Rusnock explained essentially what you have is a detention basin, like a pond, and you have a system of two pipes, one a lower pipe that will be used for your inflow and a higher pipe will be used to get the water off the site with a weir that works like a lever. In the event of rain or like after this winter with all that heavy snow that melted, you get inflow into the detention basin, so it is different from a retention basin. A retention basin will hold the water and a detention basin is just slowing and regulating the flow of that water. She explained that water flows in, the sediment sinks to the bottom and the clean water rises to the top and once that hits a certain level it activates that weir, that little lever system and then it flows into the municipal system or it is returned to the site using site irrigation. She noted that site irrigation is something that we see, if you are driving north on Route 378 and you drive past Lehigh Valley Muhlenberg and it is raining or it rained the day before where it was heavy rain sometimes you will see their sprinklers are on, that is the same type of site irrigation system that will be used on this site. We then have eventual return of the normal water levels and the whole cycle starts all over again. What we are doing is taking the chaos of the existing water flow site and we are trying to put some order on it.

Mr. Galiotto related that everything will flow downhill to the detention basin and eventually into the city manage storm water system. From a storm water management standpoint it is very heavily regulated these days by DEP and the developer will not receive a permit to move earth on this site unless all those conditions are met.

Ms. Rusnock continued with green space. This is another issue that comes up when you are looking at the environmental impact. The zoning for this district calls for 10% of the site to be maintained as green space. In this case about 10 acres is being maintained as green space which amounts to about 20% of the site. That entire mature tree line is called out to be preserved. Those old trees that separate our site from both Route 378 and Burnside Plantation are all planned to be maintained. Another thing that was called out because of this zone was that tree inventory had to be performed. There were about 478 trees in the inventory and what is proposed now according to these plans it is 485 trees. Talking about the sidewalks it is a little under 3 miles of sidewalks so if you got into taking walks during the pandemic this would be a nice place to stretch your legs. She noted that the extension of the sidewalk along Schoenersville Road a few years ago there was

work done on that bridge and then the sidewalk kind of drops off just before the entrance into Burnside Plantation, the developer has pledged to complete that sidewalk like. That would be one access point to Monocacy Way and then the other access point is an existing access point which is going to be maintained. Ms. Rusnock added that the developer was leasing about 100 parking spaces to some of the St. Luke's employees that are in the area and those employees had to cross 8th Avenue and they also had to cross Eaton Avenue. That lease lasted about 3 years and there were zero incidents of pedestrian problems in crossing the street. The slide shows where the St. Luke's buildings are clustered around the site along Eaton Avenue and along 8th Avenue as well. She wanted to mention looking at new residents that might be moving on this site, new businesses that would be moving on this site, the access to amenities here is great and remains great. Whenever you are dealing with an historic site you are concerned about site lines and it comes up in more cases than historic site but it is always prevalent when you are dealing with history. As volunteers with Historic Bethlehem she thinks they would be in a lot of trouble if they did not take a look at this. We have another diagram to take an average six foot tall person and what we have done is that person is placed on the far right side of the site so that would be Burnside Plantation. If you were at the Blueberry Festival this past weekend you would be standing at Burnside Plantation and if you looked up toward the 1170 site this is what the site line would give you and because of that mature tree line you are blocking almost 99%, there is just a little tip of the roof you can see if you are especially tall. Ms. Rusnock remarked the next part of the findings is zoning and it is always about balancing the zoning uses. All the uses that were proposed by the developer on the site in this plan are permitted by right. We look at those zoning uses and then we discuss the site parameters, things like the topography and where they should be located and then that moves us to our next phase. It is important at this point to talk about how we talk in the office when we talk about building uses because although we spend a lot of time talking about buildings and boxes, it is important we think about people when we talk about buildings. As architects and designers our number one priority is health and safety of people that are going to be using these buildings. In this phase of our planning process we say this is the use but what is the mindset of the people who are going to using that use. She noted that particularly with medical offices we want to remember that some people that are going into a medical office are getting bad news and sometimes good news but that is important for us to be aware of. Ms. Rusnock remarked she has taken her grandparents to medical appointments before so she would have to drop them off at the door and go and park, that is a common practice with medical office buildings. In this section we are talking about our experiences with these users and what comes up when we are talking with the user like this. We have experience with these different users so our conversations about medical office users revolves around safety and visibility, dealing with emergency vehicles that need to get access on and off the site and through the site quickly. Having that ease of access is really important. Ms. Rusnock noted the developer is proposing a grocery store usage and when we have worked with grocery stores in the past one of the things they talk to us about is demographics. Some grocery stores like to compete so if you go down to Coopersburg there is a Weis Market on one side of Route 309 and there is a Giant on the other side of Route 309. Depending on who your developer is, some like that kind of competition. That ease of access is kind of universal amongst all developers and convenience is really important if someone is a last minute shopper and had to run and get something last minute and wants to get in and out quickly. With grocery store development you have to also consider the cart path, a customer with a full cart trying to get from the front door to the trunk of their car safely. We build several types of convenience store and the focus of these discussions is usually around highway access, especially when they have gas and this proposal includes a gas station element. They want you to be able to get off the highway, fill your car up, get some snacks, go to the bathroom

and get back right on easily, quick trips in and out. This is another case where you are dealing with a lot of competition. They discussed the fact that Wawa has been thrown into the new type of fast food; the Wawa on 8th Avenue is one of the busiest stores in their portfolio. Any time between 11:00 am and 2:30 pm it is packed in there for people trying to get lunch and many of those trips come from their office too. Ms. Rusnock continued to say that with commercial offices in a site like this remembering Route 378 and why it was built and looking at that access that LVPC pointed out a few times in its letters, you are looking at corporate headquarters and regional offices. We were talking about ADP in Allentown where you have a few hundred people working out of one office, a very heavy corporate culture and you are hit with that corporate culture as soon as you enter the door, they want you thinking about the company all day. They have amenities like kitchens, and on-site cooks and things like that to provide food during the day. Prominence is a big issue, you want clients to see your logo long before they walk into that door and you want to be visible. It is a great recruitment tool when you can introduce someone to a fancy new office and give them the key and hire them that day. She pointed out they have done a number of hotels and they are also concerned with highway access so it makes sense that they would be attracted to this type of site. Prominence is another issue there and high visibility. What hotels really want and what the discussion revolves around is that they want proximity to amenities and proximity to events, so things like Musikfest, all the activities that happen around Christmastime around in Bethlehem not to mention the Universities having parent's weekends and homecomings and graduations, that is the kind of demand that will attract a hotel. Restaurants have grown into being a destination and looking at this site for our analysis we said if you did not work or live on this site the most likely business you would visit would be a restaurant. They typically want a lunch and dinner crowd, so with lunch you want a proximity to businesses so you have people taking clients out and sales people coming in. Then you want to be near residences so you have that dinner and happy hour crowd and additional business on the weekends. As for the residential component, this is an area that has really blown up lately in the Lehigh Valley; we are doing a lot of residential projects right now. Whenever we are looking at an existing site and are trying to place where residences could go, we always want to put them on the quietest and calmest part of the site. That mature tree line that is staying helps, that is a buffer and we also in looking at the plan thought that most of your pedestrian traffic will be coming from the residences, people might be taking a walk during the day to get out of the office but the majority of people will be walking from their residence. Ms. Rusnock noted they did not want to get in too deep with the tax generation question but when you are looking at a variety of users it does diversify the economic impact of your site. With the great diversity of users that are proposed on this plan the numbers add up to about \$2.7 million in tax generated. That includes city, county, and school district but it is three bills that you do have to pay if you are a property owner.

Mr. Galiotto explained they do this just to make sure that the municipality will not be in the negative in paying out for this development and that will not be the case here.

Ms. Rusnock mentioned when we study this site we break up where the users were placed and broke the site down into three main areas. Area A is that 8th Avenue corridor and that has the medical office, grocery, and convenience and gas station. The more central portion of the site, Area B and that is where the commercial office would want to be located; they will get the view from the highway there so if you want a nice logo on there that will attract clients and customers. The restaurant sits somewhat central to the site so it is a little tricky because there is a steep slope and you there is a retaining wall, so the dead center of the site is on the slope so just beneath that

central to the whole site is the restaurant and some of your hotel is just above that. The hotel client, especially if they are in from out of town they would be going to the restaurant so it would be easy for them to walk over. Then there are the other commercial offices along that section. Finally, in Area C that is the quiet corner of the site and that is where all the residences are designed to be placed. This residential development will have modern amenities, there are plans for a club house and a pool, with benches so people can sit outside, and not unlike other developments you see in the Lehigh Valley. Ms. Rusnock pointed out again that site line from Burnside Plantation where that building off to the left is one of the residential buildings and there is very minimal site from yourself standing on Burnside Plantation. Ms. Rusnock stated the final thing they want to show is the experience of being on the site. Once we build out those 3D models we are able to capture renderings, we have 6 renderings and then a video to show that will give the feel of driving through the site when it is fully built out as it was planned and asked for us to examine. With the first picture it shows 8th Avenue and looking south, we can see the currently built St. Luke's and then the rendered out medical office building in front. These renderings combine photos of the current site as it is with the rendering on the top. So if you walk across the street and stand at the corner of 8th and Eaton Avenues you will see the two medical office buildings and another office building off to the left. Next is a view from Plaza Drive looking across 8th Avenue and the CVS would be to your left, the St. Luke's building to your right and you are looking directly across between the medical office buildings at the hotel. Moving down 8th Avenue, now we are at Martin Court facing east so we are at the intersection where the Lowe's is and we are looking at the grocery store and the convenience store to the right and then ahead of us we can see part of the commercial office building in the center. The next rendering is on the site and this shows what the restaurant could look like, this is a place where most of us would visit if we were not working or living on the site. You can see off to the left the retaining wall.

Mr. Galiotto explained that is where we say the developer did a really good job with balancing the site to lessen the impact on other sites.

Ms. Rusnock continued with the next rendering and this shows the far corner of the site, the connection to Burnside Plantation and this is that nature trail, the detention basin is off to the right and it shows one of the residential buildings in front. She then showed a video where we enter in between the convenience store and the grocery store and are driving through the site. There is an incline up to Tower Drive.

Mr. Galiotto mentioned that it goes to the left and you can get a sense of the slope of the site and how it is a very walkable site and would make a very good walk for an exerciser because there are a lot of hills. Every building is connected with a sidewalk, there is not a building on this site that you cannot walk out of and walk to another without being on a sidewalk.

Ms. Rusnock continued to say with this video we are now passing by the restaurant and the grocery store is off to our left and you can see the retaining wall and we come up around where the hotel is.

Mr. Galiotto noted it goes up hill and you can see the medical office building that sits about 15 feet higher than the grocery store and even the hotel is up about 8 feet and you are now looking at the hotel.

Ms. Rusnock remarked you continue to go up following that incline and get a sense of how much lower the restaurant is if you look to the right side.

Mr. Galiotto explained they did not design these buildings, they just wanted to give everyone an idea of the type of buildings, so think of this conceptually, especially the residential that we see now in the video.

Ms. Rusnock pointed out they build their model based on the CAD drawings provided based on the plans that have been previously provided to Council, the Zoning Hearing Board, and the Planning Commission. We wrap up here and end up facing Schoenersville Road, you can see the residential off to the right and one of the office buildings would be off to the left. Presenting a summary of our findings, one of the things we discussed in the office was if we gave everybody in here a piece of paper and 50 acres and said to them plan out a site and also ran through all of these findings, what would make an appropriate site. Obviously we would all come up with something different for many different reasons. We ran through the site context, we talked about site access, we discussed the environment, we looked at zoning and we gave you an experience to leave you with. Our final finding is that this plan that is proposed is an appropriate plan, it follows the zoning uses, it fits in with the surrounding neighborhood, and it builds around the context. This also makes use of the topography and there is no need to add additional dirt so you are not disturbing other sites, it takes advantage of the great access of Route 378 and it keeps residences connected to the amenities in northwest Bethlehem. That is the conclusion of our presentation.

President Waldron thanked them for the presentation. We do have an agenda we will stick with and of course Council Members will have an opportunity to ask questions.

Darlene Heller, Director of Planning and Zoning stated we reviewed this back in March at the Planning Commission and at that time our comment on the one zoning amendment was that we had a concern because there was no cap on the amount of parking that could be in front of the buildings between the arterial street and the front face of the building. What Councilman Colón's revision does is that it adds a cap to that so it really eliminated the comment or issue we had specifically about the zoning amendment. The Planning Commission voted back in March to support each of the amendments and they repeated that both at their most recent meeting. So they did move that they support the amendments and recommend that Council does as well.

President Waldron asked if Ms. Heller had any comments about the presentation from Alloy 5 this evening.

Ms. Heller explained they did see the presentation previously and they spent a lot of time going through and addressing some of the questions that came out both from our April 2019 comment letter regarding the overall master plan. They also took a look at some of the City Council's comments and questions from the past few meetings. There was some explanation that was presented for a lot of those questions and comments. For some of the issues as we get into pedestrian safety and the landscaping and greenspace and things like that we will take a closer look at each of those items when we get into a land development phase when we receive more detailed plans when each of the specific lots are looked at in more detail. We will probably also be looking at a revised overall master plan if things change or get tweaked. We will look at that prior to a land development plan submission.

Mr. Reynolds noted as far as the plan is concerned versus the questions about Mr. Colón's amendment, who is not here, should we be asking the Administration questions about the amendment. As we talked about before, the plan, which we appreciate the Mayor pushing for, it is not the amendment that is in front of us. He is not sure whether or not how we should separate those questions and comments, to make sure the conversation about the plan and what was included in the plan is separate from the conversation about the zoning text amendment. As we talked about before as much as we like the idea of these things we included City Council is not in a position by which we are able to say, why do you do that or add that as it is contingent to our vote on Mr. Colón's amendment.

President Waldron remarked that is a good point to clarify. The plan that is being presented is not one for Council to approve or disapprove. We can give our comments and feedback on it. It is a sharp plan to have a 3D rendering and drive thru of the site, that makes the sense and feel of it a lot more tangible but that is not our intention of this public hearing this evening. Our intention is to review the zoning text amendment that was brought to us originally and we amended. Essentially this is the same thing we have been discussing for a few months now with the exception of the change that Mr. Colón brought forward of limiting the parking spaces. That is the intention of our discussion this evening on the Council perspective, that is the agenda item as it is put, not necessarily the plan that was presented from Alloy 5 this evening which he does find value and it is helpful to visualize. President Waldron pointed out that any Council Member can give the comments they please to but our agenda item in front of us is the zoning text amendment that was being asked of us by the developer.

Mr. Reynolds stated he will not make any comments on Mr. Colón's amendment but wanted to make a few general comments on the presentation. First of all he wanted to thank Alloy 5, there are a lot of things in there seen for the first time and he was impressed with the concepts that were added in there. When you take a look at the uses and he had never seen the breakdown of what people are looking for. You think of these things often from a physical point of view rather than what the people are looking for with these uses. They brought a lot of value of this and explained a lot of things that previously had not been talked about. Mr. Reynolds admitted he did not know how detention ponds work. One thing we take away looking at those pictures throughout history is that how bad of a hand Bethlehem Steel, with all due respect, did hand us to the future. The fact that Martin Tower was built the way it was with all of the macadam and the fact that all of that runoff has been there for 50 years and we lived in a society once upon a time that had no DEP permitting process. This created something that is a challenge as was talked about. He appreciates everything that was added to this and he would echo Ms. Heller's comments in that obviously the concepts here as to what is included are good but the rubber really hits the road as different parts of the site are developed. When we are talking about what that pedestrian access looks like down to the trail or what those intersections look like the concepts are great. That is the most we can ask of a plan at this point without going through the detailed land development project. Mr. Reynolds has said before that it is really important for our planning department and as we go forward with designing or as the plans come in that we are aspirational as to how effective can we make those walkways, and those are things that should come up as it is developed in front of the Planning Commission. He does not think to ask you guys details about things that were put in your 3D renderings as necessarily what is the best thing as much as it is just to say that the concepts here included are good and ones that the developers would be wise to take into account as they continue to develop the rest of the plan.

Dr. Van Wirt stated she is impressed with the contextualization of this project within Bethlehem itself. It is important to understand how it sits within our city. It has made it much more cozy to have a visual rendering. She gets the sense that there was not much modification from the original plan; it is really more a visualization of it so it is not so scary. She does find it uncomfortable that there is going to be a gas station there but it is private property and you can build to right with zoning. She has a question but she is not expecting an answer tonight but if we do have any upcoming dialogue on this she would ask how does this fit within our Climate Action Plan. That was one of the main contentions that City Council had with this plan, a very unclear understanding not just how a retention pond works, which was educational. She would like to see where our existing sewer lines are because one of her great fears is that the overflow will go into the Monocacy again. She thanked them for the presentation, this is a good first step in terms of understanding this project and what it can be and hopefully there will be some tweaks and modifications to it. Dr. Van Wirt continued with the text amendment itself and said she will reiterate what she said last time. She still has not heard a good reason why the developer cannot go in front of the Zoning Hearing Board. If the little guy, the citizen of Bethlehem wants to do something like put in extra parking, guess what we make them do, we make them go to the Zoning Hearing Board. But there is no good reason imbedded in any of the conversation we have had on Council why the developer cannot go in front of the Zoning Hearing Board and ask for the parking they need for those two medical buildings. It is a simple ask and a simple process and one the rest of our citizens follow. So she cannot support this text amendment tonight because she feels that we should be asking our developers to do the same thing that our citizens have to do which is go in front of the Zoning Hearing Board and ask for a variance.

Ms. Crampsie Smith thanked them for the presentation; it really did add a lot of flavor and gave her more insight into what the project will look like. In the amendment in Section 2 it says "No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists". It looks like the amendment to this states that this Article 1311.08 (b) does not apply to the OMU (Office Mixed Use) District. She asked if that is something we are adding in addition to the parking.

Ms. Heller stated she only has what is revised for the parking but the provision is that no new access should be to an arterial street, and that applies anywhere in the city for the design guidelines. We want the access to come in from the rear. In this situation 8th Avenue is an arterial street and so is Eaton Avenue and the intersection they are looking at was built to be a 4 way intersection, it has a traffic light in it and was always anticipated that there would be access there. The provision that is in the zoning ordinance right now is a little bit impractical for this scenario. We would encourage access to make that a 4 way intersection right there, that is the way it was constructed.

Ms. Crampsie Smith noted that does make sense because it is already there. She was wondering that it makes sense for this development but if it is changed then it will be applicable to any OMU district development and what would be the ramifications of that.

Ms. Heller stated there is no other OMU district in the city. The OMU zoning district was created for the 53 acres here at this intersection because it is a unique site in the City of Bethlehem.

Ms. Crampsie Smith remarked that clarifies her question. The other issue or question she

has is that the Bethlehem Planning Commission did approve the amendment but she has the letter from the Lehigh Valley Planning Commission (LVPC) but can Ms. Heller speak to this letter. In her reading of it, they have some concerns.

Ms. Heller related it is awkward to speak for someone else's letter in all honesty.

President Waldron interjected that Becky Bradley has signed up to speak for the LVPC this evening. So in due time we will hear from her.

Mr. Reynolds mentioned in response to Dr. Van Wirt's comment about going to the Zoning Hearing Board that he does not think this was necessarily intentional on behalf of the developer. By coming to City Council in the process we have seen progress here as far as what has happened on the site. That is a positive and the fact that it came to City Council for this conversation and we raised a lot of things, he will not speak for the Mayor but after we raised a lot of issues the Mayor asked the developer to engage an independent third party system. That process would not have gone on if the just went to the Zoning Hearing Board. He does not think that was intentional on their part considering what we have now done but it is absolutely progress that we have had this public conversation here. There has been a lot of frustration over the years with the Zoning Hearing Board granting variances and doing different things and since they are not elected and all of us up here are elected, it has allowed us to have this public space to have this conversation to talk about it. Mr. Reynolds does not think it was intentional on behalf of the developer but the product in front of City Council has been a positive one. It has been positive for the community and he does think we have a better plan now in front of us because we have gone through this process. He does not think that would have happened if it just would have gone to the Zoning Hearing Board. Mr. Reynolds believes that is something that was needed to be said.

President Waldron stressed this is our public hearing, there will be no vote from Council this evening. Our typical process is a public hearing and then the following two consecutive meetings would be First and Second Reading and at that time Council would vote. It is helpful to see this plan and to see what the developer has asked of us and to turn the focus back onto what is in front of us this evening, not approval of the plan that was presented by Alloy 5 but approval of the zoning text amendment that Council had previously amended. He too had concerns that Mr. Colón had brought forward about the parking since there was no limit to what was asked and more specifically tailor the ordinance to what the developer was asking of us and seeing that in the rendering looks and feels appropriate. He would state again that Council will not be voting this evening on this and the question at hand is the zoning text amendment that was brought to us that Council then amended and went back to the entire process that is before us this evening.

Public Comment

Becky Bradley, Lehigh Valley Planning Commission Executive Director stated she wanted to thank Council and Alloy 5, the Mayor and the Planning Staff for a lot of good information and discussion this evening. You have received a copy of the Lehigh Valley Planning Commission's review of the proposed zoning amendment to the OMU District, which we believe is more in character with Future LV, the Regional Plan than the previous amendment. We still have a few comments that the commission has asked her to relay to Council this evening. She appreciates Alloy5 providing some renderings that show some of the more pedestrian context, potential of

the site. At the end of the day looking at a simple aerial in Google Maps you can see what is proposed across the street at the Martin Tower site compared to the CVS and the St. Luke's Neurology Associates, and the PNC Bank. Those buildings are set up basically one parking lane away from 8th Avenue. The LVPC still believes that there is no reason why the developer needs that extra row of parking at the front of the building which essentially creates a suburban condition when really as Alloy 5 outlined there is a whole mix of different uses and districts coming together in this location. Being able to plan for that transition and not reinforce a more suburban condition becomes really important. Again, it is important because this is one of the most transformational sites in the Lehigh Valley. She would argue today it is the most important redevelopment site in our entire region; it is the best located, it is a center of people and jobs, and it is at the center of the transportation system. Its location of high multimodal connectivity, there are a series of sidewalks, a lot of people walk along 8th Avenue and Eaton Avenue going down to Monocacy Way through the Burnside Plantation and the neighborhoods surrounding. The city has made major investments and coordinated with the private sector to ensure that there is an adequate transportation system which puts pedestrians, cyclists, and motorists on the same level which is what we call transportation equity. Ms. Bradley noted in fact the City of Bethlehem adopted the first Vision Zero policy back in 2016 in the entire region that is moving towards zero pedestrian, vehicle, and bicycle and ADA fatalities serious injuries and injuries at all, stressing that leadership position of the city now and into the future. In addition with the new Climate Action Plan which again is the first in the region showing the city's leadership yet again on this issue, pedestrians, cyclists, ADA accessibility becomes very important to managing air quality, to slowing speeds down and making places more safe, more human, and ultimately more green and resilient. Ms. Bradley remarked connecting housing in this developments historic site, the trail network into a seamless transportation system, vis-a-vis improvements at this site is critically important not only to the city itself but to our region and she would argue nationally and internationally. Look at what the city has done with its World Heritage Application and look at what the city has been recognized to the Urban Land Institute with the work over at the Bethlehem Steel site. Again, you have this really amazing opportunity to do it again and really be a leader not only for the Lehigh Valley and for the citizens and the businesses in the city but for our nation and beyond. At a minimum the setbacks and building lines should be equivalent to that along 8th Avenue and Eaton Avenue in the shopping district where the PNC, CVS, and St. Luke's Neurology associates building is associated. Again that is one parking lane deep from 8th Avenue. This will help reinforce the gateway aspects of this area of the city and provides visual, economic continuity and reinforces the stability of the city's economy now and into the future. Ms. Bradley pointed out every major vehicle manufacturer in the world including Volvo Mack Trucks here in the Lehigh Valley and Air Products which is a major developer of fuel stable technology critical to the movement, long distant tractor trailer movement, our region is innovating in this regard as well. That is an important point. Every major vehicle manufacturer in America and in the world has declared that by 2035 at least 50% of all new vehicles will be electric or alternative fuel. So steaming ahead to what a gas station could be reduced as within a very short amount of time really around a decade, rethinking or actually planning for and figuring out charging stations, electric availability on the site, broadband connectivity as we use more and more data as we are more and more connected. This will be critically important as the city then negotiates with the developer as well. She knows that Ms. Heller, who she respects a lot, has started to have these conversations with the developer and it is important from a regional perspective that this also reinforces the site long term economic viability now and into the future. This has to be accessible to cyclists, they do not ride on sidewalks, they are required by law to ride on the road so smoothing out curbs so cars take large curbs very quickly and making sure the cars

are slowing down to share the road with cyclists and with pedestrians and with people who are mobility impaired will be important. She echoed what Ms. Heller said, that the devil is in the details. There is some definite positive movement here but we really encourage the city to continue having these dialogues with the developer and make sure that the most valuable site in the Lehigh Valley becomes the shining star of this region for now and into the future.

Anna Zawierucha, 341 Spring Street noted the previous speaker took the words out of her mouth. She also feels that Bethlehem to her is one of the most beautiful cities on the east side of the USA. We have broad streets, we have historical history that goes deep and long and we are at a transition point in our future of our cities to no longer make them car centered cities, but people centered cities. The things Ms. Bradley mentioned jumped out at her even though that was very instructed and appreciated, the demonstration, she saw no bicycle paths, no charging stations for electrical cars. When we look at Price-Rite and Lowe's we see all the macadam and she loves seeing all those trees on the other side. If you want healthy design we need to get rid of the macadam and redesign our streets. Thirty years down the road we will not have gas driven cars anymore, we will have electrical cars. We need to not let development projects become knee jerk reactions even though they can be made beautiful and considerate that we even have to push our imagination further to the future. She agrees that we need to be sensitive to changing the rules for one and not for the others and decisions that need to be made have to be people centered, bicycles should be accessing this area, walkers, electrical cars, all alternative transportation which she did not see happening at all on the site. The only thing she saw was nice little turns in a car, and wonders where the bicycles and walkers were.

President Waldron announced the Zoning Amendment Ordinance will be placed on the August 3, 2021 Council agenda for First Reading.

President Waldron adjourned the Public Hearing at 8:39 pm.

2. APPROVAL OF MINUTES

None.

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

Dog Attack

Heather Ortiz, 229 East Garrison Street, stated she is at this meeting to discuss a horrific event and to ask for change. On June 15th she, her daughter and her mother decided to walk her two dogs and her mother's dog from her house on Union Boulevard to her house on the 200 block of Garrison. As we were walking we got to the first couple of houses on the 100 block of Garrison and at that point two pit bulls came barreling out of their backyard and jumped an approximate 3 foot fence and attacked her dog Copper, who is a beagle/bulldog. It took approximately 6 people around 7 minutes to get these dogs to stop viciously stop biting Copper. The police were called and a report was made and the owners of the dogs were charged with harboring dangerous dogs. Her dog Copper had to spend the night at the emergency vet, he sustained multiple bite marks, lacerations, had a bunch of stitches and two drains and vents put in his neck and back. For the next few weeks he was on pain medications, anti-inflammatories and antibiotics. Copper has

made a full recovery and is back to his loving blanket hogging, calm natured self, thank God for that. She is thankful that when this happened her 12 year old daughter scooped up her other dog and took off running because had those dogs got Teddy who is a 10 pound Shih Tzu, he would not be with us today. Ms. Ortiz pointed out because her daughter ran up the block she did not see much of the horrific event and one of the other neighbors on Garrison took her mother's dog. For some reason these two dogs only went after Copper. Since this attack Ms. Ortiz has been diagnosed with PTSD and cannot even walk down her own street. The reason for that is that she does not feel safe. She has been told that in our city and state her dog would be considered an accessory, the same as a lamp in her house and had those dogs attacked her the penalties for the dog owners would be harsher. Her dog is a human, he is one of her kids, he is not an accessory. She has been told by the Pennsylvania Dog Warden that those two dogs that attacked Copper will be determined dangerous dogs, however, they will remain at that house and the owners will be subject to a fee every year and the dogs will have to be muzzled and remain in an enclosure when they are outside, which she is glad to hear. However, what makes her infuriated is the fact that there is basically no one who makes sure these owners abide by these regulations. She was told that the dog wardens only go to the home twice a year, the rest of the time it is up to our city police to make sure these regulations are enforced. How often do police check to make sure dangerous dogs are secure? Our police have bigger things to worry about. Ms. Ortiz was told that we have an animal control officer but he mostly deals with stray dogs or other animal issues. She has not been able to walk her dog since this happened and she is not sure she will ever again. She cannot walk down her own street because she does not feel safe and is afraid of pit bulls. She needs to be sure in her own neighborhood that she and her dogs are protected and as a taxpayer she feels like her own city is failing to do that. Ms. Ortiz is asking for help, she does not believe those dogs should remain with such careless owners and if they are allowed to she thinks the overseeing of these "dangerous dogs" should be better so no other person walking their dog has to go through what she went through and no other dogs have to suffer for weeks in pain because of irresponsible dog owners.

President Waldron thanked Ms. Ortiz for her comments and added he is sorry for what happened to her family. He added that our Chief of Police is at this meeting, Chief Kott and maybe she could speak to Ms. Ortiz privately about maybe something the city might do or give guidance.

Garbage and Trash in Yards and Alleys

Chris Carson, 1219 Maple Street, remarked he is a resident of the 1200 block of Maple Street just east of the Linden/Elizabeth/Easton Avenue intersection. All are probably familiar with his neighborhood. He and his wife purchased their home in 1997 believing it to be their starter home and going on 25 years later they are still there. It has been a fantastic place to raise a family, some who have been coached by Council Members or baby sat by Council Members and their friends. We love our neighborhood but he has two concerns. While they are similar one is personal while the other is community centric. The more personal involved neglect of a neighboring property, this property was sold about 2 years ago with the new owner who they do not know. The house became a rental and in that time there have been two tenants, very nice families. The owner however has failed to provide either family with adequate trash storage bins and to his knowledge has never provided trash collection service. The lack of a contracted trash collection service was confirmed by the current tenant. As a result junk, trash, garbage is placed on the back porch, in the yard and the alley where it accrues often for weeks before the tenant

loads it into his pickup truck and takes it away. The situation is unsightly and smells terrible and attracts vermin, rats and others. It is now at times hard for his family to enjoy their backyard as a result. As you know basic property maintenance including the provision of trash storage and collection services are an obligation of the property owner. He has contacted the Health Bureau and has filed nuisance complaints but the problem persists. Mr. Carson added that the other concern he has is this personal experience on a neighborhood scale. He watches the same thing play out week after week on the streets and alleys in our neighborhood with overflowing garbage bins, abandoned furniture in our alleys and yards gone to pot. He and his neighbors have watched this trend worsen over the last decade and it has now reached our doorsteps. He is here to ask for your help. He and his neighbors are pleased with the initiative demonstrated in the Northside 2027 neighborhood plan but he is here to say the area defined therein is at risk as a soft boundary maintaining stable attractive family friendly neighborhoods where owner/occupancy is the norm and not the exception starts with a guarantee of basic quality of life conditions such as streets, alleys, and yards that are adequately cared for. Mr. Carson remarked the rules and regulations needed to manage most of these issues exist and are codified in our city ordinances. Perhaps a few improvements are in order to hold landlords more quickly accountable. The basic mechanisms are in place but they must be enforced by the various departments of our city government to have merit. He is not here to vilify renters; he believes affordable housing is critical to a healthy Bethlehem. Well maintained rental housing is necessary but the ordinances of our city are explicit in their acknowledgment of the deleterious effect non-owner occupied residential properties can have on our neighborhoods. The ordinances establish the rights and obligations of owners and occupants that are required to promote public health, safety, and the welfare of all of us. To do so they must be dutifully and diligently applied. Mr. Carson is asking Council to see to it that this is more effectively done.

Mr. Reynolds thanked Mr. Carson for coming to this meeting. We have had an email exchange earlier this week about this and it was something he had emailed Ms. Lucas as well and he let Ms. Karner know. This issue comes up over and over again because it is one thing if the homeowner has an issue with the trash but this whole issue of the landlord who is required to have it and they put in the lease and then the Health Bureau has to enforce the ordinance, that adds the next step that becomes an issue over and over again. The enforcement of our garbage ordinances as Mr. Carson has patiently discussed is one that is not going after renters but structure of that lease process makes it harder to enforce. He is not one to suggest an idea without understanding all the ramifications, but we have a list of rental properties in Bethlehem and investigating the possibility of requiring our landlords to prove that they have garbage service especially with a lot of properties it is hard to know what day everyone has trash service. Mr. Carson might have Thursday and a neighbor might have Wednesday and another neighbor have Tuesday so it is hard to enforce that. A step we should consider seriously is the idea of requiring landlords to prove they have garbage service and whether or not they are charging their tenant for that or not is between them and the tenant. Mr. Reynolds noted this is happening a lot and this is probably the 20th time he has heard this and he does understand it is a logistical difficult thing to do and not something simple. But this is a problem and has been a problem for as long as he has been on City Council. We have looked at different ways, we have the zoned hauling on the south side which has improved the situation but coming up with a way to find out or investigate the possibility of having the landlord prove they have garbage service. He does understand it might be something difficult but we should come up with a possibility of requiring landlords to prove they have a garbage hauler would help these situations. He does not blame the renters either, many times they do not know or the landlord says he is paying for it but is not

actually paying for it to pay a few dollars. Then the renter is the one on the ground who has to deal with the neighbors. There must be a better way to do this.

President Waldron pointed out he agrees 100% and he would turn to Ms. Karner to ask if this is something she would like Council to address whether with a committee meeting or changing an ordinance, Council would support that. He added that if maybe Mayor Donchez would want to open up the third rail of Bethlehem politics and talk about a single hauler as his going away present.

Mayor Donchez informed he has no interest in that.

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

None.

5. OLD BUSINESS

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

6. COMMUNICATIONS

C. *Assistant City Solicitor – Proposed Resolution and Intergovernmental Agreement with Redevelopment Authority – Grants Program Manager*

The Clerk read a memorandum dated July 8, 2021 from Assistant City Solicitor Edward J. Healy, Esq., with an attached proposed resolution authorizing the execution of an intergovernmental cooperation agreement between the City and the Redevelopment Authority in connection with the creation and funding of a city position entitled “Grants Program Manager” and the role and responsibilities of the Redevelopment Authority moving forward in the context of the dissolution of the Beth Works Tax Increment Financing District.

President Waldron stated the resolution can be placed on the August 3, 2021 Council agenda.

D. *City Solicitor – ArtsQuest – Amendment to Use Permit Agreement – Levitt Concert Series*

The Clerk read a memorandum dated July 9, 2021 from City Solicitor William P. Leeson, Esq. with an attached resolution and associated Use Permit Agreement Amendment. The Permittee is ArtsQuest and the amendment adds the following dates in connection with the Levitt Concert series: July 27, 2021 and September 1, 2021 from 5:00 pm to 11:00 pm. The covered premises is 1st Street from Founders Way to the beginning of the parking lot at 650 E. 1st Street.

President Waldron stated Resolution 10 C is on the agenda.

E. *Assistant to the Mayor – Recommendation of Award – Hometown Press – Newsletter*

The Clerk read a memorandum dated July 14, 2021 from Kelley Andrade, Assistant to the Mayor recommending a contract with Hometown Press Newsletter for the creation of two seasonal newsletters, fall/winter 2021 and spring/summer 2022. The estimated total cost is \$14,713.60. There are three potential annual renewals.

President Waldron stated Resolution 10 E is on the agenda.

F. *Director of Water and Sewer Resources – Modifications to Article 913 – Water Rates and Charges*

The Clerk read a memorandum dated July 14, 2021 from Edward Boscola, Director of Water and Sewer Resources, with an attached proposed bill amending Article 913 titled Water Rates and Charges. The proposed bill would enact certain water rate increases approved by the PA Utility Commission and discussed during the 2021 budget meetings.

President Waldron stated the Ordinance will be placed on the August 3, 2021 Council agenda for First Reading.

G. *City Solicitor – Use Permit Agreement – Lehigh Valley Business Corporate League – 2021 LVBCL Softball Tournament*

The Clerk read a memorandum dated July 15, 2021 from City Solicitor William P. Leeson, Esq. with an attached resolution and associated Use Permit Agreement in connection with the 2021 Lehigh Valley Business Corporate League Softball Tournament. The Permittee is Lehigh Valley Business Corporate League and the agreement covers Saucon Park Fields on August 20, 21, and 22, 2021 during the specified time periods.

President Waldron stated the Resolution can be placed on the August 3, 2021 Council agenda.

H. *City Solicitor – Use Permit Agreement – McCarthy’s Irish Pub, Inc. – Oyster Festival*

The Clerk read a memorandum dated July 15, 2021 from City Solicitor William P. Leeson, Esq. with an attached resolution and associated Use Permit Agreement between the city and McCarthy’s Irish Pub, Inc. in connection with the permittee’s Oyster Festival. The agreement runs September 18, 2021 from 11:00 am to 11:00 pm and covers Walnut Street between Main Street and Guetter Street.

President Waldron stated the Resolution can be placed on the August 3, 2021 Council agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Mike Simonson – Historical Architectural Review Board*

Mayor Donchez appointed Mike Simonson to membership on the Historical Architectural Review Board effective through January, 2026. Ms. Negrón and Mr. Waldron sponsored Resolution No. 2021-126 to confirm the appointment.

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

2. *Administrative Order – Scott Piccotti – Fine Arts Commission*

Mayor Donchez appointed Scott Piccotti to membership on the Fine Arts Commission effective through May, 2024. Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2021-127 to confirm the appointment.

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

Bethlehem Food Co-op/Polk Street Garage Groundbreaking

Mayor Donchez mentioned he wanted to give a special thanks to Congresswoman Susan Wild who was instrumental in getting the Bethlehem Food Co-op \$2.9 million dollars and that is well earned money. So this is a special shout out to her. He added that we will have the groundbreaking for the Polk Street Garage on August 17, 2021 and the number of leases we have today is much greater than it was 2 years ago pre-pandemic and we will have about a 700 car garage.

C. *Finance Committee Meeting*

Chairman Reynolds stated the Finance Committee met tonight Tuesday, July 20, 2021 at 5:30 pm in Town Hall. The Committee discussed and voted on the following five (5) agenda items: Storm Water Budget Transfer; Amending the General Fund – 2021 Budget Adjustments – City and RDA Intergovernmental Agreement – creation of Grants Program Manager; Amending the Golf Fund – 2021 Budget Adjustments; Amending the Liquid Fuels Fund – 2021 Budget Adjustments; and the Creation of an Affordable Housing LERTA zone to incentivize development of affordable housing in the City. Committee votes were taken on agenda items 1 through 4. The committee voted to recommend approval of each of the agenda item requests and to move forward with sending appropriate legislation to full council for consideration. The resolution for agenda item 1, the storm water budget transfer, is on tonight's agenda. The three budget adjustment ordinances are on tonight's agenda for First Reading. The committee took no action on the proposed affordable housing LERTA zone, and will schedule another Finance Committee Meeting to continue that discussion and will announce when that date is confirmed.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

A. *Bill No. 20 – 2021 – Amending 2021 General Fund – General Fund Adjustments*

The Clerk read Bill No. 20-2021 – Amending 2021 General Fund – General Fund Adjustments sponsored by Dr. Van Wirt and Ms. Negrón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2021 GENERAL FUND BUDGET

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. Bill No. 20-2021 was passed on First Reading.

B. Bill No. 21 – 2021 – Amending 2021 Golf Course Enterprise Fund – Budget Adjustments

The Clerk read Bill No. 21-2021 – Amending 2021 Golf Course Enterprise Fund – Budget Adjustments sponsored by Dr. Van Wirt and Ms. Negrón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE GOLF COURSE ENTERPRISE FUND BUDGET FOR 2021

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. Bill No. 21-2021 was passed on First Reading.

C. Bill No. 22 – 2021 – Amending 2021 Liquid Fuels Fund Budget – Budget Adjustments

The Clerk read Bill No. 22-2021 – Amending 2021 Liquid Fuels Fund Budget – Budget Adjustments sponsored by Dr. Van Wirt and Ms. Negrón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2021 LIQUID FUELS FUND BUDGET

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. Bill No. 22-2021 was passed on First Reading.

10. RESOLUTIONS

A. Approve Resolution – Analysis of Impediments to Fair Housing Choice

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2021-128 that authorized to adopt the Analysis of Impediments to Fair Housing Choice for the City of Bethlehem and confirms the city's continued commitment to affirmatively further fair housing through the following activities: That the City of Bethlehem has conducted an Analysis of Impediment to Fair Housing Choice within its jurisdiction; and that the City of Bethlehem will take appropriate actions to overcome the effects of any impediments identified through the Analysis; and that the Administrator, on behalf of the City of Bethlehem, Pennsylvania, is authorized to file the Analysis

of Impediments to Fair Housing Choice with the U.S. Department of Housing and Urban Development.

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

B. *Records Destruction Resolution – Law Bureau*

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2021-129 that authorized the disposition of Law Bureau public records, as stated in Exhibit A.

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

C. *Approve Resolution – ArtsQuest – Amendment to Use Permit Agreement – Levitt Concert Series*

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2021-130 that authorized to execute a Use Permit Agreement amendment with ArtsQuest for the Levitt Concert Series Event.

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

D. *Approve Transfer of Fund – Storm Water Budget Transfer*

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2021-131 that Authorized \$30,000 in Storm Water Budget to be transferred from account 012A-42090, Unforeseen Contingency \$400,000 to \$370,000, to Account 012A-43099, Equipment for the purchase of a vehicle to be used for the Storm Water Program to conduct inspections on Basins, Swales, and other Storm Water Related Projects/Operations.

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

E. *Approve Resolution – Hometown Press – Newsletter*

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2021-132 that authorized to execute an agreement with Hometown Press for creation and distribution of two seasonal newsletters.

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

F. *Certificate of Appropriateness – 409 North New Street*

Dr. Van Wirt and Ms. Negrón sponsored Resolution No. 2021-133 that granted a Certificate of Appropriateness to install a ductless heat pump. The refrigerant and condensate lines that are to be attached to the exterior brick wall are proposed to be covered with Slim Duct model SD-100. The outdoor condensing unit will be mounted in the rear of the home next to an existing unit at 409 North New Street.

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

11. NEW BUSINESS

Public Works Committee Meeting

Chairwoman Crampsie Smith announced the Public Works Committee will meet on Tuesday, August 17, 2021 at 5:30 pm in Town Hall. The agenda items will be discussion of the Responsible Contract Ordinance; and the Contract Preference Bill.

Bethlehem Food Co-op/Garbage in Yards

Mr. Reynolds remarked the Bethlehem Food Co-op is a really big deal and many people deserve credit for it. The conversations that he and others have had with Congresswoman Wild, she has talked about the fact that the Co-op has been building up over since 2013. The \$2.9 million dollars is a lot of money and it will save money. The way the Co-op is designed is that a lot of the money will come from different ways to raise money and it will help that become a reality that much quicker. It is a transformational project. Many ways these projects happen is by building up confidence and energy around it and a big part of that is that Council and the Administration got behind the Bethlehem Food Co-op early just unanimously saying this is a priority. Every person on City Council when the said something about how important this project was led to funding that the Administration worked on. This \$2.9 million dollars ended up being more than it originally could have possibly been because of the Administration and the Community and Economic Development Department working with the Co-op and working with Congresswoman Susan Wild's office. Mr. Reynolds announced they have a block party coming up on Saturday and he added that this is a transformational project that is going to bring along other changes that we have in that area of Broad Street and Linden Street. Mr. Reynolds remarked that Mr. Carson referenced the soft boundary and when we came up with Northside 2027 boundaries some of it was based on census tracts and some based on what was needed for grant funding but that does not end on a certain block. This is a priority going forward and is a priority for Mr. Reynolds going forward that those are the types of issues we will make as efficient as possible in responding to.

Water Rates

Dr. Van Wirt informed she agrees with the comments made by Mr. Reynolds about the Bethlehem Food Co-op and its importance to our city. She will not be able to be at the Council Meeting on August 3, 2021 and she was away last year at the same time and missed a critical vote and she regrets it every time she walks by the whole house Airbnb's in the historic district. This year she will bring her hotspot hoping to be able to join in. She wanted to address something that will be on the August 3, 2021 agenda very briefly and to ask you to just think about it. When she was first elected she promised herself that just because we have done it this way, it is not something that will go unchallenged. She is looking at the Department of Water and Sewer Resources and she is not against the idea that we have to raise water rates, it does happen and we have not raised it since 2014. It has been a long process and is extremely regulatory but she would like to challenge the idea that we have always been equitable in the way we charge our customers for water use and that includes people who are not citizens of Bethlehem and who are

in the outer townships. Dr. Van Wirt believes it costs a lot more to deliver water farther away so in effect by charging the people who use water at a higher rate, it costs more to deliver the water to them than it does our own citizens so our citizens are subsidizing them. We are helping keep their water bill cheaper and she thinks this is something we should ask ourselves, is this what we want to do. During the Alloy 5 presentation they mentioned strong towns and she has mentioned this and this influenced her thinking about infrastructure and how we pay for it. We have to challenge ourselves to say is that the right thing to do, to subsidize people living in the outer townships by our own citizens having to pay higher rates so those people get the same rate even though the cost of delivering them water is much higher. Dr. Van Wirt thinks this is probably too late in terms of this going forward because it had to go through an enormous regulatory process but in the future and she will ask Mr. Boscola to consider this, to charge people what it costs to deliver water. So if it costs more to deliver water to those townships let them pay for it. They are out there because things are a lot cheaper, land is cheaper, fuel is cheaper and taxes are cheaper. If it costs more for them to pay for our water out there, so be it, she does not feel our citizens should be subsidizing their water usage.

Dog Attack

Ms. Crampsie Smith wanted to address Ms. Ortiz and to say thank you for coming to this meeting. She is sorry to hear her story and cannot imagine how traumatized she must have been. Ms. Crampsie Smith also has some concerns that are growing in her neighborhood regarding pit bulls specifically and she is going to talk to Police Chief Kott about that.

12. ADJOURNMENT

The meeting was adjourned at 9:25 pm.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk