

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, July 6, 2021 – 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

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

President Waldron mentioned it is nice to have everyone back in the rotunda this evening. This is our first meeting in well over a year where it isn't just he and Mr. Vidoni alone in this room. It is nice to have some company back in this room. We also will continue with our public comment option over the phone for this meeting at that point in the agenda.

CITATIONS

Honoring Cordt Fenstermaker

President Waldron presented a Citation to Cordt Fenstermaker on the occasion of his retirement from the Police Department after over 20 years of service. The Members of Council applauded Mr. Fenstermaker and wished him well in his retirement.

Honoring David Horvath

President Waldron presented a Citation to David Horvath on the occasion of his retirement from the Police Department after over 20 years of service. The Members of Council applauded Mr. Horvath and wished him well in his retirement.

Honoring Pat Andrews

President Waldron presented a Citation to Pat Andrews on the occasion of her retirement from the Police Department after over 48 years of service. The Members of Council applauded Ms. Andrews and wished her well in her retirement.

Ms. Andrews remarked she enjoyed and was honored to be with the Bethlehem Police Department for 48 years and believe it or not she enjoyed coming to work every day. Even up to her very last day she still was glad to be there doing her job.

Honoring Christopher Benton

President Waldron read the Citation for Christopher Benton on the occasion of his retirement from the Police Department after over 20 years of service and stated the Citation will be mailed to him.

Honoring John Iatarola

President Waldron read the Citation for John Iatarola on the occasion of his retirement from the Police Department after over 20 years of service and stated the Citation will be mailed to him.

Moment of Silence

President Waldron then asked for a moment of silence. The Police Department lost someone that was very close to them, Officer Matt Ragusa. He left a mark on many of the people who served with him and obviously his family. He will be extremely missed. Before this meeting President Waldron had a chance to talk to Police Chief Michelle Kott and she will be making a formal announcement and press release tomorrow to talk about his legacy and all he did for his country and his service to the United States Marine Corps but also his six years in Bethlehem as one of her top Field Training Officers. He will be missed by not only the Bethlehem Police Department but all of the City of Bethlehem and most importantly his family.

2. APPROVAL OF MINUTES

May 19, 2021

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

City Pools

Patricia Fernandez, 621 W. Market Street, explained she wanted to speak about the community pools. She understands there are factors in play that make this year unique. She is asking not to get distracted by this unprecedented year. A lot of decisions have been made about pools this year, they are not different, and they are the same issues that come up year after year. The city has been consistently challenged with the management of the community pool. Hearing a pool might be closed for a season or converted into something else is not new. Hearing there are issues with recruiting and hiring lifeguards is not new either. Hearing that the pools need work and money for repairs is not new. Pools are underutilized and attendance is down but that is not new either. We also have had heat waves before, that is not new. Ms. Fernandez explained what is new is that all our pool resources have been thrown into a mega-pool in a semi-residential neighborhood which happens to be a city hub and this effectively closed our west side pool. Our choices now are limited. Families that have the resources and time to go buy a season pass early and have a family member who can be home during the day and drives and has a car to transport the kids to the big pool, get to go in early and if you are not privileged in that way you get a single day pass after the priority group is allowed in, if there is room. She wonders how many families will take that risk to get everyone together and see if there is room. Bethlehem, our walkable city is not as walkable as it used to be. This is not new; the west side pool has been a crapshoot for a long time, if it will open or not. Parents come at the end of the day, if you are

there late in the afternoon, parents walk outside the gate because why spend money to go in for an hour. So the kids all want to be watched from the parents behind the gate. Ms. Fernandez noted she went to the community information session and it talked about the development of Memorial Pool and nothing was mentioned about the other pools. She asked specifically about the other pools and she was assured there was no plan to change access and care of the community pools and here we are. She is asking for a champion, someone on City Council who will take this on. This is not a this year issue, we are not just waiting for the end of Covid, decisions are being made which are not equitable. It is not a seasonal problem, we need to share our resources, we need to advertise for jobs and advertise the pools. We do not set schedules so we need to set schedules and there needs to be recruitment throughout the year and maybe try a bonus for the kids and run this like a business. She hopes someone will champion this.

Development

Joe DeGiulio, 23 E. Wall Street, informed he wanted to start with a quote that sums up his feelings on recent events in Bethlehem. On May 11th at a meeting of the Community Development Committee Dr. Van Wirt said "We should not allow the push for development to ruin the very treasure that we have." Those are exactly his sentiments. She stated that she favors smart development as he does too. This applies to both sides of the river. Recently a lot of attention has been paid to two tall buildings proposed on the south side of Bethlehem but here on the north side we have issues with development as well. Activist Kim Carrell-Smith said "Bethlehem brand is history." She is correct because anything that detracts from that history makes us less prosperous. When Ed Gallagher asked Robert Melosky, Chairman of the City Planning Commission about new construction planned for 548 North New Street, how does it blend in the neighborhood, Mr. Melosky stated "In time other buildings nearby may also be replaced." So now this fits. Mr. DeGiulio then showed pictures of a proposed building and the one that it is replacing and everything on the block looks like this. By the same token if you take out all the buildings in the historic industrial quarter magically Skyline West would be perfect. Any new development should look to enhance the look of Bethlehem's neighborhoods, not change them. A recent survey taken by the Bethlehem Planning Commission concerning the future of the south side clearly shows what people on both sides of the river care about. We care about preserving historical architecture, we want to preserve our neighborhoods and we want affordable housing. Developers should be made to fill our needs, not bend local government to their interests. Developers keep challenging neighborhood traditions in designing height aided by City Council overruling HCC and HARB recommendations. He believes any new ordinances on buildings in the CB Zoning District of the south side should have a maximum height of 60 feet in performance with HCC guidelines otherwise these conflicts will never be resolved. Mr. DeGiulio remarked in view of the nature of 548 North New Street, Skyline West, the height of the buildings proposed on the south side, a 14 luxury apartment at the Boyd Theater site, for which he can find no plans, the fact that historical review boards have recommended against these projects, the fact that the pandemic has restricted public comment, and the fact that these buildings threaten our quest to become a World Heritage Site, and a good portion of Council is about to be replaced, he thinks that it would be fair to table these projects until a new Mayor and City Council are seated.

Louise Dixon, 402 W. 9th Street, remarked she is at this meeting to say she agrees with the previous speaker when it comes to development on the south side. She moved to this town 4 years ago because of its beautiful historic nature. If she wanted to move to the south side which

was full of tall buildings she would have moved to New Rochelle, New York. She wants to see that the historic nature of this town is preserved and the beauty and history is preserved. When she looks at the considerations that have been made so far, the Historic Conservation Commission unanimously rejected the project as inappropriate, a building of 9 stories is way taller than what we have down there, the Zest building is at least 6 stories tall. To put a 9 story building across the street would not work. Ms. Dixon has serious concerns with the multiple issues that have emerged from the consideration of this project. It seems there is a lack of understanding on the Council by some members of the HCC of the functioning of the south side historic conservation district. She noticed there seems to be no comprehensive review processes for Mayoral appointees to Authorities, Boards and Commissions. Also, there is a single focus pushed for development with disregard for resident input at every stage. Over the last 8 months dozens of south side residents have spoken out against high rises in our downtown. At two meetings on the south side zoning study, 4 historic commission meetings, the new street project and the Community Development Committee Meeting where the results of the south side zoning study were presented and the June 1st City Council Meeting, not a single south side resident spoke publicly in favor of high rises. She added, not a single south side business owner spoke publicly in favor of high rises. She knows some fear retaliation from city inspectors.

Fireworks

Dana Grubb, 2420 Henderson Place, remarked he wanted to speak about the buzz on social media for the last few days and that is fireworks and their impact on the quality of life. In Hanover Township fireworks are permitted on July 3, 4, and 5 from 4:00 pm until 11:00 pm, on December 31 from 4:00 pm to 11:59 pm and then on January 1, from 12:00 midnight to 12:30 am and then from 4:00 pm to 11:00 pm. That is the only time they are permitted in Hanover Township. As for Bethlehem Township it is Memorial Day, 4:00 pm to 10:00 pm, July 3, 4:00 pm to 10:00 pm, July 4, 4:00 pm to 10:00 pm, July 5, 4:00 pm to 10:00 pm, Labor Day, 4:00 pm to 10:00 pm, December 31, 7:00 pm to 11:59 pm, January 1, 12:00 am to 12:30 am. Mr. Grubb noted for the City of Bethlehem, 9:00 am to 9:00 pm on any day of the year. If you own a dog or if you suffer from PTSD, there is an issue with this, the issue started with the state but the municipalities have the ability to control it a lot more. As elected officials you need to respond to this issue locally. You also need to press state officials to rescind the legislation that created this explosion of sound that intrudes into the peace and quiet that all of us are entitled to. Mr. Grubb stated the solution in Bethlehem is not doing nothing; it is taking steps to address and restrict it. Municipalities across Pennsylvania have been dealing with this since Harrisburg passed this fool-hearty piece of legislation. This is only a money grab and the problem is two-fold, our government of inaction and residents who show no consideration for their friends and neighbors. It just does not stop with legislation, you need enforcement. When you enforce an ordinance like this and he is saying you should look at these and amend what was passed several years ago in Bethlehem, you should not only be citing the perpetrator, because it is difficult to find somebody setting them off. You need to nail the property owner, if someone is setting fireworks off on property in this city, cite the property owner, if they give permission or not. Mr. Grubb added if you get your hands on the perpetrator, the ones setting them off, nail them as well and publicize in the local newspapers that they have been cited. People are complaining on the impact on animals, the impact on their neighbors. We hear this at 2:00 am and 3:00 am on private property. The state law requires that you not set them off within 150 feet of an occupied building but that is a joke. The other night after he photographed the fireworks at Steel Stacks he came home and if he called the police

where would they have responded to? They were going off everywhere. So you have to set standards and you have to enforce the ordinance because it will only get worse.

Development

Stephen Antalics, 737 Ridge Street, 1201 Butztown Road, remarked at the June 1, 2021 Bethlehem City Council Meeting a Council Member stated that south side history was of lesser value than that of the north side. This comment reflects an attitude that existed towards the south side for over 100 years and thereby to its neglect. A brief review of history of Bethlehem's negligence regarding the south side over the years might give a satisfactory answer. The mutual distrust and antagonism that existed between the boroughs of Bethlehem and South Bethlehem persisted well after the two boroughs were united in 1917 as the City of Bethlehem. This unholy union began the slow and subtle demise of the once proud and prosperous borough today known as the south side. In 1937 the city launched a city wide uniform Christmas Lighting scheme in order to reflect the unity and equality of both sides of the river. He explained the social divisive scheme was where the north side white lights represent the early Moravian Community and the south side multi-colored lights represent the early European Immigrants. Mr. Antalics noted the 1956 plan of the Bethlehem Redevelopment Plan was to consolidate city government into Church Street on the city's north side, it became a reality. The second major aspect was to bypass Wyandotte Street traffic relieving the five points of a dangerous intersection by using the defunct Reading Railroad right of way thereby improving the quality of life with the local residents. The south side plan never saw fruition. It was readdressed in the 1970's as Southside 76 but it also failed. With the loss of occupancy of the police department by the consolidation at the new government complex the historic Market House at Third and Adams Streets was allowed by the city to fall into serious disrepair. It was then sold to a developer who then raised it in order to build a mini-strip mall, thereby diminishing the streets historic ambiance. This ambiance was further diminished by having a gas station at Third and New Street. The Market House could have been preserved similar to Philadelphia's Reading Market. A blatant insult was meted out to the south side history by 1980's Bethlehem Tourism Authority city map handed out to the visitors. It listed 13 points of interest all on the north side with no mention of the south side, Lehigh University's Packer Chapel, the early resident home of the famous Bethlehem Bach Choir and the Bethlehem Steel blast furnace which gave Bethlehem its international recognition. Another discrepancy worth noting is the manner in which Bethlehem historic boundaries are set. On the north side the boundary streets include both curbs, on the south side Wyandotte Street historic boundary was set in the middle of the street, and this enabled a fast food chain to build a very controversial outlet. Rather than a possible welcome center to visitors to the south side at the five points, there sits a massive gaudy, neon illuminated sign announcing to visitors to the south side that McDonald's has sold over 100 million hamburgers in the United States. Mr. Antalics noted the question of historic preservation versus developer interest was debated at a number of City Council Meetings. Finally, in 2007 Bethlehem enacted the long overdue Article 1714 in order to establish guidelines for its south side historic preservation. It then violated its own ordinance by approving plans of a developer to build a 9 story building at 4th and Vine Streets. This violation was confirmed by a lawsuit against the city by the Southside Historic Society in attempt to prevent it. The city then added insult to injury by its further allowing a 6 story at Third and New Streets. On June 1st Bethlehem City Council then approved the plans for an 8 story building at East Third Street, having dismissed the recommendations of its own Historic Commission and also for the violation of Article 1714. Should Council approve the current development plans for another high rise on South New Street, it will give further

confirmation of the premise that the needs of developers are of a higher priority than that of south side historic preservation. These recent actions appear to support the idea that the early demise of the south side which began in 1917 is still alive and well.

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

Development

Breena Holland, 379 Carver Drive, informed she wanted to comment about the new building being proposed on New Street in South Bethlehem. As others have noted it is very clear that this building is too tall for the historic district as the HCC has repeatedly expressed. It is also clear from many comments that it is not serving the needs of the south side community. The Mayor's recent removal of the only woman on the HCC, Commissioner Starbuck she feels is shameful and an effort to circumvent the normal review process by experts on historic conservation. Commissioner Starbuck has more experience than anyone else on the HCC and she was removed only after she publicly voiced opposition to this proposed project. Even worse her removal took place between City Council votes on the same development projects. She hopes that Council will not ignore such highly unethical behavior your job is to represent citizens, not the Mayor's office. City Council is supposed to be a check and balance on the Mayor's power and she hopes you take this opportunity to do that. Anyone that attended previous HCC meetings about this project knows that the Commissioners repeatedly told the developer that the building needs to come down 4 or 5 stories in height. While the Mayor managed to fool the HCC into approving the project at the last HCC Meeting partly by replacing one opposing voice, the approved project is still higher than what the Commissioner indicated in meetings with being compliant with historic district standards. In addition to these issues she also would like to discuss why this project conflicts with the goals of the Bethlehem's new Climate Action Plan (CAP). Ms. Holland remarked that Councilman Reynolds states in a letter from City Council at the start of the CAP that the work of implementing it will not be easy. He writes that it will take time, effort, and an obligation to reevaluate and change the framework by which we make decisions on a daily basis. He states that our future success will be determined by our ability to educate, involve, and challenge our community to create a more sustainable city. Ms. Holland is asking if this is what Council is doing here as you consider approving a building of this size in this location without any commitments to construction or design or other goals. Is it your idea of what it means to create a more sustainable city as if a new plan tells you to do? A cursory meeting of the CAP suggests that the project does not align with it. The idea that increasing density is good because it minimizes the environmental impact of city residents is really overly simplistic and outdated. Imposing additional density on the south side conflicts with the environmental justice commitments of the CAP which promises that front line communities like the south side will not shoulder the burden of other environmental improvements. This is an area of the city that is already burdened by high population density as well as a lack of green infrastructure, too much traffic, etc. The commitment to environmental justice was integrated throughout the CAP to prevent precisely this kind of environmental action that burdens. Additionally Bethlehem's buildings are responsible for more than 70% of the city's community wide greenhouse gas emissions. So diminishing emissions from buildings is really an important part of the city's climate goals. The CAP states that building owners will need to make investments that increase energy efficiency of new buildings and decrease buildings fuel carbon intensity. More specifically the CAP tells us that what you are considering tonight would have to do several things just

related to its goals of the building section alone in the CAP. It tells us that we should require cost effective energy saving measures on large buildings to help mitigate the urban heat island effect. As noted in the CAP Bethlehem's current heat island effect currently creates the largest temperature increases in communities like the south side so it is important that it has to be done in this area of the city where the proposed building is going. Ms. Holland added the CAP also tells use to encourage existing multi-tenant building owners to put sub-meters in buildings to support increased energy conservation. Has it even been discussed or encouraged in the case of this building? How else will you negotiate about this metering and doing this encouraging except at this moment when you have the opportunity to get the things you want from the developer. You all seem perfectly willing to hold up approval of the zoning changes of the Martin Tower site based on the failure of the developers to address environmental issues. Please tell me why you will not do the same thing when the environmental concerns are those that matter to south side residents. The CAP also proposes implementing net-zero emissions building standards for new buildings. These standards require buildings to be designed and equipped so that all energy use on an annual basis is efficient and comes from renewable energy sources. Ms. Holland stated this is on page 93 of the CAP. There are so many ways to relate this kind of development to the CAP that has not been done. She is hoping that this CAP will be more than a feel-good gimmick and that you start letting it inform and shape your decisions. When Willie Reynolds came out with this plan for the climate action in 2017, that was four years ago and what have we done besides sit around and talk about what we are going to do and wait to hire someone else to do it and make the hard choices that you all do not want to make. It is time that you actually start to do something to address climate and stop talking about it and stop waiting for other people to make the decisions for you. She noted you have that opportunity to do that tonight and to take this seriously and make something happen before you approve this building.

Touchstone Theatre

James Patrick Jordan, 742 7th Avenue, noted he is at this meeting on behalf of Touchstone Theatre, which is on the agenda tonight. We are looking to get a Special Use Permit exemption for Parham Park. This is in front of Council because we will have alcohol at our event. For those familiar Touchstone Theatre has a big parking lot out back and throughout Covid we have been running social distanced events often times with alcohol including whether with our own permit or vendors coming in from the outside from local restaurants. We are going to have another event. The Parham Park is next door and the trickle over to the park, it is a much easier place to secure on two fronts rather than having to stand on a wall and monitor a big section. Also, this allows us to spread the audience out more and have a much better time with being less congested. We have done all these events without incident and historically this is not the first time he has been in front of Council dating back probably even a decade to use the park for the same issue. He is at this meeting to advocate on behalf of Touchstone and say please find it to grant us permission. We will not be selling alcohol in the park; we will be selling the alcohol on Touchstone's property. It is just that Parham Park is there and people may want to stand under a shady tree.

Development

Al Wurth, 525 6th Avenue, noted he would like to comment on the proposal related to the approval of the Certificate of Appropriateness for the large 9 story building on the south side. The one of the things he talks about with his students in his classes is that you can never do just

one thing and that also applies to politics and tonight's vote on this Certificate of Appropriateness. It is clearly doing much more than one things. He would note that a Certificate of Appropriateness is kind of a marvelous term for putting lipstick on a pig which he thinks this 9 story completely out of scale and out of character of the south side neighborhood is a description of this building. There are other issues related to this including the fact that we are trying to get a number of buildings which are well connected but not necessarily well designed or well-built and getting them approved before any of the developers have to meet any of the standards as the previous caller mentioned to meet the Climate Action Plan and the requirements for building 21st Century buildings. This building is out of scale for the site it is being provided for and this also violates a lot of the standards that were established. It is also an antiquated building before it starts and that is part of why it is being proposed, built and approved at this time. Mr. Wurth added there is something else going on which is that Council is about to turn over and we will be replacing a number of the existing member who are moving on to other tasks and yet we are still having this lame duck Council that is currently going to vote on this Certificate of Appropriateness. We all know why this is being proposed and the expected outcome. But it is not recognizing the future direction that was approved by the voters in the last election. We are replacing the men on the Council for the most part with women, we will have the first majority of women on Council in Bethlehem and we will have a Council that is forward looking to implement the Climate Action Plan. In the meantime every developer in town looks like they are coming in with every possible way they can break a rule. The other impact is that it is setting a terrible precedent of allowing air space over public land to be able to add almost one third additional space to the building itself to allow to go over Graham Place. This also intrudes on the Greenway, the public space. The real decision made here and why it comes before us and why the lame duck Council and lame duck Mayor might want to promote all of this is that there is a lot to be gained by getting exempted by future constraints or having a different set of laws than an average Bethlehem citizen has to face. The rest of us will be not kept anxious by the precedent by this giveaway of air space. He mentioned that future developers could come along and say you gave air space to this developer so why can you not give air space to everybody who asks for it. Mr. Wurth noted the fact that all of the people on Council are calling themselves Democrats but an awful lot of them are not representing the traditional Democratic constituency but instead are representing well healed developers and connected developers. He urges Council to reconsider any plan to approve this and other projects because they will be setting a terrible precedent.

Anna Smith, 631 Ridge Street, mentioned there have been many 3 hour meetings where the south side project was the main topic of discussion and where dozens of south side residents of all ages and backgrounds expressed their concerns about a wide variety of issues with this project. This includes the residents and businesses that serve our community and the public space on the Greenway. It will certainly aggravate traffic issues. There are also environmental concerns with this plan along with other issues. She heard many folks speak out who have never spoken at a meeting before. She heard more express concern about this project who probably had never attended a meeting and spoken out. Ms. Smith has yet to speak with anyone who lives in our neighborhood who supports this project and she has not heard a single business owner speak publicly in favor of this project. She heard that they are out there but she does know a number of business owners who oppose this project but who fear retaliation from city inspectors if they express their opposition publicly. Whether or not that would actually occur, that is the perception she heard from a few business owners. She has spent a lot of time speaking about her neighborhood and trying to do research on best practices. She thinks that we can do better and

that there is the option for balance with development. It seems like this is about making this project happen no matter what. Ms. Smith is tired because she knows Council will pass this project tonight but she knows the impact this will have on their neighborhood. She knows that some folks on the south side see this as the last straw. This will be a precedent for every project moving forward and there are folks thinking about how long they will be able to stay in our neighborhood in the future. She has been labeled as one of those people who talks about the same things to Council over and over. The ones that folks on Council are encouraged by the powers that be to just ignore. Those of us that care about our community, we do research for free in our limited spare time and sit through hundreds of hours of meetings without pay to be ignored in public and criticized behind the scenes. Ms. Smith noted this makes her sad and she hopes for better and she is convinced that we can all do better. She will not stop her research and talk to her neighbors towards a representative engaged community. When she makes up her mind about a development project she has a framework that she uses to establish her position. First, she learns as much about a project as possible, reads everything the developer presents, the blueprints, the height, the parking spaces, total number of residences. She then looks at the location and is it displacing anyone. What impact will the project have on surrounding businesses or residents, the streetscape, the traffic and how does it fit in with our historic conservation district which is essentially a zoning overlay. She hopes Council have all done the same when you are voting on this project this evening. She looks forward to each and every one of you letting us know the reasons for your vote.

Seth Moglen, 726 Hillside Avenue, noted that like many of his neighbors and colleagues he is calling about the proposed 9 story building on New Street. He finds himself at a loss for words. There have been so many meetings about this project and the negative effects of this project on the south side community have been eloquently expressed by people with high degree of expertise and many residents. It is difficult for him to know what more we can say to Council. A 9 story building is simply incompatible with the guidelines of our historic district on the south side. All of you are crystal clear about that. All of you are aware that a 9 story building is not consistent with the neighborhood of 2, 3, 4 story buildings. All of you are also aware there is some policy involved in spending city money to create a Greenway and then to authorize a building which will permanently cash that out on one of the few green public spaces in our historic downtown. Mr. Moglen remarked the only thing he can add tonight is that as far as he can tell the only arguments in favor of authorizing this building are that it will increase the tax base, and some people imagine that having a 9 story luxury apartment building will be good for the business on the south side downtown. He wants to improve the city tax base and like everybody who has called in tonight he too is deeply committed in supporting businesses on the south side. The main point he wants to make is if you authorize tonight the building of a grossly out of scale building in the middle of our historic downtown you are acting against the long term business and financial health of our city. The reason we have historic conservation districts is that city leaders recognized years ago that historic conservation districts create vibrant cities that attract residents and attract businesses. It would be bad policy for us to tear apart, to damage the most precious thing we have in our historic downtown. At present we still have a downtown from which you can see the hills that surround it, we have a downtown with sunlight and a downtown that feels like people built it over generations. If we start authorizing out of scale projects of this kind we are throwing away the most precious resource we have in return for nothing. There will be large profits to a particular developer which is not in the public interest. Before you cast your votes tonight Mr. Moglen wanted to ask Council whose interest would such a building truly be in. Yes, it would increase the tax base a little bit but at a long term cost

economically. Even during the pandemic the Planning Commission consulted city residents and the results of the Planning Commission survey are clear, if you want to know what city residents think, you have the answer. The majority of the people who answered the survey said that out of scale construction, the height of buildings was a matter of importance to them. He thanked all of you for your commitment to the city, for your public service and for sitting through these long meetings. Ask yourselves, would such a building genuinely be in the long term interest of our city.

Stephen Antalics, 737 Ridge Street, remarked the comments made by the callers are 100% accurate. He queried why does the city have ordinance 1714, what is the purpose? Its purpose delineates what the callers in have said. It is in direct contradiction, it is what is happening in real life. So why the discrepancy, there is a balance here. There is historic preservation and private development money; it is way out of scale. Mr. Antalics noted it is the domino effect which started with the approval of a 9 story building at Fourth and Vine Streets. We did that so let's do this one because it is like that and this continues on. It is a violation of the will of the south side. He suggests that you repeal 1714 because you are violating the oath of office by violating your own ordinance. So either reject this or repeal 1714, you have a choice to make. This is almost beyond commonsense or good government. Mr. Antalics remarked if this is approved he will leave this meeting confounded.

Bill Scheirer, 1890 Eaton Avenue, added a vantage of speaking later is that you do not have to repeat what has already been said and has been said very well. He would like to add that he was thinking today about the fact that the developer will save the façade of the one contributing building, hopefully that is still true. That is a tip of the hat to history but it occurred to him that it is ironic symbolism because when you look at the whole front of the new building the symbolism is that the history has been overwhelmed and dominated by the new and the big and the massive and the more.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Director of Water and Sewer Resources – Recommendation of Award – D'Huy Engineering, Inc. – WWTP Main Control Building Space Configuration Conceptual Plan*

The Clerk read a memorandum dated June 16, 2021 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with D'Huy Engineering, Inc. for services related to the Waste Water Treatment Plant Main Control Building Space Configuration Conceptual Plan. The agreement runs through December 31, 2021. The cost is \$17,000. There are no renewals.

President Waldron stated Resolution 10 B is on the agenda.

- B. *Director of Water and Sewer Resources – Recommendation of Award – Colliers Engineering & Design, Inc. – GIS Needs Assessment and Asset Management Plan*

The Clerk read a memorandum dated June 17, 2021 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with Colliers Engineering & Design, Inc. for services related to the GIS Needs Assessment and Asset Management Plan. The agreement runs through December 31, 2021. The cost is \$8,700. There are no renewals.

President Waldron stated Resolution 10 C is on the agenda.

- C. *Police Chief – Musikfest – Special Event Parking*

The Clerk read a memorandum dated June 28, 2021 from Police Chief Michelle Kott to which is attached a Resolution and a proposed boundary map for Special Event Parking during Musikfest 2021. The time covered will be from 12:00 pm on Friday, August 6, 2021 through 11:59 pm on Sunday, August 15, 2021.

President Waldron stated Resolution 10 D is on the agenda.

- D. *City Solicitor – Lease Agreement – ECTB Holding, LLC – Use of 3 Upper Softball/Baseball Saucon Fields for Baseball*

The Clerk read a memorandum dated June 29, 2021 from City Solicitor William P. Leeson, Esq. with an attached resolution authorizing execution of a lease agreement between the city and ECTB Holding, LLC for the use of three (3) Upper Softball/Baseball Saucon Fields for baseball.

President Waldron stated Resolution 10 E is on the agenda.

- E. *City Solicitor – Use Permit Agreement – Touchstone Theatre First Friday Concert*

The Clerk read a memorandum dated June 29, 2021 from City Solicitor William P. Leeson, Esq. with an attached resolution and associated Use Permit Agreement. The Permittee is Touchstone Theatre and the agreement covers Parham Park on August 6, 2021 in connection with the Touchstone Theatre First Friday Concert.

President Waldron stated Resolution 10 F is on the agenda.

- F. *City Solicitor – First Amendment to Tower Lease Agreement – Allentown SMSA Limited Partnership c/b/a Verizon Wireless – Rodgers and Lewis Street Tower Site*

The Clerk read a memorandum dated June 30, 2021 from City Solicitor William P. Leeson, Esq. with an attached resolution authorizing execution of an amendment to City of Bethlehem Tower Lease Agreement between the City of Bethlehem and Allentown SMSA Limited Partnership d/b/a Verizon Wireless. The amendment revises the legal description of the leased premises to reflect information in a new survey conducted by the lessee.

President Waldron stated Resolution 10 G is on the agenda.

- G. *City Solicitor – Special Event Permit Agreement – Handwerkplatz – Use of Certain City and Redevelopment Authority Property for Carnival Ride and Inflatable Bounce Attractions – Musikfest 2021*

The Clerk read a memorandum dated July 1, 2021 from City Solicitor William P. Leeson, Esq. with an attached resolution authorizing execution of a Special Event Permit Agreement for Handwerkplatz between the city, the Redevelopment Authority, ArtsQuest and The Moon Bounce Guys, LLC related to use of certain city and Redevelopment Authority property for a Carnival Ride and Inflatable Bounce Attractions for Musikfest 2021.

President Waldron stated Resolution 10 H is on the agenda.

- H. *City Solicitor – Records Destruction – Law Bureau*

The Clerk read a memorandum dated July 1, 2021 from City Solicitor William P. Leeson, Esq. requesting Council to consider a resolution for the Destruction of Records by the Legal Bureau listed in the exhibit to the proposed resolution. The Solicitor has reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Waldron stated the Resolution can be placed on the July 20, 2021 Council agenda.

7. REPORTS

- A. *President of Council*

- B. *Mayor*

1. *Administrative Order – Joy T. Cohen – City Planning Commission*

Mayor Donchez reappointed Joy T. Cohen to membership on the City Planning Commission effective through June, 2026. Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-113 to confirm the reappointment.

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

Unconscious Bias Training Seminar/World Heritage/City Pools

Mayor Donchez remarked they will be holding for all City employees a seminar in July on Unconscious Bias Training and members of the Administration will be able to watch it or attend on their computers. Sometime towards the end of the year he would like to have the representatives from the World Heritage Commission give City Council a briefing. We are moving into a very delicate stage right now where we have a very good chance of becoming the representative of the United States Government that will present to the World Heritage UNESCO and he would like to have Mr. Barnette and Charlene Donchez Mowers brief City Council on exactly where we are at. It will still be 2, 3, or 4 years until we would actually get the nomination with the World Heritage. Regarding the pools, this was a very challenging year for all communities. Some communities have pools not opened and some communities just have one

pool as Allentown which is repairing Cedar Beach. Some communities that have two pools they have one week on and one week off. Last year, pre-pandemic we had approximately 80 people that were going to be lifeguards. We worked last year closely with the school district getting people certified. This year we only had 35 people as many communities had the same challenge with lifeguards. Mayor Donchez reported this year we opened up Memorial Pool, Yosko, and Clearview. The goal was to try to open the west side pool and we were at one point where we thought we would only open up two pools or go on a rotating basis. We even increased the hourly wage for lifeguards. This is something we will need to look at for next year. With the large number of people that were at Memorial Pool for the first two weeks we decided to do what many other communities have done, for Bethlehem residents and pass holders. So from 12:00 to 1:00 it is for pass holders and then from 1:00 to 7:00 it is for Bethlehem residents. That is the policy we implemented last week for all city pools because we are at a point where some of the pools are maxed out. We have done what many other communities have done, we all share the same problem, we had a very low amount of lifeguards. Some communities were giving out bonuses and they still had challenges. This is not only affecting lifeguards, this is affecting other industries too. The goal was to open up at least 4 pools because Stark is being repaired but that was impossible. We are very lucky we have 3 pools open, we worked very closely for the past few years with the school district getting people certified but this was a challenging year.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 18-2021 – Amending Article 145 – Bethlehem Human Relations Commission*

The Clerk read Bill No. 18-2021 – Amending Article 145 – Bethlehem Human Relations Commission sponsored by Mr. Reynolds and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA,
AMENDING ARTICLE 145 OF THE CODIFIED
ORDINANCES OF THE CITY OF BETHLEHEM,
TITLED “BETHLEHEM HUMAN RELATIONS COMMISSION”

Voting AYE: Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, and Mr. Waldron, 7. Bill No. 18-2021 now known as Ordinance No. 2021-16 was passed on Final Reading.

B. *Bill No. 19-2021 – Amendments to Article 1739 – Regulated Rental Units to conform to recent changes to the Zoning Ordinance that created the Student Housing Overlay*

The Clerk read Bill No. 19-2021 – Amendments to Article 1739 – Regulated Rental Units to conform to recent changes to the Zoning Ordinance that created the Student Housing Overlay sponsored by Mr. Reynolds and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
ARTICLE 1739 OF THE CODIFIED ORDINANCES WITH

RESPECT TO THE TIMING INSPECTIONS AND
PAYMENT OF FEES.

Voting AYE: Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, and Mr. Waldron, 7. Bill No. 19-2021 now known as Ordinance No. 2021-17 was passed on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Use Permit Agreement – McCarthy’s Irish Pub – Feast of the Seven Fishes*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-114 that authorized to execute a Use Permit Agreement with McCarthy’s Irish Pub for the Feast of the Seven Fishes on July 24 and July 25, 2021.

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

B. *Approve Contract – D’Huy Engineering, Inc. – WWTP Main Control Building Space Configuration Conceptual Plan*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-115 that authorized to execute an agreement with D’Huy Engineering, Inc. for preparation of the WWTP Main Control Building Space Configuration Conceptual Plan.

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

C. *Approve Contract – Colliers Engineering & Design, Inc. – GIS Needs Assessment and Asset Management Plan*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-116 that authorized to execute an agreement with Colliers Engineering & Design, Inc. for preparation of a GIS Needs Assessment and Asset Management Plan.

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

D. *Declaring Special Condition – Parking Fines – Musikfest 2021*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-117 that declared a Special Condition under Article 531 of the Codified Ordinances for increased parking fines during Musikfest 2021 for the period from 12:00 Noon, Friday, August 6, 2021 through 11:59 PM on Sunday, August 15, 2021, with the areas to be affected within the outline of the diagram in Exhibit A.

President Waldron asked Police Chief Michelle Kott for some information on this. He noted this is something that comes across every year and essentially it is enhanced parking fines in order to help protect the residents that live in their neighborhoods while still allowing parking on public streets and to encourage people to park legally and lawfully. He asked Chief Kott to explain some of the changes she has recommended this year versus what we would have expected last year or in 2019.

Police Chief Kott explained in prior years the area was much more robust. To take in account the bussing areas, the parking that was located over in the Martin Tower lot as well as the area off of Lynn Avenue. Being that Musikfest is moving that bus transportation location she was able to bring up prior year special event parking in our city GIS system and she felt that re-evaluating the special event parking boundaries and trimming it up so it does not extend south past East Fourth Street and would not extend east of Hayes Street, that would be a good course of action. That is considering that her 17 years here in the city where people park for Musikfest and looking at some of the fines that residents who may have to park illegally because there is no parking would be subjected to, she thought that was excessive. She trimmed up the parking boundaries on the south side as well as on the north side to not include that area of Martin Tower with the hopes of re-evaluating next year. Chief Kott spoke to the Parking Authority; our main concern is that there is availability of parking for our residents. However she does not want them to get penalized for some of the parking issues we encounter on a day to day basis because of the density of the city, let alone considering the thousands of people that come in on any given night for Musikfest. If you look at the map, on the north side it is very similar to prior years, from the Lehigh River up Eighth Avenue and then going eastbound to Minsi Trail and then up to Elizabeth Avenue. Those areas are similar to prior years. On the south side going off of Wyandotte Street up Brodhead to East Fourth Street but instead of extending past East Fourth and going up to Packer Avenue and going all the way past St. Michaels Cemetery and out towards the area of South Terrace of Lynnfield, that parking boundary has been trimmed down. It will go down to East Fourth Street past the Casino and then the Minsi Trail Bridge.

President Waldron remarked other than what is in front of us is there anything else you need to this year's preparation compared to previous years for Musikfest. This is a big challenge for our Police Department and the amount of roster duty that is asked of them is quite significant and all hands on deck for a few weeks. He would imagine that the turnout for this year's Musikfest will be pretty significant as he is thinking a lot of people are anxious to get back out into the real world. He was not sure if there was anything else the Police Department was doing in preparation for that.

Police Chief Kott noted they are working very closely with our federal, state, and other local agencies, not only police departments but the fire department and working with the various business owners as well. We are hoping that people come out and they come out to celebrate and enjoy Musikfest safely and responsibly. It is a great opportunity for our business owners and for ArtsQuest to bring people in and bring business back into the city.

Mr. Reynolds remarked one thing we have heard a lot about is the need for as much communication as possible between the city, the Police Department, and the Parking Authority when we have any types of changes in our neighborhoods or something going on. He gets contacted when there is someone working on a sewer main and then you have two hour parking so the people who have permits need to move to a different block but then it is a two hour parking block. All of those types of logistical issues are huge things to people. This is not directed towards Chief Kott but

just as a city with our communication with the Parking Authority, any time we have something that changes what is going on in a neighborhood. Mr. Reynolds thinks there must be a better way to communicate that and it needs to be a priority going forward. Those types of situations if you come home and they are working on your sewer main or whatever and you have your permit and you have to park three blocks away with a two hour parking, some of those things are emergencies but he has had enough communications with those entities to know there is a better way for us to do that. Mr. Reynolds stressed this is not just about what is going on here with Musikfest but any time we have a change in parking in our neighborhoods people get frustrated partly because it is communicated or not communicated. He was involved with a parking sewer situation over on the north side and there had not been much communication. He thinks we can do a better job.

President Waldron asked if Chief Kott could talk a little about fireworks and what the Police Department is doing and what is asked of the department and some of the limitations within the law that is currently what she is facing in the Police Department.

Chief Kott stressed it is extremely frustrating and it is something that municipalities are facing across the state right now with the passage of that Act back in 2017. The various fire associations throughout the State of Pennsylvania have actively worked to try to get that law repealed to no avail through no fault of their own. We are stuck that that law. We are actively out trying to enforce the law, it is extremely difficult. On the Fourth of July we had 50 calls queued waiting to be dispatched because of individuals calling in about fireworks throughout the city, the whole city. It is extremely difficult when the officers are out there trying to enforce it and it is occurring on multiple blocks. So it is the sheer volume of those calls in addition to other emergency calls they are trying to respond to and handle to provide service to the residents. It is extremely frustrating when individuals are not considerate to their neighbors and to others, the pet owners, individuals suffering from PTSD, individuals with autism. So this is something we are trying our best to work on but it is difficult to enforce if you do not actually have the person that is lighting off the firework or if we are able to go out and actually site them, the penalties right now for violating our consumer fireworks law is a summary offense. So this is the lowest grading for a criminal offense in the State of Pennsylvania and it is also a \$100 dollar fine which is to many people who are spending thousands of dollars on these fireworks a mere slap on the wrist.

President Waldron remarked he does not think we are going to get an answer or solution on the state level any time soon but he does think it is something that Council may be willing to revisit about what we can do with our specific ordinance within the city to help protect the neighborhoods. Whether that is limiting the amount of time that fireworks are permitted as well as maybe having an escalating fine system for some of those repeat offenders. That may be something that carries through multiple years potentially. We are hoping to have that conversation when the dust settles, maybe after Musikfest. We want to have a Public Safety Committee Meeting to talk about what that solution is. This will be an ongoing problem that will occur year after year and if we can do anything to help support you; we will be open to that. President Waldron remarked when Chief Kott mentioned she had 50 calls in the queue for dispatch, how many patrol vehicles are out in rotation at that time trying to handle all those calls.

Chief Kott explained on any given day we would have roughly between 10 to 15 patrol vehicles out trying to handle all the calls. When she says in the queue it is waiting to get dispatched. At one point we had to actually route some of the firework calls together because they were so close together in various blocks of the city.

President Waldron remarked it is understandably impossible to keep up with all of them. Outside right now it is pouring rain but if not he is sure there would be fireworks going off in just about every neighborhood in the city.

Mr. Reynolds noted this comes down to what are you going to do that actually works. He has talked about the idea of even the people that sell the fireworks, you could pass some type of registration or license type thing. So if you are selling fireworks you need to write the person's name down. This enforcement is difficult because you go out in these neighborhoods and many times they are doing this in the street so you do not even know what house it is at, you have to see them do it. With any time we cite someone there is a process, that person has to show up to court, you can fine them and getting to pay the fine becomes a difficult thing to do. It must be frustrating for the police department, we heard in the past that you have responded to hundreds of calls and you get out there and someone says that person did it but you need evidence. The other thing about the Fourth of July is that there are so many people that come in that do not live in the City of Bethlehem to visit families. So sometimes there are people who you have never seen before because they are visiting somebody else so it becomes a difficult thing for us to enforce. Tightening up the hours is something we have talked about before so if you catch people when it is not around the Fourth of July you might be able to get the word out. This is difficult but we are open to suggestions. If you come to us and say these are the things we can do to tighten up the ordinance, people will say yes, because everywhere you go there are blocks in Bethlehem where it sounds like a war zone. As we have said the ordinance says not to shoot off fireworks 150 feet from any structure which should eliminate around 98% of the City of Bethlehem. That is one of the places we can start with a color coded map that we should be able to use our GIS system for to say these are the only possible areas where you could set off fireworks and even between these certain hours. That is a starting point.

Chief Kott looks forward to working with Council, it is a great idea and this really does need to be looked at and reworked.

Ms. Crampsie Smith thinks it is a great idea to have a Public Safety Committee Meeting to discuss this. She is worried about the present moment issue, because between now and Musikfest we will still see this happening. She mentioned that in Fountain Hill they have police in unmarked vehicles, maybe for overtime or have police that are retired to put them in unmarked vehicles to try to attack this issue now. These people see a police vehicle coming and they run. She was wondering if that is something that can be done.

Chief Kott noted it is extremely difficult and there are multi-faceted responses to it. Also it is something we have been open to but it also depends on the call volume and priorities and finding the person that is utilizing and discharging the fireworks. But this is something we are very much aware of. He hears the residents that are calling in and emailing and that we are actively working on addressing this.

Ms. Crampsie Smith thanked Chief Kott for that but she is just trying to find any other ideas. But we are here and if there is anything we can do to help just ask.

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

- E. *Approve Lease Resolution – ECTB Holding, LLC – Use of 3 Upper Softball/Baseball Saucon Fields for Baseball*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-118 that authorized to execute a Lease Agreement for public property with ECTB Holding, LLC for the use of three (3) Upper Softball/Baseball Saucon Fields for baseball.

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

- F. *Approve UPA – Touchstone Theatre – Touchstone Theatre First Friday Concert*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-119 that authorized to execute a Use Permit Agreement with Touchstone Theatre in connection with the Touchstone Theatre First Friday Concert on August 6, 2021 in Parham Park.

Mr. Reynolds mentioned he will be voting yes on this tonight but he wanted to state that Mr. Jordan is here and that Touchstone is one of those organizations that is constantly doing events. We have talked about the process to have an event in the City of Bethlehem. One of the conversations about the development on the south side is where our place is for certain types of cultural celebrations and people coming together. Touchstone is one of those places that does a fantastic job, week after week, month after month, and year after year. This is an example of how as a city and how City Hall can make this process as easy as possible. We do want to do this responsibly and always follow the law but there are things we can do to make it easier for organizations to be able to be creative and do the things to celebrate the culture of our city. Every moment someone is spending in City Hall trying to get a permit and walking through this process and he appreciates Mr. Jordan sitting here for two hours that is time taken away from the organizing. Going forward, not only with Touchstone but with other similar types of organizations we need to do everything we can when we trust them and they have a track record of success of making that permitting process and the use of public land as easy as possible to take away some of that red tape so they can have as many events as possible to celebrate our city and the culture.

Ms. Negrón agrees with Councilman Reynolds. She had mentioned something last year when the Mount Airy Neighborhood Association was putting together the Rose Garden Farmers Market and wanting to have alcohol but they were required to have police present. That is something that she keeps thinking why do we have to do that. This is another example of a community organization, non-profit organizing an event and we will require them to pay for a police officer. They do not have the money to do that, they are volunteers and so is Touchstone. She knows that the permit included in here that they have to hire a police officer. Many of the events they have been doing were free of charge, open to the community. We had a great event and Chief Kott was at the Latin block party and there was alcohol and people had fun and everyone went home. Ms. Negrón was probably the last one leaving. This was a family oriented event without the need for hiring a police officer. She hopes that we get to do that more often and that they get to continue to do the great organizing and community work that they have been doing, not just Touchstone without needing to hire a police officer. That is a lot of money they would have to come up with, she does not see the need. She hopes they get to have their event like they have done before and that they are not required to pay for a police officer. She knows

that Police Kott has talked about this before, it would be another opportunity for officers to be driving around that area to say hello and shake hands. Please think about this and she is advocating for not just Touchstone but also for the Rose Garden as they are doing beautiful organizing work so the City Administration does not have to worry, they are doing this well.

Mr. Callahan asked if there is a reason why and if there is an insurance requirement from the city or is there an ordinance that requires these small organizations to hire a police officer if there is alcohol provided.

City Solicitor William Leeson explained we have provisions in our Use Permit Agreements that provide for the potential for the requirement of police. It is up to the city and the Police Chief and the department to decide whether a particular event requires police attendance and if police should be there that is when they are charged. He does not think there is an automatic thou shalt, it is a matter of the city does really responding to your concern; the city does exercise that discretion as to whether it is needed or not needed. We do not have some absolute rule that says thou shalt.

Mr. Callahan mentioned this may be just protecting the city assets from any liability. He totally understands having police officers at Musikfest and Celtic Fest and Harvest Fest but some of these smaller organizations that run on a tight budget this could be something that the Mayor, Solicitor Leeson and Chief Kott could get together to see if an officer is needed. It is possible that we could have one or two police officers, maybe once every 15 minutes as they go through their routes around the city to drive by and check things out. We can help out these small organizations that have some festivals and try to raise money. This could be done. He has seen the groups and organizations over at the Rose Garden and other places and he can see that we are not dealing with a rowdy crowd. It is a mellow and usually and older crowd. He would be in favor of asking the Mayor and Chief Kott to speak in the future and look at the size of these small festivals and make a determination on whether or not there is prior history. If there is no prior history and they are safe and quiet it is something we should let them do.

Solicitor Leeson mentioned he does not make the call on whether police should be there or not but he believes that is already the way they handle it, the police make an assessment whether the event requires police, whether it is appropriate or not. Can that discussion take with the police as to whether they can go easier on some others with these events, sure that can happen. He is sure that Chief Kott can take a look at that. He just also wanted to address the question Ms. Negrón had about the Rose Garden event and alcohol. He personally took care of that question, he talked to the vendor and we had an excellent discussion, he explained everything to the vendor and he was perfectly satisfied after that, so we do those things, that was taken care of. Solicitor Leeson also wanted to correct the impression as to why we have these requirements of insurance in the permits. He understands it is one of the considerations to protect the city and the city's assets but that is not the primary reason for the insurance in these permits. The primary reason for insurance in these permits is actually to protect the public. We have an experience here in the city where people have been injured at these festival events and they are injured principally through the actions of some of the vendors. We do not have a lot of experience with that but we do have some experience. That is the primary concern here, people getting injured by the food or people getting rowdy as a result of alcohol at a particular event. We need to make sure that these vendors are properly insured because if a particular visitor is injured and they are entitled to compensation, they will go after the vendor so we want to make sure the vendor is insured. It is

not the city's responsibility; it is the vendor's responsibility. We want to make sure for the benefit of the injured member of the public they have a remedy and a source for recovery and compensation if it is appropriate. Solicitor Leeson stressed that is the primary reason why we have those requirements for insurance. It is not about does the city need it to protect itself that is actually a secondary consideration. As important as that is, it is secondary to protecting the public. He just wanted to make sure that there is not a continued misrepresentation that we have some misunderstanding and that we have some unnecessary requirement, or over insured requirement for our vendors and festival hosts. That clarification is appropriate with what was raised this evening. It is important to understand that.

Mr. Callahan totally understands that and if he took that as him saying that we are over protecting, he was not trying to do that. He does know that all these vendors at the festivals have to have insurance otherwise they do not get the permit from the city; he asked if that is correct.

Solicitor Leeson stated generally that is true. He added that it is not a burdensome requirement. Some of these vendors are unfamiliar with the requirement and occasionally and very rarely we will have a resistance or a complaint of some sort. If you go find out in the market what it costs to buy special liability insurance policy you will find it can cost \$100 to \$200 dollars. We are not talking about an excessive burden in most instances. The other side of that is that we are dealing with large festival event hosts and large vendors who have all the required insurances in the first place; it is not an issue for them at all. Another issue is it really an excessive burden at all that we impose any insurance requirement once you get in the market place and find out what it is all about the answer is that it is not.

Mr. Callahan does understand the insurance but when it comes to a police officer for the whole duration of the event, especially with a small event with no prior history of public drunkenness, he would hope that Chief Kott would look at that. He queried if the final decision would come down to the Chief of Police or would it be the Mayor.

Solicitor Leeson explained generally it is the discretion of the committee, we have an events committee that reviews these things and the police are there and they discuss with the event host, the history of the event and what the expectations for the event are and they make determinations as to what would be appropriate for the event itself. That is typically how it happens.

Mr. Callahan asked if the committee votes and who makes the final call on whether a police officer is needed.

Solicitor Leeson explained he is not fully versed on exactly the mechanics of the internal operations of the committee.

Mr. Evans noted we defer to the professionals, the police make that call. There is a representative from engineering and looks at if there are right-of-ways needed so there are different representatives from each department that is needed to assess the events. The police would evaluate the things we have been talking about and we look to them the idea of the security and what we think needs to be taken care of in terms of police coverage at a specific event. So yes, there is human discretion involved and most of these meetings once they go on, the obligation is made, there is feedback and if there are questions this would run up the pole,

whether it is the Mayor or the Chief that does happen from time to time. What we need to understand is of the thousand applications and events that go on 990 go really clean with no questions, it is only a few we hear about each year that we are talking about now. We want 100% to go well and for the most part they go smoothly. He had attended a number of these as a bystander to see how they are running and he is always impressed at the way people handle themselves.

Mr. Callahan is just wondering who makes the final decision. If some people on the committee think a police officer should be there and some do not is it the Police Chief who has the final call or does that go to the Mayor. He just wonders who we need to speak to with helping these organizations out.

Mr. Evans stated the representative from the Police Department, whoever is there that week at the meeting who is sent by the Chief will make that call on site. It is not voted on with people from engineering on what they do for police. It is looked at as a whole and each group, just like police do not vote on engineering, each look at their part of expertise. Sometimes they take it with them and come back at the next meeting with a solution. They may need some time to go back and investigate on a particular case to get the answer and then the applicant is informed on what changes they need to make or what we need to do to accommodate so that event can happen.

Mr. Callahan hopes it is not the police officer that would be on duty.

Mr. Evans stated there is a lot every day that goes on every day in the city so it is not the Mayor and the Chief sitting at these meetings. If there is an issue and a concern it is run up the pole and it would get to the next role up whether it is the Captain or the Mayor but there are not many things like a birthday party where the Mayor will make a decision on, it does not need that.

Mr. Callahan is not talking about a birthday party; we do not have birthday parties that come to us for a vote. He is just trying to get an answer on who makes the final decision so these types of committees that are coming to us to vote on, maybe something like a block party, he just wants to figure out who does these things like the Rose Garden or the Latin festivals, those types of events. They are a little below Musikfest and Celtic Fest but a little bit higher on a level of a birthday party. Who is making a decision if they need a police officer there because this is not the first time we have heard about this.

President Waldron remarked the question has been asked and answered by Mr. Evans that the committee decides and at this point we are just running in circles and not getting anywhere. It was a simple answer that the committee decides.

Mr. Callahan noted there is a vote by the committee.

President Waldron stated that is what Mr. Evans said.

Mr. Callahan asked if that was true.

Mr. Evans stated each representative answers their part, some events are like a street closure and in that case the person who represents engineering which is Anthony will have a lot

to say, there is not a vote about that but Anthony will say what is required in order to close a street. The representative of the police is usually an experienced officer who will attend and he or she needs to make the assessment if police are needed, the people agree to do it, we sign and we move on but if there is a question then that application is held until we get an answer from the next rank up with the police department. A lot of them go through very few required police coverage, we are talking about a thousand festivals and there are only a handful. There are very few cases that it comes to the point where it is not a real good conversation, the agreement comes and often there is compromise on what needs to be done to make the event happen successfully and have everyone happy.

Mr. Callahan asked if it is possible if one of these organizers wants to appeal the decision, should they go to Chief Kott on it.

Mr. Evans noted at that meeting they can ask and that officer will tell them the next step. He does not know if it would be the next officer or Chief Kott to solve the concern. If you ever get one please reach out to Chief Kott, if there is something that needs mediation.

Mr. Callahan is just referring to the Rose Garden and the Latin Festival and the Touchstone one. He appreciates the answers.

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

G. *Approve Lease Resolution – First Amendment to Tower Lease Agreement – Allentown SMSA Limited Partnership d/b/a Verizon Wireless – Rodgers and Lewis Street Tower Site*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-120 that authorized to execute a first amendment to the Lease Agreement between the City of Bethlehem and Allentown SMSA Limited Partnership d/b/a Verizon Wireless as it relates to the Rodgers and Lewis Streets tower site.

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

H. *Approve Resolution – Special Event Permit Agreement – Handwerkplatz – Use of Certain City and Redevelopment Authority Property for Carnival Ride and Inflatable Bounce Attractions – Musikfest 2021*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-121 that authorized to execute a Special Event Permit Agreement for Handwerkplatz between the City, the Redevelopment Authority, ArtsQuest and the Moon Bounce Guys, LLC, in connection with use of certain city and Redevelopment Authority property for Carnival Ride and Inflatable Bounce Attractions or Musikfest 2021.

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

Motion – Considering Resolutions 10 I through 10 K as a group – Certificates of Appropriateness

Ms. Negrón and Dr. Van Wirt moved to consider Resolutions 10 I through 10 K as a group.

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

I. Certificate of Appropriateness – 321 Wyandotte Street

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-122 that granted a Certificate of Appropriateness to install a louver in the upper east wall of Sayre Hall to provide ventilation air to the central air handling unit and to install a new louver in the transom of the double doors in the basement of Cathedral Church to provide ventilation air to the Sanctuary at 321 Wyandotte Street.

J. Certificate of Appropriateness – 712 East Fourth Street

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-123 that granted a Certificate of Appropriateness to add a vinyl decal on the front window of 712 East Fourth Street.

K. Certificate of Appropriateness – 125-127 West Fourth Street

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-124 that granted a Certificate of Appropriateness to install window panels, repair brick and windows and install exterior lighting at 125-127 West Fourth Street.

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

L. Certificate of Appropriateness – 317-327 South New Street

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2021-125 that granted a Certificate of Appropriateness to demolish four buildings while integrating the salvaged and rehabilitated façade of one existing building to construct a new, multi-story, mixed-use building at 317-327 South New Street.

Mr. Colón remarked this is the same Certificate of Appropriateness that was before us a few meetings ago and then that was postponed; he asked if that is correct.

Alicia Karner, Director of Community and Economic Development explained in January the Historic Conservation Commission (HCC) first saw this project at its highest height, it was at 129 feet. At that point it had kind of a step look to it, so half of the building had a higher height to it and then there was an outdoor patio. That was tabled at the HCC Meeting in January and in February the height was denied. In April it was expected to be on the regular meeting and got moved to a special meeting in April and it come down to 104 feet at its highest height and that includes the parapet and that was denied. Ms. Karner added that denial is what come to Council and then was pushed back. She remembered that it was Ms. Negrón who indicated there was another plan. In June the plan that included the building at 88 feet at its shortest, the average height it was 90 feet, a few inches below 90 feet so that is the plan that is in front of you. The roof is no longer the stepped roof, it is a flat roof with no outdoor amenities but that height is the height that is in front of you now. It is the lowest height that has been seen by the community.

Mr. Colón mentioned just for those following at home this was approved by the HCC by a 4-2 vote with one member abstaining, is that correct.

Ms. Karner noted that is correct.

Mr. Colón knows there was discussion at the last meeting before it was pushed to tonight about the intention for the building. He was not present at any of the HCC meetings so as a refresher he would appreciate whatever Ms. Karner can state on this. The intention of the building, was there a discussion, he knows we talk a lot about affordable housing and there is a committee meeting, with the proposal did the developer include discussions about affordable housing and can she share that with us.

Ms. Karner stated there was always conversation about inclusion in affordable in this project. When we say affordable we are talking about 30% of household income based on HUD standards so the rental rate would not exceed the HUD extremely low or moderate rental rates. So again that encompasses a 30% housing cost, not just rent but rent and utilities and things related to housing, that is the cap. We are looking at 6; there are 53 two bedroom units and 8 one bedroom units.

Mr. Colón remarked the zoning as it reads for this parcel, that is where it reads they can go up to 150 feet but the historic guidelines recommend remaining in scale with previously existing structures. He asked if that is a correct way of putting it.

Ms. Karner stated yes.

Mr. Colón mentioned there was earlier in the year discussion about amending the zoning to come down to 90 feet in the core of the downtown and then 60 feet in the periphery.

Ms. Karner noted that is correct, we had some funding last year through a certified local government grant through PHMC. This issue of conflict has been before us before, so we wanted to work with the consultant and the community to really examine those development pressures as we call them on the south side historic conservation district.

Mr. Colón appreciates the background on where we are today and where we were before. When we look at projects like this it is not a pendulum where it is either all the way over here in favor or all the way over here against a project. We on Council all spend various times on the south side whether it is for the Arts District with the First Friday events and even on a personal note he spent a few of his childhood here, his Dad and Uncle rented rooms a few years above the old Pat's newsstand, so he would spend weekends and evenings visiting with his father there. When we talk about the new parking garage across the street or the strip of land or the new strip mall where the pharmacy is, we all have our own perspectives. Taking all these things into consideration he knows that density is what potentially helps drive affordable housing and there is conflict. We look at the need for where do we go, there are not a lot of open lots in the city, we talked about that with Martin Tower and that is 50 plus acres but where is there 5 acres on the south side unless you are talking about the brownfield. There are concerns about going so high up and keeping it in scale. Someone had asked one time in conversation, if you do not want tall buildings there in the core of one of your two downtowns, where do you want the tall buildings? Do you want them in different parts of the city if not right in the downtown, but there are the

historical guidelines to take into account. When we talk about the need for feet on the street or putting people there and not being too far out of scale, the developer had come down from 129 feet and was that even a realistic number to start with. He could have said he would start with 500 feet and then anything would have been coming down and considered a compromise. Mr. Colón noted when he heard about 90 feet and then 60 feet; he thought that was fair to a degree but then again it is sort of out of scale with what is historically there. He remarked there are other buildings like the Housing Authority building at the top of the hill as you go up South New Street, he does not know what year that was constructed or if that fits the timeline but there is merit to the project but there is also merit to what the callers had to say. That is just his perspective as we talk about the pros and cons tonight before we call the vote.

Mr. Reynolds wanted to provide the framework of how we made decisions with these issues, what this is about and what it is not about and hopefully in a few minutes he will be able to lay out how he makes out his decisions. Some of the questions/criticisms from some of the callers were things he wanted to ask about. One of them is that issue of air rights. This is not an issue we have generally dealt with in the City of Bethlehem before but is that something the Administration has started to look into or talk about or think about. Some of that might be part of negotiation but he asked Ms. Karner to talk about this because that is a legitimate concern.

Ms. Karner informed they are currently exploring the air rights issue. We have no information to present this evening but it is a topic that we know needs to be addressed. We have not had an example in the city that includes building over the street, like this one does with usable square footage. We have walkways over a couple of different streets or the Greenway, mostly the parking garages but these are not spaces that we largely consider usable, they are not leased, there is no revenue generated on those spaces. This is unique for us so we are negotiating and we did put the developer on notice that this is something that is an area we need to resolve before we can move forward with the project.

Mr. Reynolds asked what is the place and the timeline of the project, does that happen before they pull the permits build, when does that happen?

Ms. Karner explained that is something that would be negotiated as part of the developer's agreement and that comes after the approvals. We cannot issue the permits technically until the developer's agreement is signed but that is part of that document.

Mr. Reynolds remarked as he was reading through the Certificate of Appropriateness, he asked if they have to go back to the HCC.

Ms. Karner stated that is correct.

Mr. Reynolds asked what they are going back to the HCC for.

Ms. Karner noted it is very common for large projects to go back to the HCC for all kinds of details including materials, even some of the design elements regarding the windows. There was a lot of support for this design; it was well received by HCC members. They actually referred other projects to this design. This architect was responsive to some of the concerns or questions addressed by HCC members but it never means at this early stage that project is

finalized. They may have to go back with the design of the windows or the parapet specific materials. A lot of the details that come later will go back.

Mr. Reynolds remarked it says "consideration should focus on unifying upper level facades with facades at the street level for a more cohesive design approach as well as addressing such details as window and door types." So if this moves forward they go back to have those conversations as well, is that correct?

Ms. Karner stated that is correct.

Mr. Reynolds mentioned the questions and concerns about the environmental standards and one of the things that the Climate Action Plan points out is that the city internally should review our own standards for building codes and things like that. One of the big questions that needs to be answered there is what exactly are we able to do versus what do we have to do by incentive. This may seem bureaucratic but it is a really big issue as this is concerned. As we know affordable housing is one of these issues that we are not able to mandate, we are not able to say to a developer they need to build a certain amount of units. In this case the developer is doing that voluntarily. It is a legitimate question that as we internally take a look at what it is that we can do what we can change for building codes. He asked if this project has to go before the Planning Commission eventually.

Ms. Karner stated yes, it is a land development project. We did submit for land development and we have provided comments to them but those comments are ongoing, it is a back and forth as with any large scale development project.

Mr. Reynolds remarked one of the things that came up in the Climate Action Plan process which did take a while because as we talked about before is that it became as comprehensive as it ended up. One of the things that came up was what kind of environmental standards should new commercial buildings have to follow versus residential, say a household is changing their HVAC system of whatever. He does think if this project is going before the Planning Commission and we have not completely taken a look at our building standards and whenever it would go before the Planning Commission in the coming months that it is completely legitimate for the Planning Department and the Administration to push for, and a lot of developers will do these on their own but even if there are things that someone does not end up putting in their building we should be able to say about why we are not necessarily pushing them to do that. Sometimes it has to do with the ground they are building on or whatever. Mr. Reynolds does think that is a legitimate thing as well. If this project goes through and goes to the Planning Commission that the Administration in exchange for Ms. Heller or Ms. Karner telling the Planning Commission that we think this is a good project, to say that they are incorporating these environmental standards that are consistent with what is in our Climate Action Plan. That is a valid criticism, but not a criticism of him but the part of including it in this particular project he thinks is important. The other thing we need to make sure is that study that was undertaken on the south side, the Administration did that partly because of this ongoing issue between what the HCC standards are and what the zoning allows. We did a particular study and now the study has come back with recommendations about how high buildings should be and in this area that study suggested 90 feet and this one is slightly below that. Whatever the Administration decides, whether or not you think those are zoning changes we should undertake or not, many people are waiting for that answer. If there are reasons why not to bring forward those proposed changes,

that is completely your right, but people are waiting for that. It is for the same reason that you guys undertook it in the first place, because there are a lot of outstanding questions and that does not just fall on Ms. Karner, it is on the Administration. But that is a conversation he thinks people are looking to have. If those design standards become consistent then there are less of these conversations where someone comes in and they see the zoning and they think even if the HCC says no or even if the city says no they can legally challenge it because the zoning allows it and we thankfully have not had a lot of those conversations. This is absolutely something that needs to be a priority for us going forward. Mr. Reynolds remarked the amount of time, energy, and conversation that we have about these public projects coming forward as far as the perception of what matters to some people whether or not it is affordable housing or the cultural value of the south side or things like digital divide or access to food, those are all issues we work on in a regular basis. If you take a look at the Housing Overlay District we passed last year, our discussion about celebrating the cultural contributions of historically underrepresented citizens and groups on the south side and even the conversation about Ahart's, all of these issues of equity are ones we work on. They often get buried by these development conversations. However you feel about that, it is a real thing and moving forward in every aspect of the south side and every aspect of the city we need to be respectful of that. The time and energy we spend on these conversations to people, even if it is not something intentional, it gives off a certain kind of where the particular priorities are. If you take a look at what this conversation is about, this building which did pass the HCC 4-2, and you talk about affordable housing which this developer is doing voluntarily, in a few months when we have our recovery funds from Washington we will talk about the significant investment we are making on affordable housing. He does not believe when you look at this building, if it is 88 feet, or 75 feet, or 77 feet, or 72 feet, that it can necessary be a microcosm about whether or not we are serious about the issue of affordable housing. This person is including some affordable housing units but there is a lot more to be done on a lot larger scale and the city needs to take that and we are going to undertake that. If you take a look at what the HCC said, and he listened to these meetings, it is not the contributing buildings that people want to save, they want to include the façade and there were questions about the design. But the thing that came up over and over again was the height of the building and whether or not it was consistent with the parking garage across the street, whether or not it was consistent with the building at Third and New which he thinks there are legitimate criticisms of at times. The framework of how we make these decisions is that it when this building opens that on the first floor there are going to be small businesses that will be in the building on day one, he asked if that is correct.

Ms. Karner stated yes.

Mr. Reynolds noted it is legitimate criticism when someone asks about why is nothing happening on the first floor of Third and New Streets, that is a problem. It is legitimate when someone says are we going to make sure this building is filled. When he makes a decision he looks at that, are we increasing the housing supply? He has been around long enough to know when you talk to small businesses; they do want more people in our downtown. We have seen a lot of small businesses fail on the south side, and some that have moved. We have some that are successful but by and large the one thing we hear is that they want more people living in and around the downtown. When you take a look at the design of the building and when you take a look at the HCC supporting this and the fact that we have the air rights issue, the Administration study to come forward, we have these legitimate questions about environmental standards that need to be answered, he is comfortable with this project going forward as far as what he believes

it will bring to the south side. Quite honestly, he thinks it is a better looking building than what is across the street. The HCC approved the Third and New Street building and they have come back and talked about they thought it was too tall of a building but this as far as the architecture and the design and fact they have been back three or four times, it is a better looking building than what is across the street. Mr. Reynolds mentioned for those reasons he will be supporting this tonight.

Dr. Van Wirt asked if anyone has done a study, and she has mentioned this before, about the idea that the highest part of this building is in the northwest corner right where it lands on the Greenway. So it is south of the Greenway so that means during half the year when the sun sits low on the horizon that shadow will be casts permanently on the Greenway. She asked if anyone has done a study about the degree of shadow that is going to be on the Greenway by this building at this height.

Ms. Karner noted not a formal study. Certainly, no engineer has been hired to take a look at it. We have had people go out, we have sat out there. She added there is a tree canopy that shades that section of the Greenway most of the time.

Dr. Van Wirt interjected that is very different than a building shadow.

Ms. Karner stated she is not arguing, we are talking shadows and so other than that kind of look at the Greenway, we have not hired a professional nor has to her knowledge has the developer of the project.

Dr. Van Wirt asked if this is a consideration for the Administration in terms of support of this building, that there will be a permanent shadow at the head of the Greenway.

Ms. Karner noted when Dr. Van Wirt says is it a consideration and has that influenced the Mayor's support for the project, she would defer to him.

Dr. Van Wirt asked if it concerns Mayor Donchez that there will be permanent shadow cast at the very start of the Greenway.

Mayor Donchez stated we have not had a discussion about that.

Dr. Van Wirt believes that is an important consideration. It is a huge planning and design consideration whenever building approvals come up. She thanked Ms. Karner and added that she appreciates her input. When this proposal for the draft zoning change study came to the Community and Economic Committee Meeting she was very on guard about it because she could not understand where the onus of this request came from. In her mind, yes we have an underlined zoning of 150 feet but it is clear that the Historic Conservation District is an overlay district and it should, they say it is supposed to work, trump the considerations of the underlined zoning. She felt this was like potentially an inappropriate study because it was coming clearly for the need for developers to build taller. If we already have a functional HCC she was stymied as to why we were even asking this question. However, she wanted to learn more so she called up this guy at the State Historic Conservation Commission, and he was so generous with his time and he taught her a lot about why there is value in reconciling these two things. It is because of what actually happened. If we have developers seeing that 150 foot underlining zoning, not only

is there the potential as Mr. Reynolds mentioned for lawsuits which none of us like but she thinks really the greater concern is that someone somehow will find a way around an HCC that does not want to comply with those higher zoning heights. Right now the HCC is governed by contextuality; it has to fit with the other things that are there, not including the new building on the corner of Third and New Streets because she thinks everyone recognizes that as a mistake in terms of bulk and height. If you do not reconcile that underlying discrepancy and there is an economic push from the Administration to get these buildings built, which there is by the Mayor's underlying support of this building then what will happen is that the HCC is going to get gutted. That is what happened. The Mayor did not renew Beth Starbuck to the HCC who has been a volunteer there for 21 years and not only was her appointment not renewed but she was not told until after we voted on her replacement. She was mortified by that. Our citizen volunteers deserve a lot more than that. Mostly what it taught her was that it is value in giving the HCC something incredibly firm to stand on and that is finding clear zoning heights that the HCC can live with, that the Administration can live with and that the developer can live with. It is threading a needle but it does not mean it cannot be done. Dr. Van Wirt noted when she hears the words draft zoning proposal that Urban Research and Development did she hears the word draft that means we can modify it. We can say are these enormous boundaries just covering the central business district and is that really appropriate. Maybe 90 foot is only appropriate on the north side of Third Street right across from the building we just approved. Maybe everywhere else it is 60 feet, and maybe the 60 foot guidelines in the CL district can come down a little bit. Maybe we can work and find a way to get that zoning passed so that the HCC can say here is exactly our hard and fast limit on height, do not even bother bringing in a project underneath it because that is what underlying zoning says. That is what we are going to follow. Dr. Van Wirt thinks there is a path forward there. To Mr. Reynolds point, she thinks it needs to be done quickly. She thinks we should not approve any buildings in the CB District and the CL District until we get this very important fact hammered out. Let's give our HCC back its structure, its credibility, its expertise, by giving them fundamental zoning to stand on. Dr. Van Wirt stated to her this is really pre-emptive to approve this building before we hammer out all the details of what we want our downtown to look like. It does mean accommodating both the need to have development that some of these sites are underutilized and are ripe for development. She added that development can be a really good thing if done appropriately and she does not feel that this building is being done appropriately. She does not feel that a building that casts permanent shadow on the Greenway should be approved. She thinks buildings that are potentially going to cast shadow on the Greenway need to come down in height so that they minimize that impact on our public parks that belong to everybody. Dr. Van Wirt also mentioned that she has gotten numbers of letters from people on the south side opposed to this and has not gotten one in support of it. While there has been always this kind of always same 10 people and that has been brought up before about the people who weigh in and talk about that they do not want to support a certain project or not, this is not the same 10 people, this is a broad cross-section of people in Bethlehem, north Bethlehem and predominately south Bethlehem who do not want this to go forward. She thinks it is irresponsible of us not to listen to them. Dr. Van Wirt pointed out that she grew up in an historic city, Savannah, Georgia and they went about saving their historic buildings slightly differently but there was one thing that happened, they allowed in the middle of Savannah Squares, there was a beautiful city market like the Reading Market. She explained that City Council allowed it to be torn down and a parking garage built in its place and it was this huge scar on Savannah and it was something they learned from and they vowed they would never let this happen again. Someone came in and changed everything by repurposing historic buildings and by holding firm and fast and not allowing out of scale development so Savannah

saved itself. Dr. Van Wirt sees that same vision for Bethlehem and she really implores the rest of Council to take a break from this fast past push, push, push, these developers are not going away. They know that we will approve something and if we can give them something stable and solid to build upon to give HCC back its expertise and structure she thinks we can really find a path forward here where we can build great things for this city.

Ms. Crampsie Smith asked if Ms. Karner has any idea of how many affordable housing units currently exist in the buildings that are going to be demolished or taken over by this project.

Ms. Karner stated there has been reference to the rooming house that had been above the pub but that has been closed for a number of years, so it is a vacant building.

Ms. Crampsie Smith asked if there are any other rental units that will be taken away with this project that they are aware of.

Ms. Karner does not believe there is but she does not want to mislead because she is not 100% sure. She does know the one that is frequently referenced which is the rooming house did close down a number of years ago.

Ms. Crampsie Smith believes there were some apartments above the old newsstand.

Ms. Karner informed that the newsstand is one story, she believes.

Ms. Crampsie Smith did attend the HCC meeting but she did not hear any specifics on what the cost of the rentals would be given the market rentals versus the affordable units.

Ms. Karner explained they have not seen any of that information on the market rate units yet, the conversation they have had is geared towards keeping the rates on the affordable units below the HUD requirements, the HUD standards.

Ms. Crampsie Smith remarked that she and Ms. Karner and others have been involved in an Affordable Housing Taskforce and one of the things we did talk about and developer mentioned is using density as a bonus, as an incentive. Other areas have done that and she does think it is something to look at for affordable housing. Her concern with this project is that she feels it is not in the best interest of the city to use density bonuses and have such large scale buildings in an historic area. We need to look outside of the downtown historic area for that. Coming from the HCC the two people who did vote against this, they emphasized that it does not comply with the Secretary of the Interior standards whereby the new development will not be compatible with the historic size and scale. The other thing is the negative effect on the Greenway. Ms. Crampsie Smith is concerned with the infrastructure, she thinks that is a problem we have all over our country, we have done too much development and we have not balanced that with infrastructure. She is concerned that we will have 61 new units and that could be 61 new cars plus some with visitors or if there are two people in a unit and that intersection at Third and New is a very busy intersection. If she is coming east on Third Street you are stopped for blocks and blocks and there is that concern on what this development will do to add to that traffic. Ms. Crampsie Smith appreciates all the points of view and she can understand where everyone is coming from to some extent on this proposal, it is tough because we do want and we do need development. When she was at the HCC meeting and she saw the pictures of the

buildings that are going to be preserved versus a new building, it was very significant and it does not look right at all. It is very significant in the difference between the buildings, especially the height. She was able to visit her friends in historical town Alexandria and she was given a tour of all the different housing developments and she was blown away by it. In Old Town they are consistent, they do not go high, they do 4 and 5 stories maximum within Historic Old Town. What is developing there now is what they call New Town Alexandria where they are doing development outside of the historic area and they are doing high rises. She was fascinated and it was based on history where it was George Washington days where they really value their workforce and they have not kicked their workforce out of the historic area. Within one corner of the city they can have high end luxury apartments, affordable units for the workforce and middle income, and low income apartments all in the same area. Aside from the aging of the buildings and certainly the design, all the areas are beautiful and you can tell all the residents take pride in where they are living. Ms. Crampsie Smith advised from a psychological and sociological perspective it makes her think because that is what her degrees are in that this really says something because the citizens are getting the message, that their income and status does not matter, they are all valued and guaranteed housing within this old historic area of Old Town of Alexandria, Virginia. She knows we can say we are not old town, but we have many similarities in our historic area to Old Town Alexandria. They are a fine example of economic success coupled with preservation of the historic heritage. It is a fine balance, we need smart development and she is going to vote no because as much as she commends the developers for saying they will volunteer to do affordable housing she is not sure that getting 6 units of affordable housing and we do not know if it will be truly affordable, she does not think that benefit outweighs the risk to this development. We have a gem of a city and it is critical that we preserve our historic heritage that is what we are all about. Economically that is why people love to come to Bethlehem because of historic Bethlehem on the north and south side. We can be the historic area that Old Town Alexandria continues to be and they are successful. We are there and we can continue to be there if we do smart development and for that reason she is going to vote no.

Ms. Negrón informed one thing that makes her sad about this project is the fact that Jeff Palomino decide to start with a high number in terms of feet, at 129 feet. Then waiting all the way to the end to present the project at 90 feet or a little bit under that because she does think this project is really good. She does appreciate that it has affordable housing, she has been talking about affordable housing for years now and every building in the last few years has been luxury apartments. She got excited when she heard there was going to be affordable housing even if it is just for a few apartments, it is better than what we have had. She loves the concept of the first floor having different restaurants and Mr. Palomino is a chef and is not really a developer so food is what he has in his mind all the time, having restaurants and different kinds of cuisine, which she appreciates. Ms. Negrón remarked that we cannot force developers to start building affordable housing although she wishes we could and give incentives or allow changes as long as it is affordable housing. It is sad to talk about job creation when the jobs being created are for \$15.00 dollars an hour, they cannot afford to pay rent. She has been talking about this forever. Just that first piece with the affordable and the fact that this is his choice, no one told him to, that is to her very admirable. She will be supporting this. When this was before us last time it was taller and the HCC did not approve but once they saw the new drawing that they approved across the street, which she voted against but she is glad there was the mention of Article 1714, she said that many years ago. Why did we create that Article and the HCC if we are not going to

follow them? She is glad to hear someone is coming to town and willing to include affordable housing in their new construction.

Mr. Callahan reported this is an historic day today; he is in agreement totally with Mr. Reynolds and Councilwoman Olga Negrón. He always tries to look at projects to see if they are good for the surrounding area and good for the greater good of Bethlehem. He tries to weigh everything. He does appreciate all the callers tonight but he thinks Dr. Van Wirt had referred to them as the same 10 people and he has heard that before. It is what he calls a vocal minority. Basically every time we have a development project over the south side we have Mr. Cornish, Mr. Antalics, Ms. Holland, Mr. Scheirer, and Ms. Smith and it is the same people who fight the same kinds of projects. Mr. Callahan appreciates their comments and he does understand where they are coming from but we as a Council has a much greater scope that we have to consider as a city as a whole, not just one particular area. For years the north side was getting all the attention and everybody on the south side was asking when they would get development and spend money over there. He does not think there is any area of the city that had more attention paid to it and more of an investment than the south side. We did have a caller from the west side and the west side is probably the most neglected area of the city. If you go over to the west side park right now he has pictures of garbage sent to him, there is garbage all over the place, a fence is broken, the water in the pool is disgusting looking. It is like we abandoned the park. The west side does not get much. Over the years many Mayors and many Administrations and many Councils have tried to do their best to bring the south side back. Mr. Callahan noted he had a conversation with an individual over there who has been in business for 55 years and grew up on Hayes Street and he said that the south side has never been better. Is it perfect, no, but it has never been better. Mr. Callahan remarked his final decision came down to the zoning for this property when he thought it was 150 feet and it is still 150 feet and he is coming in at a little under 90 feet which is commendable. He first came in at 129 feet and he could have come in at 150 feet but he did not. So now he is down to 90 feet and that is something we can all live with. He does not think it is fair to the rest of the city to think you can live in a central business district and not have buildings over 60 feet or over 5 stories tall that is not reasonable. He said at the last meeting that he lives 20 yards off the historic district on Main Street and next to an 10 and 11 story building, low income housing, he is the closest neighbor. The north side historic district has many buildings that are 10 stories tall and so does the south side already, the Rooney building is 12 stories the Litzenberger house is at 10 stories which is in the historic district. The HCC voted in favor of this and he thinks the same as Councilwoman Olga Negrón. Everyone talks about affordable housing and here is a developer who came in and said he will put 6 units in and we had an expert who came in who runs these non-profits and said he cannot compete with the housing prices to put in affordable housing. In his eyes that is worth almost a million dollars. So for a non-profit to come in and put in 6 units, you would have to spend about 1 million dollars. If we do not vote for this tonight you will not see 6 more units added for affordable housing in the city, you have to have height and density that is the only way. If you do not want to live next to buildings over 60 feet tall he suggests you move out to the townships because that is where you will get that type of livelihood. When you decide to live in an urban core you are part of a community and live there to be a part of something and height in buildings in an urban core is to be expected. Mr. Callahan stated that is his thought, and he will be supporting this tonight especially with the affordable housing he is going to be installing. He thanked everyone who called in with their comments. He added as far as the shadow, that building will be on the south side of the walkway, the sun starts peeking down not only under the tree canopy but before it gets under the tree canopy the south side mountain is there. So that mountain starts blocking the shade of that building way before there is

a shadow being presented over the walkway. This was the same argument we heard that there was going to be a 10 foot shadow when we talked about the bridge going from the Benner building to the New Street Parking Garage. No one has ever complained about the 10 feet of shade on a walkway. He thinks that is a moot point and it is something is being used to scare, and is not an issue. He will be supporting this tonight.

President Waldron informed he is also going to be voting in support of the building. He is happy to see that number of feet come in under 90 feet and if it were up to him that would be the new high water mark of what the height should be within the Central Business District on the south side. This is exactly the kind of development that the city should be looking for. The option of having affordable housing in our downtown is great and it creates a precedent moving forward where working with other developers we can point to this project and say this is what you should be bringing to the table. To have a great looking building that will put more feet on the street as well as have the first floor commercial space up and running on day one that is a slam dunk for him. This is a great project that he looks forward to and he will support it this evening.

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

11. NEW BUSINESS

West Side Pool

Mr. Reynolds mentioned about the west side pool and he has had many conversations with Mr. Evans about this particular issue. He can say that next year it will certainly be a priority from day one as far as everyone is concerned, making sure it gets opened. We have had different versions of this conversation for several years now, it is not just being opened for a few hours, it is being opened consistently. He does know all of the things we have done this year that are legitimate with the costs and getting lifeguards. He does think this has to be a priority for everybody to be open for next year.

Dr. Van Wirt wanted also to address Ms. Fernandez, her comments were spot on. She encourages her to keep coming and educating Council about what she sees over there and in all of our community pools. She had grave concerns when we decided to put all of our eggs into Memorial Pool about the condition of our other community pools, especially the fact that little kids who live over on the west side, that is not an easy bike ride to get over to Memorial Pool. If they do get there and 450 season pass holders get in the first hours, they are not going to be let in anyways. Dr. Van Wirt stated she spoke well about some of the economic realities of our kids and how they can actually access a pool. One of the times we discussed how we are going to be budgeting things is during budget season, nobody ever comes, they are boring as heck, but if you could come and give that type of speech about how we spend our money and where we put it, that has an impact. She thanked her for spending all this time with us tonight.

Ms. Negrón thanked the Mayor for making the change; he probably had hundreds of phone calls. She can only imagine how difficult it is to figure it out, the timing and the appropriate place to put the resources with having a shortage. She also hesitated when we were talking about spending all the money in one pool. What she thought would happen, it did,

everyone will go to the destination pool and of course it gets more crowded. With the season passes we are talking about people who make \$15 dollars an hour and they cannot afford to buy a season pass as much as they wanted to. She thinks that changing that 12:00 to 1:00 pm for season pass holders to walk in and then anybody else would be able to get in after 1:00, that looks a whole lot better in her eyes. When you think about a family and you have 5 kids and you are making \$15 dollars an hour there is no way you can go to the pool. She also thanked Mayor Donchez for putting in money for down payments for houses for some homebuyers through Community Action, that is a great program. She is glad the Mayor is thinking of the individuals in our city that are able to get those great jobs that were brought to the city. This was quick and she is hoping that more individuals get to enjoy the pool.

Rose Garden 90th Anniversary Celebration

Ms. Crampsie Smith wanted to give a huge thanks to Mary Toulouse and the Mount Airy Neighborhood Association, Michael Alkhal, and all the city employees and Administration for the great Rose Garden 90th Anniversary Celebration. This was a lot of hard work by the volunteers and MANA and the City to get the Rose Garden looking as good as it does. The festival was fabulous and was a great way to celebrate such a gem we have in our city.

West Side Park

Mr. Callahan spoke before about photos he received from some west side residents about the west side park and he hopes that we are not neglecting that park just because the pool is shut down. He wanted to go over some pictures and he showed them on the screen. There is garbage all along the wall, the grass has not been cut, and if we are going to have the pool empty and not used he hopes that we could drain it and get that disgusting water out of there. He showed the broken fences that are unattached and grass in the cracks in the basketball court. Mr. Callahan hopes that we could take care of the west side park even though the pool is closed and possibly we could have someone go over there and clean that up.

President Waldron remarked that for reference those pictures of the basketball court, currently there is a basketball court up higher in that park that is in good shape, that lower one is an abandoned asphalt area with a mural that is there now. He spends time in that park with his family and it is usually in good shape but clearly does need some attention.

12. ADJOURNMENT

The meeting was adjourned at 9:55 pm.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk