

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, September 21, 2021 – 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

President Waldron called the meeting to order. Present were Michael G. Colón, Grace Crampsie Smith, Olga Negrón, Paige Van Wirt, and Adam R. Waldron, 5. Bryan G. Callahan and J. William Reynolds were absent, 2.

President Waldron announced that Mr. Reynolds informed him that he has an open house to attend at Allen High School and will not be joining us this evening.

2. APPROVAL OF MINUTES

July 20, 2021

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

City Problems

Eddie Rodriguez, 701 Main Street, remarked there are a lot of negative aspects about this city that he wants to speak about. These are things he has viewed and talked about over the years but it has gotten worse. His concern as a citizen of Bethlehem is that we hear loud muffler sounds throughout our city, particularly on Main Street. There are teens riding on city streets with illegal scooters, lifting the scooters in mid-air and dodging in and out of cars, crossing solid yellow lines. Sidewalks at times are occupied with bike riders at high speeds. More and more motorcycle gang members are in our city, his suspicion is drug trafficking. We know we have a drug problem in our city particularly on the 800 block of Main Street. Personally he has visualized in certain individuals the loss of weight and mental capacity. Drug activity causes homelessness; young children are more affected as well as the increase in crime activity. Mr. Rodriguez remarked that garbage piles up and there is dumping in Monocacy Creek. The LANTA bus housing on Main Street should be eliminated, people sleep in there and there are large bags of garbage that are piled up. He personally has called the Public Works Department to see what they can do. He added that graffiti has increased as seen on the Hill to Hill Bridge and Main Street. Posting curse words regarding the President of the United States on trucks or vehicles or on flags should be banned. Overall he is looking for the safety of our city residents on city streets. He believes that more police stops should be made concerning illegal inspection stickers, no inspections on vehicles and smog from mufflers from trucks and cars. We are seeing speeding vehicles on our city streets, he requests some sort of foot patrols on Main Street and more cameras are needed. He explained that Officer Trevezo went beyond his normal duties and assisted Mr. Rodriguez on Geopp Street where a car door was blown all over affecting 7 or 8 homes on both sides of the

street. This officer voluntarily assisted him and he took his hands and got them dirty just as well as Mr. Rodriguez got his hands dirty so he wanted to commend that officer for that.

Musikfest Venue Music

Bill Scheirer, 1890 Eaton Avenue, informed he has a modest proposal tonight. He will start with a story. Recently on a Tuesday evening he stepped out front for a walk and heard music, not too many musical notes but more of a drum beat. He thought it might be the young people who moved in down the street so he walked down there but it was not them. Then it seemed like it was coming from across the street on the south side, but not them. So he started thinking that it is 2 and a half miles to downtown Bethlehem but as it happened it was talking to a friend who lives at 13th Avenue and Market Street and she described what she was hearing which was the same as he was hearing. A little later by chance he talked to a friend on Second Avenue who is self-employed and tried to do some billing and had her windows open 2 inches but had to give it up, this noise was too distracting. Later a neighbor who lives a block further away also volunteered the same description. Mr. Scheirer missed an opportunity, he should have gotten in his car or walked half a mile to Club Avenue and then he could stand here and say he heard Musikfest in Allentown because that is what it was. He thinks that is a little bit more than we need to have. Mr. Scheirer would like to propose a decibel limit for each venue at Musikfest of 103 decibels. He found on the internet a website that said that 103 decibels is equivalent to a jet flying over at 100 feet, and it seems to him that is loud enough. This also said that rock concerts can go up to 140 decibels. This in part is a public health issue. A few years back the University of Tennessee tested the hearing of the entire freshman class and found that 25% were hearing impaired. Mr. Scheirer suggests that we have an ordinance that says each and every venue at Musikfest shall be limited to 103 decibels and that there will be fines for going over that. We do not need to get above 103 decibels and he would be willing to bet that some of these performers do that. These fines could partially offset the storm water fee which is a regressive tax parading as a user fee, but that is a subject for another evening. There are people who leave Bethlehem during Musikfest so he does think this is a reasonable request.

Political Contributions

Stephen Antalics, 737 Ridge, 1201 Butztown, remarked that last meeting he raised a question and after some research he is able to answer it. Article 1103 (c) State Ethics Commission says "No public official, public employee or nominee or candidate for public office shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that public official, public employee or nominee that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby." That is very clear but the laws of the State of Pennsylvania have muddled that dramatically and made the exception that any contributions made to a candidate for office as a candidate is acceptable and went further to say that candidate if elected has the ability to vote on an issue that involves that donation. Mr. Antalics noted if he ran for office and accepted a very large contribution from a developer who is from out of state and were elected he would be naïve to think that contribution is for him to promote good government. Also, he would expect to probably get phone calls from that developer asking for promoting his interest in any legislation involving his property, which is understandable. With that being said, he would wisely recuse himself from the vote, for two reasons. It would clearly promote transparency and confidence in an elected official because in

the transparency that would come from the fact that the official would explain his recusing to vote based upon having received a contribution from the developer who owned that property that he was required to vote on. What is the alternative? If he did not recuse himself and voted on the issue he certainly would expect someone in the audience to feel that there might be a conflict of interest if they knew that he accepted that donation. So it is not the idea of the actual conflict of interest, it is the appearance of a conflict of interest. To ignore that diminishes the confidence that the voters have in that candidate or that elected official. Mr. Antalics is saying that any official who may have voted in that manner allows him to raise the issue of a possible conflict of interest.

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

None.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Director of Budget and Finance – 2022 Budget – Pension Minimum Municipal Obligations*

The Clerk read a memorandum dated September 10, 2021 from Mark W. Sivak, Director of Budget and Finance stating the 2022 Budget Pension Minimum Municipal Obligations for Police, Fire, and the Pennsylvania Municipal Retirement System.

President Waldron stated this is for information only.

B. *City Solicitor – Use Permit Agreement – ArtsQuest – Oktoberfest 2021*

The Clerk read a memorandum dated September 16, 2021 from City Solicitor William P. Leeson, Esq., with an attached resolution and associated Use Permit Agreement with ArtsQuest for Oktoberfest 2021 at 1st Street from Polk Street to Founders Way, 1st Street from Founders Way to the Eastern Terminus and Founders Way between 1st Street and 2nd Street taking place from October 1 through 10, 2021.

President Waldron stated Resolution 10 A is on the agenda.

C. *City Solicitor – Use Permit Agreement – Animal Defenders Greater Lehigh Valley/Funk Brewing Company LLC – Mercy Vegan Pop Up Shop*

The Clerk read a memorandum dated September 16, 2021 from City Solicitor William P. Leeson, Esq., with an attached resolution and associated Use Permit Agreement with Animal Defenders Greater Lehigh Valley and the sub-permittee Funk Brewing Company LLC for the Mercy Vegan Pop up Shop at Payrow Plaza on October 17, 2021.

President Waldron stated Resolution 10 B is on the agenda.

- D. *City Solicitor – Use Permit Agreement –McCarthy’s Irish Pub, Inc. – McCarthy’s Red Stag Fall Festival*

The Clerk read a memorandum dated September 16, 2021 from City Solicitor William P. Leeson, Esq., with an attached resolution and associated Use Permit Agreement with McCarthy’s Irish Pub, Inc. for the McCarthy’s Red Stag Fall Festival at Walnut Street between Broad Street and Guetter Street on October 23, 2021.

President Waldron stated Resolution 10 C is on the agenda.

7. REPORTS

- A. *President of Council*

- B. *Mayor*

1. *Administrative Order – Carlos A. Almeida – Bethlehem Authority Board*

Mayor Donchez appointed Carlos A. Almeida to membership on the Bethlehem Authority Board effective through January, 2022. Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-149 to confirm the appointment.

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

World Heritage

Mayor Donchez announced we had a very exciting week last week with our guests from Europe and today we have Charlene Donchez Mowers and Hank Barnette to give an update on World Heritage.

Hank Barnette remarked he is a resident of Bethlehem and lives on Prospect Avenue has an office on New Street, and he is the Vice Chair of the Bethlehem World Heritage Commission. He added that Charlene is the President of the Bethlehem World Heritage Commission and also is President for the Bethlehem Museums and Sites. We thank you for the opportunity to discuss World Heritage, your understanding and support will be essential if World Heritage is to come to Bethlehem. Mayor Donchez suggested it might be helpful if we started this briefing with what Mr. Barnette would call World Heritage 101, just trying to put some background on what is a very complex, legal, international and national subject. World Heritage is a treaty, and international treaty that has been adopted and ratified by about 190 countries including the United States. Of course, once a treaty is ratified it does have a force of law in the United States. It is difficult to simplify such a complex subject, but I will try. The purpose of World Heritage is to help recognize and preserve for the present and future generations cultural or natural sites throughout the world that provide outstanding, universal value. The site must provide outstanding universal value. There are about 1,100 sites worldwide, the Taj Mahal in India, Tower of London and in the United States it is surprising to note there are only 24 sites. These include the Statue of Liberty,

Monticello and the University of Virginia, Independence Hall; Yellowstone National Park is a natural site as is the Everglades National Park. There are two sites in Pennsylvania, Independence Hall and one of the Frank Lloyd Wright houses is located in Pennsylvania, the others homes are located elsewhere. Each Country and the United States in World Heritage speak is called a State Party and each State Party has procedures to identify, to nominate candidates they believe cultural or natural sites to be worthy of becoming a World Heritage Site. Each Country can then nominate a site and help move it forward through this international and complex process. Mr. Barnette continued to say this nomination, once a Country makes it, is reviewed thoroughly and investigated in detail by an international group, The International Council on Monuments and Sites and we will be hearing about ICOMOS, that is the acronym for this group. They are highly professional, highly experienced individuals who will be, we hope, coming to Bethlehem to investigate the proposed World Heritage Site. We may know they are here, we may not know they are here but that investigation results in the development of a recommendation to the World Heritage Convention and that is composed of representatives of 21 countries and committee changes year in and year out. The International Council on Monuments and Sites and the World Heritage Convention itself is located in Paris and administratively it is part of UNESCO, a major organization of the UN. Mr. Barnette explained that is a background on World Heritage and what it is. The question is how does the United States fit into that and how does Bethlehem fit into that. In 2012 Bethlehem became a National Historic Landmark District, a major achievement responsible by many but led by Charlene Donchez Mowers and Historic Bethlehem. In 2015, and this is important, Christiansfeld, a city in Denmark became a World Heritage Site, the Moravian Church settlement in Christiansfeld, Denmark. It became a site as part of a prospective member of other Moravian Church settlements going back 250 to 300 years as possible future additions to that Christiansfeld site. In 2017 Bethlehem, because we were a National Historic Landmark District and because Christiansfeld had become a World Heritage Site we were named to the United States tentative list. That means the United States tentatively thinks Bethlehem might be authorized to work with Hernnhut, Germany, to work with Gracehill in Northern Ireland and to further work with Christiansfeld to bring all four of these communities together as Moravian Church Settlement World Heritage sites. He noted that since 2017 and since we were named to the tentative list, Mayor Donchez and others have been very, very active. Four years ago in 2017 Mayor Donchez appointed a World Heritage Commission. That commission is composed of the 5 property owners, properties within this site which Charlene will be discussing with you. The City of Bethlehem, a very large property owner, Moravian University and Bethlehem area Moravians, there are two lessees of property, Central Moravian Church and Historic Bethlehem Museum and Sites, these are the 5 property owners. They can serve the commission with lead members of our community. We quickly realized that we had an international issue before us and when that exists you need help. We needed an internationally renowned consultant who could advise and help us and we found such a person in Mr. Barry Gamble of the United Kingdom. The third thing that was started was regular contact with the multi-national group, Charlene and I worked with the meetings but they had been meeting on a monthly basis to try to bring us together and we have been successful in a voluntary association agreement of the four communities with the approval of the four countries to go forward. Mr. Barnette added additionally they have been meeting very regularly with the representatives of the United States Government who are responsible for World Heritage maintaining that liaison and keeping them advised of our progress. Additionally to do this requires funding and we thank the City of Bethlehem, we especially thank Northampton County, Historic Bethlehem Museum and Site, private donors and others but we do have, at least at present, sufficient funds we believe to move forward with this initiative. Last week here in Town Hall we signed a

voluntary association agreement with the four cities and it is voluntary and terminable at will, and on the other hand our good faith makes us confident we will work together to bring this forward. Additionally we were pleased to announce the United States Government has authorized Bethlehem to work with the other communities to prepare in World Heritage speak what is called a dossier, a nominating petition and to prepare this highly complex multi-page document that will serve as a basis for our nomination. Mr. Barnette explained that is roughly where we are. We could have this dossier done in the next year or two approved by the 4 governments. We could be before the World Heritage Convention in a few years, maybe by 2024. That is roughly the timetable. Mr. Barnette noted he will take any questions now or after Ms. Donchez Mowers speaks.

Charlene Donchez Mowers remarked she is President of Historic Bethlehem Museums and Sites and President of the Bethlehem World Heritage Commission. She has been honored to have been involved in this process all the way back to 2002. It is exciting that we have come so close and could possibly be a World Heritage Site in 2024. Just to speak about what is involved with Historic Moravian Bethlehem she noted that Historic Moravian Bethlehem is our National Historic Landmark District composed of 14.7 acres of the Historic Moravian properties. It has 10 buildings, 5 ruins, and a cemetery. This is a prime example of a Moravian Church Settlement from the 1700's. To put it in context she noted that Hernnhut, Germany which is one of our communities was founded in the 1720's, Bethlehem in the 1740's, Gracehill in Northern Ireland in the 1750's, and Christiansfeld in Denmark in the early 1770's. We are examples of these Moravian Church Settlements all over the world and according to the professionals, who look at all the possible World Heritage Sites, we all have high degrees of authenticity and integrity which is what is required. We also have outstanding universal value for the attributes of the Moravian Settlements which included education for all. They were very diverse communities. Also included was industry, spirituality and as you know by the Colonial Industrial Quarter, America's earliest industrial park, they were incredible at having industries to sustain their community. Ms. Donchez Mowers explained we have to be ready for the assessors, and she calls them secret shoppers, when ICOMOS comes to Bethlehem to see what we are doing. They are coming to make sure that we are who we say we are when we submit our dossier. That will happen after the dossier is submitted and ICOMOS will review what it says. World Heritage is an incredible opportunity for our city that includes heritage tourism and economic development. She mentioned that heritage tourists stay longer and spend more. International travel consortiums advertise visiting World Heritage Sites. She is sure you have seen the ad's to come to a certain Country and see so many World Heritage Sites on your trip. It is possible that in 2024 we could be added to that. Christiansfeld, a small community in rural Denmark would get between 7,000 and 8,000 visitors, mostly in the summer months and now they get about 50,000 visitors all year round which has been a wonderful boon to their community. Ms. Donchez Mowers remarked when you think about the City of Bethlehem and in a normal course of the year, the Historic Bethlehem Museums and Sites gets about 50,000 visitors a year. If we would be like Christiansfeld we could possibly see an increase to 200,000 visitors over the course of a year which would be an amazing change for our community and the economics that it would bring. It also raises awareness and increased interest by international corporations; they are interested in being where there are World Heritage Sites. We will be stewards together of this historic 14.7 acres. It is a badge of honor but it also has the responsibility of keeping these sites for future generations.

President Waldron thanked Mr. Barnette and Ms. Donchez Mowers. He asked if there is a timeline on what the next step would be. Obviously we are talking about 2024 but what do the next 6 to 12 months look like.

Ms. Donchez Mowers stated in the next 12 months if we stay on the timeline which is basically a fast track to World Heritage, after doing this since 2002 all of a sudden it is hurry up and be ready, we are responsible with our colleagues Gracehill and Hernnhut to prepare a dossier or a description of who we are and why we are worthy of this recognition. The dossier needs to be prepared in draft form by the fall of 2022 and then will be submitted in the final form right after the first of the year in 2023. In 2023 it will be submitted to the International Council on Monuments and Sites (ICOMOS) where they will do a combination of a desk review. There will be people sitting in an office in Paris reviewing the 200 or 300 page paper that we will put together. They will also send the assessors or secret shoppers to these three Historic Moravian communities to do an analysis of those sites. Then if everything proceeds at that pace, the ICOMOS will refer the dossier to the World Heritage Committee for review and hopefully approval when they meet in July. They meet each year in July somewhere in the world and that would take place in July of 2024.

Mr. Barnette then had a few observations including why we should be optimistic. There is severe competition not only in the United States but elsewhere. From the United States standpoint it has never done a transnational serial, several of them, nominations. It has never joined with such Countries as Denmark, the United Kingdom, and Germany in such a nomination and that is very, very special. Secondly, Mr. Barry Gamble is just and internationally renowned consultant in this area and he has this past year had a number of inscriptions that means you made it; you are inscribed as a World Heritage Site. He has had a number of successes. He is a modest man but he has very high hopes that ultimately we will make it. Those are two external reasons that has given us, the working team, encouragement with this effort.

President Waldron asked if he is correct in understanding that the fate of Bethlehem's World Heritage Site tied in with the other three Countries as well. Will those all be considered as a group?

Mr. Barnette stated yes, they could be separated, that is possible.

President Waldron asked who would be doing that separation.

Mr. Barnette remarked the Countries could because one of the cities did not fully prepare or comply and could be severed because of that. It could be severed because ICOMOS could find that one city is worthy but another is not.

President Waldron remarked it could happen on either end.

Mr. Barnette noted it could happen but it is unlikely to happen, but we would not wish to predict that an international group such as this could not do something like that.

Mr. Colón had that same question and is thankful for that answer. He looks forward as the year's progress to get more updates and let us know if there is anything we can do.

Mr. Barnette added they look forward to meeting with you at your Mayor's and your discretion to have us here because our effort, this voluntary association agreement that we signed commits us, all of us to work together to achieve this effort, that is our purpose.

Mr. Colón noted if we are so fortunate to win the designation just looking ahead, have there been any circumstances where a site has lost their historic designation for any reason. He wondered if there is a periodic review or any kind of look back to make sure that certain things are being met.

Mr. Barnette stated yes, sites have been designated as World Heritage sites and because the community has failed to maintain the site as it agreed to do there would be a management plan which essentially will contain to do what we have been doing. World Heritage inscriptions have been granted and they have been terminated because properties have fell in disrepair, it could happen.

Ms. Crampsie Smith thanked them for that very informative and interesting presentation. It is very exciting for our city to be considered and she is doubly excited because Ireland is involved in it and she is very Irish. She noticed they talked in the letter about needing funds to upgrade the sites. She asked if they have any idea on how much you are looking for to do the necessary repairs and upgrades that are needed.

Ms. Donchez Mowers remarked she does not have an actual budget but she can very easily put together a budget. Maintaining the colonial industrial quarter buildings which are owned by the city is very expensive and since 1966 Historic Bethlehem has been working to preserve the buildings. This is very expensive, we cannot just go to Lowe's to get parts when you are dealing with buildings from the 1700's, the constant maintenance is very difficult and so we would very much appreciate support from the city and she would be happy to put together an actual budget. She just wanted to present the concept of what we would need going forward to be able to maintain our buildings and have them ready for World Heritage review.

Ms. Crampsie Smith wondered if there are other avenues as far as finding funding, maybe public grants or private entities.

Ms. Donchez Mowers noted she writes grants all the time.

Dr. Van Wirt thanked them for the enormous amount of work, not in just presenting this to us tonight but the decade's long work that you and your committee have been doing. It is evident how knowledgeable you are. The City of Bethlehem is very lucky to have you working on our behalf, thank you.

Mr. Barnette added this is a volunteer effort that has been exceptional by so many and for so long. Remember 280 years ago the first building was built so for 280 years there has been preservation and maintenance of these buildings, we have a lot of people over many years to be thankful to.

President Waldron wondered if the folks in our community wanted to follow along with the progress, what would be the best way for them to do that.

Ms. Donchez Mowers related if you Google Historic Moravian Bethlehem it takes you to a page on Historic Bethlehem Museums and Sites website that we keep up to date so people can follow along. We include press releases, videos, and all that kind of information so the public can be aware of what is happening.

C. *Public Works Committee Meeting*

Chairwoman Crampsie Smith stated the Public Works Committee met Thursday, September 16, 2021 at 6:00 pm in Town Hall to consider the Responsible Contract Ordinance and the Contracting Bid Preference Bill. The Committee voted 3-0 to move the Responsible Contract Ordinance to full Council for consideration. Councilman Callahan rescinded his Contracting Bid Preference Bill so there was no vote on that bill.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

A. *Bill No. 27-2021 – Amend Article 1120 – EMS Fees*

The Clerk read Bill No. 27-2021 – Amend Article 1120 – EMS Fees sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
ARTICLE 1120.05.C OF THE CODIFIED ORDINANCES
RELATING TO THE FEE SCHEDULE FOR
EMERGENCY MEDICAL SERVICES.

President Waldron remarked any time we get a fee request, you are now requesting to decrease those fees, and he knows well the challenges that EMS has had with recouping some of these costs every year during the budget. It seems like it comes up again where we are asking where services are being provided and then fighting with either the insurance companies to recoup that money or the uninsured with trying to get some money back. He is guessing these fees are an effort to help level that scale a little bit. He asked if Fire Chief Warren Achey could touch on that and just generally give us an idea of where these numbers were coming from because we only have what you are requesting, not what the current rate is.

Fire Chief Achey remarked he does not have an exact answer on the amount that we actually recoup percentage wise but EMS Director Tom Decker reviewed the fee schedule. There are two changes under number 7 ALS Treatment No Transport going from \$400 to \$440 which comes in line with Medicaid and insurances, we increased that. He added that with number 6, Standby Service Fee (per hour), we struck that out because these fees are actually what we bill through insurance companies. We do not bill Standby Service to an insurance company; we do that more with roster. So we struck that out so we can change that other fee and bring it more in line. This has not been updated since about 2011. This would not even cover the cost of 2

paramedics, so as we do with Police and Fire, each year the Administration takes a look at the increase in salaries and then comes up with a fee for roster duty.

President Waldron remarked for line 6 are you essentially reserving what that number would be.

Fire Chief Achey remarked we would actually strike that out of what this would be, the third party billing fees.

President Waldron imagines recovering that money is a lot easier because you are working directly.

Fire Chief Achey pointed out they came up with a contract between Police, Fire and EMS this year where we are going to start using the roster, which we had not had before, it was more of a handshake agreement with an understanding between the Event Center, some of our roster duty with Celtic Classic and Musikfest where we would sit down and negotiate the number of personnel what would be at an event and give them a few days to pay the fees.

President Waldron asked if Chief Achey could pass that note along to Mr. Decker when we move to the budget, the Fire Budget is first at the First Budget Meeting when we move into November. If you would be prepared to help us understand what that balance looks like.

Fire Chief Achey asked if he is looking at the percentage that we recoup total of the fees.

President Waldron stated yes.

Fire Chief Achey noted he will do that.

President Waldron also asked if Chief Achey could put in how that has tracked over the past few years.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, and Mr. Waldron, 5. Bill No. 27-2021 was passed on First Reading.

10. RESOLUTIONS

A. *Approve Use Permit Agreement – ArtsQuest – 2021 Oktoberfest 2021*

Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-150 that authorized to execute a Use Permit Agreement with ArtsQuest for Oktoberfest 2021 on October 1 through 10, 2021.

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

B. *Approve Use Permit Agreement – Animal Defenders Greater Lehigh Valley/Funk Brewing Company LLC – Mercy Vegan Pop Up Shop*

Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-151 that authorized to execute a Use Permit Agreement with Animal Defenders Greater Lehigh Valley and Funk Brewing Company LLC for the Mercy Vegan Pop Up Shop on October 17, 2021.

Dr. Van Wirt remarked that Ms. Negrón had brought this up before in reference to a Touchstone Theater event. Some of these events that we have are pretty dinky and while they hope to raise a lot of money it is conceivable that this is a fairly small event in line with the one that was referenced and yet we are still mandating roster duty Police Officers because there is alcohol being served. She wondered if there is a threshold. This is a 4 hour long event and it seems it would cut into the whole purpose of this which is to raise money for the animals. She is not sure if Mr. Evans or Mayor Donchez has enough information about what really constitutes the need for a Police Officer in an event this small.

Mayor Donchez is not sure if Police Chief Michelle Kott is on the line because she is not feeling well.

President Waldron noted she is not on the line and that we had this conversation which went in circles a few months ago. We did not get any resolution on this. He cannot speak for everyone on Council but it seemed like this was subjective but we did not even know what the subjective things were other than a group of people getting in a room to make a decision, which seems arbitrary when you are trying to follow the rules. He hopes that this could be revisited and followed up to Council with some kind of memo so we would have a better idea and more so the public could. If for instance we were not satisfied with that we might be able to make a change in order to have a very consistent approach, not only for the Administration and Council to understand but for the end users. So they could say this event could be done but I would have to spend \$400 for a Police Officer.

Mr. Evans stated understood and added the night of that meeting he does recall that discussion clearly. When event applications come in they are 99% approved, it is a matter of finding a way to approve them. What does it take to give the city whether the Legal Bureau or sometimes the Police Department comfort so it can be done safely, there is always a little bit of concern when you bring alcohol into the public right of way. There are a lot of opportunities for private places to use alcohol but when it comes into the public right of way there is a little bit of more to look at. Also, we do not have Legal here this evening but some where it is written in the ordinance where it would require Council approval, the change of an existing Ordinance to allow alcohol to come into a public right of way or public place without some changes to an existing Ordinance. We can follow up with it.

President Waldron noted that seems like the same kind of non-answer we got last time.

Mr. Evans remarked there is always going to an amount of discretion and it will be subjective. When we talk about these committee meetings when people come in and an applicant looks to do something and they are bringing in alcohol with large groups there is always a reason for concern of what safeguards to put in place and we try to thread that needle. We want to make it happen but we understand it is expensive for public safety but there is also the cost of not having the safety there in place as well.

President Waldron remarked he hopes we could have a better idea of this because ultimately this seems like it could be a large barrier of entry for a non-profit who is trying to support an effort in our community.

Mayor Donchez noted we will have the Legal Bureau send Council a memo.

President Waldron added that sometimes we have these questions we do not know we will have questions to and then we are turning to the Administration and asking the Police Department or Legal or Economic Development, none of which those three have representatives here this evening. Sometimes it is challenging to be forced to make a vote on the spot when we do not have all of the information. If something could be done to help us get all the information during a meeting, we would appreciate that as well.

Dr. Van Wirt noted this paragraph does not give any wiggle room for discretion. She thinks that discretion should be broad.

President Waldron added another thing to consider is that he does understand the mandate of having security and safety that is important. You can look at a number of private venues that do something without a roster duty Police Officer, whether it is the Wooden Match or the Brew Works, they have private security. That could be a consideration in the Use Permit Agreement it is mandated that there is private security which would be at a much lower cost than a roster duty uniformed officer. Then they would also be able to facilitate other things like maybe helping in the event set up or take down, where a roster duty officer would not be able to do that. President Waldron does think there is a solution here that we can come to but getting something on paper would be helpful to everybody involved.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Crampsie Smith, and Mr. Waldron, 5. The Resolution passed.

C. *Approve Use Permit Agreement – McCarthy’s Irish Pub, Inc. – McCarthy’s Red Stag Fall Festival*

Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-152 that authorized to execute a Use Permit Agreement with McCarthy’s Irish Pub, Inc. for the McCarthy’s Red Stag Fall Festival on October 23, 2021.

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

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

Ms. Negrón and Mr. Colón moved to consider Resolutions 10 D through 10 I as a group.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, and Mr. Waldron, 5. The Motion passed.

D. *Certificate of Appropriateness – 40 West Church Street*

Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-153 that granted a Certificate of Appropriateness to install hoods over three lower-level doors, as well as wood brackets and new lighting at 40 West Church Street.

E. Certificate of Appropriateness – 213-215-217 West Broad Street

Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-154 that granted a Certificate of Appropriateness to install wood handrails on the second story roof for emergency egress from the third floor at 213-214-217 West Broad Street.

F. Certificate of Appropriateness – 9 East Third Street

Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-155 that granted a Certificate of Appropriateness to install a new wall sign at 9 East Third Street.

G. Certificate of Appropriateness – 301 East Fourth Street

Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-156 that granted a Certificate of Appropriateness to repair and paint all woodwork on the front (South) and side (West) facades; paint gutters, downspouts, and storm door; replace 1-over-1 double-hung windows with aluminum-clad wood windows of the same configuration; and install a surface-mounted porch light fixture at 301 East Fourth Street.

H. Certificate of Appropriateness – 303 East Fourth Street

Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-157 that granted a Certificate of Appropriateness to repair and paint all woodwork on the front (South) facade; paint gutters, downspouts, and storm door; remove the aluminum porch soffit and replace with wood; replace windows on the front (South) facade with 1-over-1 double-hung windows with aluminum-clad wood windows of the same configuration; and install a surface-mounted porch light fixture at 303 East Fourth Street.

I. Certificate of Appropriateness – 306 South New Street

Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-158 that granted a Certificate of Appropriateness to install new signage at 306 South New Street.

Voting AYE on Resolutions 10 D through 10I: Dr. Van Wirt, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, and Mr. Waldron, 5. The Resolutions passed.

J. Certificate of Appropriateness – 307 East Third Street

Dr. Van Wirt and Mr. Waldron sponsored Resolution No. 2021-159 that granted a Certificate of Appropriateness to construct a new 5-story building at the current location of a surface parking lot at 307 East Third Street. The building will be mixed-use, including retail space on the first floor and one-and two-bedroom apartments on the entry level and upper floor levels.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, and Mr. Waldron, 5. The Resolutions passed.

11. NEW BUSINESS

Community Development Committee Meeting

Chairwoman Van Wirt announced a Community Development Committee Meeting will be held on Thursday, October 21, 2021 at 6:00 PM in Town Hall to review the 2021 Financial Accountability Incentive Reporting (FAIR) Reports.

Committee of the Whole Meeting

President Waldron announced a Committee of the Whole will be held on Tuesday, September 28, 2021 at 6:00 PM in Town Hall to discuss the American Rescue Plan Act Funds.

Committee of the Whole Meeting

President Waldron announced a Committee of the Whole will be held on Tuesday, October 19, 2021 at 6:00 PM in Town Hall to review the latest capital plan.

Pickleball Courts/Fire Department

Mr. Colón informed he wanted to commend Public Works and specifically the Recreation Bureau on the announcement he saw on social media about the painting of Pickleball courts over on West Side Park. Over the last year he has had conversations with the Recreation Director about such things and he was at a wedding two weeks ago and someone stopped him and talked to him about Pickleball which he has never played and he could not even say what it looks like. He was pleasantly surprised to see the social media post and the attention we got that we will be putting up nets over at West Side Park.

President Waldron noted the nets are up and they are playing today.

Mr. Colón remarked that is a good example of community reaching out to the Recreation Bureau in that we wanted something that was simple, the restriping and repurpose of the courts to meet some of the recreation needs of the community. He added a good job to the Fire Department, he read in the news about the fire that was at the Sherwood Apartments, he believes that was their third major fire in the last decade that has caused a lot of damage. There were a lot of families displaced. He speaks for more than himself that we will be looking at any GoFundMe campaigns for those that lost personal items. He was glad to see there were no serious injuries for anybody in the Fire Department, good job for those that responded out there.

65th Infantry Monument/Small Festivals

Ms. Negrón thanked the Administration, Mayor Donchez and Mr. Alkhal for the amazing job done with the 65th Infantry Monument. This means a lot to our community. It is important history and it means a whole lot. The event helped promote the need for artists to create the art part for the monument itself. We have gotten an incredible amount of Latino artists from the Lehigh Valley that she did not even know about. She is super excited about that. We are all looking forward to seeing the final piece of the project, thank you. She also would like to give in her two cents on the police requirements at small festivals. She has spoken with different police

chiefs and officers around. She volunteers for Musikfest for many years and appreciates and recognizes the incredible importance of police. She also has organized the Puerto Rican parade and festival for 10 years and she would not have done anything if it was not because there was police presence, because of the amount of people we had. We actually had our own private security plus we had the police. We had them in the beginning and walking together, it was a good experience. But we are talking about something completely different, like Dr. Van Wirt mentioned these small festivals for short periods of time. We need to put more trust in this and at the same time not just trust but have the organization that is putting it together held more responsible. She added that President Waldron mentioned them hiring their own private security, and that is a good step because then it would cost them less. Any time we have police officers doing overtime, that means their pensions are going up. At the end even though the entity that is putting the event together will pay the officers, that is also going to their pension so we the taxpayers continue to pay that. Ms. Negrón hopes the Administration reconsiders the process; it is time to put something on paper that makes more sense. She is saying this coming from the side that she volunteers and appreciates having police officers at Musikfest and big festivals. But these are smaller scale festivals and we need to think about this to save them money.

12. ADJOURNMENT

The meeting was adjourned at 8:06 pm.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk