

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Wednesday, November 6, 2024 - 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

The meeting was called to order at 7:20 PM by President Colón following a delay in trying to connect Ms. Crampsie Smith and Mr. Callahan via GoTo Meeting. The connection was eventually successful with Ms. Crampsie Smith. Mr. Callahan was able to join at 7:29 PM.

Present were Bryan G. Callahan (GoTo Meeting), Grace Crampsie Smith (GoTo Meeting), Hillary G. Kwiatek, Colleen Laird, Rachel Leon, and Kiera Wilhelm, and Michael G. Colón 7.

2. APPROVAL OF MINUTES

October 15, 2024

3. PUBLIC COMMENT

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

Environmental Advisory Council Report

Lynn Rothman, Chairwoman of the Environmental Advisory Council, provided the annual report. She said the Council's most important work is supporting the City's Climate Action Plan. The Transportation Committee has been collaborating with the City to make electric vehicle chargers available for those who do not have access to a garage. The Committee is working with the Bethlehem Parking Authority, Department of Public Works, and Planning and Zoning on options for a pilot program. Ms. Rothman went on to highlight the year's activities and speakers and concluded by thanking the Mayor and City Council for supporting the Climate Action Plan's initiatives.

Traffic Lights/Property Sale

Resident Mary Jo Makoul asked for a review of the traffic light settings at the City's yard waste recycling center. Exiting is difficult because the light does not change often. She also reported that BAHX has purchased 2300 Hanover Avenue outright rather than just having an Agreement of Sale. She does not know if this outright ownership would somehow strengthen the developer's position in his zoning appeals to build apartments, but she wanted the City to be aware of this changed status.

Help Homeless Get Jobs/Allow Exotic Pets

Resident Arthur Curatola proposed having advocates work with the homeless to help them get resources to obtain jobs. He again encouraged the City to hire homeless people. Mr. Curatola also encouraged Council to permit residents to have exotic pets such as cougars and hyenas.

Friendship Park/Homeless/Inspections

Resident Ed Rodriguez noted that the City is putting a lot of money toward improving Friendship Park. He cautioned that there is a lot happening near the park that the City might not be aware of. He was not specific, but insinuated that these improvements might be spoiled by this activity. Mr. Rodriguez also was concerned about discussion at Council's last meeting about the homeless being paid to remove their own garbage from an encampment. He did not believe that answers were provided about how much was paid and the source of those funds. (Editor's note: Minutes from the October 15 meeting indicate representatives from Community Connections and Bob Rapp from the Bethlehem Emergency Shelter have worked with the homeless on an initiative to offer \$5 in Wawa gift cards for the homeless to remove their trash. This is supported by state grant funding through the Health Bureau.) Mr. Rodriguez expressed disappointment that City inspectors did not find violations at Holy Family Apartments. Cracks allow smoke and vapors from chemicals to enter the building where he lives.

City Staff Member Complimented

Resident William Scheirer complimented the efforts of Angela in Public Works.

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

Cautions Raised

Resident Valerie Noonan addressed agenda item 10 F, a proposed agreement with the state Attorney General's Office to join the Organized Crime Drug Enforcement Task Force. She researched this program. She said that Bethlehem police appear to be respectful of the community, but she has general concerns that overreach by the task force could occur.

Reject the COA

Resident William Scheirer had concerns about agenda item 10 G for a Certificate of Appropriateness for 14-36 West Third Street. This will be a 141-room, six-story hotel. He recommended that Council override the Historic Conservation Commission's recommendation to approve a new COA. His chief concern is height. Six stories or so are not historically appropriate. Three stories was closer to the maximum when Bethlehem became a city early last century.

4. OLD BUSINESS

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

5. NEW BUSINESS

Mr. Colón

President Colón said he would accept a motion and a second to set the date for adoption of the 2025 Budget on Tuesday, December 17, 2024, at 7 PM in Town Hall.

Ms. Kwiatek made a motion, seconded by Ms. Leon, to set the date for adoption of the 2025 Budget on Tuesday, December 17, 2024 at 7 PM in Town Hall.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Motion passed.

President Colón next read the dates for budget-related Council meetings as follows:

Monday, November 11, 2024 - 6:00 PM

First Budget Meeting

1. Public Works Department
2. Liquid Fuels Fund
3. Storm Water Fund
4. Non-Utility Capital Fund
5. Water Fund Revenue and Expenses
6. Water Capital Budget
7. Sewer Fund Revenue and Expenses
8. Sewer Capital Budget

Tuesday, November 12, 2024 - 6:00 PM

Second Budget Meeting

1. Golf Course Enterprise Fund
2. Administration
3. Council, Mayor, Treasurer, Controller, Law Bureau
4. General Fund Revenue
5. General Expenses
6. Civic Expenses
7. Debt Service

Tuesday, November 19, 2024 - 7:00 PM

City Council Meeting

First Reading of 2025 Budget Ordinances

Monday, November 25, 2024 - 6:00 PM

Third Budget Meeting

1. Community and Economic Development Department
2. Community Development Block Grant Fund
3. Police Department
4. Fire Department

Monday, December 9, 2024 - 6:00 PM (for amendments)

Final Budget Meeting

(This meeting will only occur if necessary)

Wednesday, December 11, 2024 - 6:00 PM

Backup Budget Meeting

(This meeting will only occur if rescheduling of a prior budget meeting is necessary)

President Colón also welcomed Luca Krieger, a junior council member from Bethlehem's German sister city, Schwabisch Gmund. Mr. Krieger is staying with a host family and will be visiting City Hall daily through November 15. His time here will involve several tours of City landmarks that will include observation and discussions involving City operations.

President Colón also announced that the Public Hearing for the zoning map amendment request involving 119 Technology Drive has been withdrawn by the applicant and will not be held on November 19.

He also proposed changing Council Rules regarding the jurisdiction of Council committees. Parking Authority matters are currently considered by the Public Safety Committee. Some Parking Authority matters more closely related to the Community Development Committee. He intends to review the scope of each Council committee and is likely to propose one or more changes to the oversight alignments.

Ms. Leon

Ms. Leon thanked Fire Chief Michael Reich and all first responders who assisted those in the long voting lines at the Banana Factory. She was proud of the level of service offered to assist the many who voted and had long wait times in unseasonably hot conditions.

She also discussed her reasoning for sending the memo that is on tonight's agenda asking to have the Residential Parking Permit Ordinance reviewed conducted by the Community Development Committee rather than the Public Safety Committee that she chairs. She looks forward to the discussion.

Ms. Crampsie Smith

Ms. Crampsie Smith said she brought up the related matter of the permissibility of transferring the RPP discussion. Council Rules would have to be changed in order to transfer the jurisdiction of this consideration. She said she raised this issue to maintain protocol. She sees the merit of the discussion about RPP, but she does not want to be arbitrary in following rules.

President Colón agreed that changing or transferring the responsibilities of committees is covered under Council Rules and that he will review the responsibilities of committees and likely will propose a change to Council Rules if he believes this, and perhaps other, changes should be made. Then whichever committee's jurisdiction the Parking Authority falls under would meet on proposed changes to the RPP Ordinance. A Resolution and eventual vote would have to be drafted and discussed prior to changing committee responsibilities.

Ms. Crampsie Smith said she was unaware of a potential change in committee responsibilities until she received Ms. Leon's memo. She wanted to be sure that all Council members would be informed prior to any such change and that Council Rules require it.

Ms. Laird

Ms. Laird thanked Ms. Rothman for tonight's report. She said the EAC is an excellent example of the public's participation in City government and she appreciates the work of all involved.

6. COMMUNICATIONS

A. *Director of Community and Economic Development – Memo – Local Share Account Grant – Greenway Development*

The Clerk read an October 30, 2024 memorandum and proposed Resolution from Laura Collins, Director of Community and Economic Development. The memorandum seeks support to apply for a \$1 million Local Share Account grant from the Pennsylvania Commonwealth Financing Authority requesting funds for development/construction of the Greenway Trail Gap following acquisition.

President Colón stated that Resolution 10 A is on the agenda.

B. *Director of Community and Economic Development – Memo – Main Street Matters – Northside Alive Planning*

The Clerk read an October 30, 2024 memorandum and proposed Resolution from Laura Collins, Director of Community and Economic Development. The memorandum seeks support to apply for a grant totaling \$40,000 through the Pennsylvania Department of Community and Economic Development. If received, funding would be used to update the Northside Alive plan and potentially apply for an Elm Street designation.

President Colón stated that Resolution 10 B is on the agenda.

C. *Director of Community and Economic Development – Memo – Main Street Matters – Gateway District Development and Gateway Accessible Housing*

The Clerk read an October 30, 2024 memorandum and proposed Resolution from Laura Collins, Director of Community and Economic Development. The memorandum seeks support to apply for two Main Street Matters grants totaling \$1.3 million through the Pennsylvania Department of Community and Economic Development. If received, funding would be used for the first phase of the Gateway on Fourth mixed-income housing development.

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

D. *City Solicitor – Use Permit Agreement – Chamber Foundation – 2024 Christmas Tree Lighting Ceremony*

The Clerk read an October 30, 2024 memorandum from Solicitor John F. Spirk, Jr. with an attached Resolution and associated Use Permit Agreement. The Permittee is the Greater Lehigh Valley Chamber of Commerce Foundation, by and through its Citizens Christmas City Committee. Sub-permittees are Country Club Brewing, LLC, Franklin Hill Vineyards, Inc., Social Still, LLC, and McCarthy's Irish Pub, Inc. The Agreement is for the 2024 Christmas Tree Lighting Ceremony. Event hours will be 4-7 PM on November 29. The Agreement covers Payrow Plaza and the south side lane of Church Street in front of City Hall and the Library Complex.

President Colón stated that a Resolution 10 E is on the agenda.

E. City Solicitor – Memo – PA Atty. General – Organized Crime Drug Enforcement Task Force

The Clerk read an October 30, 2024 memorandum with a proposed Resolution and Agreement from City Solicitor John F. Spirk, Jr. Solicitor Spirk recommends an Agreement between the City and the Commonwealth of Pennsylvania Office of Attorney General, Bureau of Narcotics Investigation and Drug Control.

President Colón stated that a Resolution 10 F is on the agenda.

F. Chairperson Rachel Leon – Memo – Residential Parking Permit Ordinance – Community Development Committee

The Clerk read an October 14, 2024 memorandum from Rachel Leon, Chairwoman of Council's Public Safety Committee. Ms. Leon recommends that a proposal to amend the Residential Parking Permit Ordinance would more appropriately be considered by Council's Community Development Committee. She recommends that Council authorize the transfer of this consideration.

President Colón stated that this matter will be referred to a Council committee. A committee meeting will be scheduled for a date to be determined and announced.

7. REPORTS

A. President of Council

B. Mayor

7B1. Administrative Order No. 2024-30 Nakida A. Capasso – Bethlehem Human Relations Commission

Mayor Reynolds appointed Nidida A. Capasso to the Bethlehem Human Relations Commission. The appointment is effective through March of 2026. Ms. Crampsie Smith and Ms. Leon sponsored Resolution 2024-234 to confirm the appointment.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Motion passed.

7B2. Administrative Order No. 2024-31 Esmerelda Nazario – Civil Service Board

Mayor Reynolds appointed Esmerelda Nazario to the Civil Service Board. The appointment is effective through October of 2028. Ms. Crampsie Smith and Ms. Leon sponsored Resolution 2024-235 to confirm the appointment.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Motion passed.

Mayor Reynolds noted that this is the first Council meeting since the Inscription Ceremony designating Bethlehem as a UNESCO World Heritage site. He said the reaction has been very positive and is very much appreciated. He thanked all for attending the several celebratory events.

Mayor Reynolds said the annual Climate Action Plan update will be offered at 9 AM on Wednesday. Updates will be shared of what the nine implementation groups have accomplished in the last year. Much progress has been made since the 2017 inception of the CAP plan. This plan has been helpful for the City to receive some of its grants.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 43-2024 – Bill No. 43-2024 – Greenway Acquisition – Budget Adjustment – Non-Utility Capital Fund*

The Clerk read Bill No. 43-2024 – Greenway Acquisition – Budget Adjustment – Non-Utility Capital Fund, sponsored by Ms. Kwiatek and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA,
AMENDING THE 2024 CAPITAL BUDGET FOR
NON-UTILITIES.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. Bill No. 43-2024, now known as Ordinance No. 2024-44, passed on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Resolution – LSA Grant – Greenway Construction*

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-236 that authorized and directed to execute all application forms necessary to apply for a Local Share Account grant through the Pennsylvania Commonwealth Financing Authority for the Greenway Trail Gap development/construction and that the Mayor and Controller are authorized to execute such other agreements and documents as are deemed to be necessary and/or related thereto.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

B. Approve Resolution – Main Street Matters – Northside Alive Planning

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-237 that authorized and directed to execute all application forms necessary to apply for a Main Street Matters planning grant to update the Northside Alive plan and potentially apply for an Elm Street designation, and that the Mayor and Controller are authorized to execute such other agreements and documents as are deemed to be necessary and/or related thereto.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

C. Approve Resolution – Main Street Matters – Gateway District Development

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-238 that authorized and directed to execute all application forms necessary to apply for a Main Street Matters grant to be used toward the first phase of the Gateway on Fourth mixed-income housing development, and that the Mayor and Controller are authorized to execute such other agreements and documents as are deemed to be necessary and/or related thereto.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

D. Approve Resolution – Main Street Matters – Gateway Accessible Housing

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-239 that authorized and directed to execute all application forms necessary to apply for a Main Street Matters grant to be used toward the first phase of the Gateway on Fourth mixed-income housing development, and that the Mayor and Controller are authorized to execute such other agreements and documents as are deemed to be necessary and/or related thereto.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

E. Approve Use Permit Agreement – Chamber Foundation – 2024 Christmas Tree Lighting Ceremony

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-240 that authorized to execute a Use Permit Agreement with the Greater Lehigh Valley Chamber of Commerce Foundation by and through its Citizens Christmas City Committee for the 2024 Christmas Tree Lighting Ceremony.

Ms. Laird asked if this will be the first time that alcohol will be sold at the tree lighting ceremony. She was advised that alcohol sales were approved last year.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

F. Approve Resolution – PA Atty. General – Organized Crime Drug Enforcement Task Force Agreement

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-241 that authorized to execute an Agreement with the Commonwealth of Pennsylvania, Office of Attorney General, Bureau of Narcotics Investigation and Drug Control. The Agreement shall become effective upon signature by both parties and shall end on December 31, 2024, after which the Agreement shall automatically renew for successive one-year terms unless terminated earlier in accordance with the terms of the Agreement.

Police Chief Michelle Kott was asked for background. She said that the City officers named to the task force will be hand-picked by her. They will remain City employees. This will be a part-time assignment that will be done through overtime assignments. This is a federal program but the Memorandum of Understanding will be entered into with the state Attorney General's Office. The scope of the task force will be to investigate drug trafficking, so it will be large-scale operations. It will not involve immigration.

Ms. Laird asked why Bethlehem has been asked to participate.

Chief Kott said Bethlehem Police Department is the best and is recognized for excellence. Four other departments in Lehigh and Northampton Counties already have signed on. The task force also is in need of Spanish-speaking police, which the City can provide.

Ms. Laird asked where City officers will be working.

Chief Kott said it would be in the Lehigh Valley. She does not have the personnel to spare to send to distant portions of the state or beyond.

Ms. Leon asked if Bethlehem could exit this agreement if it does not work out.

The Chief said the City would have to give a 30-day notice if it wishes to no longer participate. Otherwise, the agreement is good on a yearly basis and automatically renews unless either party wants to stop. Chief Kott added that benefits to Bethlehem police will include the sharing of intelligence, more training, and the pooling of resources. She added that Bethlehem, unfortunately, is geographically located within a high-volume drug corridor between New York City and Philadelphia.

Ms. Kwiatek was assured that this program is federally funded but that work would be done directly with the state, not the Department of Justice. There could be undercover work, and it is likely that they would do mail sorting because drugs often are sent through the U.S. Mail.

Chief Kott also said that the overtime money to be paid to officers will be reimbursed through the federal government, rather than a City expense. Money also will be available from asset forfeiture. Even though the majority of this money goes to the county District Attorney's Office, some money will funnel to participating officers from drug forfeiture.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

G. *Certificate of Appropriateness – HCC – 14-36 West Third Street*

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-242 that authorized to secure a COA for revisions to an 8-story structure previously approved in June of 2021. The proposed building now hosts a hotel use rather than ground-floor commercial storefronts and multi-family residential dwellings above. Façade revisions include window sizes and placements, addition of rooftop dining space, structural canopy at the lobby entrance and other material changes.

Ms. Leon said this is the building across from the Banana Factory. It is currently extremely deteriorated and a hazard. The existing building was going to be replaced by student housing, but a hotel is the current proposal. The hotel would be a better use than what is there. The building size would be proportionate to the Banana Factory that is being built. She looked into hotel occupancy rates and said there is a need for additional hotel rooms. She believes this would be an economic win for South Bethlehem. Ms. Leon also noted that, if this project were to be rejected, a building of similar height already has approval at this location. Ms. Leon is excited by the possibilities at this location.

President Colón asked Council Solicitor Stephanie Steward to review what Council is voting on.

Solicitor Steward referred to §8004 which specifies what the governing body shall consider when determining whether to allow alteration or demolition to a building. These include the effect the change will have on the historic architectural nature of the district. Unrelated factors shall not be considered.

Ms. Leon asked if it was correct that if this COA were not to be granted, that the permissible height would default to that which was granted when the COA was received in 2021.

Mayor J. William Reynolds said there is an approved COA that was obtained in 2021 for a building that has not been built. This applicant went to the HCC several times. There was talk back and forth that resulted in what is now being proposed. The HCC now recommends approval. If nothing got approved, the existing COA would be in effect; however, this newest proposal has met with approval from the HCC.

Ms. Crampsie Smith asked how the height of the most recently proposed building compares to the adjacent building and the Banana Factory facility.

Community and Economic Development Director Laura Collins did not have those dimensions. However, the approved height for the building that was not constructed was 88 feet versus this one which is 90. She said the Third and New Streets building is comparable, but she does not know exact dimensions.

Ms. Crampsie Smith knows that the only factor to be considered for a COA deals with historic features, but she wondered what the vacancy rates are for City hotels including Wind Creek, getting at need.

Ms. Collins she has heard there is about an 80 percent occupancy rate for area hotels, which is high. There is a need for additional hotel rooms.

Mr. Callahan said he is in agreement with this plan. He believes there is no remaining historic value to the existing building. Mr. Callahan also believes that the added tax revenue and jobs that this hotel would bring would be very beneficial.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

H. Certificate of Appropriateness – HCC – 116 West Graham Street

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-243 that authorized to install 22 solar panels on the roof.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

I. Certificate of Appropriateness – HCC – 125 East Third Street

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-244 that authorized to secure a COA to install a perforated vinyl widow decal to the glass storefront window; decal size is 3'-9" x 4'-4".

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

J. Certificate of Appropriateness – HCC – 312 East Fourth Street

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-245 that authorized to replace the existing metal door and frame at the northwest corner entrance.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

K. Certificate of Appropriateness – HCC – 1006 Prospect Avenue

Ms. Crampsie Smith and Ms. Leon sponsored Resolution No. 2024-246 that authorized to remove rotten portions of both side porticos and rebuild to match existing and to remove four small pent roofs on the sides of both side porticos.

Voting AYE: Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, and Mr. Colón, 7. The Resolution passed.

11. ADJOURNMENT

The meeting was adjourned 8:50 PM.

ATTEST:

Tad J. Miller
City Clerk