

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, May 3, 2022 - 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

President Colón called the meeting to order. Present were Grace Crampsie Smith, Wandalyne J. Enix, Hillary G. Kwiatek, Rachel Leon, Paige Van Wirt, Kiera L. Wilhelm, and Michael G. Colón, 7.

2. APPROVAL OF MINUTES

April 5, 2022 and April 19, 2022.

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

Roadside Trash

Eddie Rodriguez, 701 Main Street, stated concerns about materials falling from trucks hauling refuse to landfills along our highways, primarily Route 378 near the Hill-to-Hill Bridge. He also noted materials, including mattresses, being dumped along the same stretch of roadway. He asked that the City – not to ban these trucks – but require that they be fully tarped to prevent falling refuse leading to litter. He complimented recent trash pickup, perhaps by PennDOT, along Route 378 near W. Union Boulevard. He also followed up on his recent request to erect more signs along Linden Street. He acknowledged the presence of “one-way” signs, but believed that “do not enter” signs are needed for added safety to avoid collisions. He also tried to contact the Parking Authority about three or four “caved in” slabs of concrete along W. Union Boulevard on the eastbound lane. He was told by the Parking Authority to email them about his concerns. He also complimented the police handling of his report today of an apparent drug overdose on Old York Road.

HCC Recommendation

Bill Scheirer, 1890 Easton Avenue, commented about a letter from Attorney Joseph Bubba concerning the proposed demolition of several residences in the 100 block of E. 4th Street. He said the crux of the letter is that Attorney Bubba said that the Historic Conservation Commission did not follow its own guidelines and, therefore, City Council should override recommended project denial at its next meeting. Attorney Bubba contended that the HCC recommended denial without suggesting alternatives, which he contended is not consistent with HCC guidelines. Mr. Scheirer disagreed, stating that denial was clear and there was a recommended change in doing so: Do not demolish the existing residences. He does not believe that it is the HCC’s job to do the planning for the developer. He also addressed Attorney Bubba’s comment about “meeting the needs of the applicant.” Mr. Scheirer said that a Lehigh University representative during the HCC meeting commented that there is no need for additional student housing. As such, Mr.

Scheirer concluded that the only needs that this project would meet are the applicant's financial goal. He added that the only hardship is the contention that the developer cannot make the amount of profit that he desires. He urged Council to support the HCC denial when the matter is considered for a vote at a future meeting.

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

Rose Garden Support

Mary Toulouse, 1528 W. Market Street, on behalf of the Mount Airy Neighborhood Association, which sponsors the Bethlehem Rose Garden Farmers Market, thanked Council and the City for its support over the years. She encouraged Council's support again this year. She noted that grants and other efforts have improved the park, but said there is more to do. She encouraged upgrades to walkways, lighting, and benches. She added that a Lehigh County grant funded a needs study. She asked City Council for eventual funding to address those identified needs. She announced Rose Fest 2022 will be held on June 25.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Director of Planning and Zoning – Zoning Ordinance Amendments*

The Clerk read a memorandum dated April 27, 2022 from Darlene Heller, Director of Planning and Zoning, to which are attached five proposed zoning ordinance amendments. In the order in which they were attached to the memo -- proposed amendment of the Zoning Code in connection with Bed and Breakfast Home, Property Line, and Right-of-Way; proposed amendment of the Zoning Code in connection with Industrial Redevelopment and Industrial Redevelopment-Residential Zoning Districts; proposed ordinance amending the Zoning Code with 11 miscellaneous amendments; proposed ordinance amending the Zoning Code in connection with design standards; and proposed ordinance amending the Zoning Code in connection with the IN-O Industrial Overlay District.

Scheduling Public Hearing

President Colón said that he would accept a motion and a second to schedule a public hearing for June 21 to consider the five Zoning Ordinance amendments.

Dr. Van Wirt made a motion to send the amendments to the Community Development Committee first for review. She asked Council Solicitor Panella if that was appropriate.

Solicitor Panella said it was.

Dr. Van Wirt believed the proposed changes are complicated with nuances that should be further discussed. She suggested the committee meeting would provide a more relaxed environment in which the Administration could explain the rationale for the changes.

Dr. Van Wirt moved, seconded by Ms. Crampsie Smith, to refer the five proposed zoning amendments to the Community Development Committee for discussion.

President Colón asked the Administration if the delay created by committee review would cause a timeline problem.

Mayor Reynolds said he did not believe a timing issue exists, but he would look into it. City Solicitor Spirk said he did not believe there was a deadline problem either. He termed the proposed changes as “housekeeping matters”, but noted there are several.

Mayor Reynolds agreed with Dr. Van Wirt that there are a variety of matters among the proposed changes, so his only comment concerned scheduling. He was aware that the Committee already had been trying to schedule a meeting on another matter. He recommended discussing these amendments during a different meeting due to volume.

Solicitor Panella was asked whether a vote was necessary to refer the amendments to committee. He suggested they do so because this was an agenda item.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. The Motion passed.

B. City Solicitor – Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce – Live in the Garden Concerts

The Clerk read a memorandum dated April 28, 2022 from City Solicitor John F. Spirk, Jr., Esq. with an attached Resolution and Associated Use Permit Agreement. The permittee is The Greater Lehigh Valley Chamber of Commerce and the event is the Live in the Garden Concerts. SubPermittees are Lost Tavern Brewing, LLC, and Franklin Hill Vineyards, Inc. The agreement is from 5:00 pm to 8:30 pm each Saturday from May 7, 2022 through June 25, 2022. The agreement covers the Bethlehem Rose Garden and Bandshell.

President Colón stated Resolution 10 B is on the agenda.

C. City Solicitor – Use Permit Agreement – ArtsQuest – Levitt Summer Concert Series

The Clerk read a memorandum dated April 28, 2022 from City Solicitor John F. Spirk, Jr., Esq. with an attached Resolution and Associated Use Permit Agreement. The permittee is ArtsQuest and the event is the Levitt Summer Concert Series. The agreement is from 7:00 pm to 10:00 pm each Friday and Saturday from May 20, 2022 through July 30, 2022 and August 19, 2022 through September 10, 2022. The agreement covers First Street from Founders Way to the Eastern Terminus.

President Colón stated Resolution 10 C is on the agenda.

- D. *City Solicitor – Use Permit Agreement – Mount Airy Neighborhood Association – Bethlehem Rose Garden Farmers Market*

The Clerk read a memorandum dated April 28, 2022 from City Solicitor John F. Spirk, Jr., Esq. with an attached Resolution and Associated Use Permit Agreement. The Permittee is the Mount Airy Neighborhood Association and the event is the Bethlehem Rose Garden Farmers Market. The SubPermittee is The Colony Meadery, LLC. The agreement is from 8 a.m. to 2 p.m. each Saturday from June 4 through October 15. The agreement covers the Bethlehem Rose Garden.

President Colón stated Resolution 10 D is on the agenda.

7. REPORTS

- A. *President of Council*
- B. *Mayor*

Climate Action Plan

Mayor Reynolds said that an in-person and virtual announcement was made earlier today of the implementation of the City's Climate Action Plan. Nine implementation committees were announced to correlate with the nine areas of the CAP. He thanked members of Council who have been instrumental to date.

Mayor Reynolds also asked Police Chief Michelle Kott to summarize an incident that occurred within the past few weeks involving a woman barricaded in a West Bethlehem home.

Chief Kott stated that officers were advised by U.S. Marshals that they had a kidnapping warrant for a female at that location. Police stood by as the City's Emergency Response Team responded with negotiators. The female told U.S. Marshals that she had a weapon and threatened to use it. City police announced their presence and told her to come out peacefully. After several hours of announcements, the female surrendered without incident. Chief Kott commended the officers, but also recognized the social worker from the Health Bureau. She noted that this occurred on a Saturday night. Officers had difficulty finding resources to assist the three children who were displaced by the incident. A City social worker was instrumental in making a connection.

Mayor Reynolds said it was important to recognize the officers' efforts and the interaction with the social worker that brought this incident to a peaceful conclusion. "It really is an impressive and special thing that is currently going on in the City," he said, especially considering the attention brought by police response to mental health crises nationally in recent years. There will be more discussion about probable expansion of this program. For now, he wanted to recognize the successful collaboration. He said there is much public interest. He believes this is something in which the community can be proud.

8. ORDINANCES FOR FINAL PASSAGE

- A. *Bill No. 08-2022 – Amend Article 1701 – Adopt the 2018 version of the Pennsylvania Uniform Construction Code*

The Clerk read Bill No. 08-2022 – Adopt the 2018 version of the Pennsylvania Uniform Construction Code sponsored by Dr. Enix and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
ARTICLE 1701 OF THE CODIFIED ORDINANCES
ENTITLED PENNSYLVANIA UNIFORM CONSTRUCTION CODE,
BY ADOPTING THE 2018 PENNSYLVANIA UNIFORM
CONSTRUCTION CODE

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. Bill No. 08-2022 now known as Ordinance No. 2022-08 was passed on Final Reading.

- B. *Bill No. 09-2022 – Amendments to Article 157 – Civil Service Board*

The Clerk read Bill No. 09-2022 – Amendments to Article 157 – Civil Service Board, sponsored by Dr. Enix and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
ARTICLE 157 OF THE CODIFIED ORDINANCES OF
THE CITY OF BETHLEHEM, TITLED
“CIVIL SERVICE BOARD”

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. Bill No. 09-2022 now known as Ordinance No. 2022-09 was passed on Final Reading.

- C. *Bill No. 10-2022 – Amend Article 1733 – International Property Maintenance Code*

The Clerk read Bill No. 10-2022 – Amend Article 1733 – International Property Maintenance Code, sponsored by Dr. Enix and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
ARTICLE 1733 OF THE CODIFIED ORDINANCES OF THE
CITY OF BETHLEHEM, TITLED “INTERNATIONAL
PROPERTY MAINTENANCE CODE”

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. Bill No. 10-2022 now known as Ordinance No. 2022-10 was passed on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Records Destruction – Police Department*

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-086 that authorized the disposition of the Police Department records in accordance with the Municipal Records Manual.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. The Resolution passed.

B. *Approve Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce – Live in the Garden Concerts*

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-087 that authorized to execute a Use Permit Agreement with The Greater Lehigh Valley Chamber of Commerce for the Live in the Garden Concerts.

President Colón commented that this is a great event for the Rose Garden. Upgrades have been discussed for years. This event, as well as the farmer's market usage, will bring more people out to see the progress. He added that he is certain that the business community appreciates it as well.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. The Resolution passed.

C. *Approve Use Permit Agreement – ArtsQuest – Levitt Summer Concert Series*

Ms. Leon and Ms. Wilhelm sponsored Resolution 2022-088 that authorized to execute a Use Permit Agreement with ArtsQuest for the Levitt Concert Series.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. The Resolution passed.

D. *Approve Use Permit Agreement – Mount Airy Neighborhood Association – Bethlehem Rose Garden Farmer's Market*

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-089 that authorized to execute a Use Permit Agreement with Mount Airy Neighborhood Association for the Bethlehem Rose Garden Farmer's Market.

President Colón wished the Neighborhood Association the best. He remembered this idea being discussed seven years ago and today sees the success.

Ms. Crampsie Smith thanked Ms. Toulouse for her many efforts to benefit the Rose Garden and the Neighborhood Association.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. The Resolution passed.

Motion – Considering Resolutions 10 E through 10 G as a group – Certificates of Appropriateness

Ms. Crampsie Smith moved, seconded by Dr. Van Wirt, to consider Resolutions 10 E through 10 F as a group.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. The Motion passed.

E. Certificate of Appropriateness – 333 West Fourth Street

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-090 that granted a Certificate of Appropriateness to remove and replace asphalt shingles on both sides of the gable roof, both dormers, and front bay window with GAF Slateline shingles in antique slate color at 333 West Fourth Street.

F. Certificate of Appropriateness – 5 East Third Street

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-091 that granted a Certificate of Appropriateness to replace the existing projecting sign made of the same material and size: aluminum with vinyl graphics, non-illuminated, 3'-0" x 4'-0" at 5 East Third Street.

G. Certificate of Appropriateness – 21-23 East Third Street

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2021-092 that granted a Certificate of Appropriateness to remove the cement board and restore the brick façade on the 1st floor and install a new storefront with black finish and simulated divided lite (SDL) muntins; to paint the stucco, install aluminum-clad wood windows with black finish and SDL muntins on the 2nd floor; to replace the awnings with black fabric; to install one wall sign and one projecting sign at 21-23 East Third Street.

Voting AYE on Resolutions 10 E through 10 G: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. The Resolutions passed.

11. NEW BUSINESS

A. Rescheduling Second City Council Meeting in May to Wednesday, May 18, 2022

Dr. Van Wirt moved, seconded by Ms. Leon, to reschedule City Council's second meeting in May to Wednesday, May 18, 2022 since the normal meeting date of Tuesday, May 17, 2022 is Primary Election Day.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. The motion passed.

President Colón stated the Tuesday, May 17, 2022 City Council Meeting has been rescheduled to Wednesday, May 18, 2022 at 7:00 pm in Town Hall.

Follow-up to South Side Concerns

Dr. Enix said she wanted residents to know that their concerns are heard and that Council Members look into them. At the April 5, 2022 Council meeting, a woman raised serious concerns about conditions in the South Side Business District. As a result, Dr. Enix visited some South Side business owners to find out what is going on and to advise them that Council is here for them if needed. She was perplexed because she spoke with owners and their workers and did not find substance to support the claims. She did not take names of those spoken to, but she knows what businesses she visited in the area of 4th and New Streets, the reported focus area. The main thing that she found was a jewelry shop owner who had complaints about the City not wanting him to put certain things in his window. She provided her City business card to those she spoke to with the offer that they shall contact her if they have problems. She also spoke with a bistro owner who was “incensed” at the allegations that there are problems in the neighborhood. Dr. Enix told her that the speaker at the Council member complained of people sitting on benches and driving away clientele. The owner denied the allegations. Dr. Enix said she wanted to put her efforts on record so that business owners know that City Council cares and responds. Dr. Enix added that the speaker at the Council meeting said perhaps a Crime Watch is needed. Maybe so. But, Dr. Enix said she also could not find evidence that telephone calls reporting crime or nuisances were ignored. She added, however, that this was an unscientific study, but she made a good faith effort to investigate and found little support of the allegations.

The speaker also complained of conditions on The Greenway. Dr. Enix agreed there are homeless people there, including an inebriated man. There are issues there. But there were also families and Lehigh students there having a good time. Dr. Enix spoke with some members of the Administration who agreed that the degree of problems described by the speaker was not supported. She urged business owners who are having problems to contact her and she would see what could be done; however, her inquiries to date have not identified major problems.

Podium Light

Ms. Crampsie Smith followed up on Mr. Scheirer’s comments earlier in the meeting that he was having difficulty reading from the podium because of low light. She asked that the City provide a light.

Additional Investigation

Ms. Kwiatek agreed with Dr. Enix’s findings regarding concerns about the South Side Business District. As someone who works at 3rd and New Streets, Ms. Kwiatek said the April 5 public comments confused her, so she too investigated. She spoke with a business owner there who did not indicate there were problems.

She also thanked Chief Kott for tonight's summary about the West Bethlehem police incident. She said she lives nearby and could hear the officers calmly repeating announcements to the woman. She believes that neighbors felt the police had things well in hand.

Ms. Kwiatek said she attended Fiesta Latina Saturday at Touchstone and complimented the music, food and atmosphere. It was a great event. The atmosphere also took her back to the April 5 comments about problems on The Greenway. She was witnessing a beautiful night and streams of people having a fantastic time. The comments just did not seem to match.

Cops 'n' Kids Event

Ms. Leon complimented City police officers interacting with participants in a Cops 'n' Kids event held about two weeks ago. She believes this community mindset fosters an atmosphere of de-escalation that is very beneficial.

Monocacy Creek Cleanup Project

Ms. Wilhelm also reported that she and President Colón this weekend assisted with the Monocacy Creek cleanup. She said the police cadets were very helpful as well and that one cadet in particular went to great effort to retrieve an item for removal from a particularly difficult location. She believes the all-around effort speaks to the character of the cadets in the program.

Return to Normal

President Colón said that City Council has for many months been using the call-in telephone line as a way for the public to participate in meetings during the pandemic. This really has not been actively used by the public. Meanwhile, the GoTo meeting capability has been used internally. This also has not received much recent use. He proposed dispensing with use of both after Council's next meeting, May 18, 2022. He said he may revisit the idea if future circumstances warrant. But, he is a believer of in-person participation when possible. The YouTube stream will continue. He also reminded the public of Council's accessibility by email or phone call to the City Clerk's Office or personal cell phones for those who offer them.

Dr. Van Wirt asked for the ability to participate virtually on an "as-needed" basis. She said that some work in higher risk environments and would not want to risk exposing others. She would not want to miss a Council meeting if she thought that she was at high risk of infecting others. President Colón agreed that one or both measures could be reinstated if circumstances were to change if members of Council or the public did not feel comfortable coming into Town Hall. It could be revisited if need be.

Ms. Crampsie Smith agreed, saying there may be circumstances if Council Members believed they should again do the GoTo meeting on a case-by-case basis as an option. She said in-person is great, but the pandemic has taught us what is possible as an option when necessary.

President Colón said he understood.

12. ADJOURNMENT

The meeting was adjourned at 7:54 p.m.

ATTEST:

Tad J. Miller
City Clerk