

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, September 19, 2023 – 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

President Colón called the meeting to order. Present were Grace Crampsie Smith, Wandalyn J. Enix, Hillary G. Kwiatek, Paige Van Wirt, Kiera L. Wilhelm, and Michael G. Colón, 6.; ABSENT: Ms. Leon, 1.

President Colón announced that Councilwoman Leon would not be present tonight because she is in Harrisburg attending a Hispanic Heritage Month event.

2. APPROVAL OF MINUTES

September 5, 2023

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

Road Closures for Special Events

Tom Schantz, a partner in the Steel Ice Center and Wind Creek Events Center, said that Steel Ice Center is being blocked by several ArtsQuest-run events, the next of which will be a run held by the American Cancer Society on October 21. He said there is only one way in and one way out. The street will be shut down to accommodate the 6,000-runner event. Mr. Schantz said he has six hockey games scheduled that day. He said it is bad enough when other ArtsQuest events require periodic shutdown where police direct traffic causing delayed entrance to Steel Ice. But, he said, the 6,000-participant event will completely shut off his facility including 1st Street being shut down from 7:30 to 10:30 AM. He was told the City approved holding the race. He complained that he was not contacted. Mr. Schantz only learned of it from a Cancer Society official. He added that his events are scheduled a year in advance. Mr. Schantz also complained that his was the first business to build in that area, but ArtQuest has come and they “take and take more.” He said these weekend events cut into his business and asked why they cannot be held elsewhere in the City.

President Colón told everyone that several of the department heads are at this meeting. He said one-on-one conversations are possible after the meeting in an effort to address concerns.

More on Sewage Sludge Disposal

Linda Christman of Lehighton identified herself as President of SAVE Carbon County. She reminded that she and others raised concerns at Council’s last meeting about the City and other sources contracting to have its sewage sludge spread as fertilizer on Carbon County farm fields. Objectors asked that Bethlehem find another disposal method. Director of Water and Sewer

Resources Edward Boscola noted that landfill disposal would cost an additional \$500,000 per year. "Cost should not be the primary consideration when you are thinking about doing the right thing," she said. Ms. Christman responded to the cost concern by suggesting that the City add an anaerobic digester to the wastewater treatment plant, calling it "an economically viable alternative." She provided sheets outlining the process. The generated bio-gas can be converted to electricity which could run the wastewater treatment plant and perhaps be sold to a power company. Her handout offered three ecological benefits to using an anerobic digester system and seven economic benefits. She concluded by saying that using sewage sludge as fertilizer is poisoning fields across Pennsylvania and that something needs to change.

Follow the Climate Action Plan

Resident Mary Jo Makoul said that the proposed Hanover Apartments and construction planned on the former Martin Tower site will have negative impacts on the City's Climate Action Plan. She said, at the very least, the Hanover Apartments project - proposed for five stories - should have to include the parking level as one floor toward its maximum height limit. This would result in one level for parking and four levels for residential living. Ms. Makoul said the greater a building's height, the greater the carbon footprint. Ms. Makoul said the City, in general, could combat the production of greenhouse gases if the City is serious about following the Climate Action Plan including slowing development of open spaces and creating more green spaces. She encouraged Council to modify height requirements for other future developments to include parking.

Recycling Center Tour

Resident Lynn Rothman expressed appreciation to the City's Recycling Coordinator, Michael Halbfoerster, who provided the Environmental Advisory Committee and Council a tour of the recycling center on Monday. She said he assured her, and wants the public to know, that materials taken to the center are recycled and not taken to the landfill.

Festival UnBound

Resident Mary Wright publicized Touchstone Theatre's Festival UnBound from September 27 through October 1. She described this as a "radical act of envisioning our lives together through art."

Crime Map Proposed

Robert Virgilio said his family owns and operates the Granola Factory. They produce the Bethlehem Bar. He has been proud of the City's police department keeping our city safe. He observed that the City is growing, but he has been told that the police force is shrinking. Mr. Virgilio is concerned that safety may begin to slip, although he said he cannot be sure since crime statistics and related information is not widely known. There is less news coverage, so the public is no longer as well informed. He also could not find anything on the City's website that would provide this information. Mr. Virgilio proposed that the City establish a crime map similar to one provided by Lower Saucon Township for the public to see the amount of crime and areas where it is concentrated. Mr. Virgilio added that if statistics are good, these numbers will encourage businesses to stay in Bethlehem and others would be encouraged to come.

What Will the City Do for its Residents?

Resident Paul Fondl asked what the City will do for him and the neighbors of the proposed Hanover Apartments at the former site of Bennett Toyota. He offered what he has done for the Bethlehem, including paying taxes to the City and School District for 57 years and serving as a Musikfest volunteer for many years. He is certain that many of his neighbors have contributed their time to make this City better as well. He finds it hard to believe that a billionaire developer can come into Bethlehem and get a “sweetheart tax deal” yet longtime residents cannot get the proposed Hanover Apartments lowered to three stories. He was pleased that the Zoning Hearing Board rejected a variance request to extend the length of the buildings but displeased that zoners granted a variance allowing the developer not to include commercial space in the apartment plan but replace it to allow even more apartments. He said it would be unreasonable to allow a five-story building on podiums above a parking level and adding heating and air conditioning units on the roof. Mr. Fondl said the zoning board failed the City. Since the retail aspect was dropped, he believes the zoning classification should be changed from CL to RT high-density residential. This would limit the construction to three stories, which Mr. Fondl said would be acceptable to most people to whom he has spoken. If this matter goes to court, Mr. Fondl asked whether the neighbors will have to fight the zoners’ decision on their own or if the City will support their objections as well.

One More Appeal

Part-time resident Alex Hirsch said his parking quest has reached 429 days. He summarized that his request is for Council to consider amending the existing ordinance for a special parking permit for a person with a registered out-of-state license plate. This is basically allowed for others, such as college students, but the existing language does not specifically address his circumstances. He predicted that this would not affect many people. Mr. Hirsch at the last meeting raised the question of whether he is technically considered a resident as far as paying local income tax. He has investigated this and learned that if he is not considered a Pennsylvania resident, he would have to pay the income tax to the municipality where he works. Mr. Hirsch also urged people to attend this weekend’s Celtic Classic. He has been involved with this event for 27 years, including several as a board and committee member.

Parking Garage COA “Premature, Inappropriate”

Resident Bruce Haines said Council in the near future will be voting on a Certificate of Appropriateness for a demolition permit for the Walnut Street Parking Garage. Council will be asked to vote without the benefit of debate on an alternative garage suitability to serve the needs of the Central Business District. He said this COA is coming to Council “prematurely and inappropriately” for seven reasons: 1. The City and Parking Authority have falsely said there is no alternative to demolishing the primary parking garage for Main Street. He said repair is an alternative. He contended that the BPA has neglected repair over the years to force the conclusion that it now needs a new garage. 2. The BPA consultant is not an independent consultant. It manages construction of new garages. 3. When the Historic Architectural Review Board in August tabled the COA decision, it asked for three submittals before moving forward. These included a justification for the proposed reduction in the number of vehicles that a new garage would accommodate (591 vehicles versus 750). The second request was for a displacement plan to outline arrangements for the more than 600 Walnut Street permit parkers during the two-year

demolition and construction period. The third request was to provide evidence that the abutting Market Street 18th- and 19th-century homes would not be damaged during the demolition process. The BPA failed to require any of this documentation prior to the September 6 HARB meeting. Nothing was presented in advance for the public to view on any of the three aspect, Mr. Haines said. 4. HARB was “forcibly managed” by the Administration to ignore any references to the future replacement garage until November when the BPA would provide the information. They forced the HARB board to only consider demolition and ignore the capacity, height, and displacement issues. 5. The HARB illegally ignored Robert’s Rules of Order. A majority vote was needed to bring the agenda item back off the table before continuing discussion. 6. Input from seven residents provided to the Bethlehem planning department was not provided to the HARB board members for their deliberations at the September 6 meeting. 7. HARB voted to approve the COA prematurely since the Market Street property owner impact meetings were not scheduled until tonight and next week. Consequently, Mr. Haines contended that the COA is invalid and is not ready for City Council consideration. He said public input was suppressed and asked, “What city in their right mind would reduce the capacity of its primary garage in the face of a World Heritage branding next year”? “You shouldn’t have to pass the Bill to see what’s in it,” he concluded.

Appeal for Help

Resident Angela Mitchell returned to Council to again ask that a speed bump be placed in the block of Cherokee Street between Dakotah and 4th Streets to control speeding. She also asked for stop signs at each corner of Cherokee Street at Delaware Avenue, 4th Street, and Dakotah Street. Ms. Mitchell again complained of irresponsible landlords not taking care of property and not controlling tenants. She asked Council what it could do to help make Cherokee Street a “clean, safe environment.”

President Colón encouraged Ms. Mitchell to speak with appropriate City officials after the meeting.

Support for Police Efforts/Housing Inspections Urged

Resident Eddie Rodriguez supported Ms. Mitchell’s comments. He said these are annoyances that he tried to get stopped several years ago in the Cherokee Street area. He asked the Police Department for its assistance. Mr. Rodriguez complimented the job that Chief Kott did in helping to clean up complaints that he had along Stefko Boulevard concerning large trash items being dumped outside a business. The situation has been resolved thanks in part to more patrol and signs regarding dumping. Mr. Rodriguez also commended the Police Department in general for its work. He said the officers overall are younger, but change was needed and it has worked well. He also complained about noise from vehicles and the need for enforcement. Finally, Mr. Rodriguez complained about Moravian House. He said he lived there with asbestos in his apartment for 10 years. He asked what happened to inspections? People still living there are suffering, he said. Mr. Rodriguez urged the City to make sure that housing inspections are done regularly to keep people safe.

Peace Event/Camera Surveillance

Resident Arthur Curatola announced that “Wake Up, Rise Up, Live for Peace” that is linked with the United Nations International Day of Peace will be held on September 21 beginning at noon. This will be a 24-hour peace concert. Mr. Curatola also urged placing more surveillance cameras in cities to deter crime or catch criminals to punish and further deter crime.

Redevelopment Issues

Fran Spivak lives in the Riverport condominiums. She said she attended a recent Planning Commission meeting involving The Mint apartment complex. She offers a plea to the owners in hopes that they would consider building town homes there and perhaps relocating the restaurant elsewhere. She believes this parcel is best suited for the current housing demand. Ms. Spivak also offered the opinion that the City should not offer the developer of the former Martin Tower property a tax incentive by creating a “deteriorated property” designation. She believes he allowed the property to deteriorate and should not profit as a result. She said she awaits the redevelopment of the Starters Pub property, which has been vacant since 2013. She asked if the City can encourage redevelopment of this property. She also said that South Bethlehem now has three parking garages and added that the Riverport garage is in need of a “refresh and some TLC.” She does not want this facility to go the way of the Walnut Street Garage.

Plea for City to Appeal Zoning Hearing Decision

Resident Theresa Kloiber said she was here tonight because she loves her Grandview Boulevard neighborhood. She does not want to see a billionaire developer ruin it. Ms. Kloiber suspects that now that the variance to allow longer buildings has been denied, the developer will build higher to include the desired number of apartments to meet his profit goal. She noted that the City height limit is 60 feet, which is equivalent to five stories. She asked how this apartment building on top of podium parking would be permitted. She believes that the height would be six stories, taller than allowed. Ms. Kloiber showed a petition signed by 220 neighbors and presented at the zoning hearing who object to plans for a five-story building. She said most would be willing to settle for three stories. She said that this developer is the same one who plans to develop the Martin Tower site. He has allowed the latter site to become overgrown and has not shown himself to be a responsible developer. She added that he should not be given tax incentives by having land that he allowed to become unsightly to be designated as “deteriorated.” She asked Council to help neighbors fight for her neighborhood and to appeal the Zoning Hearing Board decision that granted the variance to not require a mix of commercial development for the Hanover Apartments project. “If there is no commercial, there should be no multi-family housing. Period,” she said.

Reject Parking GARAGE COA

Resident Martin Romeril also addressed eventual consideration by Council of the Certificate of Appropriateness involving the Walnut Street Parking Garage. He attended the meeting in which HARB tabled the matter because members felt they did not have enough information to vote. Mr. Romeril said no information was presented in writing at the subsequent HARB meeting. It was all talking points. The public could not prepare for the meeting because no requested information was provided or posted prior to the meeting. He does not believe the BPA

has been forthcoming and that information has been hidden from the public. Mr. Romeril said he was among people who submitted comments on the proposal. He does not believe that HARB members were provided with those comments, and he is certain that they were not read into the record. He watched the meeting online and said there was no mention of the public comments. He is concerned that demolition will bring damage to the centuries-old home in the Historic District, and he is not satisfied with a response that he could submit a damage claim if damage occurs. Mr. Romeril also believes that Council Members are being pressured to support the COA and are being told that they cannot vote no on a COA that has been reviewed by HARB. He implored members to check with their solicitor about their voting rights in this matter. He also encouraged that there be an environmental damage that this “unnecessary and wasteful project will cost.” Mr. Romeril further alleged that dollars that should have been spent on scheduled maintenance, but neglect instead manufactured the appearance of a crisis in order to raze the garage and sell half the land in a private no-bid deal to build lucrative apartments. He predicted that these would not be affordable apartments, but said we do not know because details have been kept secret. What we do know, he said, is that the proposed garage will have fewer parking spaces and would be 50 percent taller than the existing garage and would tower over the existing single-family homes. He also cited two major sinkholes that have damaged structures within two blocks within the past 25 years.

Checks and Balances Questioned

Resident Stephen Antalics believes the core of a current City problem is control. He pointed to the organizational chart of City government. Authorities, boards, and commissions are to remain independent of both the Administration and Council. But, the Administration appoints and Council approves these members. Council has the ability to ensure that the best people are appointed by rejecting lesser candidates. Over the years, this has been followed. But control can be maintained by the Administration appointing people who “toe the party line.” He said you can see that by who the Administration does and does not appoint to these commissions. Mr. Antalics said that some qualified people have not been reappointed, and some people who are not qualified have been appointed. Council should see this for what it is, be the source of checks and balances, and should not have let this happen. Previous Councils have pressed the Administration when certain people have not been reappointed to these commission positions. He said this Council should be doing the same and asking the Administration why certain names of qualified candidates are not being recommended for reappointment. Mr. Antalics said that several resident complaints tonight dealing with development issues stem from choices made regarding people serving on the City’s authorities, boards, and commissions.

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 Community and Economic Development – Contract – 2023 52 Northside Alive Community Mural*

The Clerk read an August 30, 2023 communication with an attached Resolution from Tiffany Wismer, Department of Economic and Community Development Business Manager. Ms. Wismer recommends an agreement with ArtsQuest to assist Northside Alive in securing an artist in residence to complete a large-scale mural in North Bethlehem. The contract for the work is not to exceed \$4,000. The work is to be completed by June 30, 2024. There are no renewals.

President Colón stated Resolution 10 A is on the agenda.

B. *Director of Community and Economic Development – Multimodal Grant Submission – West Third Street*

The Clerk read a September 8, 2023 memorandum with an attached Resolution from Laura Collins, Director of Community and Economic Development. Ms. Collins seeks permission to increase the amount being sought for a grant being offered by the Pennsylvania DCED. On July 18, 2023, Council authorized a multimodal grant application for \$2 million for improvements to the unit block of West 3rd Street, which is expected to undergo considerable change with the construction of a new community cultural center by ArtsQuest and a new multi-unit mixed-use residential building. The grant project would address safety and connectivity concerns on West 3rd Street. The City was notified by the state that the total project cost of \$2,753,000 is eligible, necessitating the increase in the resolution amount.

President Colón stated Resolution 10 B is on the agenda.

C. *Director of Public Works – Contract – 2023 39 – E. 5th Street Pipe Replacement*

The Clerk read a September 6, 2023 memorandum from Michael Alkhal, Director of Public Works, with an attached Resolution. Mr. Alkhal recommends an agreement with Joao & Bradley Construction Co., Inc. of Bethlehem. The cost is \$409,739 for materials and labor to remove and replace 711 feet of pipe along East 5th Street. The term of the contract is 60 days. The City received five bids. The lowest bidder withdrew within 24 hours of submission. Joao & Bradley was the next lowest qualified responsible bidder.

President Colón stated Resolution 10 C is on the agenda.

D. *City Solicitor – Use Permit Agreement – DBA – 2023 Harvest Fest*

The Clerk read a September 13, 2023 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, by and through its Downtown Bethlehem Association, and the event is 2023 Harvest Fest. Sub-permittees are Lost Tavern Brewing, LLC, Social Still, LLC, and McCarthy's Irish Pub, Inc. The agreement is from 8 AM until 7 PM on October 14, 2023. The agreement covers Main Street from Broad Street to the Hotel Bethlehem parking lot entrance, and Walnut Street from Main to Guetter Streets.

President Colón stated Resolution 10 D is on the agenda.

E. Director of Health – Contract Award – 2023 54 – Mozella McCoy – Clinical Service Billing

The Clerk read a September 5, 2023 memorandum with an attached Resolution from Health Director Kristen Wenrich recommending an agreement with Mozella McCoy of Bethlehem. Ms. McCoy will assist the Bethlehem Health Bureau with setting up the appropriate structure to bill insurance companies for clinical services. The cost of the contract is not to exceed \$7,031.25. The term of the contract is through June 30, 2024. There are no renewals.

President Colón stated Resolution 10 E is on the agenda.

F. Office of the Mayor – 2023 55 – LGBTQ Community Training

The Clerk read a September 12, 2023 memorandum with an attached Resolution from Janine Santoro, Director of Equity and Inclusion, recommending an Agreement with Bradbury-Sullivan LGBT Community Center of Allentown. The contractor is to provide five, 2-hour training workshops and a recorded workshop available for staff that are unable to attend in person on LGBTQ+ matters. The cost is \$5,000. The term of the contract is through November 30, 2023. There are no renewals.

President Colón stated Resolution 10 F is on the agenda.

G. City Solicitor – Use Permit Agreement – Lehigh University and Zoellner Arts Center – Brown and White BBQ/Family Weekend

The Clerk read a September 14, 2023 memorandum from Solicitor John F. Spirk, Jr. with an attached Resolution and associated Use Permit Agreement. The Permittees are Lehigh University and Zoellner Arts Center and the event is Brown and White BBQ / Family Weekend. The Agreement is from 7 AM on September 27, 2023 until 11 PM on October 1, 2023. The agreement covers Packer Avenue between Vine and Webster Streets.

President Colón stated Resolution 10 G is on the agenda.

H. Business Administrator – Transfer of Funds General Fund to Non-Utility Capital Fund

The Clerk read a September 12, 2023 memorandum and proposed Resolution from Business Administrator Eric Evans recommending a budget transfer in the Non-Utility Capital Fund. The request proposes transferring funds to acquire three police patrol vehicles in order to continue to improve the heavily used police fleet. Supply chain issues also have created a backlog involving replacement. Money would be transferred from the intended purchase of an ambulance. Three ambulances have been acquired since 2021 with the assistance of grant funding, so it is believed that replacement of an additional ambulance could be delayed. The amount of the transfer would be \$174,525 and would be from Account No. 69000-66009 – Ambulance Replacement to Account No. 69000-662034 – Police Vehicle Replacement.

President Colón stated Resolution 10 H is on the agenda.

I. Director of Community and Economic Development – Transfer of Funds – General Fund

The Clerk read an August 22, 2023 memorandum and proposed Resolution from DCED Business Manager Tiffany Wismer recommending a budget adjustment after accounts in the CDBG/HOME budget were reconciled. A total of \$304,593 would be transferred from three Future Grants and a Homebuyer Assist Program accounts into four Habitat for Humanity accounts.

President Colón stated Resolution 10 I is on the agenda.

J. Fire Chief – Records Destruction Resolution

The Clerk read a September 12, 2023 memorandum with an attached Resolution and exhibit from Fire Chief Warren Achey requesting the Destruction of Records from the Fire Department. The Chief has reviewed the Municipal Records Retention Act, and the records listed on the exhibit fall within the categories where destruction is permitted.

President Colón stated a Resolution will be placed on the October 3 City Council agenda.

K. Business Administrator – 2024 Budget – Pension Minimum Municipal Obligations

The Clerk read a September 12, 2023 memorandum from Business Administrator Eric Evans regarding the 2024 Budget for Pension Minimum Municipal Obligations. Act 205, the pension reform law, requires the Chief Administrative Officer to submit for 2024 budget purposes, the financial requirements of the Plans and the minimum municipal contribution to the Plans of the governing body of the City by September 30, 2023. Based on the most recent actuarial valuations and payroll data, the minimum contributions that will need to be budgeted for 2024 are: Police - \$5,986,328, Fire - \$2,691,838, and PMRS - \$2,409,461.

President Colón stated this communication is for informational purposes only.

L. City Solicitor – Article 347 Amendments – Council Submission

The Clerk read a September 8, 2023 memorandum and attached proposed Ordinance from Assistant City Solicitor Matthew Deschler. The Ordinance would amend Article 347 in order to adopt an updated schedule for fees charged by the City's contracted tax collector in the collection of unpaid and delinquent real estate taxes, water/sewer accounts, and stormwater user fees.

President Colón stated the Ordinance will be placed on the October 3 agenda for First Reading.

M. Director of Community and Economic Development – Local Share Authority Grant – Rose Garden Park

The Clerk read a September 14, 2023 memorandum and proposed Resolution from Laura Collins, Director of Community and Economic Development. Ms. Collins seeks support to submit a Local Share Authority grant request for the Rose Garden Park in the amount of \$284,870. Work would include the partial extension of walking paths, the extension of water service, additional

trees and landscaping, and new lighting fixtures. This work would complete all work originally anticipated capital improvements for the Rose Garden Park.

President Colón stated Resolution 10 M is on the agenda.

N. *Director of Community and Economic Development – Local Share Sidewalks Grants*

The Clerk read a September 14, 2023 communication and two proposed Resolutions from Laura Collins, Director of Community and Economic Development. Ms. Collins seek support for two Local Share Assessment grants in the amount of \$370,000 each to be used for Southside Bethlehem business district sidewalk repair and replacement projects along West 3rd and 4th Streets. No match is required. The money is expected to be received in 2024, and the work is expected to take place throughout 2024 and 2025.

President Colón stated Resolutions 10 J and 10 K are on the agenda.

O. *Director of Community and Economic Development – Grant – Pathways to Removing Obstacles to Housing*

The Clerk read a September 14, 2023 communication and proposed Resolution from Laura Collins, Director of Community and Economic Development, and Sara Satullo, Deputy Director of Community Development. Ms. Collins and Ms. Satullo seek support for the City to apply for up to \$10 million in grant money through the HUD-administered Pathways to Removing Obstacles to Housing program. If received, the money from this competitive grant would bolster the \$5 million budgeted by the City for affordable housing initiatives. The grant application is due by October 30 and has a 15-day comment period requirement, so this tight timeline requires Council consideration ahead of the scheduled September 26 and October 10 meetings on the City's Comprehensive Housing Strategy.

President Colón stated Resolution 10 L is on the agenda.

P. *City Solicitor – Resolution Adopting Riparian Buffer Agreement*

The Clerk read a September 14, 2023 memorandum with attached proposed Resolution from Assistant City Solicitor Matthew Deschler recommending and Agreement with Wildlands Conservancy of Emmaus. The Wildlands Conservancy has obtained grant funding to perform tree and bush planting in Saucon Park along Saucon Creek to create and support a riparian buffer, which would safeguard an environmentally sensitive area.

President Colón stated Resolution 10 N is on the agenda.

7. REPORTS

A. *President of Council*

President Colón announced that Ms. Leon will replace Dr. Van Wirt as Council's liaison to the Bethlehem Parking Authority for the balance of 2023.

B. Mayor

Police Numbers Explained

Mayor Reynolds responded to the comments of Mr. Virgilio. The City has had a roster of about 150 police officers for a number of years. The challenge now is keeping its officers. He said he has an upcoming meeting with other Pennsylvania mayors, Gov. Shapiro, and Lt. Gov. Davis about what cities can do to maintain their officers. Meanwhile, there are many fewer applicants taking Civil Service tests and going through the process of filling retired positions. Six officers were hired a few months ago. Six more are in the current academy class. A civil service test is being offered now. One of the challenges in filling the vacancies is that perhaps 300 or 400 people signed up to take those tests a few years ago who wanted to be a police officer. Today, we get fewer than 100. It is a priority to determine what can be done to attract more. The money is in the budget. It is a matter of getting the applicants. The good news is that there are several academy classes throughout the year, so there is not just one a year. The Mayor also addressed safety concerns raised by Mr. Virgilio. There was an arrest made within 24 hours of a shooting incident. He credited the Department. He said the data is clear. We are the safest city in Pennsylvania. The reason for that is the dedication of the men and women of the Police Department.

Oil Spill Update

Mayor Reynolds also updated news about a recent oil spill on Route 378. Between 250 and 400 gallons of fuel oil leaked from a truck near Perkins restaurant on September 13. Some entered a nearby storm drain that leads to the Lehigh River. Fire personnel used a boom to contain the spill to prevent leakage into the river, and the trailer leak was patched by hazmat personnel to mitigate the spill.

Reporting Bias/LGBTQ+ Training

Director of Equity and Inclusion Janine Santoro and others within City Hall have worked to produce a Bias Motivated Incident Report. This came about when the Anti-Defamation League visited the NAACP Community Advisory Board in September of 2022, a recommendation was made to create such a report. This report would capture incidences of Anti-Semitism, extremism, bias, bigotry or hate which tend to go unreported because many feel uncertain about calling these incidences hate crimes or not knowing how to make these reports. This report type was added on August 16. This report can be found on the My Bethlehem app and soon on the Police Department's web page. When a report is filed, it will go directly to the police and, if appropriate, to the Bethlehem Human Relations Commission. The Mayor also observed that Council will be voting later tonight on LGBTQ+ training. The training being provided will focus on welcoming and supporting the LGBTQ+ community.

Planning Grant Received

Mayor Reynolds also noted the recent award of a two-year, \$500,000 planning grant that will allow the City and the Bethlehem Housing Authority to eventually apply for an implementation grant to completely redo the Marvine-Pembroke housing area. As the City is in its final stage of the year-long affordable housing study process, increased collaboration with the BHA has topped the list of viable strategies for the City. Bethlehem is one of only 14 cities in the

nation to receive this grant. This grant often leads to the next grant, which is \$30 to \$40 million. "This really has the potential to transform those neighborhoods," he said. This goes beyond updating housing stock, but aims for total neighborhood transformation. The program goes beyond replacing the public and HUD-assisted housing with high-quality, mixed-income housing. The program requires a one-for-one replacement for each of the 196 units, but it is anticipated that the new plan would include 400 to 600 units. This is desperately needed housing. He added that this exciting possibility is a transition as the City continues to talk about its Opening Doors housing strategies, which will be presented in two parts on September 26 and October 10. Mayor Reynolds thanked Council for supporting the grant that was used to hire the consultant to apply for the planning grant. He said that for a couple of thousand dollars paid to the consultant, the City has gotten a \$500,000 grant that could lead to tens of millions more toward making the rehabilitation project a reality.

2022 Audit

Mayor Reynolds also reported that the audit from last year is nearly complete and has come back clean. An audit without findings tends to make for an expected routine review, but this will lead into 2024 budget discussion.

Recovery Funds/Festival UnBound Lauded

The City will hold its Community Recovery Fund event on October 24 at Northeast Middle School at 11:30 AM. The 29 organizations that will be receiving money will be present as well as Sen. Casey and Congresswoman Wild will be present. Grantees were notified this week. The Mayor mentioned Ms. Wright's earlier comments about the upcoming Festival UnBound. He thanked Touchstone for its efforts. This festival tackles tough conversations the community is experiencing including changing identities in America, housing affordability, how to be inclusive, etc. This gets a community educated and talking.

Fairview Park Rebuild/Climate Action Plan Meeting

Mayor Reynolds also reminded of the Fairview Park rebuild as the project associated with the upcoming Pennsylvania Municipal League conference. Preliminary work is being done by Public Works, but the blitz will occur on October 4. Volunteers are asked to sign up in advance on the City's website. Also, November 15 at 9:00 AM, the annual Climate Action Plan meeting will be held. The efforts of the implementation groups will be reviewed to show how the plan is being put into effect.

President Colón commented on the Choice Neighborhood grant of \$500,000. He said as someone who grew up in Marvins and still has family there, he thanked everyone involved. He said it is big news for the BHA and the fruits of labor for the volunteer board's hard work.

Mayor Reynolds added that the cooperation and collaboration between liaisons – Sara Satullo, Angela Stein and Ms. Kwiatek – and the BHA board has been growing and is imperative for addressing housing needs at a critical time. He thanked all involved for their efforts.

Ms. Kwiatek asked the number of parking spaces in the Polk Street Garage. She asked if 730 was correct.

Mayor Reynolds was unsure but said in excess of 700.

Ms. Kwiatek observed that that would be about a 5-minute walk to the Steel Ice Center, alluding to Mr. Schantz's earlier concerns.

Mayor Reynolds said he believed that Mr. Schantz has left the meeting. But, he said he knows that Mr. Schantz has been talking to police about how the closure will work. Races have been held before. The police have found ways to let cars through. It is a situation where being next to ArtsQuest and Musikfest are good for Mr. Schantz's bar, but there are times when, for a couple of hours, there is some inconvenience. This is part of trying to coordinate events in the City. Mayor Reynolds knows that Deputy Chief Meixell has been having conversations about how to minimize the inconvenience as much as possible.

Ms. Kwiatek also said she was glad to hear that the size of the police force is not shrinking. She appreciates all of the effort being done to provide a quality department.

She also said that the answer may not be known now, but she hoped there would be discussion about Ms. Christman's suggestion for the City to buy an anaerobic digester to process sewage.

C. *Finance Committee*

Dr. Enix reported that the Finance Committee met earlier tonight and considered four agenda items: 1. Amending the General Fund pertaining to the Health Bureau, 2. Amending the General Fund related to the Fire Bureau, 3. Transfer of funds related to CDBG/HOME budget adjustments, and 4. Transfer of funds amending the Non-Utility Capital Fund Budget related to police vehicles. The Committee voted to place appropriate Resolutions and Bills on tonight's Council agenda for each item.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

9A. *Bill No. 35-2023 – General Fund – Health Budget Amendments*

The Clerk read Bill No. 35-2023 – General Fund – Health Budget Amendments, sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2023 GENERAL FUND BUDGET.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. Bill No. 35-2023 was passed on First Reading.

9B. *Bill No. 36-2023 – General Fund – Walmart Grant*

The Clerk read Bill No. 36-2023 General Fund – Walmart Grant, sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2023 GENERAL FUND BUDGET.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. Bill No. 36-2023 was passed on First Reading.

10. RESOLUTIONS

A. *Approve Resolution – Contract – 2023-52 – Northside Alive Community Mural*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-178 that authorized to execute an Agreement with ArtsQuest to secure an artist to complete a mural for Northside Alive.

Ms. Wilhelm asked if a location has been selected for this mural and how the artist selection process will work.

Ms. Collins said that during a recent successful block party for Northside Alive there was a lot of community feedback about wanting murals. Location also was discussed. The side of the railroad museum by Friendship Park was an identified location. The museum granted approval yesterday. The City is working with ArtsQuest to select an artist. ArtsQuest has an artist in residence program. The City will advise what it is looking for. ArtsQuest has a process to match the artist that would best fit the assignment.

President Colón also said he likes the murals throughout the City. He has heard many good comments about them.

Mayor Reynolds added that kiosks in the parking garages are now being painted as well by school students.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

B. *Approve Resolution – Multimodal Grant Submission – West Third Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-179 that authorized to execute all documents and agreements between the City of Bethlehem and the Pennsylvania Department of Community and Economic Development to assist in obtaining a Multimodal Transportation Fund grant in the amount of \$2,753,000 to be used for the West Third Street Corridor.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

C. *Approve Resolution – Contract – 2023 39 – E. 5th Street Pipe Replacement*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-180 that authorized to execute an Agreement with Joao & Bradley Construction Co., Inc. to replace piping along East 5th Street.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

D. *Approve Use Permit Agreement – DBA – 2023 Harvest Fest*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-181 that authorized to execute a Use Permit Agreement with the Greater Lehigh Valley Chamber of Commerce, by and through its Downtown Bethlehem Association, for 2023 Harvest Fest.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

E. *Approve Resolution – Director of Health – Contract Award – 2023 54 – Mozella McCoy – Clinical Service Billing*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-182 that authorized to execute an Agreement with Mozella McCoy to assist the Bethlehem Health Bureau with billing insurance companies for clinical services.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

F. *Approve Resolution – Office of the Mayor – 2023 55 – LGBTQ Community Training*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-183 that authorized to execute an Agreement with Bradbury-Sullivan LGBT Community Center to provide training workshops for City employees related to LGBTQ+ matters.

Ms. Wilhelm said she has been asked by constituents if the Administration has been receiving training on LGBTQ issues and matters and she is very happy to say the answer is yes.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

G. *Approve Use Permit Agreement – Lehigh University and Zoellner Arts Center – Brown and White BBQ/Family Weekend – Council Submission*

President Colón acknowledged that several members of Lehigh's Administration were present tonight.

Ms. Crampsie Smith said she will vote aye. It is short term for a family weekend. She sees this as a spirit of collaboration between Lehigh and the community.

Ms. Wilhelm noted that she will be abstaining because she is a Lehigh employee.

Ms. Kwiatek said that, as an employee of Lehigh as well, she will also be abstaining.

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-184 that authorized to execute a Use Permit Agreement with Lehigh University and Zoellner Arts Center, for the Brown and White Barbecue/Family Weekend.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Dr. Van Wirt, and Mr. Colón, 4; ABSTENTION: Ms. Wilhelm and Ms. Kwiatek, 2. The Resolution passed.

H. Approve Resolution – Transfer of Funds – General Fund to Non-Utility Capital Fund

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-185 that authorized that \$174,525 in the Non-Utility Capital Budget be transferred from the Ambulance Replacement account to the Police Vehicle Replacement account.

Ms. Wilhelm said the proposal from the Administration noted there was a backlog in obtaining vehicles. She was not clear on how the vehicles will be procured under those circumstances.

Mr. Evans said there has been a backlog of being able to obtain vehicles that is easing now. He said the Vehicle Identification Numbers are available, so delivery is getting closer. Of the five that were ordered last year, four were on hold. One was delivered. Of the five that were ordered for 2023, the City is still waiting for three. These are expected to arrive in October. The request tonight is to order three additional vehicles. Mr. Evans said the City's fleet is aging. The City "did not quite keep up" the replacement pace due to financial constraints. The goal is to get five to seven each year. Making this transfer is an attempt to catch up for the years in which the budget was tight and cuts had to be made.

Mayor Reynolds added there will be police vehicles in the 2024 budget as well. There is the possibility that Bethlehem could be getting about 13 new police vehicles within about six months. The Mayor also cautioned that a threatened United Auto Workers' strike could cause further delays, but hopefully that will be averted.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

I. Approve Resolution – Transfer of Funds – General Fund

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-186 that \$304,593 in the CDBG/HOME Budget be transferred from specified Future Grants and Homebuyer Assist Program accounts to four specified Habitat for Humanity accounts.

Ms. Kwiatek asked if this money would go toward anything other than building new homes.

Housing Planner Robert Vidoni said that all of the money will go toward building two homes at 630 and 632 William Street.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

J. Approve Resolution – DCED Local Share Assessment Grant – Sidewalks (Monroe County)

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-187 that authorized the request of a Monroe County Local Share Assessment grant of \$370,000 from the Commonwealth Financing Authority to be used for Southside Bethlehem business district sidewalk repair and replacement program.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

K. Approve Resolution – DCED Local Share Assessment Grant – Sidewalks (Lehigh, Northampton Counties)

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-188 that authorized the request of a Lehigh/Northampton County Local Share Assessment grant of \$370,000 from the Commonwealth Financing Authority to be used for Southside Bethlehem business district sidewalk repair and replacement program.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

L. Approve Resolution – Pathway to Removing Obstacles to Housing

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-189 that authorized the request for a Pathways to Removing Obstacles to Housing grant for a minimum of \$1 million from the U.S. Department of Housing and Urban Development; Community Planning and Development, for the implementation of key strategies from the City's newly development plan – Together We Can: A 5-Year Action Plan to Address Housing Needs in Bethlehem.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

M. Approve Resolution – Local Share Authority Grant – Rose Garden Park

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-190 that authorized the request for a Lehigh/Northampton County Local Share Assessment grant of \$284,870 from the Commonwealth Financing Authority to be used for capital improvements at the Rose Garden Park.

Ms. Kwiatek asked what is meant by extending water service for this project.

Public Works Director Michael Alkhal said extending water access to another location in the park such as a spigot or fountain. He believed this would provide water near where the market is held.

Ms. Wilhelm asked whether drinking water fountains were being considered.

Mr. Alkhal said there are none in the existing plan, but this could be considered.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

N. Approve Resolution – Adopting Riparian Buffer Agreement

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-191 that authorized to execute the Riparian Planting Habitat Restoration Agreement.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

President Colón said he would accept a motion and a second to group consideration of three Certificates of Appropriateness, 10 O through 10 Q. Dr. Van Wirt made a motion, seconded by Ms. Wilhelm, to consider the COAs as a group.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

O. *Certificate of Appropriateness – 257 Church Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-192 that granted a Certificate of Appropriateness to construct a pediment style roof with wall braced supporting brackets over the front door of the home, and paint the existing front door and shutters with a new color.

P. *Certificate of Appropriateness – 260 East Wall Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-193 that granted a Certificate of Appropriateness to install new roof shingles, drip edge and pipe flashings on front side of roof. The existing gutters & downspouts shall remain.

Q. *Certificate of Appropriateness – 402 & 404 High Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-194 that granted a Certificate of Appropriateness to paint the wood shingles, trim, windows, porch, and door in new colors.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, and Mr. Colón, 6. The Resolution passed.

11. NEW BUSINESS

Thanks to SAVE Carbon County

Ms. Crampsie Smith thanked the representatives from SAVE Carbon County for coming again tonight. She asked that the Administration look into points offered this evening to see if there are viable alternatives.

Mayor Reynolds said there have been conversations with Mr. Boscola. He is not here tonight, but conversations will continue and a report to Council will be made.

Thanks for Getting Grants

Dr. Van Wirt said that historically she has been “ready with a criticism and tight with the compliments”, but she said that more than half of the items voted on tonight were the result of the Administration seeking grants and getting them. This takes work, foresight, and hope. She told them they are doing a good job and she thanked them for all the work that it takes to raise this money to change our community.

Recycling Center Accolades

Ms. Wilhelm referred to Ms. Rothman’s earlier comments about a tour of the recycling center. Ms. Wilhelm thanked Ms. Rothman for organizing this informative tour. She also thanked Mr. Halbfoerster. Ms. Wilhelm said that Mr. Halbfoerster made it clear that the staff is happy to answer recycling questions from the public. She complimented the facility.

Team Effort

Ms. Kwiatek echoed Dr. Van Wirt’s comments about the success with grants received and aggressiveness in applying. She called this exciting and said so much more is on the horizon. Thanks to all involved. Ms. Kwiatek also thanked fellow Council Members for signing a Letter of Support for the Choice Neighborhoods planning grant. Everyone was happy to support it. She said she hoped that show everyone that Council is very much interested in providing “affordable, quality housing for every level of folk in our community.”

Recognizing Hispanic Heritage Month

President Colón acknowledge that Friday was the kickoff for National Hispanic Heritage Month. This included several events including the Hispanic Chamber of Commerce Annual Gala that he was able to attend in Bethlehem. All three award recipients were from South Bethlehem: Albert Nieves, Victoria Montero, and El Jefe’s Taqueria restaurant. He also wished everyone a safe and enjoyable Celtic Fest.

12. ADJOURNMENT

The meeting was adjourned 9:10 PM.

ATTEST:

Tad J. Miller
City Clerk