

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, October 20, 2020 - 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

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

CITATIONS

Honoring Andrew Pingyar

President Waldron read the Citation for Andrew Pingyar on the occasion of his retirement from the Public Works Department after over 20 years of service and stated the Citation will be mailed to him.

Honoring Thomas Wilchak

President Waldron read the Citation for Thomas Wilchak on the occasion of his retirement from the Golf Course after over 20 years of service and stated the Citation will be mailed to him.

Honoring Dianne Bachman

President Waldron read the Citation for Dianne Bachman on the occasion of her retirement from the Public Works Department after over 20 years of service and stated the Citation will be mailed to her.

PUBLIC HEARING

President Waldron announced prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to receive public comment on the request for the Inter-municipal Transfer of Restaurant Liquor License R-12146 previously issued to Louie's Restaurant, 2071 31st Street SW, Allentown, PA 18103 to Two Farms, Inc. d/b/a Royal Farms for use at restaurant facilities within the City of Bethlehem to be located at 2355 Avenue A, Bethlehem, Pennsylvania, 18017.

Attorney Jonathan Jordan informed with him is Ralph DeSantis who is the Director of Operations for Royal Farms. He pointed out that Royal Farms is a convenience store operator and a family business operated out of Baltimore, Maryland. It was started in 1959 and now they have over 200 convenience stores in the Mid-Atlantic region including 19 that are currently

operating in Pennsylvania and a few more on the way. We have liquor licenses for all of our stores that are currently open in Pennsylvania, 4 of them are still in safe keeping, and 15 of them are operating selling beer and wine. We have a track record and have not run into any problems with the PLCB or any kind of law enforcement; it has been going smoothly for us. What we do is we get a liquor license and then it allows us to sell beer and wine for takeout. The PLCB does require us to put in seating which we typically have anyway, we have seating in our restaurants for 10 or 15 people who are waiting for chicken being cooked and then they can take it out. The PLCB requires seating for 30 so we have seating for 30 people and that is shown on the floorplan that he submitted to Mr. Vidoni but nobody sits there and drinks beer. Attorney Jordan added they do have a limit of 1 beer per person if anyone did want to drink but that does not happen, it is for takeout. We would not allow anybody to sit in a car and drink. We would not allow anybody to sit outside and drink. We are not a place to come and hangout and socialize, it is not a bar, and this is just takeout. He knows that Council approved a liquor license transfer for Weis Market late last year and this is similar to that, you put in the seating but nobody uses it. Attorney Jordan informed the way they operate is that when the cashier rings up a can of beer there is an SKU code on the can and that prompts the cashier to ask for somebody's driver's license and scan it through and make sure they are over the age of 21 before the sale can continue. Also Royal Farms does have mystery shoppers that go in and double check and make sure that their cashiers are not selling cigarettes or beer to somebody that is underage. We are limited to selling 192 ounces of beer per transaction, that is two six packs or four bottles of wine, 3,000 milliliters of wine can be sold in a transaction as well. The hours are 7:00 am to 2:00 am for beer and wine sales, 6 days a week and from 9:00 am to 2:00 am on Sundays although wine sales have to stop by law at 11:00 pm. Attorney Jordan knows that Council has had several applications similar to this so he does not want to belabor this. He has Mr. DeSantis here also to answer any questions Council may have.

President Waldron noted Council is pretty familiar with these transfers when they go into a large corporate entity, a grocery store or a gas station convenience store for takeout. He can speak for Council that we are comfortable with the business model that was presented and the same checks that they have installed which are pretty universal throughout the business model of gas station takeout at least on the corporate level. President Waldron asked if there is a timeline for the project as far as groundbreaking and opening.

Mr. DeSantis stated it will probably be sometime the end of next year for opening.

President Waldron asked the hours of operation of the store as well as sales for alcohol.

Attorney Jordan informed the store is open 24/7 and then the State allows you to sell to 2:00 am for beer and 11:00 pm for wine.

President Waldron asked what would be the starting hour for sales.

Attorney Jordan stated 7:00 am Monday through Saturday and 9:00 am on Sunday. The beer coolers are locked when we are not allowed to sell. He added that we have between 35 and 45 cameras at every store that are monitored constantly so besides the employees in the store we are also watching from Baltimore.

Public Comment

None.

President Waldron announced the transfer approval resolution is on the agenda tonight as item 10 B.

Attorney Jordan asked to add the proof of publication into the record.

President Waldron believes this was advertised by our Clerk's Office as all of the license transfers are.

Mr. Vidoni stated we will send the official proof of publication that they certify when we get it.

Attorney Jordan stated he does not need that but he is just incorporating it into the record.

Mr. Vidoni informed this will be in the Council minutes.

President Waldron adjourned the Public Hearing at 7:15 pm.

2. APPROVAL OF MINUTES

September 1, 2020.

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

Arthur Curatola, 813 Laufer Street, remarked he spoke to Steve Fernstrom, the Director of the Parking Authority early yesterday. We collaborated on ideas that would bring more money to the Bethlehem Parking Authority and rightfully justify the residents of the City of Bethlehem. Also, Bethlehem Parking Authority officers would be more respected and would be a great example to other cities in the state. It says in the bible that we are to be an example and all of us living in Bethlehem which is named after the city that Jesus was born in. We are called the Christmas City. Mr. Curatola noted as far as the Parking Authority there are many things that need to be handled. First, if most of us have to clean up our own gutters in front of our houses what gives certain residents the right to have their gutters cleaned by the city? It is hard enough to find parking on the south side of Bethlehem without these no parking every first and third Thursday and Friday of the month signs. This makes it easier for the residents in the area to park illegally and get tickets. The majority of the residents feel this law has to go away. Also people having their telephone numbers placed in large letters on their vehicles each side, they need to be called by the Bethlehem Parking Authority to move their vehicles. If the object is to cater to these people to have their gutters and streets cleaned then the main focus should be to have the vehicles removed, not ticketed. On the other hand if a person parks the street cleaning week in the same area they could be towed and have to pay the cost for towing and storage. Actually handicapped people, U. S. Military Veterans and senior citizens should be excused at least three times a year for those violations if they are going to keep those street cleaning things going. Any vehicles that have an excess of amount of parking tickets should not be booted and left on the street eating up legal parking spaces for 8 days, 2 weeks or more at a time making it so that the residents cannot find legal parking spots and get tickets. Mr. Curatola remarked if individuals are not concerned

enough to contact the Bethlehem Parking Authority and have no respect for the local residents they need to pay out of their own money to have their vehicles towed and impounded, not booted. If they do not pay or schedule a hearing date within 30 days after their vehicles is towed their vehicle should be sold at an auction. If a resident can prove there was a booted car in the area and they cannot park their ticket should be thrown out. If any residents would have to go to court for any parking violation and they win they should be compensated for legal fees, transportation, and work loss. These ideas would greatly upscale the Bethlehem Parking Authority and do more for the tax paying citizens of Bethlehem. Mr. Curatola noted that Mr. Fernstrom stated that he would put in a good word to Mayor Donchez to place him on the Bethlehem Parking Authority board of directors. Mr. Curatola hopes Council takes these things under consideration so we can do something for the people. He added that the noise ordinance is another issue and should be looked at.

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

Andrew Brown, 217 East Church Street, explained he was hoping to speak to Council tonight regarding a Certificate of Appropriateness that will be voted later on in the agenda for the meeting tonight. He thanked Council to be able to speak, he appreciates the time. Recently in the last year although they were from the area they had been living in New York for the last 20 years but moved back to be closer to family and bought property downtown because they always loved the historic element of Bethlehem. We thought Church Street would be perfect for a house, they needed a property that had a bedroom on the bottom floor for his mother-in-law to move into and the upstairs for him and his wife and their 3 boys. They have done significant renovations to the home. They wanted to change the side of the house. Their property is a little bit unique; they do not have a backyard. The yard that is behind their property extends from the associated property that is on High Street so we refer to the side area as their side yard. When they bought the house that side yard was just a patch of dirt with some metal fencing that was falling over and many weeds. They worked with a contractor to come up with a design. They wanted to put something in that would allow for garbage storage and maybe a seating area with some planters. They worked out drawings with their contractor and submitted those to the Zoning Board and they changed some of the drawings and came up with an agreed upon plan and moved forward. About day 2 of the job his contractor realized he had not gone through the Historic Architectural Review Board, he had covered his bases and gone through everything he was supposed to but as soon as we found out we submitted our plan to the Historic Architectural Review Board and asked to be put on the next meeting, which we were. We went to that meeting and there were a number of things they wanted us to change about the project, and that is why he is here today. Most of the things they put in he is happy to do, some he was already considering as he was happy the way it has turned out. They asked us to change the white flashing to gray and that is no problem, they asked us to extend the overhang on the deck a few inches to change the dynamic of the deck and appearance. They also asked us to secure up the metal fencing and bring it out a little bit over the edge of the deck, which we can do. They have asked us to create window boxes around the lower level windows at the foundation of the home and we are happy to do those things. The final thing they have asked which is number 1 on the list they sent was that they want us to tear up all the existing deck board and replace it with a similar deck boarding kind that they prefer to be used downtown. His concern is the financial hardship that it causes for us. We have invested thousands of dollars just into this small project let alone what we put into the inside of their home. For him to rip up the Trex 5 " board, they are asking that he replace

this with a 3" board, it is the exact same color and finish, it is a composite with the same kind of grain. It essentially will look the same but the decking they are asking him to use not only will he lose what he has spent on the deck he put in but he will be spending approximately 2 and a half times the price of that to put this in. They would be essentially be adding another \$3,000 to \$4,000 for him to replace it with the decking in kind. Mr. Brown is willing to work and do the other things they have said, some they were already working on. He just finds that this will not change the look of the deck that much. We have had many compliments to the side of their home by neighbors and they actually had someone ring their bell recently and ask if that was their side yard and asked who their contractor was because it looked so nice. He feels like we do a lot to add to the downtown community and he just finds that the Historic Architectural Review Board asking them to spend this money when honestly it was a true oversight and we did try to remedy it as soon as we possibly could when we realized what was done he feels like it is a little much to ask of us. Mr. Brown explained his wife is a teacher and he is a nurse and we are trying to use our money as we can to make our home better.

President Waldron informed he understands the situation as someone who does a little bit of this kind of work. Just to reiterate and make sure we are on the page here, we will be voting on this recommendation from the Historic Architectural Review Board this evening and for those following at home the resolution is 10D that we are referencing here. The first bullet point is the sticking point here and in that application the Historic Architectural Review Board suggested that the decking shall be either wood or composite since we are not doing wood or if you were those boards come in a 2" and 3.25" width and as composite they recommend two different brands. One brand is 3-1/8" thick and the other Azek is 3-3/8" and you currently have Trex on which is 5" width.

Mr. Brown stated that is correct, it is composite and it is 5".

President Waldron queried if the color, aesthetic, and pattern match the other brands.

Mr. Brown informed that is correct.

President Waldron remarked the difference is basically that the Historic Architectural Review Board was looking for a 3.5" width board and you currently have a 5" board on and to comply with their recommendation you would have to essentially scrap what you have on there currently and reinstall a more narrow board at the additional cost of \$3,000 to \$4,000.

Mr. Brown stated from his best estimate in working with his contractor that is correct. When they initially had done the design it was then after COVID that this happened and the price of that was significantly more than we had originally planned so we were already over budget on the projects as it was.

President Waldron noted he has seen the deck and he thinks it looks great. He sees no issue with a more narrow board and that is his opinion. When we get to this point in our agenda we will have a larger conversation with Council and if there are any further questions he can call Mr. Brown back. He asked Mr. Brown to follow along on the YouTube stream and then when we get to that point on the agenda if any Member of Council has a comment we will reach out back to him.

Mr. Brown noted he appreciates the respect and consideration that Council is giving him.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Director of Public Works – Recommendation of Award – Land-Tech Enterprises, Inc. – Rose Garden Improvements*

The Clerk read a memorandum dated October 6, 2020 from Michael Alkhal, Director of Public Works recommending a contract with Land-Tech Enterprises, Inc. for work related to the Rose Garden Improvements. The term of the contract is 60 days. The cost is \$194,833.20 and there are no renewals.

President Waldron stated Resolution 10 A is on the agenda.

- B. *City Solicitor – Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association – 2020 Christmas Huts on Main*

The Clerk read a memorandum dated October 15, 2020 from William P. Leeson, Esq., City Solicitor 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 the 2020 Christmas Huts on Main. The agreement runs October 25, 2020 to January 8, 2021 and covers the Main Street sidewalk right-of-way in front of 531 Main Street; and areas in Johnston Park.

President Waldron stated Resolution 10 C is on the agenda.

7. REPORTS

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

- 1. *Administrative Order – Barbara Fraust – Fine Arts Commission*

Mayor Donchez reappointed Barbara Fraust to membership on the Fine Arts Commission effective through May, 2023. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-171 to confirm the reappointment.

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

- 2. *Administrative Order – Janet B. Pressler – Fine Arts Commission*

Mayor Donchez reappointed Janet B. Pressler to membership on the Fine Arts Commission effective through November, 2023. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-172 to confirm the reappointment.

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

3. *Administrative Order – Stacie Elyse Brennan – Fine Arts Commission*

Mayor Donchez reappointed Stacie Elyse Brennan to membership on the Fine Arts Commission effective through November, 2023. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-173 to confirm the reappointment.

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

4. *Administrative Order – Thomas Shillea – Fine Arts Commission*

Mayor Donchez reappointed Thomas Shillea to membership on the Fine Arts Commission effective through November, 2023. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-174 to confirm the reappointment.

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

5. *Administrative Order – Heriberto Cruz Burgos – City Planning Commission*

Mayor Donchez appointed Heriberto Cruz Burgos to membership on the City Planning Commission to fill the position held by Louise Stellato whose term expires November 2020 effective through November, 2025. Mr. Colón and Ms. Negrón sponsored Resolution No. 2020-175 to confirm the appointment.

Ms. Negrón thanked Mayor Donchez for this appointment. This means a lot to him and to our community. She appreciates the opportunity to give a member of our community, somebody that was born and raised on the south side of Bethlehem to be part of the City Planning Commission.

Dr. Van Wirt stated she wanted to echo what Ms. Negrón said and thank Mayor Donchez for appointing this person to the Planning Commission.

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

COVID Update/Parklets

Mayor Donchez then gave an update on COVID from our Health Director Kristen Wenrich. As of this morning, total cases for the City of Bethlehem positive 1,569 and we have been experiencing a slight rise in daily cases over the last few weeks. Lehigh University current

positive cases are at 217, Moravian College has 2 positive cases and total cases since the beginning of school at 22. The Bethlehem Area School District current cases are at 6 positive and total cases since the beginning of school is 26. Mayor Donchez thanked City Council for their cooperation during this whole pandemic especially the support for the parklets planters and the heaters. We are very appreciative. He met with Eric Evans, Alicia Karner, Amy Burkhardt, and Michael Alkhal to discuss November and possible December with the parklets. We have had discussions with the Downtown Bethlehem Association, the Chamber, and the South Side Arts District and as we move into winter it becomes a challenge and there are always concerns about snow. As of today our plan is to keep the parklets out through December 4, 2020 with possible removal December 5 and 6, 2020 but we will certainly reevaluate the possibility of keeping them out through December 3, 2020 and will make that decision the week of November 16, 2020 when we will look again and have more information on how it is going and what the usage has been and some weather forecasting. Mayor Donchez stressed we are making a commitment on keeping the parklets, planters, and the heaters through December 4, 2020 and we will evaluate that during the week of November 16, 2020 and if things look positive then we will certainly probably extend it through December 31, 2020. As he said before it is his goal to make this an annual event and believes it has added a lot to the vitality of the downtown. We know the businesses and especially the restaurants and bars are really struggling. Mayor Donchez added his goal right now is the possibility of bringing back the parklets and having everything set up possibly the first week in April that is not in concrete and may change. This is around Easter weekend so it could even be a little bit before that. But again this is based on the weather. But right now we will go through December 4, 2020 with the possibility of December 31, 2020 but will make that decision the week of November 16, 2020.

President Waldron asked if he is correct in his understanding that the decision to move them away is due to snow removal.

Mayor Donchez stated yes and that Mr. Alkhal definitely has concerns about the weather and the snow. Right now according to the information Mr. Alkhal has been receiving we will have a mild winter and usually we do not get much snow in November and December, even though we had 5 inches in November and that was basically it for the rest of the year. The answer is that this is a concern. We will do everything possible to help the merchants and to help the restaurants and retail. We will definitely go through December with the possibility of going through to December 31, 2020.

President Waldron imagines that the restaurants would want to keep the tables there as long as they can. He knows many of those restaurants have exterior heating sources so even if it is as cooler evening or day he would still think there would be a demand there. He would hope to try to keep them out there as long as possible and also include some of those restaurants in communication also because it is not as simple as them switching their entire business model from exterior seating to interior seating with those restrictions on a single weekend.

Mayor Donchez agrees and added he felt this was important to get this out through December 4, 2020 with the possibility of December 31, 2020. We are in constant communication with the Downtown Bethlehem Association, the Chamber, and the South Side Arts District. We spoke to merchants and he does understand what they are going through. We are very appreciative of the support of Council and he believes the merchants are appreciative of everything the city has done for them. We are also looking at the possibility of permitting some

tents, we had a discussion on that yesterday, and we will be reviewing that. Mayor Donchez stressed we are going to do everything possible to try to help the merchants and especially the restaurants.

President Waldron noted he had been talking with Mr. Evans about the Library yesterday. We had someone reach out to us to put the thought in the air about when the Library will open, with some kind of restrictions. It is not going to open the way it used to be as if nothing will for a while but he wanted to hear what the short and long term plan was for that.

Mayor Donchez explained Mr. Evans spoke to Josh Berk, Executive Director of the Bethlehem Public Library today.

Mr. Evans informed that the Library is currently building their new protocols. They were closed for some time and are able to move through the card catalogue and have books ready for pick up but were not allowing any people inside. Every day working at City Hall from our vantage point we can see the activity building and building with people coming to get books so even before that email came across we proactively reached out to the Library and asked them to start taking those steps. Mr. Evans pointed out that the Easton and Allentown Libraries have already begun to build those protocols to allow people to come inside and to browse. It may be that we have to require the signing up ahead of time and it may be limited due to CDC guidelines with the number of people coming in at one time. It will not be a free open and closed, it would be a sign up a group of 25 to 30 or whatever they might be comfortable with based on their staffing to move in and take care of what they want to do inside the Library. Maybe within 30 minutes to an hour these people would be asked to leave and do cleaning and then bring in the next group at some point after that. Mr. Evans explained they are working to build that now and we asked for them to put that rather quickly so we can respond. The weather will get colder and when it does we hope they have those steps in place. We will be able to report more in the coming days.

President Waldron noted one program that he is not sure everyone is aware of for kid's books at least, which is great is that they have bundles prearranged ahead of time so when you walk up to the door you can tell them you want a dozen books and they will give you a few different options. It is a great opportunity to walk away with a stack of books. When you are an adult you know what book you are looking for and what topic so you can reserve it ahead of time but for kids books so much of that is just looking to see if they are age appropriate.

Mr. Evans added at that age you want to see the book, see the pictures, and then take it home based on that. He is anxious to see the kids go inside and not just to the Library but with the activities. Our Library is very visible from the outside.

Mr. Evans pointed out that we have Northampton County voting booth here at City Hall and the Mayor had the numbers from the Executive today. Every time you are in the lobby there is constant people dropping off their ballots.

President Waldron wanted to be clear; Mr. Evans is speaking of a drop off box, not a voting booth.

Mr. Evans stated yes, a drop off only, no one is voting in a booth right now but this has been an effective tool during this time.

Mayor Donchez pointed out he talked to Executive McClure and they are averaging throughout the County in the drop boxes about 700 per day. He knows there was a lot of chatter on Facebook and he received quite a few calls about a box for Lehigh County being in City Hall. He did speak to Mr. Armstrong about that and he figure he knew the answer as a former member of the Northampton County Board Member, the ballot boxes must be in Lehigh County and that is why City Hall was not used.

President Waldron noted that would make sense.

7 C. *Bethlehem Parking Authority*

President Waldron remarked that the Executive Director of the Bethlehem Parking Authority Steve Fernstrom is at this meeting and we are also joined online by Tim Tracy, consultant from Desman. He added that Mr. Fernstrom graciously agreed to come in and give us an update about what is happening at the Bethlehem Parking Authority. President Waldron felt it was important to hear that information first hand as opposed to reading or hearing about it through the rumor mill so we can all be on the same page and understand what is happening in our new reality in the city and how the Bethlehem Parking Authority is surviving the same as everyone else is.

Mr. Fernstrom thanked Council for inviting him this evening to provide the group updates on the Bethlehem Parking Authority's 2020 financials, the future Polk Street Garage Project, and the Walnut Street Garage. Like many other businesses the Bethlehem Parking Authority was not unaffected by the pandemic. Early on we were able to partner with the Administration to provide free parking, a relaxation of violations, and meter bagging. Thankfully we were able to provide these benefits to the residents and visitors of the city but we also needed to balance our own survival. Over the past few months we have seen positive trends in our finances and we hope this trend continues. As of September 30, 2020 the Bethlehem Parking Authority is 24% under budget on our revenue. The garage revenue is down 12%, parking meters, park and shop programs and special events are down 41%. He added that parking meter revenue is making up \$825,000 dollars of that. We performed well in keeping expenses down. A large credit of that goes to the Bethlehem Parking Authority management staff and our largest savings coming from payroll reductions at 20% on the budget. We were able to successfully pay our 2020 debt service of \$1.8 million dollars and continue to have discussions with our financial advisors about 2021 and beyond. We are feeling confident about our cash reserves heading into the new year and if that changes he will notify Council appropriately. Mr. Fernstrom continued to say with respect to the Polk Street garage we were scheduled to break ground on the \$16 million dollar 595 space garage in September of this year. Early in the pandemic we had placed the project to hold. Eventually at the 2020 July Board Meeting the board approved the termination of the prime contracts and continue to evaluate the project. The Bethlehem Parking Authority feels this is a good project for the future. We are invested a lot in the site but at this point with the pandemic and uncertainty surrounding it and our volatile finances and parking occupancy the status of pausing the project has not changed and it will continue to be evaluated. He will provide a short introduction on the status of the Walnut Street Garage before he turns this over to Tim Tracy from Desman for any questions Council may have. Mr. Fernstrom explained in November of 2019 the Bethlehem Parking Authority engaged with Desman Associates to provide a condition survey of the Walnut Street Garage. A study like this had not been performed

since 2014. The report concluded that due to the accelerated deterioration that was identified in the 2014 report the garage is in need of major repairs to keep it operational. The study also provided costs connected to those repairs and they are as follows. To keep the Walnut Street Garage operational for 0-5 years the Bethlehem Parking Authority would need to spend \$12.6 million dollars, to keep it operational for the next 6-10 years after that \$2.2 million dollars and between 11 and 20 years \$8.7 million dollars. So the total of \$23.7 million dollars will be needed to be spent on the 45 year old garage to keep it operational for the next 20 years. Knowing the deteriorating conditions and the cost to keep the Walnut Street Garage operational and understanding that time is valuable the Bethlehem Parking Authority Board approved the site feasibility study for a new Walnut Street Garage. The study will provide us with concept design, gathering feedback from the city stakeholders, members of the community, and possible consultants to design a structure that best fits the city. It will also include a parking displacement plan, what do we do with those 700 parkers that use the garage and it will also include all the costs associated with the project. Mr. Fernstrom added having this information along with the information that we already know from the report this will allow the Bethlehem Parking Authority to work with the Administration and Council to make a responsible educated decision on the path forward of the Walnut Street Garage and site. When the pandemic turns around and having performed these studies in the early stages it will put us in a good position to be able to make the final decisions. At this point no final decisions have been made with respect to both garages and they are still under review.

Tim Tracy, consultant from Desman added that Mr. Fernstrom summarized correctly that you have been monitoring Walnut Street since 2014 and it is important to note that the Bethlehem Parking Authority has implemented annual repairs at the Walnut Street Garage since that time spending an excess of \$1.5 million dollars to continue to allow that facility to be maintained in a safe condition. We are in the midst of 2020 and as part of our 2019 survey we also outlined additional costs which would be needed for the next 3 years on an emergency basis to maintain that parking inventory in that facility in a safe condition. Mr. Tracy informed this is consistent with what we found in 2014, the recommendations which we concluded in the 2018 parking study for the downtown as well as in our recent publication is that the Walnut Street Garage is probably at the end of its useful life. Now is the appropriate time to evaluate what a new Walnut Street Parking Facility could provide to the north side and what other opportunities for that block should be investigated at that time.

President Waldron pointed out after we have had a lot of conversations on the phone or in person this may have been one of the first times he has heard the New England accent of Mr. Fernstrom come out when he says parking. Clearly there is a lot of action within the Bethlehem Parking Authority, not just now but it always seems like there is at least one project that is ongoing and then looking down the future the Walnut Street Garage has been one that has for 10 years been on everyone's mind about what will happen. As Mr. Tracy said the end of its useful life is definitely coming around. It seems like a few months ago that the Polk Street Garage was all ready to go and times do change.

Mr. Callahan mentioned it would be \$12.6 million dollars to keep it running for the next 5 years.

Mr. Fernstrom stated it would be between 0-5 years it would cost the Bethlehem Parking Authority \$12.6 million dollars to keep it operational, 6-10 years \$2.2 million, years 11-20 \$8.7 million and that bring the 20 year total to \$23.7 million dollars.

Mr. Callahan asked if the knockdown and building a brand new garage around the \$18 million dollar range.

Mr. Tracy remarked in the proforma's of the Bethlehem Parking Authority moving through back to the New Street Garage and now to the Polk Street Garage the Walnut Street Garage has always been identified as a future capital investment. It was earmarked in 2023 to keep it in the finances and provide assurance to the bond holders that the Bethlehem Parking Authority could meet its debt service that was the number that was carried, the \$18 million dollars for the demolition and reconstruction of approximately a 600 space garage. We still need to through the due-diligence and correct size of the Walnut Street Garage.

Mr. Callahan remarked from what he has heard with the work that was going on there were some serious problems with the actual structure of the metal and of the steel structure of itself.

Mr. Tracy informed through the last survey we identified several hundred thousand dollars of structural steel work that needed to be addressed and that is actually what is being undertaken in this current repair cycle.

Mr. Callahan asked what would need to be done for \$12.6 million to keep it up and running for the next 5 years.

Mr. Tracy mentioned the budget has roughly 38 line items in it. So beyond the steel there is a fair amount of concrete work, there is stair tower work that needs to be addressed, electrical repairs, the elevators need to be upgraded. He added that the façade is showing a lot of deterioration that needs to be addressed, all of the brick work needs to be repointed and reattached. There is about 20 items beyond just the steel work that needs to be included.

Mr. Callahan believes the finances prior to COVID were at the strongest point they have ever been for the Bethlehem Parking Authority.

Mr. Fernstrom stated that is correct, he cannot speak for the past history of it but he has been on the Bethlehem Parking Authority for 3 years.

Mr. Callahan remarked we were at \$4 to \$5 million dollars prior to COVID.

Mr. Fernstrom has the operating revenues for 2018 and 2019, and said that 2018 came out at \$6.3 million and 2019 came out at \$7.6 million.

Mr. Callahan noted that right now we are down to \$2.5 to \$3 million in the bank.

Mr. Fernstrom remarked he has not checked the bank account in a while but that sounds about accurate.

Mr. Callahan stressed in no way is this on Mr. Fernstrom, he took over roughly about 10 months ago and for a majority of that he has been trying to manage everything as well as possible with COVID. Mr. Callahan appreciates all the work that the Bethlehem Parking Authority has done with the parklets. He thinks that there are 70 parklets which would be parking spaces that they gave up for the parklets.

Mr. Fernstrom noted it is about that, correct.

Mr. Callahan appreciates all the work the Bethlehem Parking Authority has done. He still thinks that our finances are strong. We obviously took a hit in April and May due to the closures but since then the finances are recovering and are steadily coming back. If it is the will of everybody on the Bethlehem Parking Authority and the Mayor to postpone the Polk Street Garage that is up to them. He does want everyone to understand also that the only people that have parking over there on the south side is Peron Development, they have 4 lots of their own. The ruins lots are not ours. He thinks it is a 60 days-notice for the ruins lots.

Mr. Fernstrom stated he is not sure what any type of agreement is with the ruins lots.

Mr. Callahan asked if Mr. Evans would know.

Mr. Evans stated that is a lease with the Redevelopment Authority and he believes 60 days is the number.

Mr. Callahan just wants everyone on Council to know that at any point Wind Creek can come in and say in 60 days we are taking the lots back and that would leave everybody on the south side, Northampton Community College, The Factory, the Charter Arts School with no parking. The only lots over there are owned by Peron Development and they have plenty of parking for the new 610 Flats. He totally understands if that is where everybody wants to go but he just wants to make sure that everyone understands the situation on the south side with the Polk Street Garage. The Walnut Street Parking Garage, he is totally in favor of, if you look at those numbers he would prefer that we start knocking it down now instead of wasting \$12.5 million dollars just to get us out 5 years. If we really want to be proactive let's do a study on it quickly and knock it down quickly and get it rebuilt and save all the taxpayers in the city along with the Bethlehem Parking Authority an extreme amount of money. Mr. Callahan does not think it makes much sense to spend \$12.6 million dollars just to get us 5 more years and who knows what will happen if we will spend \$19 million to knock it down and have a new one there. The last time we talked about this the plan was to put retail on the first floor of the Walnut Street Garage.

Mr. Tracy stated yes, part of what we initially looked at with the Walnut Street Garage was to include retail as part of the parking program but also to really look at a more efficient footprint for the Walnut Street Garage and not use the whole city block and look at what other opportunities for a mixed use could occur on that parcel and not dedicate it all just for parking purposes.

Mr. Callahan reiterated his preference after being the Parking Authority Liaison for a number of years he would recommend we move forward with it right now and knock down the Walnut Street Garage and start putting up a new one. In the proforma that was released there was already a plan in that from the Bethlehem Parking Authority to raise rates again in 4 to 5 years. At that time we were going to pay for Polk Street and have the meter increase again in 4 to 5 years to pay the Walnut Street Garage but that has changed and we are going to spend our resources on the Walnut Street Garage right now. The only thing that is troublesome is that he thought we had CRIZ on the Walnut Street Garage at one point.

Mayor Donchez noted he may be correct but he would have to check because we moved quite a bit of parcels around, he would have to check.

Mr. Callahan remarked if the plan is to also do retail he does not know why we would have moved the CRIZ. If he remembers we removed the CRIZ from that Walnut Street Garage down to the Hotel Bethlehem and the Hotel Bethlehem is not doing anything with the CRIZ we gave them. From what he is hearing which he assumes is true, is that he is looking to sell the property and use the CRIZ as a financial incentive to get more money for the property. Mr. Callahan does not know why we would have moved the CRIZ acreage off of the Walnut Street Garage if we were planning on putting retail there and move it to the Hotel Bethlehem when Mr. Haines is not even using it. He does not know how much time has gone by but he still has no plans to use it and he and his partners want to sell the property and are using the CRIZ and have no intention in using the CRIZ other than getting more money out of it. It is backward that we would have moved the CRIZ acreage off of that property if there was a plan to put retail on that first floor. Mr. Callahan informed his recommendation is that we start moving on the Walnut Street Garage as soon as possible.

Mr. Colón remarked he wanted to make sure he has the numbers correctly. He noted that Mr. Fernstrom said that the overall revenues as a whole for the year were down 24%.

Mr. Fernstrom stated that is correct, it was 5.7% projected to date and we are at 4.2% actual.

Mr. Colón noted it was mentioned that in terms of expenditures that payroll had been reduced by 20% but what is the totally percentage on a whole for you total expenditures for the year that you have been able to reduce. It was said that payroll as down 20% but he believes that the line item was reduced 20% but what is the total reduction in expenditures as a whole.

Mr. Fernstrom stated about 10%, high in 9%.

Mr. Colón remarked that deficit would be that they would go to their cash reserves, he would assume.

Mr. Fernstrom stated yes.

Mr. Colón does not know if it is too early to forecast this or not but obviously it will be a gradual rebound as things to eventually rebound and Mr. Callahan had alluded to that we had discussed when looking at other projects and fine increases these built in meter rates and garage rates and fine increases. Could he foresee this need to close this gap? Council has the lever of raising property taxes, the Bethlehem Parking Authority to raise fines and meter rates and parking rates but does he think that can be accelerated at all, the need to raise some of these fees ahead of the earlier discussed timeline.

Mr. Fernstrom believes it is way too early to come up with that assessment as we sit here right now. We have seen positive trends in the finances and we hope that continues. As far as deviating from when those meter rates have been projected to be increased right now that would be premature.

Dr. Van Wirt who is the Parking Authority liaison, thanked Mr. Fernstrom for his presentation. She is going to ask a few questions and since she knows Mr. Fernstrom is fairly new to this maybe Mr. Tracy can help answer these questions. If she goes back to 2014 that was one of the earliest parking studies that were mentioned, she asked who did that parking study.

Mr. Tracy stated the 2014 study that we referenced was actually the condition survey of the Walnut Street Garage and that was done by Desman. There was one done previously a few years before their involvement by Pennoni and we used some of the analysis they did as part of our 2014 but the 2014 study was specifically the condition survey of the Walnut Street Garage.

Dr. Van Wirt queried if Mr. Tracy remembers the contract amount for that.

Mr. Tracy asked if she means the repair amount.

Dr. Van Wirt replied no, how much did we pay Desman for that.

Mr. Tracy stated he does not know.

Dr. Van Wirt related with the New Street garage was there a study from Desman about the New Street Garage.

Mr. Tracy informed Desman assisted PFM the Bethlehem Parking Authority's financial consultant on doing the market analysis for the bond sale.

Dr. Van Wirt asked if there was a generalized parking survey for all of Bethlehem done by Desman done in 2018 and does he remember how much the contract value of that survey was.

Mr. Tracy informed he does not have that information in front of him.

Dr. Van Wirt continued to say we had another one in 2019 for the Walnut Street Garage condition survey that was done by Desman.

Mr. Tracy stated that was the update to identify the current condition of the Walnut Street Garage and its state of repair versus the 2014 analysis.

Dr. Van Wirt asked how much that contract was for.

Mr. Tracy pointed out he does not have that information with him.

Dr. Van Wirt remarked that now we are entering into another contract with Desman for the feasibility study for the new Walnut Street Garage, she asked if that is correct.

Mr. Tracy informed that is correct.

Dr. Van Wirt asked if that is 5 or 6 contracts we have had with Desman by the Bethlehem Parking Authority over the last 6 years.

Mr. Tracy stated there were probably additional ones because of the additional design work we have done at the New Street Garage as well as the annual engineering documents that were prepared for the Bethlehem Parking Authority's capital improvements at its four parking facilities. So there were other contracts involved over the last 6 or 7 years.

Dr. Van Wirt noted it is safe to say that there is a strong relationship between the

Bethlehem Parking Authority and Desman at this point.

Mr. Tracy thinks it is mutually beneficial to the Bethlehem Parking Authority and to Desman over the last few years.

Dr. Van Wirt stated what she is getting at here is what makes her uncomfortable and this is mostly for Mr. Fernstrom. This is nothing remotely personal or has anything to do with Mr. Tracy. She gets uncomfortable when an authority has such a close relationship with a consultant in that the consultant will be getting more work when this garage comes down. This makes her wonder is this a clear eyed vision of the real condition of the property if the person who is doing the survey stands to benefit financially from it coming down. Dr. Van Wirt encourages Mr. Fernstrom to talk to his Board. She personally would be much more comfortable with an analysis done on the Walnut Street Garage feasibility study by someone other than a person who stands to benefit from it. She does not think that we can really say that this is objective evidence that this garage must come down if the person who is doing the analysis is going to benefit financially. She wondered if Mr. Fernstrom could explain. She does not mean to put him on the spot but to her she likes her analysis to be independent of the people who are going to benefit from it financially. Dr. Van Wirt asked Mr. Fernstrom if he would be able to address her concern at all.

Mr. Fernstrom stated unfortunately he cannot speak to any engagements that were assigned in the past with Desman but he does echo Tim Tracy in saying that there is a strong relationship there with Desman. There is not one consultant out there that knows our buildings better than them. When it comes to structural assessments and capital repairs he feels strongly by their recommendation. At this point with the active engagements he feels they will present us with the best path forward for the city and the Bethlehem Parking Authority. For future engagements he will obviously take those concerns to his Board and discuss them with them in the future.

Dr. Van Wirt stated thank you.

Mr. Reynolds thanked Mr. Fernstrom for coming and delivering that report and also for his colleagues for asking good questions. The feasibility study is coming along at a good time in that he does not think anyone knows what will happen with parking in 2021 right now. Making any decisions now in October of 2020 rather than in at least how long that study will take three or four months, that will give us a much better idea of what 2021 will look like as the economy is concerned. We have all these other conversations about what is going to happen with business. It is good to layout the options here but we are also fortunate that over the next few months we should have a clearer picture about what the economy will look like in 2021 and whether or not it makes sense to move forward with the Walnut Street Garage as a project that would take priority in 2021. Mr. Reynolds did not have many other comments right now other than just saying that when we do the Walnut Street Garage he does think that it is important that we create at least some energy there. We are able to create a smaller footprint as far as the Walnut Street Garage is concerned and get the same number of cars. Whatever that looks like, housing or retail or whatever it might be he does think that the city and our own Administration needs to lead on that with reaching out. He knows that some of that is going on now with this feasibility study and business owners downtown. We will not have another chance to get this right other than what happens there on Walnut Street and that will be the catalyst for a lot of what else we need in that general area downtown and area of Broad Street and all the projects we had talked about. Mr.

Reynolds related if you walk up Broad Street right now it is not a pretty picture with the amount of empty retail we have there and just the general energy. It is a good thing that we have a few months to get this feasibility study back but when it does come back and we have a clearer picture of the financial situation of the economy in 2021 we will have some big decisions to make. As for the comment made by Mr. Callahan as far as CRIZ was concerned he does believe that the Bethlehem Parking Authority had land that was originally in the CRIZ both at Walnut Street and up on their lot that they own on Broad Street that was moved. It would probably come down like any CRIZ project to how much of an increment generator it is because there is no benefit for housing. That is a conversation that is important to have going forward about whether or not it makes sense to move anything there. Mr. Reynolds guess would be that it would need to a good revenue generator there to be worthy of a CRIZ project just because the CRIZ projects that tend to work are the ones that have several floors of increment rather than maybe the first floor but obviously we do not know that yet. Mr. Reynolds does feel strongly that no one has a clear picture about what 2021 will look like now. He added if you would have told us 9 months ago where the Bethlehem Parking Authority would be and a lot of different things in the city we had not idea we would be here. Taking a look in 3 or 4 months we should have a better idea about the potential for a vaccine and everything else. At that point it will be easier for us to make some of these decisions. The ultimate decision about what happens at the Walnut Street Garage as far as the mix of housing, retail, and parking needs to be a combination of the City Administration, our own Economic Development Department and the business community downtown to make that decision. There is not a more important project in downtown Bethlehem; we need to make sure we get that one right.

Mr. Fernstrom remarked that is a great point to reimagining the downtown area and using the Walnut Street Garage as a catalyst. The Mayor and the Administration share those thoughts very wholeheartedly and we actually had those discussions early on until recently about what the Walnut Street Garage has the potential of looking like.

Ms. Crampsie Smith thanked Mr. Fernstrom and Mr. Tracy for coming to this meeting tonight and for all you are doing during these difficult times to get through them. If decided that the Walnut Street Garage should be demolished and a new one should be built what is the expected life expectancy of a new garage.

Mr. Tracy explained garage designs today have a minimum of 50 years but the expectation with property maintenance which the Bethlehem Parking Authority has invested in the program you can expect it to last the next 75 years. He added when Walnut Street Garage was built the garages built designed during that year basically had a 25 year life expectancy.

Ms. Crampsie Smith remarked right now we are looking at spending the same amount of money approximately 20 years to extend the life of it versus having a new one that would go 50-75 years, is that correct?

Mr. Tracy stated that is a fair statement.

Ms. Crampsie Smith totally concurs with what Mr. Reynolds said. She added that speaking with the businesses downtown we really do need to get some energy revitalized up in that Broad Street area and hopefully this project can help with that.

Mr. Callahan asked how many properties border or have easements with the Walnut Street Garage.

Mr. Fernstrom explained that is something he does not know.

Mr. Callahan asked if the solicitor for the Bethlehem Parking Authority, Solicitor James Broughal do some research on that and forward that to him and Council. He would like to talk to all of those property owners and make sure they are aware of what is going on over there. If they could forward everybody that has an easement with the Parking Authority on those back properties, he would appreciate it.

Mr. Fernstrom stated he will make a note of that.

Dr. Van Wirt thinks that anything that is being discussed with Council should be forwarded to all of Council from Mr. Fernstrom.

Mr. Callahan stated he agrees and added that he did say that, to forward this to all of Council.

Mr. Fernstrom stated he most likely would have done that anyway.

President Waldron also is not sure if that is information that is appropriate to be shared as well. He would be interested to hear what the Solicitors would have to say about that.

Mr. Fernstrom stated he will review with both.

Mr. Callahan has talked to the Solicitors and added that it can be found through public records.

President Waldron remarked it seems like Mr. Callahan has done the work already and he has what he needs.

Mr. Callahan is curious and would like to talk to all the property owners back there and make sure they are well aware of it.

President Waldron thanked Mr. Fernstrom and Mr. Tracy for joining us.

Mr. Fernstrom and Mr. Tracy thanked Council for their time.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Contract – Land-Tech Enterprises, Inc. – Rose Garden Improvements*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-176 that authorized to execute contract with Land-Tech Enterprises, Inc. for work related to the Rose Garden Improvements.

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

B. *Approve Intermunicipal Liquor License Transfer – Two Farms, Inc. d/b/a Royal Farms – 2355 Avenue A*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-177 that authorized approval for the proposed transfer of Pennsylvania restaurant liquor license no. R-12146 (currently held by Louie's Restaurant) by Royal Farms to restaurant facilities within the City of Bethlehem to be located at 2355 Avenue A, Bethlehem, Pennsylvania.

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

C. *Approve Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association – 2020 Christmas Huts on Main*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-178 that authorized to execute a Use Permit Agreement with the Greater Lehigh Valley Chamber of Commerce, by and through its Downtown Bethlehem Association, for the Christmas Huts on Main Street.

Mr. Reynolds believes that the Council and the Administration have a lot of sympathy for what is going on in our downtown with the difficulties. He knows the different processes we have to approve different permits they exist for a reason. The Mayor has been fantastic in helping out these businesses when he can saying yes to everything that he can he does believe from the general process that occurs is often times there is a lot of running around City Hall to get things approved in different departments. We know that the people that run these events are tired and stressed and are being pulled in different directions. All of our rules exist for good reasons but is a good thing for our City Hall employees to really have an understanding about how stressed and how much time this important paperwork takes within City Hall as we are going through a few difficult months with being busy and difficult for business. He knows the Mayor and Administration have been supportive and it takes a lot of time to get everyone to sign onto things. When and if at all possible if we are able to streamline the process for these events in any way we can it would be a benefit to our downtown and the staff that are working on these.

President Waldron noted it sounds like Mr. Reynolds is saying it is easier to ask for forgiveness than permission sometimes.

Mr. Reynolds stated no.

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

D. Certificate of Appropriateness – 217 East Church Street

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-179 that granted a Certificate of Appropriateness to install a detached, ground level patio/deck at 217 East Church Street. The applicant wished to review the recommended changes from the September HARB meeting and propose changes to the previously approved decking materials.

President Waldron remarked this is the Certificate of Appropriateness that was referenced with the previous caller Mr. Brown. He called in to discuss his deck. He and his contractor installed a deck with some modifications after the supplies were already purchased that the Historic Architectural and Review Board wanted to change. President Waldron has seen the deck and it looks great. Essentially the issue is that the width of the board is 5" and the Historic Architectural and Review Board had recommended a 3 1/8" or a 3 3/8 "board in width. The color and aesthetic are the same. The question is if this is historically appropriate to allow that 5" board as opposed to the more narrow board that was recommended by the Historic Architectural and Review Board. President Waldron has seen the deck and he thinks it looks great and they are doing a fine job over there. He added that sometimes we have to be a little bit flexible especially after the fact it there is an honest mistake made. It would be his recommendation to allow the wider board and not force the homeowner to scrap what is on there for a more narrow board that essentially is the same aesthetic.

Ms. Negrón agrees with the statement made by President Waldron but she does have a question about the process. So they had to pull permits to start working on this.

President Waldron does not know.

Ms. Negrón informed this reminds her of the New Street Garage restaurant, Zest where even though this is different where he actually knew he was not supposed to build higher but he never went to the Historic Architectural Review Board. He got permits and it was a mistake from someone in the city that passed through getting permits and missed that this was supposed to go to the Historic Architectural Review Board first. He already spent the money and did it so we just let it go. She is wondering if this is what happened again that they got permits and got through the process of starting to build something and someone missed the piece that the Historic Architectural Review Board needed to be involved.

President Waldron does not know the answer to that. He noted that Mr. Brown did say that he went to the Zoning Hearing Board because he needed relief because the deck was close to the side alley. However President Waldron does not know if he needed a building permit for the deck based on the size and dimension because it is a very low standing deck and not very large. He does not know what triggers that, this is the question. When you go to the city and apply for a building permit and you are in a historic district should that automatically be flagged that you need the Historic Architectural Review Board or the Historic Conservation Commission approval in addition. President Waldron does not know if we have that information and is there a way to make sure that we do not keep having these issues where people come back after the fact.

Ms. Negrón informed that is what she means. She did not mean for President Waldron to answer that question, this is a question for the city. She wonders if we are missing something, there seems to be a missing loop in here. Just like it happened with the Zest restaurant, or with Benner, this individual had spent money and purchased material and now it would double the expense for them.

Mr. Evans explained he has talked to Alicia Karner on the phone and she will check that. She is not aware of it right now whether they came in for a permit on that deck, that question cannot be answered right now. He can say what is in the works right now; we had some turnover with our GIS Manager that does the mapping, the geographic mapping on our software. When that person left that position to take a position with the Commonwealth we did fill the position recently. At the top of the list has been to get that tied to our application database software, Community Plus. That is so when someone comes into the Community Development Department for an application for a permit for a reason like that, then it would immediately be flagged; exactly what Councilwoman Negrón is talking about. It is a customized computer program from our programmer and our GIS networker. It is at the top of our priorities from an IT perspective so we can support the Community Development Department if that did in fact happen. Mr. Evans noted when the resident called earlier he thought that may have occurred. We will check to see what occurred on the backside and we are working to put those automations in place so this does not happen again.

Ms. Negrón stated she would appreciate that. Just like we did for Mr. Benner, even though he knew he was not supposed to go higher we allowed him to keep it, we should do the same with this resident with his deck.

Mr. Colón asked if the deck is to the rear of the property.

President Waldron stated if you stand on Church Street it is to the right of the property and it runs parallel to the alley which he believes is School Street.

Mr. Colón queried if we can see it from Church Street.

President Waldron stated yes.

Mr. Colón mentioned in the past we have gone against the Historic Architectural Review Board's recommendations before in terms of granting or denying certificates of appropriateness. He might be misremembering but he does not remember ever making an amendment to a certificate of appropriateness. In this case he would support allowing this project to proceed forward as they have been doing already. He queried if that would be making an amendment like we would for anything else that comes in front of us and just striking that number 1 (in the Historical and Architectural Review Board document attached to the resolution) off of the certificate of appropriateness then moving forward with the rest of it as it reads.

President Waldron stated he would turn to Solicitor Spirk for that answer. We have a resolution in front of us but is the backside of that resolution which is the recommendation from the Historic Architectural Review Board and are we able to amend that recommendation or can we only amend the front of the resolution.

Solicitor Spirk informed you are just amending your resolution because they only make a recommendation. You could make something entirely new up if you wanted to, it is up to what Council wants to do.

President Waldron asked if Solicitor Spirk has the resolution in front of him, it is the back page.

Solicitor Spirk stated he has the resolution in front of him.

President Waldron remarked if you look at line item 1 they are recommending which products to use for the deck flooring and it would be as simple as putting a comma in and allowing 5" Trex porch flooring.

Solicitor Spirk informed that is correct.

President Waldron explained that would be one of the approved recommended flooring surfaces.

Mr. Colón stated he would support an amendment to the resolution to allow for that 5" wide plank for the deck.

President Waldron remarked we need to be specific in our language, the brand that Mr. Brown has purchased and installed is Trex and it is a 5" width. Clearly you can see the Historic Architectural and Review Board take care in their brand and specification on width. It would be important to match that. So essentially we would be looking for a motion and a second to add that verbiage which would be a Trex 5" porch flooring.

Ms. Negrón and Mr. Callahan made the motion.

Ms. Crampsie Smith wonders the rationale with the Historic Architectural Review Board in why the difference in inches. She wondered if it is aesthetic or a structural issue.

President Waldron believes it would probably be more historically appropriate. He would imagine historically more narrow boards were used because they were made of wood and easier to source and less expensive. When you are making a composite board there is really no additional cost because you are making everything out of a pulp so you can make a board that is wider and installation goes faster because there are less boards. So structurally it would be insignificant, it would be more about the aesthetic which is more historically accurate.

Dr. Van Wirt commented normally when it comes to the aesthetics of the historic district she is very differential to the Historic Architectural Review Board and under other circumstances would have insisted that this is the mistake of the contractor and the contractor should remediate the mistake because they did not seek the appropriate approval. However, she will echo what Ms. Negrón said and that is what her feeling was about this. If we are going to allow a business to escape the direct recommendations and remediation of the mistake by not honoring what the south side Historic Conservation Commission mandated for Zest restaurant then she feels we cannot hold homeowners to a different standard and so should let this go. Dr. Van Wirt will be voting for the amendment to allow the Trex boards but she hopes we can close this loophole quickly so these mistakes stop happening. She does not want other homeowners to make a mistake and then say well you let this guy go through you have to let me go through and so on and so forth. This has to be nipped quickly. She will support the amendment for the Trex 5" boards.

Mr. Reynolds added he goes by this home a lot and he does think his comments today were helpful as well. He was clearly somebody that respects the process and wants to do the right thing. If you are familiar with this property it is not just the deck but it does matter they have done other things. It is prominent when you go down Church Street; they put a lot of work into it and made the house look a lot better than it did prior to them living there. That matters overall in these conversations. Mr. Reynolds reiterated that Mr. Brown's comments matter as far

as what is his respect for the process and his level of detail in explaining this. Mr. Reynolds will be supporting the new language as well that we will add.

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

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

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

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

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

E. Certificate of Appropriateness – 77 West Broad Street

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-180 that granted a Certificate of Appropriateness to install an air conditioning unit attached to the front façade of the building at 77 West Broad Street.

F. Certificate of Appropriateness – 445 High Street

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-181 that granted a Certificate of Appropriateness to replace two windows; one door, clapboard siding, and wood trim with like materials at 445 High Street.

G. Certificate of Appropriateness – 523 Main Street

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-182 that granted a Certificate of Appropriateness to install vinyl signage in two storefront windows at 523 Main Street.

H. Certificate of Appropriateness – 27 East Church Street

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-183 that granted a Certificate of Appropriateness to install a stained-glass window, of a Bethlehem Star, in the front door at 27 East Church Street.

I. Certificate of Appropriateness – 64 East Wall Street

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-184 that granted a Certificate of Appropriateness to construct a garden house/shed at 64 East Wall Street.

J. Certificate of Appropriateness – 523-525 Main Street

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2020-185 that granted a Certificate of Appropriateness to propose a new first/ground floor storefront treatment that is more in character with the upper stories, yet retains the original façade concept. New masonry arches are

repeated and the existing storefront is retained at 523-525 Main Street.

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

11. NEW BUSINESS

Rescheduling First City Council Meeting in November to Wednesday, November 4, 2020

Dr. Van Wirt and Ms. Negrón moved to reschedule the first City Council Meeting in November to Wednesday, November 4, 2020 at 7:00 PM in Town Hall, since Tuesday, November 3, 2020 is Election Day.

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

President Waldron stated the First City Council Meeting in November has been rescheduled to Wednesday, November 4, 2020 at 7:00 pm in Town Hall.

Finance Committee Meeting

Chairman Reynolds announced a Finance Committee Meeting on Tuesday, October 27, 2020 at 6:00 PM in Town Hall. The subject is various COVID funding.

Community Development Committee Meeting

Chairwoman Van Wirt announced a Community Development Committee Meeting will be held on Thursday, October 22, 2020 at 6:00 PM in Town Hall. The subjects will be (1) Zoning Ordinance text and map amendments related to the proposed creation of a Student Overlay District and including other provisions to address student housing and revising certain dimensional requirements and accessory structure regulations; and (2) The 2020 Financial Accountability Incentive Reporting Hearing in connection with the Article 349 Economic Development Incentive Reporting and Evaluation Program.

Library

Ms. Negrón stated she wanted to make a comment about the Library. She is totally exhausted and to her it is very frustrating to hear individuals talk about COVID as if it was all over. She has talked with over 100 people who have had COVID or have lost a family member due to COVID. It is still with us, the numbers in Pennsylvania and the Lehigh Valley are still going up. She is also not just the Council liaison for the Library but she is also on the Governor Advisory Council on Libraries and from the beginning we created a plan, the state has created a plan for libraries. As we were moving from yellow to green there were protocols and every library across the state were following them, according to whatever stage they were in. The numbers are not going down, they are going up and we have to be safe. The Library has 90% of the services still going, and anyone is welcome to the Library Board Meetings. We on Council get the reports. They are still working, not just making phone calls and checking our books and picking them up but even using computers. They are still in need and are being very careful

about sending on person at a time with spaces between them and there has to be a lot of cleaning afterwards. This is still a pandemic. The Library is open and they are doing services and the weather has been great so they could do things outside. Every time she drives past the south side she sees staff in the door giving books out, they are functioning. Something you need to remember that happens in our libraries are a few things. Libraries have always been the place where many individuals are homeless whether it has been too hot or too cold. Ms. Negrón has been on the Library Board for years and we have talked about this and have accommodated the homeless understanding they do not have a place to go. We allowed them to be there and made rules of safety. This is something that worries us, what is going to happen to them. The plan is there, next week it will continue. Her opinion is way too soon; way too fast because the numbers are not going down, the COVID numbers are going up. They will start making reservations and making phone calls and allow a certain number inside so they can walk around and choose books, if that is the need. She feels worse when she thinks about the businesses, it breaks her heart. She tries to do curbside pickup but she gets scared when she sees so many people together and sitting too close not wearing a mask. She is talking with families that have had COVID and what they are doing after being hospitalized, this is very real. Ms. Negrón hopes people will be patient and safe.

Human Resources and Environment Committee Meeting

Mr. Callahan asked Mr. Vidoni if the committee members of the Human Resources and Environment Committee have gotten back to him about the dates he had sent out.

Mr. Vidoni stated he received one response that the dates did not work.

Mr. Callahan asked Mr. Vidoni to send out three new dates. He has good news on the wage equity ordinance. He spoke to several lawyers and he was told by all of them it is not the city's job to adjudicate the law, it is our job to pass the ordinances to make it illegal to ask women what they made at previous jobs and not to prosecute or adjudicate it. In order to do some homework and have some backup plans he spoke to Northampton County Executive Lamont McClure and he also spoke to President Ron Heckman and Councilwoman Tara Zrinski and he will forward to everyone on Council the next month an ordinance from Northampton County to establish a Northampton County Human Relations Commission. According to Councilwoman Amy Zaneli, Lehigh County will also be doing the same to deal with any types of issues dealing with human relations. Mr. Callahan added he spoke to Executive McClure and it is budget neutral and it is all by volunteers. Mr. Callahan stated he will be one of the volunteers and he has three other people that will volunteer. He believes that Ms. Zrinski is also interested in it. If Dr. Van Wirt and Councilwoman Negrón could agree to have a meeting he would like to add an amendment saying that if it needs to we can bypass the City of Bethlehem Human Relations Commission and go straight to the Counties. There will be a Human Relations Commission for Northampton County and for Lehigh County. Also he had a discussion with Solicitor Spirk. Mr. Callahan wanted to check with the Ethics Board out in Harrisburg. The average fee for representation in front of a District Justice is \$500 dollars according to several lawyers and the Northampton County Bar. He talked to Solicitor Spirk on the legality of providing some seed money to help provide legal counsel to the first four complainants. Mr. Callahan does not think we will have four complainants in the first year according to what he has heard but he is willing if the Ethics Board allows it from a PAC he would donate. He does think this is important for minority women that he will donate \$2,000 from his PAC to provide seed money for the first four

complainants after it goes to the Northampton County and Lehigh County Human Relations Commission and they rule on it and again he will be sitting on the Northampton County Human Relations Commission with others who are interested in volunteering for it. He asked if Solicitor Spirk has found out the legality of a PAC donating for seed money for representation or if necessary he would donate \$2,000 from Callahan's Driving School if it is not legal from a PAC.

Solicitor Spirk stated he did speak to your lawyer about that and he indicated he would be in touch with you to do the research and give his opinion. He thought it would be more appropriate to come from someone advising you personally in your campaign personally.

Mr. Callahan added as a third layer of protection he also has two lawyers from Northampton County Bar Association that he will share the names of with President Waldron and Vice-President Colón that will represent anyone who needs representation for this law being violated pro bono. They do not want their names out there because they do not want everybody coming to them. He did ask them if he could share their names with the President and Vice-President of Council and they were fine with that also. Mr. Callahan did a little homework on this. He does not know why he has not heard from Councilman Colón on why the Bethlehem Human Relations Commission wants to do that but he is interested in going to those meetings in the future. He apologizes about the last meeting, he is raising his children on his own and that meeting was held on a date his daughter had dinner reservations that night and he unfortunately could not make it. Mr. Callahan stated he will attend all future meetings if possible and he appreciates everybody's help. He mentioned to Dr. Van Wirt and Councilwoman Negrón that he has an amendment he would like to add to the wage equity ordinance that helps protect minority women and members of the LGBT community. He would like have a Human Resources and Environment Committee Meeting sometime before the end of the year if that is possible.

Parklets

Ms. Crampsie Smith thanked the Mayor and the Administration for being flexible and considerate for the small businesses and for expanding the use of the parklets. She has been talking to a lot of small business owners and it is just a very dire situation right now. Ms. Crampsie Smith is grateful that the Mayor and the city is willing to do anything they can to help them. Small businesses as we know are a huge part of the heart and soul of the city and with the Christmas season coming up and with the fact that we are the Christmas City she hopes that we have good weather and we can keep things going and get people downtown both on the north and on the south side. She concurs with Mr. Reynolds in speaking with some of the business owners and the people who represent them it would be helpful if those that are in charge with dealing with the licenses and permits realize we are all in this together and be as flexible as possible.

Human Resources and Environment Committee Meeting

Mr. Callahan asked Mr. Vidoni if he could also copy on all future dates of the Human Environment Committee Meeting emails that we send out, send everyone on Council those emails. He appreciates the support of Councilwoman Crampsie Smith on this and if she has a chance he would hope she can come to the meeting, he would appreciate her views on this.

Parklets

Mr. Reynolds echoed what Ms. Crampsie Smith said to the Mayor, he wanted to thank the Mayor and the Administration, Mr. Evans, Mr. Alkhal, and Ms. Karner. He knows that sometimes City Council wants and asks for things and sometimes the actual mechanics of it do not fall on us because we have other full time jobs. The flexibility there is greatly appreciated with everybody including Mr. Alkhal who is very, very busy this time of year. He just wanted to say thank you. Also, he wanted to thank the Mayor for showing potential flexibility depending on how the weather goes in the next month or so. He certainly thinks there is the possibility if some stop using the parklets and maybe we could pick up some of them and a few of them still say out if people find a way to use them but we can figure that out.

President Waldron noted the next Council Meeting will be after the election.

12. ADJOURNMENT

The meeting was adjourned at 9:00 pm.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk