

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, October 1, 2024 – 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

President Colón called the meeting to order. Present were Hillary G. Kwiatek, Colleen Laird, Rachel Leon, and Kiera Wilhelm, and Michael G. Colón 5; Absent were Bryan G. Callahan and Grace Crampsie Smith, 2.

President Colón reminded that Mr. Callahan mentioned last meeting that he would not be attending tonight because he is traveling, and Ms. Crampsie Smith was unable to attend because of the loss of a family member.

President Colón also announced that, at the Administration's request, agenda Item 7B1 involving the Human Relations Commission appointment will be deleted from tonight's agenda.

2. APPROVAL OF MINUTES

September 17, 2024

3. PUBLIC COMMENT

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

Scrutinize Garage Façade Plans

Resident Bruce Haines said that with the announcement this week of reconstruction of the Walnut Street Garage, he wanted to see if there would be a review of façade features. When Council approved the Certificate of Appropriateness (COA) for the project, he believes the primary focus was on the garage height. Meanwhile, façade features including color and other design characteristics were not fully vetted. He believes there was an assumption that this matter would return to HARB for consideration and later Council to scrutinize façade elements for compatibility with the neighborhood. This has not happened. He believed this should be done before construction begins.

Lead Water Pipe Replacement

Resident Mary Jo Makoul referred to a recent news article about the Bethlehem Area School District and its lack of testing in lead for its water supply. She noted that some federal funding is available and wondered whether funding could be obtained for the schools and City purposes. She also wondered whether testing for safe water levels is done only where the water leaves the plant or if it is also done at other locations after it has traveled through City pipes as well.

Return Neighborhood Patrols

Resident Janet Barry was concerned about last week's fatal shooting in the East Hills neighborhood. She praised a swift police response but pleaded for a return of neighborhood patrols, believing this to be a proactive approach to be a deterrent to crime.

Live Peaceably

Resident Arthur Curatola said that he will be running as a write-in candidate for Mayor in the next election. He encouraged all to live in peace and harmony.

Smoking Concerns

Resident Ed Rodriguez raised safety concerns about a neighbor at Holy Family Apartments smoking cigarettes regularly while using oxygen. The smoke also travels into his apartment. He has complained to the management to no avail. He also believes that the U.S. Department of Housing and Urban Development, which regulates Holy Family, banned smoking years ago.

President Colón said that City department heads are present and will be available after the meeting if Mr. Rodriguez or anyone else wants to further discuss concerns. He said he was not familiar with HUD regulations or tenants' rights.

Skip Street Conversions

Resident Frank Barron referred to the Capital Improvement Plan for 2025-2029. This includes costs associated with converting Linden Street from a one-way street to a two-way thoroughfare. This would cost \$2 million if completed in 2025. The same is envisioned for Center Street with a cost that has not been estimated. The conversion has been planned since Bethlehem Steel closed in 1995. The loss of workers no longer makes these one-way streets the best option. Mr. Barron, however, does not see the cost benefit to making these conversions and believes the money could be better spent on street overlays.

Speak Out

Resident Harry Faber quoted Sophie Scholl who was executed in 1943 for being a part of a student resistance group against Adolf Hitler and the Nazis. He continued to encourage similar efforts to speak out against genocide in the Middle East. He understands that City Council cannot play a major direct role but believes it can pressure the county, state and federal government to do more. He encouraged all to speak out about the atrocities.

Parking Ticket Complaint

Resident Juliet Rose said she was disgruntled about receiving a \$15 ticket from the Bethlehem Parking Authority (BPA). Her food pickup took longer than expected, and she was parked in one of the newly-classified short-term parking zones.

President Colón said the BPA has its own website that lists its board meetings at which she could raise her concerns.

Lehigh River Concerns/City Hall Hours

Resident William Scheirer noted a listing of the Lehigh River as being the seventh-most endangered rivers in the United States by American Rivers. The organization states the threat is harmful development. Mr. Scheirer also said there seems to be a difference in the stated hours in which City Hall is open and the time in which the public may enter. He was told by the Service Center that hours are 8 AM until 4:30 PM. But he has learned that the doors get locked at 4:15 PM. He believes a change was made several months ago. This is misleading and he believes it shows disrespect for the taxpaying residents of Bethlehem.

Protecting Dogs

Resident Terry Kloiber observed that seat belts are mandated for humans but not for dogs. Sudden stops or accidents may catapult a dog out of a vehicle window or against a dashboard. She suggested that law mandating restraints for dogs should be considered.

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

“Demolition by Neglect”

Resident William Scheirer discussed Item 10D. regarding the demolition of a single-family home at 330 East Fourth Street. He believes there was a bad mold problem, so he understands why the HCC voted to permit the demolition. But he would not want to see “demolition by neglect”, meaning that an owner can get the approval to raze a structure simply by letting it deteriorate badly enough until the City would have to say yes. This could be prevented by requiring that if a building is vacant, it must be maintained. He recognized that this would require more code enforcement resources. He also suggested that an owner’s real estate tax could be doubled if a building remains vacant for more than a certain period of time.

4. OLD BUSINESS

- A. Members of Council

Ms. Wilhelm

Ms. Wilhelm followed up on comments made at the last Council meeting regarding parking. As the liaison to BPA, she spoke with the public commentor and with BPA Executive Director Steven Fernstrom. Concerns primarily related to information and education about the change in rules to some parking zones. BPA’s website, bethpark.org, offers information. Helpful and informative information also is offered via social media. She also added that BPA is in the middle of its process of providing signs to mark and explain the new regulations. The full process is not done yet.

- B. Tabled Items

C. Unfinished Business

5. NEW BUSINESS

Ms. Leon

Ms. Leon asked Police Chief Kott for an update on the fatal shooting alluded to earlier in the meeting.

Chief Kott said the event was a drug deal gone bad. It occurred on the roadway in front of Gov. Wolf Elementary School. The 17-year-old suspect was arrested within 24 hours.

Ms. Laird

Ms. Laird was unsure what the process is to officially refer reviews back to HARB but she recalls her remarks the night of the COA vote and she did ask for later discussion about façade elements even if in an informal manner. She would like to see where that stands and what can still be done to consider requiring changes before construction.

President Colón said he has touched base with Council Solicitor Stephanie Steward. HARB and the HCC are given powers by City Ordinance. He does not believe there is a mechanism within the Ordinance, objectively speaking, for the matter to come back before Council for façade planning once Council has approved a COA.

Solicitor Steward concurred. The Ordinance is based on state statute.

Ms. Laird asked if informal conversations are permitted and was told they are.

Ms. Kwiatek

Ms. Kwiatek followed up on the resident's comment about lead pipes.

Director of Water and Sewer Resources Edward Boscola said the City previously was awarded a \$2.8 million grant from PennVest to replace about 400 lead lines. That project has been completed. Different government entities are requiring complete lead line removal from the next 10 to 30 years. That allows time to inventory and remove all of the lead pipes. He believes additional grant funding will be made available. As to school buildings, Mr. Boscola said the regulations have put the onus on the school districts to remediate lead in the schools in terms of lead service lines and fixtures.

Ms. Laird asked whether the Health Bureau has any kits for anyone wondering about their home's water readings or lead paint.

Director of Nursing Benay Berger said the City has several programs. The Lead and Healthy Homes inspects for lead in homes and offers abatement. Mobile vans offer lead testing for children through blood samples. Others exist.

6. COMMUNICATIONS

A. *City Solicitor – Use Permit Agreement – ArtsQuest – 2024 Ice Rink at SteelStacks*

The Clerk read a September 25, 2024 memorandum from City Solicitor John F. Spirk, Jr. with an attached Use Permit Agreement and a Resolution. The Permittee is ArtsQuest and the activity is the 2024 Ice Rink at SteelStacks. The Agreement specifies event times and the duration for use from November 22, 2024 through January 1, 2025. The premises is 1st Street from Founders Way to the eastern terminus.

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

B. *Director of Community and Economic Development – Memo – PRO-Housing Grant*

The Clerk read a September 25, 2024 memorandum with an attached Resolution from Laura Collins Director of Community and Economic Development. Ms. Collins seeks authorization to apply for up to \$7 million from the U.S. Department of Housing and Urban Development's Pathways to Removing Obstacles to Housing grant program. Funding received would assist with the implementation of the Opening Doors initiative.

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

C. *Director of Planning and Zoning – Memo – Capital Improvements Plan 2025-2029*

The Clerk read a September 17, 2024 memorandum from Darlene Heller, Director of Planning and Zoning, with the attached the 2025-2029 Capital Improvement Program. At its September 12, 2024 meeting, the City Planning Commission unanimously voted to recommend approval of the Capital Plan.

President Colón stated that a Committee of the Whole meeting has been scheduled for 6 PM on October 15, 2024 to review the Capital Improvements Plan.

D. *City Solicitor – Memo – Records Destruction*

The Clerk read a September 25, 2024 memorandum with a proposed Resolution from City Solicitor John F. Spirk, Jr., requesting the Destruction of Records from his department. Solicitor Spirk has reviewed the Municipal Records Retention Act, and the records listed on the exhibit accompanying the memo fall within the categories where destruction is permitted.

President Colón stated that a Resolution will be placed on the October 15 City Council agenda.

7. REPORTS

A. *President of Council*

None.

B. *Mayor*

Business Administrator Eric Evans had nothing to report in the absence of Mayor Reynolds.

C. *Finance Committee – Ms. Kwiatek*

Ms. Kwiatek announced that the Finance Committee met earlier this evening. The Committee reviewed 11 proposed budget adjustments and authorized that they be sent to Council for consideration this evening.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

A. *Bill No. 33-2024 – Bill No. 33-2024 Chamber Planter Project – Budget Adjustments – General Fund Budget*

The Clerk read Bill No. 33-2024 Chamber Planter Project – Budget Adjustments – General Fund Budget, sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
GENERAL FUND BUDGET FOR 2024

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and President Colón, 5. Bill No. 33-2024 passed on First Reading.

B. *Bill No. 34-2024 – Bill No. 34-2024 Professional Services – Budget Adjustments – General Fund Budget*

The Clerk read Bill No. 34-2024 Professional Services – Budget Adjustments – General Fund Budget, sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE GENERAL FUND BUDGET FOR 2024.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and President Colón, 5. Bill No. 34-2024 passed on First Reading.

C. *Bill No. 35-2024 – Bill No. 35-2024 PHARE-Alley House Consultant – Budget Adjustments – General Fund Budget*

The Clerk read Bill No. 35-2024 PHARE-Alley House Consultant – Budget Adjustments – General Fund Budget, sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE GENERAL FUND BUDGET FOR 2024.

Ms. Kwiatek learned at the Finance Committee meeting that this item involves a pass-through of grant money to a Lehigh University project. Since Lehigh University is her employer, she would recuse herself from this matter. She added that Item 9F. also involves Lehigh, but she has been advised by Solicitor Steward that this would not be a conflict of interest because the money flows in the opposite direction. She will not be recusing herself on this matter.

Ms. Wilhelm announced that she also is a Lehigh University employee and would be recusing herself from 9C.

President Colón asked Solicitor Steward if these intended actions would still provide a quorum sufficient to vote on these matters.

Solicitor Steward said no. With two members absent and two others recusing themselves, that would leave three voting members instead of the required four to constitute a quorum. Instead, she advised that a member who would otherwise recuse themselves can vote when legally required to meet a quorum. This is the case tonight. They may vote on this matter because a quorum could not otherwise be reached.

City Solicitor John F. Spirk, Jr. concurred.

Ms. Kwiatek withdrew her intention to recuse herself as did Ms. Wilhelm.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and President Colón, 5. Bill No. 35-2024 passed on First Reading.

D. *Bill No. 36-2024 – Bill No. 36-2024 Women’s Health Services – Budget Adjustments – General Fund Budget*

The Clerk read Bill No. 36-2024 Women’s Health Services – Budget Adjustments – General Fund Budget, sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE GENERAL FUND BUDGET FOR 2024.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and President Colón, 5. Bill No. 36-2024 passed on First Reading.

E. *Bill No. 37-2024 – Bill No. 37-2024 Project Lifesaver – Budget Adjustments – General Fund Budget*

The Clerk read Bill No. 37-2024 Project Lifesaver – Budget Adjustments – General Fund Budget, sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE GENERAL FUND BUDGET FOR 2024.

Ms. Kwiatek reminded that all of the discussed Ordinances for budget adjustments were discussed at tonight's Finance Committee meeting. This one would fund training and equipment for all Northampton County police departments to help track mental health and older patients who wander.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and President Colón, 5. Bill No. 37-2024 passed on First Reading.

F. *Bill No. 38-2024 – Bill No. 38-2024 Lehigh Accessory Dwelling Unit – Budget Adjustments – General Fund Budget*

The Clerk read Bill No. 38-2024 Lehigh Accessory Dwelling Unit – Budget Adjustments – General Fund Budget, sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE GENERAL FUND BUDGET FOR 2024.

Ms. Kwiatek offered that these funds will be used for a consultant to assist in modifying the Zoning Ordinance and related community engagement.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and President Colón, 5. Bill No. 38-2024 passed on First Reading.

G. *Bill No. 39-2024 – Bill No. 39-2024 Friendship Park Improvements (Community Project Funding) – Budget Adjustments – 2024 Capital Budget for Non-Utilities*

The Clerk read Bill No. 39-2024 Friendship Park Improvements (Community Project Funding) – Budget Adjustments – General Fund Budget, sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

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

Ms. Kwiatek noted that this and Item 9I. are grant funds to help support big improvements to Friendship Park. These two alone with help pay about two-thirds of the total cost.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and President Colón, 5. Bill No. 39-2024 passed on First Reading.

H. *Bill No. 40-2024 – Bill No. 40-2024 Local Share Account (sidewalks) – Budget Adjustments – 2024 Capital Budget for Non-Utilities*

The Clerk read Bill No. 40-2024 Local Share Account (sidewalks) – Budget Adjustments – 2024 Capital Budget for Non-Utilities, sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

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

Ms. Leon said these grants allow for improvements in the business district but also for increased accessibility for ADA compliance. These are extremely expensive, especially if it falls on the responsibility of the business owner. Grants like these really help the small business community and accessibility in general.

Ms. Kwiatek said this will cover Fourth Street from New to Broadway.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and President Colón, 5. Bill No. 40-2024 passed on First Reading.

I. *Bill No. 41-2024 – Bill No. 41-2024 Friendship Park Improvements (Outdoor Recreation Legacy) – Budget Adjustments – 2024 Capital Budget for Non-Utilities*

The Clerk read Bill No. 41-2024 Friendship Park Improvements (Outdoor Recreation Legacy) – Budget Adjustments – 2024 Capital Budget for Non-Utilities, sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

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

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and President Colón, 5. Bill No. 41-2024 passed on First Reading.

J. *Bill No. 42-2024 – Bill No. 42-2024 HOME – Budget Adjustments – 2024 Capital Budget for Non-Utilities*

The Clerk read Bill No. 24-2024 HOME – Budget Adjustments – Community Development Block Grant Budget for 2024, sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,

COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET
FOR 2024

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and President Colón, 5. Bill No. 42-2024 passed on First Reading.

10. RESOLUTIONS

A. *Approve Use Permit Agreement – ArtsQuest – 2024 Ice Rink at SteelStacks*

Ms. Leon and Ms. Crampsie Smith sponsored Resolution No. 2024-219 that authorized to execute a Use Permit Agreement with ArtsQuest for the 2024 Ice Rink at SteelStacks.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. The Resolution passed.

B. *Approve Resolution – 2024 PRO-Housing Grant*

Ms. Leon and Ms. Crampsie Smith sponsored Resolution No. 2024-220 that authorized and directed that City officials as deemed appropriate by the City Solicitor to execute all application forms necessary to apply for up to \$7 million from the U.S. Department of Housing and Urban Development's Pathways to Removing Obstacles to Housing grant program to assist with the implementation of the City's Opening Doors initiative. Be it FURTHER RESOLVED that appropriate City officials shall be authorized to execute all necessary documents and agreements.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. The Resolution passed.

C. *Approve Resolution – Community Development Block Grant – Parks and Playgrounds – Budget Adjustment*

Ms. Leon and Ms. Crampsie Smith sponsored Resolution No. 2024-221 that authorized that the remaining funds from the South Side Parks and Playgrounds account are being transferred to 2020 Housing Rehab-Grants/Loans account. This transaction will not amend the total Community Development Block Grant Fund.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. The Resolution passed.

D. *Certificate of Appropriateness – HCC – 330 East Fourth Street*

- Ms. Leon and Ms. Crampsie Smith sponsored Resolution No. 2024-222 that authorized to demolish the existing single-family dwelling to construct a 3 1/2-story mixed-use structure, with commercial space on the first floor and four 2-bedroom dwelling units above at 330 East Fourth Street.

Ms. Leon said she always dislikes seeing demolition within the South Side Historic District because so much already has been removed, this property obviously is in need of demolition. Still, she takes Mr. Scheirer's point about "demolition by neglect." This applicant did not own the property very long and is not responsible for its condition getting to this point. Still, "demolition by neglect" is worth watching and considering.

Ms. Laird asked Ms. Collins what guidelines exist for unoccupied structures. She knew they do not require occupancy permits if no one is living there. But she wondered what safeguards the City has in place to try to avoid this deterioration.

Ms. Collins said the biggest tool is the blight process. In terms of vacant properties generally, complaints also come involving the exterior appearance including tall grass, strewn trash, etc.

Ms. Kwiatek echoed the sentiments that she does not like to see "demolition by neglect," but the condition of this property has gone too far. She also noted that it will bring a few housing units. She asked the solicitors if the City is permitted to inspect unoccupied buildings. Could this be added? For example, the City inspects regulated rental properties every three years.

Solicitor Steward that regulated rentals are different because of unit turnover and owners profiting from the properties. One issue for standard properties is how does the City know that a property is vacant. How do you define a vacant property?

Solicitor Spirk added that just because a property is vacant does not mean that there is something amiss. A property could be purchased for future use and there may be nothing wrong in doing so as long as the property is otherwise kept up.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. The Resolution passed.

11. ADJOURNMENT

The meeting was adjourned 8:27 PM.

ATTEST:

Tad J. Miller
City Clerk