

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

PLEDGE TO THE FLAG

1. ROLL CALL

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

Additional Communication 6 G

President Colón noted we received an additional Communication. The Clerk read Communication 6 G into the record.

6 G. Zoning Map Petition-119 Technology Drive

A February 2, 2023 rezoning Petition signed by Kevin Serfass of Serfass Development & Acquisitions requesting an amendment to the City's Zoning Map involving 119 Technology Drive. The current zoning for this property is Industrial Redevelopment. The request is to change the zoning classification to become part of the adjacent Central Business District. The proposed development, if rezoning is granted, is a 240-unit, six-story apartment building.

PUBLIC HEARING

President Colón stated 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 No. R-18119 from Everything is Beautiful, Inc., 665-669 Northampton Street, Easton, Northampton County to 29 Trembley Drive, Bethlehem, Northampton County, Pennsylvania. President Colon noted that a December 19, 2022 letter that requested the liquor license transfer was read into the Council record during the January 3, 2023 City Council Meeting.

Attorney Anthony Brichta of Norris, McLaughlin Attorneys at Law was present to represent the applicant, Lehigh University. Michael Todd, Vice President of Finance Administration, represented Lehigh. Attorney Brichta said the applicant is CUC Holdings which wishes to transfer the license now held by Everything is Beautiful, Inc. in Easton to 29 Trembley Drive in Bethlehem, which is Lehigh University's University Center. This building is undergoing extensive renovations. CUC Holdings is a wholly-owned subsidiary of Lehigh University. The reason that the liquor license transfer is sought is because one was not available within Northampton County in the City. The primary objective of tonight's Public Hearing is to determine whether this transfer would adversely affect the health, safety and general welfare of the community. The intention is to operate an on-campus restaurant and pub. A pub menu would be offered along with limited alcohol options (beer and wine only). Attorney Brichta provided three exhibits to orient Council where the University Center is located and to show a depiction of

the pub. He added that the alcohol is for on-site consumption only. No alcohol would be sold for takeout. The hours of operation would be 11 a.m. to midnight Mondays through Thursdays, 11 a.m. to approximately 2 a.m. on Fridays and Saturdays, and 11 a.m. to 11 p.m. on Sundays, depending on what events were scheduled. Everyone associated with the license and serving would be RAMP certified, Attorney Brichta said. All state liquor laws would be followed, including identifying all patrons to be served. Adequate security measures will be taken including personnel and cameras.

Council Comment

Ms. Leon wanted to confirm that alcohol served would be limited to the premises and would not be sold at sporting events.

Attorney Brichta said that was correct. The defined premises outline is shown on Exhibit A-2.

Ms. Leon asked whether the bar would be open to the public or just staff and students.

Attorney Brichta said the bar would be open to the public, although he believed most patrons would be associated with the university.

Ms. Leon asked the Administration whether the site is zoned to allow use of a liquor license.

Director of Economic Development Laura Collins said she did not believe that the Zoning Office has discussed this with the applicant. She believed the zoning district is Institutional and she believed that taverns are permitted, but restaurants are not.

Attorney Brichta said it is his understanding that the zoning is appropriate. However, he said the only purpose of this Public Hearing is to transfer the license. Once the license is transferred, the applicant would still have to comply with all zoning regulations and all other requirements.

Ms. Collins said she believed that the Zoning Office has not reviewed the issue. When it gets to that point, she anticipated that questions would be asked including the percentage of alcohol sales. She again said it was her feeling that a tavern would be a permitted use within the Institutional District, but a restaurant would not be. In the latter instance, a variance would be required.

Attorney Brichta said the intent is that the food sales would be higher than 50 percent of total sales.

City Solicitor Spirk said he believed he heard that the facility would be a full-service restaurant with limited alcohol sales. He said this use sounded like a restaurant under the Zoning Code. As such, he did not believe that the use would be permitted. He added that this was a preliminary opinion, not having heard many details from Lehigh.

Mayor Reynolds said the Administration had not previously had conversations about Lehigh's plans and did not know the details of the proposal other than what had been passed along to Council as a communication.

Dr. Van Wirt said she did not know much about liquor license laws. She asked whether Council could still regulate if Lehigh were to be granted the transfer and Lehigh changed its mind to add liquor sales to those of wine and beer.

Attorney Brichta said that under state law, municipalities cannot place restrictions on liquor licenses. This is the jurisdiction of the PLCB. Mr. Brichta said at that point, Lehigh could decide to switch to including liquor sales, but he said it is not their intent to do so.

Dr. Van Wirt asked what a liquor license sells for these days.

Attorney Brichta said it varies as to whether a broker is involved or privately sold. He estimated the cost to be \$250,000 to \$300,000 of late in Northampton County.

Ms. Crampsie Smith asked whether this would be the first liquor license owned by the university.

Attorney Brichta said this would be the first restaurant liquor license. The university has other food establishments, but not ones with liquor licenses.

Ms. Crampsie Smith asked why the sudden interest in the university having a pub that sells alcohol.

Mr. Todd said there is a patron demand and fills a gap on campus. There is an anticipated 2025 opening with the renovation of this area in the University Center. These factors made it an opportune time to propose this project.

Ms. Crampsie Smith asked whether any other colleges within the City own a liquor license.

Mayor Reynolds said he does not believe that Northampton Community College or Moravian University has a liquor license.

Ms. Crampsie Smith asked if Lehigh has considered whether opening this restaurant and pub would adversely affect existing South Side businesses that sell liquor and have a restaurant. Would that compete with existing businesses, especially with the business downturn in recent years from the pandemic?

Attorney Brichta said he did not believe that the proposed venture would have any significant negative effect on the business community. He did not believe it would be "an apples-to-apples comparison" to those South Side businesses.

Dr. Enix inquired about the university's procedures for ensuring that a patron student would be 21, noting that most on campus are undergraduates and under age 21.

Attorney Brichta said that in addition to the RAMP training, all patrons would be identified with the use of scanner to check student IDs. The card scanner is not required, but would be a useful added safeguard.

Dr. Enix asked whether Lehigh has researched whether other universities have started to serve alcohol on campus.

Mr. Todd said that a number of universities within the state and nationally have set up a similar model to what is planned. He added that alcohol safety will be the No. 1 priority.

Dr. Van Wirt asked the seating capacity of the facility. She wondered whether expansion was a possibility.

Mr. Todd said the capacity has not been finalized, but will be known well before completion in 2025.

President Colón asked for a clarification as to whether this would be an expansion of a food facility.

Mr. Todd said there were a number of food options within the University Center. This would update and reconfigure to create food options including the pub and restaurant.

President Colón asked whether events could be held on the lawn, for example.

Attorney Brichta said an owner can only sell on its licensed premises. He added that it is his understanding that there is no intention of providing outdoor service.

Ms. Leon asked the Administration offered that most of the universities that she can think of that offer alcohol have a nonexistent “bar scene” that would compete. She asked Ms. Collins her opinion of how related South Side businesses might be affected.

Ms. Collins said that within the past few days, she has heard from some owners of South Side restaurants and bars. She recognized that those businesses do not have to be notified of the proposed plans because they are not within the required notification zone, but they have expressed concerns. Some owners have estimated that Lehigh students represent 20 to 25 percent of their business. They are concerned about the potential new competition.

Ms. Leon agreed, saying that she has spoken to some owners. They have told her that this would cut into their numbers, especially on the heels of the difficult business climate resulting from the pandemic.

Dr. Enix added that she has heard similar concerns.

Public Comment

Resident Stephen Antalics confirmed that some other universities own liquor licenses. He is personally aware that the University of Pennsylvania does.

Resident Bruce Haines referred to the City's Zoning Ordinance which he called up on his cellphone. He said it appears that restaurants are not permitted in Institutional zones, nor are taverns. It does not appear that it would even be permitted to open this facility as a restaurant.

President Colón noted that the proposed Resolution to transfer the liquor license is on tonight's Council agenda, listed as Item 10 A. The Public Hearing was adjourned at 7:39 PM.

2. APPROVAL OF MINUTES

January 17, 2023

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

Reinforcing His Point

Alex Hirsch said he is now at 207 days since he initiated his plea to find a solution to no longer being able to participate in the City's Residential Parking Permit program. He again asked for a resolution.

Affordable Housing Suggestion

Mr. Haines commented on affordable housing which was discussed earlier in the evening during a Community Development Committee meeting. He said he believes that capitalism still works and the availability of affordable housing is a matter of supply. Supply will happen. There are places in the City that could be rezoned to allow more housing, including the area by the former Bethlehem Steel plant. Mr. Haines also suggested that reducing the number of square feet for a residence would make the housing more affordable. He also suggested doing away with Airbnb offerings. Houses in some instances are being bought for commercial purposes for use by transient visitors rather than for use by residents. The City has done a good job of tightening these regulations, but he urged that the two dozen or so that exist be shut down.

Praise for Openness

Resident William Scheirer commended the City for including materials for some City meetings on its website under "community meetings." Posting the agenda and supporting documents is helpful and a relatively new practice. But, he would like to see additional City boards do the same, including the Environmental Advisory Council and Human Relations Commission as well as the authorities. He has been told by the Bethlehem Authority that it has similar capabilities on its website. Mr. Scheirer asked whether this could be linked to the City's website so that all related entities could be found in one place. He was told that the initiative would have to come from the City, so he asked whether this could be done. Mr. Scheirer said the action would continue to promote transparency and citizen participation. He also recommended that more of these boards meet in Town Hall rather than elsewhere within City Hall in order to provide a consistent meeting place recognized as being open to the public.

How We Got Here

Mr. Antalics expanded on comments made by a Council Member last meeting about Lehigh University's expansion of its campus. Mr. Antalics said the greatest loss of affordable housing on the South Side was caused by the City with support of the Administration. The quadrangle bounded by Webster, Vine, Packer, and Morton Streets was a devastation of properties. The City systematically stopped inspecting these properties and they were being destroyed by vandals. When a sufficient number of these properties were diminished, the City condemned them. In that process, former beautiful buildings were lost, including the former home of Mayor Robert Pfeifle and a historic Jewish temple. Key members of the Redevelopment Authority at that time were leaders of Lehigh University and Bethlehem Steel Corp. He likened this to "putting a wolf in front of a henhouse." A lot of affordable housing was lost in that process. Later, nearby properties were bought up by the wealthy and rented out to Lehigh students. Blocks of what was affordable housing now became student housing. Now, affordable housing has become a major issue and it seems as though the Administration and Council are now "doing penance for the past sins."

Introduction of Lehigh's Plans

Nathan Urban, Provost at Lehigh University, commented on the recent announcement of the sale of three Lutheran Churches and a parking lot on the South Side. These are "prominent and historic spaces that are integral to the Bethlehem community." He pledged the university's commitment to the South Side and the broader Bethlehem community. "This is an important moment, one that the university sees as creating additional opportunities for Lehigh to partner with local and regional organizations as well as members of the City leadership in this room with the goal of directly supporting community needs alongside and in conjunction with Lehigh's mission to advance learning." He said the university is now entering into the formal sale process. He offered some early thoughts as to potential uses of the properties and how community input will be sought. St. Peter's is directly across from Lehigh's campus. Short-term and long-term uses are foreseen. The combined congregations desire to continue to worship at Light of Christ in the short-term until a new church building is built. This will occur. St. John's Windish has been the focus of discussions by Council and the community. Mr. Urban said the university is willing to discuss possibilities with City representatives and a variety of organizations and partners to gather input from the community on future uses of this church and the parking lot across the street to reflect the needs both of Lehigh and the local community. The sale process likely will take several months, but Lehigh intends to begin gather this input prior to completion of the sale being completed. "One thing that I can clarify is that we have no intention of building student housing on any of these church sites, including the parking lot associated with St. John's Windish." He anticipates that there will be addition questions from the community regarding Lehigh's specific plans. As this process progresses, Lehigh looks forward to further conversations and together to advancing Bethlehem's bright future.

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

Support for Handgun Sale to Retired Police Officer

Mr. Antalics said he is against private ownership of handguns, but they can be important in the hands of qualified people. The best person to have a handgun is a police officer. They are protecting us, although hopefully use of the handgun is unnecessary. For an officer, their handgun becomes a companion. He did not understand why anyone would not want an officer to own their handgun. He asked who you would want to protect you: a police officer with a gun and a retired police officer as a citizen with a gun. He said his argument “almost makes [agenda Item] 10 B a non-brainer.”

Unfair Business Advantage?

Mr. Scheirer commented on the earlier Public Hearing involving the request for a liquor license transfer by Lehigh University. He noted that he previously worked for the Small Business Administration for 15 years in Washington, D.C. He wondered whether there would be unfair competition between small businesses and nonprofits if Lehigh were to open a restaurant serving alcohol. He also wondered whether income taxes would be paid on the profits if Lehigh is the owner of the pub. If not, the university has a competitive advantage over any privately owned taxpaying business on the South Side.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Chief of Police – Firearm Purchase – Kieffer*

The Clerk read a memorandum dated January 12, 2023 from Police Chief Michelle Kott with an attached resolution and agreement for the purchase of a duty weapon by a retired officer of the Bethlehem Police Department. Pursuant to the Third-Class City Code, Retired officers may purchase their duty firearms at fair market value.

President Colón stated Resolution 10 B is on the agenda.

B. *Health Director – Recommendation of Award – Capacity for Change – Strategic Consulting Services – Plan for 2023-2026*

The Clerk read a memorandum dated January 13, 2023 from Health Director Kristen Wenrich recommending a contract with Capacity for Change of West Chester. The contract is for the creation of a strategic plan for 2023-2026. The contract cost is \$12,600 and completion is expected by July 31, 2023. There are no renewals.

President Colón stated Resolution 10 C is on the agenda.

C. *Deputy Controller – Records Destruction – Controller’s Office*

The Clerk read a memorandum dated January 17, 2023 from Michele Liberto, Deputy Controller, requesting the Destruction of Records form the Controller's Office. The Deputy Controller has reviewed the Municipal Records Retention Act, and the records listed on the exhibit fall within the categories where destruction is permitted.

President Colón stated the Resolution can be placed on the February 21, 2023 Council agenda.

D. Assistant City Solicitor – Memorandum and Ordinance – Street Vacation – Portion of Second Avenue

The Clerk read a memorandum dated January 24, 2023 from Assistant Solicitor Matthew Deschler with an attached proposed Ordinance for the vacation of a portion of Second Avenue in the City's 10th Ward.

President Colón stated the Ordinance is on tonight's agenda for First Reading.

E. Human Resources Director – Recommendation of Award – St. Luke's Occupational Medicine – DOT Regulated Random Testing Agreement

The Clerk read a memorandum dated January 25, 2023 from Michelle Cichocki, Director of Human Resources, recommending a contract with St. Luke's Occupational Medicine. The cost is \$7,400 for the administration of the required FMCSA (Federal Motor Carrier Safety Administration) Department of Transportation drug and alcohol testing. The contract term is January 1, 2023 through December 31, 2023. This is an auto-renewal contract.

President Colón stated Resolution 10 D is on the agenda.

F. Director of Public Works – Recommendation of Award – Bethlehem Landfill Company – Disposal of City Waste

The Clerk read a memorandum dated January 26, 2023 from Michael Alkhal, Director of Public Works, recommending a contract with Bethlehem Landfill Company of Bethlehem. The cost is \$156,938 for the disposal of municipal solid waste and unscreened street sweepings generated by the Bureaus of Grounds Maintenance and Streets Maintenance throughout the year. This amount is the total cost for a three-year contract for years 2023 through 2025. The City has the option to renew the contract for three additional two-year terms with mutual consent of both parties.

President Colón stated Resolution 10 E is on the agenda.

G. Zoning Map Petition-119 Technology Drive

The Clerk read a February 2, 2023 rezoning Petition signed by Kevin Serfass of Serfass Development & Acquisitions requesting an amendment to the City's Zoning Map involving 119 Technology Drive. The current zoning for this property is Industrial Redevelopment. The request is to change the zoning classification to become part of the adjacent Central Business District. The proposed development, if rezoning is granted, is a 240-unit, six-story apartment building.

Scheduling Public Hearing

Ms. Kwiatek made a motion, seconded by Ms. Wilhelm, to schedule a Public Hearing on Tuesday, March 21, 2023 at 7:00 PM in Town Hall.

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

President Colón stated a Public Hearing is scheduled for Tuesday, March 21, 2023 at 7:00 PM in Town Hall.

A. *President of Council*

B. *Mayor*

1. *Administrative Order – James A. DePietro – Fine Arts Commission*

Mayor Reynolds reappointed James A. DePietro to the Fine Arts Commission effective through January, 2026. Dr. Enix and Ms. Kwiatek sponsored Resolution No. 2023-015 to confirm the reappointment.

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

2. *Administrative Order – Barbara Fraust – Fine Arts Commission*

Mayor Reynolds reappointed Barbara Fraust to the Fine Arts Commission effective through May, 2026. Dr. Enix and Ms. Kwiatek sponsored Resolution No. 2023-016 to confirm the reappointment.

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

3. *Administrative Order – Elizabeth Saraceno – Fine Arts Commission*

Mayor Reynolds reappointed Elizabeth Saraceno to the Fine Arts Commission effective through April, 2026. Dr. Enix and Ms. Kwiatek sponsored Resolution No. 2023-017 to confirm the reappointment.

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

4. *Administrative Order – Denise Stangl – Fine Arts Commission*

Mayor Reynolds reappointed Denise Stangl to the Fine Arts Commission effective through April, 2026. Dr. Enix and Ms. Kwiatek sponsored Resolution No. 2023-018 to confirm the reappointment.

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

Community Recovery Fund Kickoff

Ms. Collins thanked Council Members who participated in Wednesday's information session on the Community Recovery Fund. An estimated 90 community members heard information about the grant program. The two-month application period will open on March 1. The purpose will be instrumental in helping small community organizations and nonprofits continue to serve, expand or create programs that address pandemic recovery needs and rebuilding social services. She was pleased with the turnout and anticipates a great response and that the program will do a lot of good. The first round will provide up to \$750,000 in grants. All rounds of funding will total \$3 million. The multiple rounds will be done to make the funding sustainable, give time for administrators to learn about community need and organizational capacity, and also give applicant organization time to think about what their needs are and not feel the pressure of needing to apply immediately. The intention is to make this process as accessible as possible by reducing barriers.

Westgate Mall Redevelopment Update

Ms. Collins also updated the status of the Westgate Mall redevelopment project. This is an important project. She also recognizes the challenge that the changes place on some of the businesses. The City has spoken with the developers about the timeline and their plans. DCED employees have spoken with some of the business owners to hear their concerns. A few have relocation plans. The City is working with others to connect with resources to find potential future sites or connect with the Small Business Development Center or the Southside Arts District, different avenues that might help them. She is hopeful that efforts will keep displaced businesses in Bethlehem.

Continued Efforts Toward Providing Affordable Housing

Mayor Reynolds also thanked Ms. Collins, Deputy Director Sara Satullo and others responsible for their work on the Affordable Housing Strategy Study. He thanked Council as well for its participation in a 90-minute Community Development Committee Meeting earlier this evening. The outstanding elements revealed are the depth of the need as well as strong community engagement. Nearly 100 are signed up for a community meeting at NCC's Fowler Center that will mirror tonight's committee meeting and add public input. He said that data reveals that what the market is doing to housing in the Lehigh Valley is staggering. It will take a combination of creativity, passion, and dedication by the City as well as thinking about this in a different way as to what can be done as a region to increase the housing supply. Mayor Reynolds said the public interest is about taking care of what the private interests do not take care of. This is some of what local government is for. It is not easy to build affordable housing, and there is not a lot of land. But when it is available, it is important that the City do everything it can to create dedicated affordable housing units.

C. Community Development Committee

Dr. Van Wirt reported that a Community Development Committee meeting was held this evening at 5:30 PM. The Administration gave a Comprehensive Housing Strategy Update. This was just Part 1. There will be another Community Development Committee Meeting on Tuesday, March 7, 2023 at 5:30 PM in Town Hall for the Comprehensive Housing Strategy Update - Part 2.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 01 – 2023 – Amending 2023 General Fund – General Fund Adjustments*

The Clerk read Bill No. 01-2023 – Amending 2023 General Fund – General Fund Adjustments sponsored by Dr. Enix and Ms. Leon and titled:

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

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. Bill No. 01-2023 now known as Ordinance No. 2023-01 was passed on Final Reading.

B. *Bill No. 02 – 2023 – Amending 2023 General Fund – General Fund Adjustments*

The Clerk read Bill No. 02-2023 – Amending 2023 General Fund – General Fund Adjustments sponsored by Dr. Enix and Ms. Leon and titled:

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

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. Bill No. 02-2023 now known as Ordinance No. 2023-02 was passed on Final Reading.

C. *Bill No. 03 – 2023 – Amending 2023 Capital Budget for Non-Utilities – Adjustments*

The Clerk read Bill No. 03-2023 – Amending 2023 Capital Budget for Non-Utilities – Adjustments sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2023 CAPITAL BUDGET FOR NON-UTILITIES.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. Bill No. 03-2023 now known as Ordinance No. 2023-03 was passed on Final Reading.

D. *Bill No. 04 – 2023 – Amending 2023 Golf Course Enterprise Fund – Adjustments*

The Clerk read Bill No. 04-2023 – Amending 2023 Golf Course Enterprise Fund Budget – Adjustments sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE GOLF COURSE ENTERPRISE FUND BUDGET FOR 2023

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. Bill No. 04-2023 now known as Ordinance No. 2023-04 was passed on Final Reading.

E. *Bill No. 05 – 2023 – Amending 2023 Community Development Block Grant Budget – Adjustments*

The Clerk read Bill No. 05-2023 – Amending 2023 Community Development Block Grant Budget – Adjustments sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2023 COMMUNITY DEVELOPMENT BLOCK GRANT
BUDGET

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. Bill No. 05-2023 now known as Ordinance No. 2023-05 was passed on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 06 – 2023 – Street Vacation Ordinance – Portion of Second Avenue*

The Clerk read Bill No. 06-2023 – Street Vacation Ordinance – Portion of Second Avenue, sponsored by Dr. Enix and Ms. Wilhelm and titled:

AN ORDINANCE AUTHORIZING THE VACATION,
DISCONTINUANCE AND STRIKING FROM THE CITY’S
GENERAL PLAN OF STREETS OF A PORTION OF
SECOND AVENUE IN THE 10TH WARD OF THE
CITY OF BETHLEHEM, COUNTY OF LEHIGH, PENNSYLVANIA

Dr. Van Wirt said she understood that it might be useful to the City to convey certain portions of land because it is hard to mow or for other reasons, but she believed the City should put a value on such land and not just give it away. When there are more valuable or desirable parcels it creates confusion. There should be consistency with every transfer.

Ms. Crampsie Smith agreed and believed that she has raised this issue before. She believed there should be at least a nominal fee set. If it is City-owned land, that means that it is owned by the people of Bethlehem. We are essentially giving away land for free that is owned by the taxpayers. That is a slippery slope and not wise.

Ms. Kwiatek noted that this parcel is about 2,200 square feet. She asked whether the couple receiving ownership will be assessed a new level of taxation.

City Solicitor Spirk said yes.

Ms. Kwiatek asked how that happens.

Mayor Reynolds noted that Public Works Director Michael Alkhal is not present to answer that question, but he noted that the City will maintain easements on the land. No development will be possible. The Mayor said that Mr. Alkhal was clear that nothing can be built on this land.

Ms. Kwiatek said there was a concern from a neighbor that even future property owners of this land would not be able to develop it, even if the present owners do not have that intention.

Solicitor Spirk said the City has underground utilities that it must protect, so these easements must remain in place.

Council Solicitor Brian Panella added that in instances where easements exist and property is sold, the easement gets built into the deed and gets transferred so that the intent is not lost. He added that the transfer process also picks up the additional acreage calculation to provide a new tax bill.

President Colón said he understood the points made by fellow Council Members. He noted that there is a cost benefit and trade-off as far as the City not having to periodically send crews to maintain the land. In the end, he believes this will be a net gain for the City.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 7. Bill No. 06-2023 was passed on First Reading.

10. RESOLUTIONS

A. *Approve Liquor License Transfer – CUC Holdings, LLC - 29 Trembley Drive*

Dr. Enix and Ms. Wilhelm sponsored Resolution No. 2023-019 that CUC Holdings, LLC has requested the approval of the City Council of the City of Bethlehem, Northampton County, for the proposed transfer of Pennsylvania restaurant liquor license no. R-18119 (currently held by Everything is Beautiful, Inc.) by CUC Holdings, LLC to operate a fine dining but casual restaurant and pub at 29 Trembley Drive, Bethlehem, Northampton County, Pennsylvania pursuant to Code

Section 461 with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT RESOLVED, that the City Council of the City of Bethlehem, Lehigh and Northampton Counties, Commonwealth of Pennsylvania, as follows:

1. Applicant CUC Holdings, LLC seek approval of an inter-municipal transfer of Retail Restaurant Liquor License No. R-18119 which was previously issued to Everything is Beautiful, Inc., for licensed premises located at 665-669 Northampton Street, Easton, Northampton County to 29 Trembley Drive, Bethlehem, Northampton County, Pennsylvania, pursuant to Code Section 461.
2. Applicant proposes to, and will, operate a fine dining but casual restaurant and pub at the aforescribed location.
3. The Applicant's proposal is a permitted use at this location.
4. The Applicant's proposed restaurant is in an Institutional zoning district.
5. There is no evidence that the proposed, inter-municipal transfer will adversely affect the welfare, health, peace and morals of this City or the residents hereof.
6. Council hereby approves the Applicant's request for an inter-municipal transfer of Pennsylvania Liquor License No. R-18119 pursuant to Code Section 461(b)(3).
7. The transfer of the Liquor License contemplated hereby is subject to final approval by the PLCB.

Ms. Leon said that she has heard that one of the keys to the South Side's economic health is to bring the Lehigh students down from the mountain and into the community. When she is asked to consider this liquor license transfer, she asks herself what she is asked to consider. This includes welfare, health, and more. She also is thinking about existing businesses and then she thinks about the history of Lehigh being "consistently ranked among the top 10 of party schools." She recalled a statistic from 2017 or 2018 regarding alcohol-related instances for Lehigh which number 147 compared to Moravian's 17 or 18. She is concerned about this and why the City would take a step back from efforts to bring students to the central business district. She also is concerned about underage drinking. She said a former Lehigh provost has said the university is aware of the amount of underage drinking and there is little that can be done. She theorized that some of the best-behaved students would stay on campus, leaving the business owners to deal with underage drinking. She has considered the options and believes the City must guard against the worst-case scenario. When asked how she thinks this would affect the health, welfare, peace and morals of the municipality and if it would adversely affect it, she concludes there is a possibility that it would adversely affect these.

Ms. Crampsie Smith said this proposal may be a plus for Lehigh, but she also is concerned with how granting the transfer could adversely affect the City's economy, especially that of the South Side.

Dr. Van Wirt returned to her earlier question as to the cost of this liquor license. The value of a liquor license points to the success of a restaurant. Lehigh has deep pockets and can afford the cost, which she said she believed probably would be closer to \$400,000. Meanwhile, the existing South Side restaurant and bar owners do not have deep pockets. They have had to pay for a liquor license of their own and compete. She agreed with Ms. Leon's points about the City's economic strategy to draw students into the South Side for the good of the economy. Granting

this transfer would give students more reason to isolate themselves and not spend their money on local businesses. She does not see how this would benefit the South Side. Dr. Van Wirt also was concerned that sales could grow and spread into liquor sales. The zoning issues themselves are very concerning.

Ms. Collins next wanted to correct some statements made during the Public Hearing. She believed that Mr. Haines' assertion that neither a tavern nor a restaurant is permitted under the Zoning Ordinance in the Institutional District. She added that this is a quick review that would require more research, but this appears to be the case. Ms. Collins added that there is a footnote in the Zoning Ordinance that says that if this were an accessory use with no separate entrance and were meant for students only - such as a dining hall - that there may be an exception for that. She said there may be interpretation questions, but her initial impression is now that this would not be a permitted use.

President Colón asked if Lehigh were proposing any restaurant - whether with a liquor license or not - would this be a matter that could be taken before the Zoning Hearing Board?

Ms. Collins said yes. But, she added that in order to receive a variance, an applicant would have to prove a hardship.

Ms. Collins also addressed some additional points made by Council Members. She said that Lehigh owns 42 percent or so of the land on the South Side not considering the Industrial zones. It does not have restaurants within 500 feet of the property, which is why it was not required to advertise the liquor license transfer. But, within a half mile, there are several bars and restaurants, as Ms. Leon noted.

Ms. Leon again emphasized the effect she believed that this new competition would have on the local economy. She said when she discussed this proposal with local businesses, owners noted the drought in business for the three months of the year during Lehigh's break in classes. This indicated to them students' percentage of their business. Lehigh's competition was expected to take away from these revenues. When asked to consider welfare, health, peace, and morals in allowing the transfer, Ms. Leon said she cannot look past this. She also is concerned that the use is not allowed in this zoning district.

Voting AYE: Mr. Colón. Voting NAY: Ms. Leon, Dr. Van Wirt, Ms. Crampsie Smith, and Dr. Enix. Abstaining were Ms. Kwiatek and Ms. Wilhelm, noting their employment by Lehigh. The Resolution failed 1-4 with two abstentions.

B. Approve Firearm Purchase - Kieffer

Dr. Enix and Ms. Wilhelm sponsored Resolution No. 2023-019 that authorized an Agreement to effectuate the transfer of the City-issued handgun assigned to Robert Kieffer, a retired City police officer.

Ms. Kwiatek alluded to her opposition of handgun sales to retired police officers. She said that she does not elaborate each time a vote of this nature is taken, but tonight she wanted to reiterate her opposition to this practice. She said this is still a matter of selling a gun to a civilian. Ms. Kwiatek also noted several mass shootings nationally just within the past two weeks. She said that adding guns back into the community is something that the City does not need to do and is

not required to do. She thanked officer Kieffer for his service to the City and wished him well. She hoped he has many good memories and memorabilia to remember his service by.

Voting AYE: Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 6. Voting NAY: Ms. Kwiatek, 1. The Resolution passed 6-1.

C. *Approve Contract – Capacity for Change – Strategic Consulting Services – Plan for 2023-2026*

Dr. Enix and Ms. Wilhelm sponsored Resolution No. 2023-020 that authorized to execute an Agreement with Capacity for Change for Strategic Consulting Services – Plan for 2023-2026.

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

D. *Approve Contract – St. Luke’s Occupational Medicine – DOT Regulated Random Testing Agreement*

Dr. Enix and Ms. Wilhelm sponsored Resolution No. 2023-021 that authorized to execute an Agreement with St. Luke’s Occupational Medicine – DOT Regulated Random Testing Agreement.

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

E. *Approve Contract – Bethlehem Landfill Company – Disposal of City Waste*

Dr. Enix and Ms. Wilhelm sponsored Resolution No. 2023-022 that authorized to execute an Agreement with Bethlehem Landfill Company for the Disposal of City Waste.

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

11. NEW BUSINESS

Graffiti Ordinance Concerns

Ms. Kwiatek said she was contacted a few weeks ago by a neighbor on the West side who was concerned about graffiti scrawled in an alley. Ms. Kwiatek advised her to report it through the MyBethlehem app, where concerns should be directed. It was determined that this was not gang related, but another neighbor received a “scary” letter from the City that was a Notice of Violation. They were told that they had 15 days to remove the graffiti or they would face serious fines. Ms. Kwiatek learned through this that in 2016 Council passed an ordinance, Article 742, the Anti-Graffiti Ordinance. The ordinance outlines what is unlawful, but also the property owner’s responsibility in removing the graffiti. She noted that the City will remove the graffiti if this is not done by the property owner, but for a charge. Ms. Kwiatek’s concerns include that there was no price estimate for removal as well as the “threatening feel” to the tone. She noted that some of these people would be the victims in these instances. She added the concern that this would discourage people from reporting graffiti as well as making these victims feel like offenders. Ms. Kwiatek reported that she discussed this with Mr. Alkhal. The City will change its approach and

will begin with a courtesy letter that will include an estimate for what it would cost the City to remove the graffiti and still note the required 15 days for removal. If after that time the graffiti still has not been removed, the more serious Notice of Violation would be sent. She thanked Mr. Alkhal for being open to modify the process. Ms. Kwiatek noted that there was great support for passage of this ordinance in 2016, but she would like to review this ordinance to see if some changes would be wise with this recent incident coming to light. She believes it should be “less punitive toward people who, through no fault of their own, have found graffiti on their property.” She believed there may be a remedy for dealing with absentee owners who allow graffiti to remain versus simple victims.

Program Complimented

Ms. Wilhelm discussed the recent Community Recovery Fund meeting. She said the nonprofits view this is an exciting opportunity. Ms. Wilhelm commended Ms. Collins’ team’s efforts for creating the opportunity, making certain that it will be sustainable, and the concept of breaking it into segments that will allow coordinators to learn as they go and improve the program. She also complimented the goal to simplify the process and allowing smaller nonprofits to participate.

Council Feedback Appreciated

Mayor Reynolds also thanked Council for its feedback involving the Community Recovery Fund program. He said that the Administration has tried to thoroughly plan this program, but the feedback has been appreciated and is making it better. This has led to a good start to the program.

Actions Commended

The Mayor also complimented Mr. Alkhal’s reaction to comments about the graffiti and changing the tone of the letter to be sent to violators. Mr. Alkhal was not defensive about parts of the process being questioned. Instead, he agreed to look at how things were done and to try to figure out a fair resolution. There was no need for that to be the tone of a letter. The master letter probably was not written that way maliciously. But, as Ms. Kwiatek pointed out, there can be victims in these situations who should be treated differently. The Mayor applauded Mr. Alkhal’s willingness to take a new approach.

Lehigh Thanked for Tonight’s Communication

Ms. Leon thanked Lehigh for sending Mr. Urban to provide information about its intentions with the land purchase. She said there has not been much communication on this matter, which has left many South Side residents concerned. She said that the administration at Lehigh changes often, but the residents on the South Side tend to stay. Memories run very deep. Not hearing from Lehigh, with some past actions in mind, was causing pain for many. Ms. Leon was happy that Lehigh spoke on the matter tonight. She would be happy to introduce a representative to the residents for a discussion. Ms. Leon said she would be happy to work with Lehigh to “make sure that we do not cause pain in our community.”

12. ADJOURNMENT

The meeting was adjourned at 8:53 PM.

ATTEST:

Tad J. Miller
City Clerk