

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, January 3, 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, Rachel Leon, Paige Van Wirt, and Kiera L. Wilhelm. Michael G. Colón and Grace Crampsie Smith participated via GoTo Meeting, 7.

CITATIONS HONORING RETIREES

Five retirees were recognized for their service to the City. They were Thomas Decker, Joseph Bolesky, Scott W. Smith, Scott Priestas, and Stephen Marks. Ms. Wilhelm presented a certificate to former EMS Director Decker, and Dr. Enix presented a certificate to former police Sergeant Marks. Certificates will be mailed to the other three retirees who were not present. All were recognized for many years of dedicated service to the City.

2. APPROVAL OF MINUTES

December 20, 2022

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

Sale of Church Properties

Anna Smith, Director of Community Action Development Corporation of Bethlehem, said she wanted to read a joint statement involving the impending sale of St. John's Windish Church in South Bethlehem. She was joined by Winston Alozie, CEO of the Bethlehem Boys and Girls Club of Bethlehem, and Delia Marrero, Executive Director of the YWCA of Bethlehem. All signed the statement, as did Esther Lee of the NAACP who was not in attendance. Ms. Smith stated that Lehigh University has continued its efforts to expand in South Bethlehem with plans to purchase the property of St. John's Windish Evangelical Lutheran Church on 4th Street and its parking lot. This is the equivalent of a full city block. The church has been an "important fixture in the South Side community and a significant contributor to the fabric of our neighborhoods far beyond its role as a religious institution ... ". The statement noted that the intention is to merge three Lutheran congregations - St. John's Windish, St. Peter's Evangelical Lutheran, and Light of Christ Lutheran -- into a single entity. The St. John's parking lot has long been coveted for development. Ms. Smith called this a "once-in-a-lifetime opportunity" for responsible development and adaptive reuse as a longtime community asset can be transformed into a location that future generations can continue to enjoy and "continues to build community with, by, and for our South Side neighbors."

Ms. Marrero continued reading the statement. This opportunity could be lost because there is competition for the purchase from Lehigh University “with a mission that does not necessarily align with the priorities of the South Side community.” Lehigh’s motivations are not known by this community group, but student housing or luxury apartments would not continue the legacy of St. John’s Windish or the other church properties. The South Side community deserves a voice in this process. The statement noted the City’s willingness to match Lehigh’s offer in order to preserve the sites for a community identified public purpose. The statement noted that only the City and Lehigh have submitted bids, and the combined congregations will vote on the sale on January 8. It asks Lehigh “to do the responsible thing and to be a good neighbor” to withdraw its bid or commit to reselling St. John’s Windish and its parking lot to the City for public use that is determined by the South Side community. It specifically called on the united congregations of the future Blessed Trinity Lutheran Church to continue the long tradition of serving the South Side Community by committing St. John’s Windish property to public use through a sale to the City. It further called on the City to commit to a transparent, community-driven process in partnership with South Side residents and community organizations to envision a public use for the church and its parking lots that addresses the housing crisis and responds to the South Side needs.

Seeking Resolution

Alex Hirsch said he is now at 172 days since he has been seeking relief from denial under the Parking Authority’s Residential Parking Program. He offered to meet to work toward developing solutions to allow him to qualify for a parking permit as a part-time City resident.

Truck Traffic on Union Boulevard

Resident Ben Wright said the gasoline tanker accident and spill of November 17, 2022 occurred in front of his home. He thanked the first responders and those assisting with remediation. He also raised concerns about speeding through the turns on Union Boulevard, and said it is just a matter of time before someone is seriously injured unless something changes. Mr. Wright also spoke about large trucks parking in the area for drivers to rest. He said there are too many large trucks using Union Boulevard causing additional safety worries. He asked that something be done.

Traffic Suggestion

Resident Lynn Rothman suggested that the Citizens Traffic Advisory Committee might be able to assist with Mr. Wright’s concern. The group works toward providing pedestrian and vehicle safety and includes the City’s Health Bureau, a traffic engineer, and the police and may be the forum for discussion.

General Speeding Concerns

Resident William Scheirer echoed the concerns of Mr. Wright and added that speeding is a problem throughout the City. He suggested providing more enforcement in hopes of improving safety.

Setting a Good Example

Resident Arthur Curatola said he wanted to finish what he was saying during Public Comment at the December 20 meeting. He said his main point was that Jesus Christ said that we should be a good example for other people to follow. We need to make this City all that it can be for others to follow. Mr. Curatola said it is a disgrace to have elected officials walk out on taxpayers who are making points as to how this City can be more prosperous.

Unequal Treatment

Resident Stephen Antalics again offered his view that different portions of the City are treated differently regarding historic preservation. He said the North Side has been favored and maintained while much of the South Side has been redeveloped and very little preserved. Additionally, certain developers have received preferential treatment. He cited several different accommodations that were made for the developer of Martin Tower. Mr. Antalics again cited the different Christmas lighting colors between North and South and said this symbolizes disunity. President Colón asked Mr. Antalics to bring his remarks to a conclusion because he had spoken for the allotted 5 minutes. Mr. Antalics said he would end here.

Support for City to Buy Church Land

Kim Carrell-Smith said she is a longtime South Side resident. She referred to the statement read earlier about the impending sale of church properties. She believes that the facts are that the City did not increase its bid when it heard that Lehigh's was higher, but that it intended to match the top bid. She wondered why this did not happen. She added that Lehigh, as a private institution, has a responsibility to do what is best for its constituency. Meanwhile, the City serves the public and is accountable to its constituency. Ms. Smith believes that the City may really only be interested in the purchase of the St. John's church properties and not the others. This is the largest area of undeveloped land and a historic church, so there are two components of interest along with its location in the heart of South Bethlehem. "With the goal of serving the community good, it makes logical sense to pick the entity that is charged with that very thing," she said. She added that she does not know that Lehigh would do something contrary, but we cannot know this because this is not their primary mission. She believes that many support the City's purchase. She added that she does not believe that it is necessary for these properties to be bundled together. If the church is not interested in selling them separately, she urged the City and Lehigh to agree that the City could purchase the St. John's properties to be used for the public good. She stressed that this should not simply be used for parking, but perhaps for affordable housing or recreational purposes. The choices should be guided by a public process that is inclusive of diverse community voices and consistent with the community good. She thanked Council for this time for allowing this issue to be more public.

Slow Down Process to be Sure

Connor Moriarty said he and his wife own a South Side business. He said that both Lehigh and the City have a history of doing some good for the South Side. He believed that more voices should be heard, especially when big, long-term decisions are being made. He encouraged slowing down this process to do what can be done to do right by the community.

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

Historic Commission Re-appointments Urged

Resident Stephen Antalics observed the Councilmanic appointment on tonight's agenda of Lynn Rothman to the Environmental Advisory Council. He said there has been a plethora of appointments to other City panels, but for quite some time there have been no appointments to the historic commissions, which are in need of re-appointments. Mr. Antalics said he has been "badgering" Council as to why Marsha Fritz, despite expressing interest and addressing Council with her qualifications, has not been re-appointed. He added that another intended appointment to one of the historic commissions was on the agenda, withdrawn, and has not reappeared. Meanwhile, a Certificate of Appropriateness for 25 W. 3rd Street appears on tonight's agenda. The irony, he said, is that the person whose name was withdrawn from the agenda some weeks ago was also the person who appealed the 25 W. 3rd Street project before the Historic Conservation Commission. Had he been appointed to the HCC, there could have been a possible conflict of interest. Of all of the boards and commissions, the historic commissions are the ones most likely to "fly in the face" of development. He said an administration that supports development will pad those commissions with those who will support those programs. He is "bothered by the passivity" of this Council in not pursuing the appointment of qualified people to the historic commissions. Mr. Antalics also said he is aware that the developer of Martin Tower had individual meetings with Council Members. He asked how a developer can dictate to Council how he will have a meeting. Shouldn't this have been done in public, so that the public will know what was said?

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Human Resources Director – Recommendation of Award – Preferred EAP – Employee Assistance Program*

The Clerk read a memorandum dated December 19, 2022 with a resolution from Michelle Cichocki, Human Resources Director, recommending a contract with Preferred EAO for the Employee Assistance Program. The cost is \$14,000 per year. The contract period is January 1, 2023 through December 31, 2024. There are no renewals.

President Colón stated Resolution 10 A is on the agenda.

- B. *Norris McLaughlin, P.A. – Request for Liquor License Transfer – CUC Holdings, LLC*

The Clerk read a letter dated December 19, 2022 from Norris McLaughlin, P.A., a law firm, representing CUC Holdings, LLC requesting approval for an inter-municipal transfer of Pennsylvania Retail Restaurant Liquor License No. R-18119. The applicant seeks approval of an

inter-municipal transfer of the License which was previously issued to Everything is Beautiful, Inc., of 665-669 Northampton Street, Easton, Northampton County to the new licensed premises located at 29 Trembley Drive, Bethlehem, Northampton County.

Scheduling Public Hearing

Dr. Van Wirt made a motion, seconded by Ms. Wilhelm, to schedule a Public Hearing on Tuesday, February 7, 2023 at 7:00 PM in Town Hall.

Ms. Kwiatek asked for a moment for discussion. She asked if, as an employee of Lehigh University which is a party to the liquor license transfer, it would be appropriate for her to abstain from this vote. She noted that she would be recusing herself from the vote the night of the Public Hearing and wondered whether she also should abstain from voting on setting the Public Hearing date.

Solicitor Panella advised that abstaining from both votes would be appropriate.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 5.
ABSTAIN: Ms. Kwiatek and Ms. Wilhelm, 2. The Motion passed.

President Colón stated a Public Hearing has been scheduled for Tuesday, February 7, 2023 at 7:00 PM in Town Hall and the Resolution will be placed on the Tuesday, February 7, 2023 Council agenda.

C. *Director of Purchasing – Records Destruction Memorandum and Resolution*

The Clerk read a memorandum dated December 28, 2022 with an attached Resolution from Sandra L. Steidel, Director of Purchasing requesting Council to consider a Resolution for the Destruction of Records from the Purchasing Bureau. The Director has reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Colón stated the Resolution will be placed on the January 17, 2023 Council agenda.

7. REPORTS

A. *President of Council*

1. *Councilmanic Appointment – Vibhor Kumar – Environmental Advisory Council*

President Colón reappointed Vibhor Kumar to the Environmental Advisory Council, effective until January of 2026. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-002 to confirm the reappointment.

President Colón noted that the Councilmanic Appointment of Lynn Fryman Rothman was listed before this item on the agenda, but that the vote could be taken on Mr. Kumar's reappointment and then action could be taken regarding Ms. Rothman.

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

2. *Councilmanic Appointment – Lynn Fryman Rothman – Environmental Advisory Council*

President Colón reappointed Lynn Fryman Rothman to the Environmental Advisory Council, effective until January of 2026. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-001 to confirm the reappointment.

Ms. Wilhelm, as Council liaison, has seen Ms. Rothman's actions with the EAC. She thanked Ms. Rothman for many years of excellent leadership and community involvement. She said the City is very fortunate to have Ms. Rothman serve as the chair of this panel. She added that Mr. Kumar also has proven himself to be dedicated and have a positive impact.

Dr. Van Wirt called Ms. Rothman a "model of civic engagement."

President Colón also offered praise to Ms. Rothman and his thanks.

Similarly, Vice President Crampsie Smith thanked Ms. Rothman for her dedication to the community.

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

3. *Council President Report*

2022 Bethlehem City Council President's Report

2022 was an ambitious and successful year for Bethlehem City Council. Three veteran legislators welcomed four new members who teamed to complete unfinished business and begin new initiatives. In all, Council held 24 regular meetings and 17 committee and budget sessions resulting in the adoption of 247 Resolutions and passage of 40 Ordinances. The following highlights made these actions more than just statistics:

First, Bethlehem came alive again as it emerged from the Covid-19 pandemic in the first quarter of 2022. The City's Health Bureau stood tall in leading the fight along with our public safety teams — all of whom are owed a great deal of gratitude.

Despite the many hardships and challenges posed by the pandemic, the City now has perhaps a once-in-a-lifetime opportunity to rebound and thrive thanks to \$34.4 million in appropriations through the American Rescue Plan Act. This federal money was provided for pandemic recovery, and the City has seen fit to use it in several ways: recover revenue loss, invest in infrastructure, and establish an affordable housing fund and a homelessness initiative.

In October, a joint meeting of the Community Development and Public Safety committees included a presentation by the City's Department of Community and Economic Development concerning a proposal to use \$1.4 million in ARPA money toward a 50- to 70-bed non-congregant shelter to assist the homeless. If this vision becomes a reality, this would be the Lehigh Valley's

first year-round permanent shelter to address homelessness. It is envisioned that this plan would be coupled with a program in which those served by the homeless shelter would transition to affordable housing. The City is spearheading these initiatives and intends to gather partners for financial and professional support. These initiatives will continue to be developed and Council's Community Development Committee will meet again with DCED in February and March to receive updates.

Meanwhile, Council continued its efforts toward increasing transparency. The practice of live-streaming its meetings began in 2019. Today, live-streaming continues as a permanent feature. In June of 2022, Council participated in its biennial training conducted by the State Ethics Commission to educate members on identifying and avoiding conflicts of interest and fulfilling requirements of submitting Statements of Financial Interests. The year also brought passage of a Conflict-of-Interest Ordinance requiring the mandatory recusal of public officials in matters in which they hold a financial interest. Council held three Committee of the Whole meetings to work out details before approving passage in November.

City Council also reviewed and took action on several financial matters during 2022. This included authorizing the refinancing of water debt to cap existing debt service payments and borrow an additional \$10 million for capital projects over the next several years, approving several budget adjustments, and convening the Committee of the Whole to review the Five-Year Capital Program. In 2022, Council conducted its fifth annual Financial Accountability Incentive Reporting hearing to evaluate the effectiveness of economic development incentives – perhaps familiar to you as LERTA and CRIZ – and to increase transparency. These annual hearings are conducted by the Community Development Committee to review administration reports submitted to Council pursuant to Article 349 Economic Development Incentive Reporting and Evaluation, established in 2018.

The Community Development Committee also held a meeting in which the City's land development process was outlined. Other CD Committee meetings involved review, and eventual Council passage, of five zoning text amendments to update the Zoning Ordinance. Similarly, the Human Resources and Environmental Committee assisted in updating an ordinance regulating solar energy devices. The Community Development Committee also reviewed creation of a Southside LERTA District II. This tool, known as Local Economic Revitalization Tax Abatement, has been important in incentivizing the development of blighted and brownfield properties. After committee review, Council passed the ordinance in August.

Council committees also reviewed, and Council passed, amendments to Article 1701 adopting the 2018 Pennsylvania Uniform Construction Code, Article 157 entitled the Civil Service Board, Article 1733 adopting the 2018 International Property Maintenance Code, and Article 1501 entitled Fire Safety and Code Enforcement Inspection Fees adopting the 2018 International Fire Code. Council also approved Community Development Block Grant/HOME allocations.

Additionally, Council approved resolutions to allow the City to accept state Department of Conservation and Natural Resources grant funds to help pay for the Fairview Park Revitalization, and DCNR and the Northampton County Open Space Initiative Livable Landscapes Grant Program to help fund the expansion of the Monocacy Trail.

Finally, Council throughout the year authorized a number of contracts, use permit agreements, and certificates of appropriateness, and approved Councilmanic Appointments and Administrative appointments to various City boards, commissions, and authorities.

Michael G. Colón
President of Bethlehem City Council
January 3, 2023

President Colón concluded by offering remarks that he intended to make during the December 20 Council meeting. Audio technical difficulties prevented him from doing so at that time. He said he is proud of the work that is done on behalf of the City. It was a significant year as some changed seats at Town Hall, as some new Council Members were welcomed, and as the work continues. He is proud to serve on City Council to serve with colleagues, and he is confident that this group will continue to keep Bethlehem the City that we will all be proud of.

B. *Mayor*

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Resolution – Preferred EAP – Employee Assistance Program*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-003 that authorized to execute an Agreement with Preferred EAP for Employee Assistance Program services for years 2023 and 2024.

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

B. *Certificate of Appropriateness – 25 West Third Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-004 that granted a Certificate of Appropriateness for design revisions to a previously approved redevelopment project to construct a new 5-story cultural center at the site of the current Banana Factory Arts Center at 25 West Third Street.

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

11. NEW BUSINESS

Questions About Land Sale

Ms. Leon said that as a South Side resident, hearing about the potential sale of St. John's Windish land a few days ago is troubling for her. This is a big part of her life although she did not attend church services there. This is a meaningful location to the South Side. She said she is unsure if she has all of the facts about this potential sale and asked the Administration for some details. Ms. Leon said she hoped the church will get its fair share needed to buy a new site for the merged congregation. Her questions received answers from City Solicitor Spirk: Did the City bid on St. John's Windish (yes)? Did the City bid on a proposal to purchase all four buildings (yes)? If so, what was the City's bid (\$3.5 million)? If Lehigh bid, what was its bid (Solicitor Spirk has not seen the other bid, but media sources and other believe the bid was \$3.7 million)? Was the City asked to match Lehigh's bid (the City was not asked to make another offer)? If in the end the City does acquire the properties, would the City keep the St. John's Windish building instead of razing it for a new purpose (What the City might do with this land if it acquired it is not his decision)? Ms. Leon asked after the initial questions were answered that if the City were to be asked if it would have matched the top bid, would the City have been willing to do so (yes)?

Upcoming King Day Tribute

Dr. Enix announced a celebration of brotherhood and sisterhood for those in Bethlehem for Martin Luther King, Jr. Day. She said that from December of 1955, marking the date of the Montgomery Bus Boycott, until April 4, 1968, the date of the assassination of Dr. King, African Americans achieved more genuine progress toward racial equality in America than the previous 350 years combined. This is because of the "preeminent advocacy of one of the greatest nonviolent leaders in world history, Rev. Martin Luther King, Jr." She added that his inspiration came from his Christian faith, the logic of great philosophers, and the peaceful teachings of Mahatma Ghandi. His accomplishments are now taught to American children of all races, creeds, and colors. She encouraged all to join the Bethlehem Branch of the NAACP at 10 AM on January 16 at Holy Ghost Catholic Church on Carlton Avenue.

Transparency Urged

Vice President Crampsie Smith thanked those who voiced their concerns and advocacy tonight regarding the potential sale of the church properties on the South Side. She said there are a lot of rumors and she is unsure of the facts. She urged that, in the interest of community and transparency, that as this progresses, the Administration will provide information – especially to City Council – and the whole community including the South Side.

Support for Shelter and Affordable Housing Efforts/Police Incident

Ms. Kwiatek echoed Vice President Crampsie Smith's words. She thanked the Administration for its efforts to obtain these properties which she called "central to the South Side and the community" and to be looking at uses for these properties "in keeping with our welcoming, inclusive, and brotherly and sisterly city that we are." She hoped there could be a resolution on this issue. She worries that there are some who do not want the City to obtain the properties because of the potential uses. She would say to those that "we will take care of everyone in this city and we will obtain the resources we need and the space that we need to do that." "I stand by the administration in this effort."

Ms. Kiwatek also asked police Chief Michelle Kott about an incident that occurred within the past 48 hours on 9th Street. She said media reports characterized this as both a welfare visit and a standoff. Ms. Kwiatek said she was concerned by the presence of long guns and the feeling of a standoff when it was reported that police were called to perform a welfare check and there were no arrests or concerns in the end.

Chief Kott said she had to limit details because of HIPAA and confidentiality, but the situation was tense for a time. It began as a welfare check requested by family members. The individual was not receptive to police assistance. Police wanted to be sure that he was safe as well as his family members and the surrounding community. This may have appeared to be a standoff to bystanders because of the information that initially was given to police. A perimeter was maintained to be sure that the scene was safe for the man and the community.

12. ADJOURNMENT

The meeting was adjourned at 8:23 PM.

ATTEST:

Tad J. Miller
City Clerk