

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, February 2, 2021 – 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

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

PUBLIC HEARING

Prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to accept public comment on an Administration proposed Zoning Text and Map Amendment to create a Student Overlay District and provisions to address student housing, along with minor revisions to certain dimensional requirements and accessory structure regulations.

Communication 6A – City Planning Commission – Zoning Text and Map Amendment – Create a Student Overlay District and provisions to address Student Housing, along with minor revisions to certain dimensional requirements and accessory structure regulations

The Clerk read a memorandum dated December 10, 2020 from Darlene Heller, Director of Planning and Zoning related to an Administration proposed zoning ordinance amendment to establish a student housing overlay district in certain areas adjacent to Lehigh University, along with amending certain dimensional and accessory structure regulations in the RT and RG zoning districts. The City Planning Commission reviewed the proposed zoning amendment at their December 10, 2020 meeting, and voted 4-1 to recommend that City Council pass the proposed zoning amendment.

Communication 6B – Lehigh Valley Planning Commission – Zoning Text and Map Amendment – Create a Student Overlay District and provisions to address Student Housing, along with minor revisions to certain dimensional requirements and accessory structure regulations

The Clerk read a memorandum dated January 20, 2021 from Jillian Seitz, Senior Community Planner of the Lehigh Valley Planning Commission concerning their review of the proposed zoning ordinance amendment to establish a student housing overlay district in certain areas adjacent to Lehigh University, along with amending certain dimensional and accessory structure regulations in the RT and RG zoning districts. The commission found that the proposed amendment was generally consistent with the regional plan and also contained components considered matters of local concern. The commission commented that implementation of the student housing overlay district could improve housing attainability in the City and mitigate effects on the real estate market and housing attainability by reducing market competition for lower cost rental housing. This supports increased stability for longer-term residents, and serves

the intent of the Regional Plan to promote mixed-income neighborhoods. Additionally, the commission commented that the proposed amendment will provide opportunities for student housing in appropriate areas and supports the intent of the regional plan to provide a wide variety of attainable housing in locations that maximize social and economic opportunities for everyone. They also provided several additional comments.

Darlene Heller, Director of Planning and Zoning remarked this is an ordinance amendment that Council is familiar with. We had a meeting back in late October 2020. There was an opportunity to provide comment. We have been meeting with some of the neighborhood stakeholders and regulated rental owners and managers. We have been working for a few years on this ordinance and we did as much outreach as we could to get input from different stakeholders in south Bethlehem. Ms. Heller noted we have talked before about why this ordinance is important to us and why we are doing this now. There is a purpose section in the ordinance and it does talk about some of that but many of the provisions are straightforward. We have a regulated rental ordinance now which is managed through the Housing Bureau and this would supplement that and would be in the zoning ordinance. There are some provisions in here that just make sure that those two ordinances are comparable with each other and that they work together. We added definitions for regulated rental units and student home; we tweaked the definition of half story. What we found was that some property owners, especially student housing property owners, wanted to build the half story into a full story and put additional bedrooms in. We found that definition of a half story that we had was just clunky so we are not trying to change anyone's ability to be able to use the third story of the half story that way but we modified the definition so that we think it is more clear about what is a half story and what is not. Ms. Heller continued with section 1327.01 that is where we start to actually talk about student housing and what it is. She noted student housing is proposed to be permitted in the future in the CB which is Central Business, CL which is Limited Commercial. She added that CB is the two downtowns and CL is Limited Commercial which is East or West Broad Street, East Fourth Street, Linden Street, those areas. She stated also IRR which is the area of the Beth Works site where we allow residential units and also within the Overlay itself. We clarify in that section that the provisions will only apply to new student homes following the effective date of this ordinance. Any regulated rental units that are in existence now are continued to remain regulated rental whether they are in the Overlay or not. They need to maintain their license and have an annual inspection but if they meet the current requirements they would be permitted to continue as non-conforming uses. In the next section 1327.02 we list some of the provisions of what is required for student housing. One of the issues we wanted to take a look at is the parking. A dwelling unit is required to have two off street parking spaces; we will require that for a student home. If there are 5 students within the unit we would require a third parking space. We would not require additional spaces if there are 3 or 4 students in the unit. Ms. Heller added they clarify in here for constancy that any student home must comply with all regulated rental unit regulations. They are permitted to have a small sign at the front of the property and if you are in the Overlay we would permit 5 students within the Overlay. If you are in the other zoning districts CB, CL, or IRR, we would permit up to 3 students within a unit. The intent there is really to keep the student population close to the campuses, close to transit, close to walkable areas, and close to our downtowns where the businesses have begun to rely on the student populations. Ms. Heller believes this has become more evident this past year when the students were not here. We do include some revisions to the dimensional chart. In RT and RG, those are the most dense residential zoning districts we have. When we were working with the housing committee, one thing that came up is that in those dense residential districts we did not have now a maximum

impervious coverage so 100% of the lot could be covered. So in RG which is medium density residential we propose capping of 70% impervious coverage on the lot and in RT which is the highest density we propose capping impervious coverage at 80%. Ms. Heller noted they did not want to go too high because we do not want to create a lot of properties where it would be non-conforming, not able to put on an addition or have a shed. The other dimensional revision we are proposing is that in RG instead of the maximum height being 5 stories and 60 feet, we are proposing that it be 3 stories and 40 feet. One of the concerns from the stakeholders that we spoke with is that we are seeing more and more property owners buying several lots and then demolishing whatever is on those lots and then building a larger structure, a higher structure that is not compatible with the surrounding neighborhood. In RT we also propose to limit the height and the number of stories. For a multi-family dwelling that is 2.5 stories or less, the maximum height is 2.5. If you go above 2.5 stories the maximum height is 3.5 stories or 40 feet. We are lowering it from 60 feet to 40 feet. There are a few other minor revisions that we added to the end of this, one is a clarification that if your property is in CL you are not limited to the 3 story height, you would still be permitted to build up to the current height which is 5 stories or 60 feet. We have seen a high number of zoning appeals recently, in the last few years where in the RT and RG zoning districts there were a lot of appeals to the Zoning Hearing Board for an additional shed, deck, or a small addition. She added in order to try to minimize those the last provision is that if you are proposing a gazebo, playhouse, or a shed, or a small addition that is 125 square feet or less you would be able to have one addition like that without needing to go to the Zoning Hearing Board. That applies just for single family homes, single family detached, semi-detached, or attached dwellings. Ms. Heller noted that is a quick overview of the ordinance, she will answer any questions she can and added that Alicia Karner, Director of Community and Economic Development is on the call as well as Mike Simonson, Chief Building Inspector.

President Waldron informed the Administration has put a lot of time into this amendment and some of this has been kicked around for a few years. There has been a lot of public support from the neighborhood and the residents out there. Likewise there was a little pushback from some of the property owners as well, some of the companies that own multiple properties there and their concerns. President Waldron then turned to Dr. Van Wirt who is the Chair of the Community Development Committee to see if she had any questions or comments on the topic and then to other Members of Council if they have anything they would like to discuss.

Dr. Van Wirt noted we have discussed this pretty thoroughly in committee. We had a few questions and concerns but they were all adequately addressed by the Administration and she is in full support of this.

President Waldron did want to clarify that there have been no changes since what we discussed in October that was presented at that time.

Ms. Heller pointed out they did make one minor change. This was reviewed when we went back to the Planning Commission. Previously we were only proposing to allow 3 students in CB and CL, non-residential districts. As we talked further about this we want to prioritize areas that are very dense and so we also added the IRR zone which was not in the draft that you saw back in October. That was something that came up in some discussions with different stakeholders on the south side and we did speak with a few residents about that. It does allow student housing to populate outside of the areas where we are targeting and are hoping to be able

to encourage single family home ownership. They were supportive of adding that but it was a change since the last time you saw this.

Mr. Callahan thanked Ms. Heller for all the work she did on this. He is totally in favor of this. He told a lot of people who called, whether it was people with multiple properties down there, student properties or people with family housing; he thinks this will increase the property values of everybody's property down there. Because we are restricting an area where students can go and with Lehigh growing those students will want to move off campus but this will increase the likelihood of the students moving into that area because they will only be allowed to move into that area. Mr. Callahan asked if they can still move into the student housing areas that are already grandfathered in.

Ms. Heller stated yes, anywhere there is regulated rental now that is licensed and inspected, they can continue as long as they maintain their license and inspection.

Mr. Callahan remarked any new student housing has to be in this Overlay district, is that correct?

Ms. Heller pointed out the Overlay or you can do up to 3 students per unit in CB, CL, or IRR.

Mr. Callahan believes this will be a great thing for anybody that is a property owner down there. Inside that Student Overlay area that will increase the amount of people that want to get in there. Competition is a good thing; it will increase the property values for all those people who own it. Outside that area families and other people will want to move in there knowing that students are not going to be able to move in next door to them and that will increase competition. Those property owners will see a dramatic increase in their property values also. It will allow people and families to go in there knowing they will not have Lehigh students living next to them; they can go in and fix up their properties that will be good for the property owners whether in side that Student Overlay District or outside of it but it will be a great thing for the city. As the properties get fixed up and sold hopefully that increases the property values and that is a good thing for the taxpayers of the city. Mr. Callahan is 100% behind this. He asked if Ms. Heller has heard discussion about a 10 to 14 story building on New Street and the Greenway.

Ms. Heller stated there was a proposal reviewed at the Historic Conservation Commission Meeting last Monday.

Mr. Callahan noted he is hearing anywhere from 11 and 14 stories, is that correct?

Ms. Heller informed the concept that they showed the Commission was 11 to 12 stories.

Mr. Callahan asked Ms. Heller if she is in favor of that.

Ms. Heller stated the Commission is still reviewing it. We have met with them a couple of times to talk about that. This is another one of those projects where there is a balancing act. We want to attract new development to the south side core and then there is also the balance with historic preservation. That is something that is still being reviewed and discussed.

Mr. Callahan asked where it is going from here and if there has been a plan submitted yet.

Ms. Heller informed they submitted it to the Historic Conservation Commission, they had a good discussion, gave the developer some feedback and it will return to their meeting in February for further review.

Mr. Callahan asked if they have voted on it yet.

Ms. Heller stated they have not voted on it yet.

Mr. Callahan asked what was submitted and how many stories were discussed.

Ms. Heller remarked it was a building with a concept of 11 and 12 stories.

Mr. Callahan asked how about the Benner building across the street and how many stories that is.

Ms. Heller informed that is 6 stories of non-residential, so there is a different balance there.

Mr. Callahan just wanted to make sure we are all on the same page because there was a lot of discussion about the height of the Benner building. He is not sure it matters whether it is residential or not. He is all for the project that was discussed at meeting, it is a great thing. The properties there now are a little run down and a brand new building there would be an excellent thing for the taxpayers of the city also. He just wanted to make sure we are all on the same page on this as we discuss it moving on. Mr. Callahan added he is 100% in favor of this Overlay District. He thanked Ms. Heller for all her hard work.

Ms. Negrón stated these changes are way overdue. She has been begging for the past three or four years. She wanted to say thank you to the department, because this was truly a community development process. You really engaged stakeholders and residents of the south side that is really important. She knows that made the process go longer and she knows it complicated things more but it was worth it. She thanks everyone involved in this and for including the community to be part of this, that makes it better for everybody. Of course she will be supporting this.

Ms. Crampsie Smith thanked everyone that was involved in this, it was great work and she thinks it answers the call to the community, especially the south side. It is doing great as far as promoting inclusionary, accessible and affordable housing and very importantly preserving the spirit of the south side.

Mr. Reynolds added he supports this as well. In order for us to get the maximum value of this which he brought up before, he appreciates the conversation that the Administration and community has about not what we will pass but what we pass that will work and what will accomplish the intended goal. We all have seen before when we pass things and think it will accomplish the goal and it does not. The two things we need to focus on is how we get as much information from Lehigh University as possible about students that are living off campus. As we know, when someone signs a lease or someone moves in somewhere bells do not necessarily go off and say this is a Lehigh student, so we will need to work on this as far as the information we

have from Lehigh, who is living off campus, maybe the information we request from landlords and also how are we going to enforce that going forward. It is very difficult once people are living in a property to do something about it even if it is a violation of the zoning code. Mr. Reynolds remarked that we need to be smart as a city and a community about the relationship with Lehigh and all the information they have as far as who is living off campus if this will achieve the intended results. He does give everybody credit, he knows there are multiple City Council Members that he sat next to at some of these committee meetings and he sat next to Ms. Heller and Ms. Karner multiple times. He thanked them for going about this in a way that has taken a little bit of time to do but that is because everybody has tried to look at this as rational and practical as possible. The result we have in front of us is a reflection of that. Mr. Reynolds thanked the Administration, community members, and the Council Members that were engaged in this process throughout.

President Waldron related this is tailored directly to the south side and Lehigh University students but what is the feel or mix of other full time students that are living there that are not Lehigh students, whether that be Moravian or DeSales although there might be others. How would that be tracked if that information is not coming from Lehigh.

Ms. Heller does not know if they actually track which University they are attending. There were some questions early on about how are we going to qualify the residents, how do we know they are student residents. We had some language in there that they had to be enrolled in a certain number of classes, we greatly simplified the definition of a student home and that requirement to try to keep is simple for our enforcement purposes but also to protect the students. She does not know that we have a handle on that by University.

Ms. Karner added they have met with most of the Universities, Penn State Lehigh Valley for a while was sending a shuttle bus to the south side to pick up students because there were so many that were living there. It is difficult for the Universities to release numbers to us directly. We will see some change on the data question on asking them what University they go to. We are seeing a challenge with Moravian, we did look at the north side to be included as an Overlay and because of the small numbers and the way Moravian is vetting students prior to moving off of campus we did not have the same concentration there. Those will remain that are there, but we will not see a spread of 5 students in a home that does not currently exist. Certainly we will be tasked with enforcing that if we do get reports on that.

Ms. Crampsie Smith asked as far as the regulated rentals being grandfathered in, if they already exist, is there going to be any point in time like with the sale of the property where they will no longer be grandfathered in and be applicable to the new amendment.

Ms. Heller stated typically the way they handle non-conformities is they run with the land rather than with the property owner. So if she has a regulated rental property right now and when she sells it as long as it is used the same way, the non-conformity would continue.

President Waldron thanked Ms. Heller and Ms. Karner and added before he turns to public comment he will clarify that this is our Public Hearing on this and the amendment after this evening will go on the February 16, 2021 agenda for First Reading by City Council. So Council will not be taking any action on this tonight, we are just here to hear the presentation

from the Administration so we will not be discussing this further in the evening or taking a vote on it this evening. He reiterated the First Reading and vote will be on February 16, 2021.

Public Comment

Eray Donmez, 412 Jackson Street, remarked he and his wife own 11 total properties in the area. For a quick background his wife's family is from the area since the 1700's and he added that he, his wife and his sister are Lehigh graduates. This is his full time job, fixing broken toilets, cleaning clogged drains and other things with these properties and he does these things himself. He is not some harsh investment banker doing this on the side. He wanted to talk about a few points. He wanted to point out the current map as it stands on the east Student Housing Overlay District does not include some areas that are more than 90% student housing already and that is on Hillside Avenue including Jackson and Jefferson Streets. He suggests clarifying grandfathering a little bit more, an existing structure versus being able to develop the current lots to increase density since these are already student housing so increasing density on these lots would help as opposed to just limiting them to existing structures. In terms of increasing the density and preventing party houses is that there was more leeway for smaller units being built in these areas that are already grandfathered as opposed to being forced to 5 bedrooms which turn into party houses. With two bedrooms these would not be annoying noisy party houses as well as they would be more affordable for families and students because a 5 bedroom house, you cannot get the same amount of money from a family that you charge students. That is why bigger houses tend to cater towards students. He would recommend having some leeway with the encouraging smaller units. In terms of grandfathering one more thing, he thinks that having to renew every year the conformity of grandfathering creates an issue because that will prevent the existing landlords such as to not want to rent to non-students because we would not want to lose our status. Currently and this goes to one of the comments made that we have De Sales students, we have Penn State Lehigh Valley students some of whom graduate and still stay in our houses and are not students. It could help to have a little more leeway in terms of grandfathering and not relating it to existing structure being able to develop them. Obviously a non-variance requiring a place, he would appreciate that.

David London, 625 East 5th Street, informed he is the owner of 3 student houses. He is very new to this whole discussion and they put all their savings into buying these 3 houses and they found out 2 of the houses are outside of the Student Overlay District zone. He is familiar with this discussion about affordability but he wanted to comment that one thing he found lacking in the discussion is that in the discussion and in the proposed changes to say it is recognized the importance of students to the city but at the same time there is the feeling that it goes against the grain of the sentiment. One side is limiting where they can live but at the same time the results are a lot of limitation within the proposed zone. Mr. London stated in his mind looking at many houses and especially the parking regulations, from his understanding reading the regulation new houses within the zone would have to conform with the two parking requirement at the minimum which excludes a lot of houses that are currently non-compliant. A lot of houses do not go the full depth of the lot and therefore they cannot leave any off-street parking at the moment with the result of those houses not being able to become student housing but also getting their current owner not able to sell them because they would be surrounded by student housing and are not desirable and could not be converted to student housing. Mr. London found many houses, about 15 to 20 like that when he glanced over the map. The feeling that it is being restricted outside, which is fine but it is also being restricted within the zone

residences, encouraging more density within the zone, the result of new restrictions which would actually prevent houses from becoming student housing within the zone. Another point he wanted to make which was discussed by a few of the Council Members it that he does not see the mention of real discussion of (this is inaudible). Mr. London continued to say there is a depopulation of non-Lehigh students in the area, in Penn State; they have anywhere closer where those students can live off campus. Again, when he started to invest in Lehigh was there was a need of about 900 houses for off campus housing and the zone is about 450 only. There is a concern that this is somebody like him who is an architect that he would think that actually would create a spillover to an area like Fountain Hill where it would be more profitable for landlords to rent to 2 students rather than to a family. It might be the opposite consequence that would create spillover into an area which is now not frequented by students and the students actually do not want to go that far but it would create a situation where the shortage of housing within the zone will push them further away. Lehigh at the moment has proposed new housing but it is just too slow and they will not answer to any of this new need that is being created at the same time. Mr. London added that the proposed housing from Lehigh is very expensive. The students he has in his houses are coming from low income backgrounds and the housing within the zone will probably increase. Therefore these low income students will have much more difficulty to find new housing. His feeling is that although there is an affordability issue in the neighborhood the students are a very visible force. The Casino attracted a lot of new investors from New Jersey and New York to the area. A lot of the changes in affordability are due to other factors and the students are one of many. His point is that this should be more pushed to increase the density within the zone and the zone probably should be larger like the other landlord said. Otherwise there will be a spillover because there is a demand. This regulation will not help the demand, there is a demand of about 5,000 students that need to find houses and they will find them somehow. Mr. London remarked that is his main objection to this regulation.

Karley Biggs Sebia, 1 West Broad Street, Suite 700, remarked she is an attorney at the Kings Spry law firm. She is speaking for her client, Asset Living. She added that Asset Living manages over 70 properties on the south side of Bethlehem that includes approximately 350 units. A majority of its residents are college students and they do really take great pride in providing high quality and safe housing. While our client has every intention of complying fully with the amended zoning ordinance and has been actually working with the City Solicitor's Office to ensure that happens they have some concerns about the practical implication of the requirement that the licensing of a specific dwelling must be operated as a regulated rental unit without lapse for any length of time no matter how short or long in order for the preexisting use exception to apply. That has to do with the grandfathering in that we have been speaking about this evening. This language attempts to create a clear line where there is a lot of gray. Attorney Biggs Sebia informed practically speaking there may be instances where a property owner with every intention of operating its rental units within the confines of the law finds itself in the situation where there is a lapse in the regulated rental unit license. As a property Management Company with properties located in over 300 cities throughout the United States and in accordance with its usual business practice her client entered into one year leases with individual residents as opposed to one single lease for all residents living together in a unit. The lease is otherwise compliant with respect with requirements of the rental unit ordinance. Our clients were notified that the zoning office did not find its individual leases acceptable and considered those situations to be a rooming house and they promptly began to reach out to residents and request that they sign new leases and then soon after became aware of this proposed amendment. Our client has found itself in a situation where there is no legal basis to go back to their residents and demand

that they execute a new lease agreement. Some residents have agreed to sign new leases while others refuse or are nonresponsive. This has resulted in a lapse of their regulated rental unit licenses and taken with this zoning amendment could have a detrimental impact on its business, particularly for those properties located outside of the Student Housing Overlay District. We ask that consideration be given as to how this ordinance will impact existing landlords and perhaps consider incorporating a phase-in period for landlords who are acting in good faith to allow them time to come into compliance.

Chris (last name not identified) stated he wanted to make a few comments with three points. First he does agree that the orange part of the overlay zone is not enough. When he started his own business he went on the Zillow website and counted how many houses are there and how many are off campus, as simple as that math. He thinks it should be expanded further on both sides. Second, the yellow zone only allow 2 students because of what it is and then going forward there is not enough space for students and the landlords will not be able to offer to students at all because with 3, 4 or 5 bedrooms it does not make sense to lease a house to 2 students only unless the students will pay a very high premium price. As a landlord himself, we notice demand and we know where the students are the most. Thirdly about grandfathering and about the lapse, he is not quite clear. Most students will end a lease maybe on June 1st and start then August 1st so there may be a 2 month gap which is often. That needs to be clear to us when we lease to the students we need to talk about this to him. He added that everything started here with the students and complaints about the noise and the parties. He has a lot of students that are good from good families and are well educated and behave very well. He wants to make it clear that most of the students are good, they are not making noise or outside smoking and also it is not only students. If you are in the business you can see demand not just from the students but also young working adults coming out of college and are not able to afford an apartment or two bedroom apartments so they have to share with their friends together. What about those people working and they do not want to be close to campus, they do not have to. They are young and lower income and are good people and they want to live closer to the downtown and they want to live with their friends. What happens to them, do you want to push them out? As a landlord we are seeing this. He does see a lot of young people out of college or maybe from other cities coming here; we have a lot of jobs over here and those people work but do not have a place to live in the city and will be forced to be out. That is the point he wants to make. He hopes this ordinance is reconsidered to make things clearer and to expand a little bit and consider others.

Brendan Ramos, 417 Taylor Street, noted that his family owns a few other properties. As was said before he has a concern about the lapse in time and the grandfathering, this past year what if they were grandfathered in 4 students outside the zone and this year we are having a hard time finding students because of Covid, people are renting last minute. We had vacancies over the summer, he has concerns with that. He believes this should be written more clearly. What if we would want to remodel over the summer then there would be a lapse there or even if you want to totally remodel a house that could take longer than a year. Mr. Ramos believes that grandfathering needs to be a little clearer. If you have a 5 bedroom student housing and you lapse you just lost \$100,000 dollars of property value because they will not want to pay as much if is reduced down to 3. That needs to also be clearer. We have another project going, a 4 bedroom that is halfway done in the CL zone so there should be a phase in period if this does happen. Putting a deadline on this right after it passes; there are people that are halfway done with a home so there could be a problem there. Also the zoning area is too small, there are people coming from De Sales that do not have to be right next to Lehigh where they can walk to class, they need

somewhere that could be a couple of blocks away but they will still get the mix of more students in there, and also there might be a little more parking. Mr. Ramos remarked with everything growing and Lehigh adding student housing the zone should be bigger. Also with the parking requirements there are people buying homes in these areas there is just no parking on South Fourth or Third Street and even if they want to make a new student housing, for the parking requirement there is really not much parking around. It is up to them to rent a spot in the garage on New Street or down further on Taylor. Mr. Ramos added he does not like the overall having a line around something, it feels wrong and he thinks it should just be a free market. If you have a good rental and are renting it to students it should not be limited. After this passes across the street there could be a home worth \$300,000 and the other side of the street could be worth \$100,000 less or \$100,000 more. He hopes everything is rethought and a little clearer.

Mike Schoenberger, stated he is a student housing landlord at Lehigh and has about 20 houses. He wanted to support some of the other comments that were made. The first comment he would like to make is that the area is definitely too restrictive. It should be expanded. He has properties on the 600 block of Laufer Street, he owns 601, 603, 605, and 607 and they have continuously operated as student housing for 25 years. They are literally one block from the edge of campus and they are just on the outside of that Overlay district. He does not own a property that is more than a block and a half from the edge of campus and almost half of them are outside of the Student Overlay District. Some of the blocks are substantially students. The 400 and 500 block of Selfridge Street, the 600 block of Laufer Street, the 600 block of Hillside Street, these are all blocks that are one, or one and a half blocks to the edge of campus that are walkable to campus, walkable to downtown, meet all the criteria that was discussed about why you want to create that district. This has to be reviewed and looked at and expanded on both sides of the campus. Mr. Schoenberger added with the new parking requirements he thinks it should be clarified because there are houses that have no parking but the City of Bethlehem permits two on street spots per residents. So if you secure on street spots, the landlord or tenants secure the allowable number of spots for the property, will those be included in the required number of spaces. If you secure another parking spot in a Bethlehem City lot would that be included? You need to be able to make some reasonable accommodation on the parking. He understands the need for it but if there are two on street spots permitted they should be counted or if the landlord secures or rents spots in a city lot or if a student rents an on campus spot, there is other parking and that should be included in that. On the grandfathering there needs to be some clarification and some leniency on the grandfathering. Just for example he has his inspection requests at the Housing Office for like 10 months now; he is waiting for them to come in. He has inspections that are on hold since the beginning of Covid. He called in February or March for re-inspections and was told they were not doing re-inspections. He has been calling every month for fresh inspections and he is told that they are not doing inspections now. So there needs to be some leeway and some notice to a landlord. He does not think it is reasonable to pull away a license for a technical infraction or if it lapsed for a short period of time. That does not seem right. Mr. Schoenberger noted a landlord should be able to go back and forth between students and non-students as long as they continue to get their property inspected properly. They should be able to rent to other locals. He made this point at some of the earlier landlord meetings with the zoning office. If you have a Section 8 tenant who wants to rent your property, you are not permitted to discriminate based on form of payment so is he supposed to discriminate against somebody because they are non-students who want to rent this property? He cannot rent to those people because he is going to lose his housing license so this puts him in a spot where he has to discriminate or lose his license. This creates an issue. Those are the three main points, you have

to expand the area, Bethlehem on the south side is a large area and has a large population. These students can still be close to the campus and do not have to be on top of the campus. This should be expanded, the parking issue has to be resolved and the grandfathering issue needs to be resolved so you do not have someone lose their rental license over a technicality. Those are his comments.

Anne Evans, 454 Montclair Avenue, informed she is calling to reiterate the importance of this ordinance. So far all the speakers who called are landlords of one type or another. She wanted to state the interest of regular citizens, not students who live in the neighborhoods that surround Lehigh University. We also have interest and rights in living in our homes and the arguments she heard so far about parking and unfairness really does not apply. This ordinance really will help landlords and neighborhoods to stay in the south side. If we expand the area even farther more neighborhoods will go to student housing and more people who live on the south side and choose to live on the south side will no longer have an interest in living in their neighborhood which has now become all students. Ms. Evans explained there is really a lack of affordable housing to be purchased in Bethlehem and there are a lot of affordable houses on the south side that need to preserve our neighborhoods and have the residents a place to live that they can afford and this ordinance at this time is important. She does not know where all of these people have been for the past 2 years when there have been public meetings on this. There have been city meetings on this and they are coming out now. Truly, the Administration has worked very hard the last 2 years with residents and landlords none of whom spoke tonight on this ordinance. It really is time to get it done and protect the neighborhoods of the south side.

Seth Moglen, 726 Hillside Avenue, stated he wanted to thank all the Members of Council who have participated in this process over the past 2 and a half years. He wanted to thank Alicia Karner, Darlene Heller and their staff for all their hard work on this ordinance. Mr. Moglen wants to remind Members of Council that you have already received letters from over 150 residents and homeowners on the south side supporting this ordinance. He wanted to speak in support of what Ms. Evans just said and in particular he wanted strongly to advise Members of Council not to expand the Student Overlay District in any way. The arguments of the landlords from whom you heard tonight are evidence of exactly why we need to leave the boundaries of the ordinance as they are currently set. The landlords tonight are saying, wait, there is more and more student housing in these neighborhoods we should expand the district to include them. All of those landlords are talking about neighborhoods in which ordinary people, mixed income people are living and are trying desperately to hold onto their neighborhoods in the face of an onslaught of student housing which is undermining these neighborhoods. These are viable, long term, mixed income, racial diverse neighborhoods. Ms. Moglen added the arguments you heard tonight about why you should expand the district are precisely the arguments why you need to leave the Overlay District as it is currently set if you want to maintain the health of these neighborhoods and respect the interests of all of the ordinary south side residents who have been living in these neighborhoods in some cases for generations. He thanks all of you for the hard work, for the inclusiveness with which the process has proceeded. The ordinance reflects a genuine compromise and it looks like a serious attempt to protect the integrity and health of our neighborhoods. He strongly discourages Council for encouraging any alterations in the map of the Overlay District which was very carefully considered by the office of Planning and Zoning. He thanks all for their efforts and for listening to these comments tonight.

John Mervan, 426 First Terrace, explained he has spoken before on this. He would like to

thank City Council and the Members of the Zoning Committee for all the hard work they have put into this already. It is definitely something our neighborhood needs to stay a viable community type neighborhood. The Overlay needs to stay as proposed because all these landlords are trying to do is just encroach more and more on our areas and drive families out. They are interested in pure profit no matter what they tell you. Students as you know no matter how much these landlords tell you how wonderful they are, he has nothing against the students but the parties and public drunkenness and public urination destroys a neighborhood. Mr. Mervan added they have a local family with young kids living right next to a rental that have to experience this almost every year, several times. He would also like to say that there are plenty of people who would love to live in this neighborhood. Mr. Mervan has had people walking by his home this summer, young families asking if there were any properties around for sale at a reasonable price. His whole street has had a typed letter placed in their mailboxes asking if they would like to sell from another young family looking for property to buy to raise their children. He thanked City Council and hopes that this ordinance goes through as written. He added his family has been here since the 1800's so that should speak for itself as many other families have.

Mr. Callahan asked if Members of Council had any comments to address some of the comments made just now, should we wait for New Business or is now the time to do that.

President Waldron believes that now is a fine time to do that.

Mr. Callahan remarked that anyone that is inside the Overlay District right now, the callers that had concerns about the city playing gotcha, if for any reason there was some type of delay of them signing leases, if they are inside the Overlay District is it correct that they would have no worries about that.

Ms. Heller stated that is correct.

Mr. Callahan pointed out the only ones that have to worry about that are the ones outside of the Overlay District.

Ms. Heller reported the language is pretty specific. There were three concerns from the public that we addressed as we made provisions. One was related to the non-conforming requirement, they felt it was a little unclear and confusing so we tried to be as simple and direct with the language as we could. We are not trying to do any kind of a gotcha or anything like that, that was not the intention. She can read it, because it is specific.

Mr. Callahan stated yes.

Ms. Heller stated "New Regulated Rental Units or Student Homes will only be allowed in the Student Housing Overlay district. Pre-existing Regulated Rental uses, regardless whether they fall in the Student Housing Overlay district or not, shall continue to have non-conforming use status so long as they maintain a current license and successfully pass an annual inspection." She noted that is pretty simple. Even if they want to rent to a family for a year or whatever, if they get the license and pay the fee and have an inspection, which is a simple process, there is no issue.

Mr. Callahan remarked the people that are outside of the Overlay District.

Ms. Heller stated that is correct.

Mr. Callahan noted the individual that had brought up the hypothetical scenario that if a Section 8 housing person, he would not want to put him in jeopardy of being sued for violating Section 8 or housing laws. If he would rent it out to a section 8 family when they are out he could then go back to student housing, is that correct?

Ms. Heller explained all we are asking is that they maintain a license and inspection that is all that we are asking. It is a pretty low bar, not a high fee; the inspection is basic building code. These are safety issues and things like that. We are not really interested in trying to trip someone up. We understand that there is a need for student housing in south Bethlehem and there is always going to be student housing in south Bethlehem. This is an ordinance amendment that is really directed at a fee, proactive about where future student housing is located.

Mr. Callahan mentioned he was not exactly following. The question from the lawyer from King Spry, her suggestion was asking if we could modify the grandfathering of the houses outside of the Overlay District. He wondered if her concern was that a student lessee in a current grandfathered house, they did not sign the lease in enough time and because of that it would expire and they would lose their ability to rent to students?

Ms. Heller informed she does not know anything about her specific circumstance. Maybe Mr. Simonson does but what she heard from it was that she was concerned about the requirement that we have one lease for the property. One lease and the student names are all on one lease. She seemed to have a concern with that. But that is the way we have been operating with regulated rental for over 20 years. She does not think it has been an issue and added that she may be unfamiliar with the ordinance that has been in place for so long. For the landlords that have been complying, it really has not been an issue.

Mr. Callahan remarked if they are outside of the Student Overlay District and there is a delay in the lease signing, the one caller even talked about if they are doing a complete renovation to the property but as long as they are maintaining that license they will not lose their grandfathered status on that property for student housing.

Ms. Heller added there are provisions in zoning for non-conforming and if their intention is to update the house so that they continue to do student housing in the future, they are still doing student housing, this does not trip them up at all.

Mr. Callahan related he just did not want any homeowners that currently own a property being harmed if there was some type of delay in a lease but as long as you are saying it is up to the property owner to maintain the license and as long as they are doing that we will not have any issues with them losing their grandfathering.

Ms. Heller stated maintaining your license means that we get in their annually to do a basic inspection and we have the paperwork and know who the students are.

Mr. Callahan thanked Ms. Heller. The other thing on the parking issue, if the landlord put in his lease and provides to the city a purchased parking spot or spots would that meet the requirement for the parking if the landlord included it in the lease and showed the city the

monthly lease contract from the Bethlehem Parking Authority, would that cover their parking issue?

Ms. Heller informed we do have provisions now in the zoning ordinance. We try to be flexible with parking because there are properties that have no alley access or no availability on their lot. We do have provisions for shared parking, offsite parking, and things like that. In the ordinance, in the parking line item we do refer people to Section 1319.02 (g) which may allow offsite parking. That is a direct acknowledgement that there are other ways to meet the parking requirements.

Mr. Callahan asked if the landlord chose to include that, he is allowed to have student housing in the Overlay District provided he provides parking. He does understand that the parking situation is really bad over in the south side and will probably get worse in the years to come, especially if we do not build the Polk Street garage with all of the development there. Most students in college do not have cars with them at college, he does not know the percentage but he will say an overwhelming majority of students that go to Lehigh probably do not have cars with them. Lehigh is a walkable campus, which we all want and welcome all the Lehigh students to go to the businesses on the south side and contribute to the economy. Mr. Callahan knows we had callers on both sides tonight but he can say this will be a great thing for all the property owners down there. Because it is a Student Overlay in a limited area it will increase demand and whenever there is demand that increases value. If you own a property with student housing in the Overlay District because the demand is increased that will increase the rental of your property which then increases the property value. If you are outside of the Student Overlay District which he thinks will be a good thing, we do want families in there. As one caller said, if he had his family and kids there he would not want to see college kids living around him and causing problems so he feels their pain. If people outside of the Overlay District he promises that their property value will go up because people are looking for affordable housing and that is the greatest area of affordable housing in the City of Bethlehem. That will only increase because people will know they can move in with a family and there would be no worry of having Lehigh students next door throwing parties. Mr. Callahan thinks the fact that no more student housing will be allowed outside the Overlay area will be a great thing and will increase the property values. His advice is to hang onto your properties and you will see some nice things in the years to come. He thanked Ms. Heller and everyone else who worked on this, it will be a great thing for everybody.

President Waldron stated this zoning amendment will be placed on the February 16, 2021 agenda for First Reading.

President Waldron adjourned the Public Hearing at 8:30 pm.

2. APPROVAL OF MINUTES

December 1, 2020

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

SOS-Save our Swifts-Chimney Swift Birds

Yasiel Rodriguez, 1931 Lynfield Drive, noted he wanted to read his letter concerning the Chimney Swift Birds. "My name is Yasiel Rodriguez and I am a fourth grader at Freemansburg Elementary School. You need to help our Swifts because our Swifts help us and our chimneys so we need you to make a sign and write SOS, it stands for Save our Swifts. Build more chimneys for them because they are losing their homes."

President Waldron thanked Yasiel and stated he appreciates his letter. President Waldron clarified for folks at home that there is a push from the fourth grade class at Freemansburg Elementary School to make the Chimney Swift the official Bird of Bethlehem. We are considering a resolution this evening to do that but we have a few other callers who would like to make some comments to Council before we do that.

Emma Huertas, 103 Walnut Street, stated she would like to read her letter concerning the Chimney Swift Birds. "Dear Mayor Donchez and Members of City Council, my name is Emma Huertas and I am a fourth grader at Freemansburg Elementary School. I would like to ask you today to make the Chimney Swift the Bird of Bethlehem and this is why. They are insectivores so they only eat insects like flies, ladybugs, and other insects. They even eat mosquitos and will eat 2,000 insects in one day. So the 2,200 Swifts that live in the Masonic Temple chimney, all together eat 4,400,000 insects in one day. Isn't that cool? Yeah, but that's not all. Swifts have been in our city's history since the 1800's. Swifts may not have a whole lot of color, but the way they move to go in a chimney is beautiful. I feel like when the Chimney Swifts are flying it's like a princess is dancing in a ballroom, because it is super dainty and elegant. Mayor and Members of City Council, please listen to this letter and hear why these birds are so important to us. The reason is that to us they are not just birds, they are like people. If these birds were people you would make sure they would have a home. So please give these birds a home, and make the Chimney Swift the Bird of Bethlehem."

President Waldron thanked Emma for her letter.

Ryan Geraldo de Oliveira Benfica, 310 Main Street, Freemansburg, stated he would like to read his letter concerning the Chimney Swift Birds. "Dear Mayor and Members of Bethlehem City Council, Hi, my name is Ryan Geraldo de Oliveria Benfica and I am a fourth grader at Freemansburg Elementary school. I want you to name the Chimney Swift the Bird of Bethlehem. These are my reasons: Swifts are insectivores. They help us because bugs are annoying. Each bird eats 2,000 insects per day. Do the math; 2,200 Swifts in one chimney times 2,000 insects per day equals 4 million, 400 thousand insects per day per chimney. Swifts are part of our city's history and have been living here for a long time. They are part of our family, so we should be nice to them. The Swifts move in a pattern like a tornado. I like to watch them go into the chimney. It's really cool. We should be grateful to them for making a beautiful sight for us to see. So please name the Chimney Swift the Bird of Bethlehem so that we can take care of them."

President Waldron thanked Ryan for his letter.

Barking Dogs

Art Talijan, 1007 Main Street, wondered if someone could contact him because there is a lot going on. Basically, he is frustrated due to the situation that goes on between him and his neighbors. The problem is with his neighbors and also their dogs, which he has spoken to

Council before on, but nothing has been taken care of. A few months back there was an incident where their dogs were carrying on and he went outside to the porch where they were at and asked them to keep the dogs quiet in which the neighbor replied to him, "Why don't you shut yourmouth before I come over and kick your....." He as any other person would take that as a threat so his girlfriend called the police and when the police arrived he told them he had been threatened by his neighbor. When he told the officer what his neighbor said, the officer shrugged it off and said that is not a threat. Mr. Talijan does believe this was a threat. He then said something sarcastically to try to prove a point and he was cited and his neighbor was not. He is facing criminal charges now and was not even cited that evening. He received charges in the mail about 10 days after the fact. He is facing jail time because he said a comment sarcastically. In the report what he said was actually taken out of context and everything has become a fiasco. Mr. Talijan noted he has been threatened before by his neighbor. This man threatened him and entered his home, chased in after Mr. Talijan, smashed the window in his door with his bare fist and was not charged for the incident, however Mr. Talijan was. He said that he made him do it which that is absolutely ridiculous. Why this is going on, he does not know and why he is facing criminal charges, he does not know over a sarcastic comment. It is almost as if he is being railroaded here. This has been an ongoing thing with his neighbors. With the dogs it sounds like they are operating a kennel. All day today there was non-stop barking. They have more than one dog; it may be two or three. The officer asked him that evening why he did not call when the dogs were barking, that is because the police never cite them. They were cited once and the charges were dropped due to the fact that the officer heard the dogs and did not physically see them. There is more to his situation and he is scared because he has a hearing coming up in March where he is facing criminal charges. Apart from that, he is 50 years old, he has second phase COPD, severe asthma, chronic and severe sinusitis, and he does not need this going on. He recently lost his job and health benefits because he is high risk for Covid and now he has this on his plate. It makes him wonder who to call when he is in trouble or being threatened. He cannot reach out to his local police department because he is being cited. These neighbors have annoying dogs, they bully, threaten, and harass him and he is the one getting cited.

President Waldron thanked Mr. Talijan for his comments. He can imagine this is a frustrating and challenging position to be in. He would say there is little Council can do for him this evening. He knows that Police Chief Michelle Kott heard these comments and she may be able to follow up and give guidance. He would say that now your next step would be to tell your story to the Magistrate and hopefully things can get cleared up.

Mr. Talijan noted he was before the Magistrate and now it has gone onto the County.

President Waldron reiterated there is little Council can do for him this evening.

Mr. Talijan wondered if the Police Chief and reach out to him.

President Waldron stated he can ask her to do that, we have your contact information so that would be up to her or anyone else from the Police Department if they wanted to reach out to get some clarification on this issue, specifically try to get something that would satisfy all parties.

Mr. Talijan reported he feels like his rights were violated because he does not know who to turn to. He cannot pick up the phone and call his local police if he is being threatened. He cannot call if their dogs are annoying, which is a violation of the city code. Who does he turn to?

He does not think you can understand the frustration because he is going through it, you are not. He means that in all due respect. This goes on every day in his life and he has nobody to turn to. He does not think you can relate to his frustration. He lives in a row home and he does have recordings on his home of him standing in his living room or kitchen and you can hear the dogs over the recording on his phone.

President Waldron would say your next recourse would be with the Magistrate or the Judge and he will pass his information to the Police Chief and she might be able to reach out.

Mr. Talijan hopes someone can help him on this matter because with everything on his plate, his health and well-being, this is something added on.

President Waldron informed he does understand this and at this point we are 10 minutes into this call and we do have a 5 minute time limit. We need to give other callers and opportunity this evening.

Mr. Talijan hopes he will hear back from someone.

Save our Swifts-Chimney Swift Birds

Cole Shope, 3156 Wilson Avenue, stated he would like to read his letter concerning the Chimney Swift Birds. "Dear Bethlehem Mayor and City Council, my name is Cole Shope and I am a fourth grader at Freemansburg Elementary School. I want to ask you if you can make the Chimney Swift the Bird of Bethlehem. Chimney Swifts have lived in Bethlehem for about 100 years. They are in danger because of habitat loss. Chimneys are collapsing and being capped. The Swift's feet cannot grip onto tree branches. So when the chimneys are gone, they cannot rest in the trees, and they keep flying until they die. Chimney Swifts are beautiful when they fly into the chimney. They are fascinating birds, and they need help. Thank you for protecting the Swifts by making the Chimney Swift the Bird of Bethlehem and building new chimney swift towers for them to live in."

President Waldron thanked Cole for his comments.

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

None.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- C. *Director of Community and Economic Development - Recommendation of Award - The Greater Lehigh Valley Chamber of Commerce*

The Clerk read a memorandum dated January 21, 2021 from Alicia Karner, Director of Community and Economic Development recommending a contract with the Greater Lehigh Valley Chamber of Commerce for marketing services. The contract runs through December 31, 2021. The cost is \$75,000. There is a potential annual renewal.

President Waldron stated resolution 10 B is on the agenda.

D. Director of Public Works – Recommendation of Award – Heim Construction Co., Inc. – South Bethlehem Corridor Connections – TASA Grant – Construction Contract

The Clerk read a memorandum dated January 20, 2021 from Michael Alkhal, Director of Public Works recommending a contract with Heim Construction Company Co., Inc. for construction of pedestrian improvements as part of the south Bethlehem corridor connections project. The anticipated completion date is August 20, 2021 and the cost is \$399,059.14. There are no renewals.

President Waldron stated Resolution 10 C is on the agenda.

E. City Solicitor – Records Destruction Resolution – Law Bureau

The Clerk read a memorandum dated January 27, 2021 from William P. Leeson, Esq., City Solicitor requesting Council to consider a resolution for the destruction of records from the Legal Bureau. The Solicitor has reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Waldron stated the Resolution can be placed on the February 16, 2021 Council agenda.

F. Councilwoman Negrón – Resolution in support of naming the Chimney Swift the official Bird of Bethlehem

The Clerk read a memorandum dated January 28, 2021 from Councilwoman Olga Negrón with an attached proposed resolution designating the Chimney Swift as the official Bird of Bethlehem. Councilwoman Negrón proposed this resolution in recognition of the special role that the Chimney Swift plays in our City.

President Waldron stated resolution 10 D is on the agenda.

G. Chief of Police – Resolution for Adoption of Hix – Bethlehem Police K-9 to Patriot K-9 Rescue

The Clerk read a memorandum dated January 28, 2021 from Michelle Kott, Chief of Police with an attached proposed resolution authorizing the Police Department to retire Hix, one of the City's police dogs due to severe arthritis. The Department is requesting authorization to retire Hix to Patriot K-9 rescue so he can live out the rest of his life in a happy and loving environment. If Hix is deemed safe for adoption, the rescue organization will work to find a suitable family with an adequate property and able to care for him and his special needs. If he's unable to be adopted, the rescue will care for him. The resolution also recognizes his more than five years of service protecting the City and its residents.

President Waldron stated resolution 10 E is on the agenda.

7. REPORTS

A. *President of Council*

1. *Councilmanic Appointment – Rachel Leon – Bethlehem Area Public Library Board*

President Waldron appointed Rachel Leon to membership on the Bethlehem Area Public Library Board to fill the vacant seat of Sharon Yoshida, effective until January, 2022. Ms. Negrón and Mr. Waldron sponsored Resolution No. 2021-024 to confirm the appointment.

Ms. Negrón stated she wanted to say a few words about Rachel Leon. She is a young woman born and raised on the south side of Bethlehem. She served in the U. S. Navy and she did incredible work while abroad putting together a library among the community she was stationed at. It is a beautiful story and Ms. Negrón is looking forward to sitting next to her at the Library Board Meetings. She is a dynamic and incredible woman, mother of a young child as well. Thanks for supporting Rachel Leon's appointment.

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

2. *Councilmanic Appointment – Anne Felker – Bethlehem Area Public Library Board*

President Waldron reappointed Anne Felker to membership on the Bethlehem Area Public Library Board, effective until January, 2024. Ms. Negrón and Mr. Waldron sponsored Resolution No. 2021-025 to confirm the reappointment.

Ms. Negrón noted that Ms. Felker is president of the Library Board right now and she has done fabulous work and she will continue to support her leadership.

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

3. *Councilmanic Appointment – Emil Signes – Bethlehem Area Public Library Board*

President Waldron reappointed Emil Signes to membership on the Bethlehem Area Public Library Board, effective until January, 2024. Ms. Negrón and Mr. Colón sponsored Resolution No. 2021-026 to confirm the reappointment.

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

B. *Mayor*

1. *Administrative Order – Lucienne Di Biase Dooley – Codes Board of Appeals*

Mayor Donchez appointed Lucienne Di Biase Dooley to membership on the Codes Board of Appeals effective through December, 2023. Mr. Waldron and Mr. Colón sponsored Resolution No. 2010-027 to confirm the appointment.

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

2. *Administrative Order – Luke Cunningham – Civil Service Board*

Mayor Donchez reappointed Luke Cunningham to membership on the Civil Service Board effective through October, 2024. Mr. Waldron and Mr. Colón sponsored Resolution No. 2021-028 to confirm the reappointment.

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

COVID/Vaccines

Mayor Donchez reported that the City of Bethlehem Covid cases, as of yesterday is 5,900 cases and as of yesterday there were 96 deaths. The total number vaccinated by the Bethlehem Health Bureau is 7,056. He wanted to thank President Grigsby to allow us to use Moravian College for a few weeks and Dr. Roy for allowing us to use Northeast Middle School and now to Wind Creek where we will be for the next few months. Since the cancellation of the vaccinations for today we will have a double session on Thursday, everyone will be notified. We are trying to prioritize the vaccine for our residents. The Department of Health has stated that we cannot refuse anyone based on residency because the vaccine is from the Federal Government but we are allowed to refer those who have a Health Department back to their respective Health Departments. We are in the process of canceling these appointments for our upcoming clinics. Right now we are getting fewer vaccines supplied from the state. If we start to get the amount requested we will begin scheduling those on the wait list into the canceled appointment spots. Ms. Wenrich is concerned about the low number of Hispanics that are getting vaccinated, about 5 %. She has a meeting with United Way this week to discuss the vaccination marketing and outreach efforts to certain populations. She is also going to reach out to the Hispanic Center to see how we can partner with them. Mayor Donchez does think part of the reason for these low numbers was attributed to the fact that we had all the people from Bucks County, Montgomery County, and Chester County to try to come to our clinics the last two weeks and that was an issue in itself. Mayor Donchez wanted to thank President Grigsby, Wind Creek, and Dr. Roy for their generosity allowing us to use their facilities. Since we canceled today we will have a double session on Thursday at Wind Creek in the Event Center.

Snow Emergency

Mayor Donchez pointed out the Recycling Center on Illick's Mill Road will be closed Wednesday and Thursday this week. The city is still in a snow emergency probably for the next few days. He noted that Michael Alkhal, Director of Public Works may make a few comments. We had a record snowstorm with 28-30 inches of snow with possible another storm on Sunday. We did declare the snow emergency and now we will shift into snow removal in the downtowns. Mayor Donchez stated that Eric Evans, Business Administrator and Mr. Alkhal are working on

contractors to use their dump trucks as we use one of our new pieces of equipment for snow removal. Considering everything with 28-30 inches of snow, 250 miles of roads, 12 hour shifts when we declare a snow emergency, 40 pieces of apparatus out removing snow for the most part the citizens have been very understanding and he appreciates it as does Mr. Alkhal. The guys have done an excellent job and Mr. Alkhal always does an excellent job. Mayor Donchez believes that every street and side street and alley has been open at least once. They will continue around the clock to expand the opening and then they will start removing snow. So probably the next couple of days we will have a snow emergency.

Mr. Alkhal reported that we had a very substantial significant storm and it will go down as the second largest on record. These storms do pose tremendous challenges for an urban area like the City of Bethlehem. Primarily the challenges lie in some of the dense neighborhoods, small streets where cars park on both sides of the street. A key to a storm of this magnitude and this amount of snowfall is to plow as efficiently and quickly as we can around the clock so that we are not going through some of the smaller streets for the first time after all of the snow has fallen. This snow also fell over a long period of time which also poses challenges. Mr. Alkhal explained despite their best efforts there are some areas, these small areas, even though we passed through them once, sometimes more than once given the rate of snow in the last 8 hours of the event they still had snow on them and the type of snow which is wet snow when we went to push it, that gets packed easily. That makes it very difficult for the smaller apparatus that is necessary for those areas to get through there. That was not going to work and a larger piece of equipment that can get through there is too large to access those areas. For those types of streets we have to use other equipment like front end loaders, back hoes which are a lot less slower process to open those streets. The vast majority, all the mains and all the secondary streets, any street that is fairly wide that is not parked in has been done repeatedly and is in reasonably good condition. Mr. Alkhal added the city is very passable throughout, you can get around easily. The biggest challenge is if you happen to be on a side street, small street, or alley that we are still getting to at this hour because of what he just described. We also went immediately to snow removing starting on Fourth Street and we are hoping to go through that quickly. Only for that all the plowing and work around the clock has been in house, the only thing we called on some help is with some trucking and some front end loaders for snow removal in the downtown business areas in order to do it as quickly as we can while still reserving and keeping our contingency on the slower work that is still ongoing, the opening of alleys, those that could not be opened because of the condition. Overall the city is in good shape considering what we had. He can assure that we are in good shape compared to other communities that experienced the same thing in the Lehigh Valley. Mr. Alkhal noted they will continue to work around the clock with the snow removal because what is forecasted in the next 5 days is real cold weather so it looks like Mother Nature is not going to help us too much. After that as we continue to dig out unfortunately there will be frustration for the residents to be anticipated when we plow, we have to make multiple passes sometimes given how much snow we had. We directed our crews to generally push to the curb but with 2 feet of snow that would pile the snow way too high. So they are shutting driveways as we continue to clean and open streets, we will make them passable to have lanes in each direction but not all the way to the curb. That is not a problem where off street parking is not critical and they tend to be neighborhood areas. Mr. Alkhal explained that is where we are and we will probably keep snow removal this week as long as we can because that will assist in the storm effort downtown. This will be a costly event to clean up, we have had a bunch of breaks the last year or so with not a lot of snow, so he guesses it is only fair we have to deal with this now.

President Waldron thanked Mr. Alkhal and he knows they are doing the best they can and it is never quite good enough for every single portion of the city because people are looking at their one little street that is in front of this house or behind their garage. They are not looking at the 250 miles that needs to be done. The crews are out there working hard and the people need to be patient. Thank you for the work you are your crews are putting in.

Mr. Reynolds noted Mr. Alkhal did a good job summarizing this, especially the challenges. He was out shoveling and he know we all have the same experience where you go out and shovel, go back inside and they go back outside and there is the same amount of snow out there. He walked down to a few neighborhoods around him to help a few people shovel and he saw a bunch of the city trucks out there. He felt for them in a way because we do not usually buy trucks to deal with 30 inches of snow. There are only so many places we can put the snow and he watched them do the best they could to try to find places to put the snow. The neighbors understood that and also many of the guys that were out there were out there for many hours. This was a difficult situation for everybody. As was said, he appreciates the fact that it was said that there are areas that need improvement but overall when he was watching them work, he was impressed because they were out there for a long time and were trying to do the best they could. They did a few extra passes because they realized they had not gotten everything and did not know when they would be back. Mr. Reynolds noted Mr. Alkhal deserves a lot of credit but also your employees deserve a lot of credit. The ones he saw he thought were doing the best they could with a difficult situation. He did want to say that.

Mr. Alkhal thanked Mr. Reynolds and added that they do have great crews and we deploy 4 units around the clock with 12 hour shifts so they are long hours and they do stick with it until we dig ourselves out.

C. *Finance Committee Meeting*

Chairman Reynolds stated The Finance Committee met on Tuesday, January 26, 2021 at 6:00 PM. The Committee discussed and voted on four (4) agenda items: Amending the General Fund related to several adjustments; Amending Golf Fund - 2020 Year End Adjustments; Amending the Liquid Fuels Fund- 2020 Year End Adjustments; and Amending the Non-Utility Capital Improvements Fund - 2020 Year End Adjustments. Committee votes were taken on each of the four agenda items. The committee voted to recommend placement of appropriate bills on tonight's Council meeting agenda for each agenda item. The four bills are on tonight's agenda for First Reading.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 01-2021 - Zoning Text Amendment - Commercial Uses on First Floor in CB and CL Districts*

The Clerk read Bill No. 01-2021 - Zoning Text Amendment - Commercial Uses on First Floor in CB and CL, sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES
OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF
PENNSYLVANIA, AMENDING THE ZONING ORDINANCE IN SECTIONS 1305

AND 1306 TO AMEND PROVISIONS FOR COMMERCIAL USES ON THE FIRST FLOOR IN CB AND CL ZONING DISTRICTS.

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, and Mr. Waldron, 7. Bill No. 01-2021 now known as Ordinance No. 2021-01 was passed on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 02-2021 – Amending Article 1501 of the Codified Ordinances – Fire Safety and Code Enforcement and Inspection Fees*

The Clerk read Bill No. 02-2021 –Amending Article 1501 of the Codified Ordinances – Fire Safety and Code Enforcement sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA,
AMENDING ARTICLE 1501 OF THE CODIFIED
ORDINANCES OF THE CITY OF BETHLEHEM TITLED
FIRE SAFETY AND CODE ENFORCEMENT INSPECTION FEES

President Waldron noted that Deputy Fire Chief Craig Baer is with us and he wondered if he and anything else to add to this. We did discuss this two weeks ago and nothing has changed.

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, and Mr. Waldron, 7. Bill No. 02-2021 was passed on First Reading.

B. *Bill No. 03 – 2021 – Amending 2021 General Fund – General Fund Adjustments*

The Clerk read Bill No. 03-2021 – Amending 2021 General Fund – General Fund Adjustments sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2021 GENERAL FUND BUDGET

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, and Mr. Waldron, 7. Bill No. 03-2021 was passed on First Reading.

C. *Bill No. 04 – 2021 – Amending 2021 Golf Course Enterprise Fund – 2020 Year End Adjustments*

The Clerk read Bill No. 04-2021 – Amending 2021 Golf Course Enterprise Fund Budget – 2020 Year End Adjustments sponsored by Mr. Colón and Mr. Waldron 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 2021

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, and Mr. Waldron, 7. Bill No. 04-2021 was passed on First Reading.

D. *Bill No. 05 – 2021 – Amending 2021 Liquid Fuels Fund – 2020 Year End Adjustments*

The Clerk read Bill No. 05-2021 – Amending 2021 Liquid Fuels Fund – 2020 Year End Adjustments sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2021 LIQUID FUELS FUND BUDGET

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, and Mr. Waldron, 7. Bill No. 05-2021 was passed on First Reading.

E. *Bill No. 06-2021 – Amending 2021 Capital Budget for Non-Utilities – 2020 Year End Adjustments*

The Clerk read Bill No. 06-2021 – Amending 2021 Capital Budget for Non-Utilities – 2020 Year End Adjustments sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2021 CAPITAL BUDGET FOR NON-UTILITIES

Voting AYE: Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, and Mr. Waldron, 7. Bill No. 06-2021 was passed on First Reading.

10. RESOLUTIONS

A. *Approve Records Destruction – Department of Water and Sewer Resources*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-029 that authorized the disposition of the Department of Water and Sewer Resources records, as stated in Exhibit A.

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

B. *Approve Contract – The Greater Lehigh Valley Chamber of Commerce*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-030 that authorized to execute a contract with The Greater Lehigh Valley Chamber of Commerce for marketing services.

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

C. *Approve Contract – Heim Construction Co., Inc. – South Bethlehem Corridor Connections*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-031 that authorized to execute a contract with Heim Construction Co., Inc. for construction of pedestrian improvements as part of the south Bethlehem corridor connections project.

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

D. *Approve Resolution naming the Chimney Swift the official Bird of Bethlehem*

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2021-032 that designates the Chimney Swift the official Bird of the City of Bethlehem in recognition of the special value of this bird species to our City.

Ms. Negrón stated she wanted to thank to Jennie Gilrain because she has led this effort along with many other members of our community. She asked what we needed to do. Ms. Negrón thanked Robert Vidoni, he has been patient about how to do this, we have been going back and forth with this, and he was very helpful. Ms. Gilrain really did a lot of work and research and made help this happen and in organizing the students to write letters. This is a group of students that got a good sense and touch of city government leadership and also mathematics and science. It was beautiful to hear the letters, thank you everyone that called in support. He hopes that Members of Council approve this naming of the Chimney Swift the official Bird of Bethlehem. There is a lot of potential for us to use this in many different ways but more than anything to save the Chimney Swift.

Mr. Reynolds seconded what Councilwoman Negrón said and thanked her for all her work in putting this together with Mr. Vidoni. Mr. Reynolds thanked the students that called in today who are all fantastic. This is something that people put a lot of work into and it will be a good thing for us to do tonight.

Dr. Van Wirt added that she wanted to echo what Council Members Reynolds and Negrón have said tonight. Additionally she would like to speak directly to the students who called in if they are still listening, she wanted to praise them and also please do not ever stop calling your government and telling us what you think. It was wonderful.

Mr. Colón mentioned he heard of the Chimney Swift last summer previous to this recent news. When he was walking in a municipal park, not in Bethlehem there was a structure that was a chimney that was built specifically for Chimney Swifts to roost. So any of our other local students that are looking for potential Eagle Scout projects something like that would help create other habitats for them to roost, that would be a low maintenance addition to any of our local parks and could add an educational piece potentially about what we are doing tonight to value the Chimney Swift. This is something he saw in another public park space but one of these chimneys would be good if someone would want to reach out to the city for an Eagle Scout project that would be something to build upon this as we continue to educate the public of the value of the Chimney Swift.

Mr. Callahan thanked the kids for calling in; it is a great thing to be involved with your city. He knows a few of you have kids that go to Northeast Middle School and he knows a few of them there and they were supporting this also. Thanks again, for calling into the city and being involved as Dr. Van Wirt said.

Ms. Crampsie Smith thanked all the children that called in tonight, that was wonderful. It would be hard to vote against anything that they call in for. She wanted to give a shout out to Mr. Noble who is the owner of the Masonic Temple and the builder and who was willing to preserve the chimney so that the Chimney Swifts have their natural habitat. That is really noble of Mr. Noble to do that.

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

E. Approve Resolution – Adoption of Hix – Bethlehem Police K-9 to Patriot K-9 Rescue

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-033 that approved the transfer of Hix by the Bethlehem Police Department to Patriot K-9 Rescue and that Hix be extended the gratitude of the City of Bethlehem which has benefitted from his more than 5 years of service and special contributions he made to promoting public safety and protecting the lives and property of Bethlehem residents. Now that Hix has retired he can relax and enjoy that all life has to offer him. Hix is extended every good wish for a long and happy retirement.

Mr. Reynolds thanked Police Chief Michelle Kott for sticking around, this meeting is now 2 and a half hours and she is still with us in case we had any questions. He thinks we all thank Hix for his service as well.

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

11. NEW BUSINESS

Community Development Committee Meeting

Chairman Van Wirt announced there will be a Community Development Committee Meeting on Tuesday, February 9, 2021 at 6:00 pm in Town Hall. There are two agenda items; the discussion of three proposed bills related to enabling third party inspections in the city; and bill amending HARB eligibility requirements. Due to Covid, this will be a virtual meeting and instructions for public comment over the phone will be posted online on the City Council Meeting calendar page.

Vaccine Clinics

Ms. Crampsie Smith noted she wanted to clarify something about the vaccine clinic. She has some questions and she wanted to clarify that the clinic is totally going to be at Wind Creek now including the First Presbyterian one and that will no longer be a site. She is just asking for clarification and also will those going to the clinic receive some type of email or some kind of notice beforehand so they know what site they are going to.

Alicia Karner, Director of Community and Economic Development commented that all individuals signed up for First Presbyterian have been notified in addition to the press releases that were sent out. They all received an email which was the same method on which they used to sign up for the clinic. All of that has been communicated to the folks. Yes, they will be at Wind Creek as a permanent site at least through the month of February and for the next several months.

Ms. Crampsie Smith thanked Ms. Karner and added she has had people asking her about that. She will say that we have a lot of mature community members that are going for vaccines. She knows that Thursday and Friday some of her neighbors are going and it will be difficult for them to drive and get there so if anyone in the community is available to help transport that would be great.

Chimney Swift

Ms. Negrón pointed out she forgot to mention somebody really important in the process of the naming the Chimney Swift the Bird of Bethlehem, that is Council Solicitor John Spirk. He was the first one when she received the documents from members of the community asking her they had a lot of legal questions and she sent this to Mr. Vidoni and Solicitor Spirk and he did a quick research and came back to say that the Chimney Swift birds are actually protected under the federal law and cannot be messed with. We have a great way to make sure that the Chimney Swifts are safe. She failed to mention that she appreciates Solicitor Spirk and his quick responses and help in this process. She thanked Robert Vidoni and Solicitor Spirk.

New Snow Blower

Mr. Callahan asked Mr. Alkhal if the new machine he is talking about is the snow blower that we talked about a few years ago.

Mr. Alkhal stated yes, we did acquire a snow blower last year and of course we had no snow last year.

Mr. Callahan asked how it is working. He noted it is a giant snow blower that fits on the front of the truck.

Mr. Alkhal stated, yes, it is pretty substantial and fills a dump truck in about 25 seconds. We are still adjusting on how best to deploy and use it. If we have an open area with a lot of snow in front of you it is awesome, it goes quickly. Our challenge is that we use it in the downtown area to remove snow and in those areas we have the pile of snow in the parking lanes and come through and grab it and throw it into dump trucks. That can go fast but the problem is we are not always comfortable basically tying up all the parking areas until we get to them with the blower. But we are adjusting and will get it down pat soon. This is the first year of use; we used it at the last storm and used it during this storm.

Mr. Callahan informed he is glad it is working.

President Waldron remarked everyone stay well and warm and we will see you in two weeks.

12. ADJOURNMENT

The meeting was adjourned at 9:29 pm.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk