

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, December 15, 2020 - 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

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

President Waldron noted we are joined in Town Hall by Mayor Donchez, Business Administrator Eric Evans, Director of Budget and Finance Mark Sivak, and our Controller George Yasso this evening. This is our last City Council Meeting for the year of 2020 and this evening in addition to our normal agenda in front of us we will be considering for final vote the 2021 Budget presented by the Administration.

2. APPROVAL OF MINUTES

October 20, 2020 and November 4, 2020.

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

*Flooding in his yard from adjoining properties*

Joseph Chapman, 2742 Clermont Street, remarked he has had flooding in his yard and house coming from the adjoining properties and in particular East Hills Moravian Church and Governor Wolf School. He pointed out that Anthony Moussa; Section Engineer from the Public Works Department was out at the properties and sent a letter to each to have adjustments made to their properties to stop this flooding. This was back in September and he is looking for the progress of this action, if anything has been done or can be done.

President Waldron stated he does not have an answer for Mr. Chapman, this is something that the Administration, specifically the Public Works Department would have to handle.

Mr. Chapman noted he contacted Mr. Moussa but he said he could not tell him anything. So that is why he is contacting City Council. This water issue has been going on for a number of years. He has had some adjustments made to his house, putting drains in the yard, etc. It all stopped and then with the last storm we had another issue with flooding in September.

President Waldron remarked he can understand the frustration of that situation and he would hope that someone from the Administration could be able to give him more information about what can be done in order to help mitigate that. The Mayor is with us this evening and is

taking down your information and he can then get in touch with someone in his Public Works Department who can help give Mr. Chapman more information about what might be a process to resolve this situation.

Mr. Chapman queried if he will be hearing from somebody in the city in the next week or two.

President Waldron remarked he cannot say that, Council does not have the ability to dictate that anyone from the city reach out but he would hope they would and he would encourage them to do so.

Mr. Chapman remarked if he does not hear anything you will hear back from him sometime in January.

*Environmental Advisory Council 2020 Year-End Report*

Lynn Rothman, 870 Wafford Lane, informed she wanted to give the 2020 Year-End Report for the Environmental Advisory Council. In accordance with their by-laws each year they submit a year-end report to City Council which she will summarize this evening. In April 2020 they moved their meetings from Illick's Mill to a virtual platform and will continue to do so until it is safe to meet. In accordance with the Sunshine Law our virtual meetings are open to the public over Zoom. The letters sent during the year include:

- March: Recommendation to the Director of Planning and Zoning that the property at 2105 Creek Road retains its RR designation because it is located in the Saucon Creek floodplain.
- March: Recommended that the City pass an ordinance banning single use plastic bags to take effect on July 2, 2020, in order to be grandfathered in before the State budget was passed.
- June: Letter supporting the City's WalkWorks grant application to go towards creating an Active Transportation Plan focused on the Broad Street corridor to improve the walking, bicycling, wheeling and transit infrastructure.
- July: Recommendation to create of an Office of Sustainability to oversee and implement the programs, policies and ordinances that will result from the Climate Action Plan (CAP). This office would engage and partner with the public, collaborate with all city departments and work with the Lehigh Valley Planning Commission to provide coordinated Climate Action. Because Climate Action is ongoing the Sustainability Office would often monitor actions from the Climate Action Plan and update the plan incorporating the latest climate science and technology.
- November: Letter in support of the Pedestrian Bridge Feasibility Study.

EAC Events and Activities:

- The Bethlehem, Allentown and Easton EACs coordinated the first EAC Network Meeting (a meeting for all Lehigh Valley EACs) on March 11th at Illicks Mill. This was coordinated by the Bethlehem, Allentown, and Easton EAC's. There was a strong turn out and each EAC spoke about their current projects in order to share ideas for possible collaboration.
- At the May 2020 Pennsylvania EAC Network Conference, a member of our EAC participated in the EAC Best Practices Panel and co-led a breakout session for Communications Best Practices.

- In partnership with the Monocacy Creek Watershed Association, we held two successful Monocacy Creek clean-ups (August 15th and October 10th), which engaged additional volunteers from outside our two groups.
  - On August 29th we tabled at the Rose Garden Farmers Market where we handed out flyers about the upcoming CAP public meeting and EAC promotional flyers with information on sustainability.
  - Continuing our relationship with City Forester David Shaffer, in a group meeting we researched firms who conduct citywide tree inventories and provided our recommendation. The tree inventory will be completed in December. Several of our members also joined Mr. Shaffer in an online Tree Tenders Course given by Penn State Extension.
  - Two of our members mentored students that prepared environmental essays for the Touchstone Theatre's Festival Unbound.
  - Since the City was no longer able to host the EAC on their new website, in February we launched a separate Bethlehem EAC website ([www.bethlehemeac.org](http://www.bethlehemeac.org)).
  - We have continued to maintain our Facebook page with increasing numbers of follower's.
- Speakers at EAC Meetings:
- Katharine Targett Gross, Sustainability Officer, Lehigh University;
  - Kathy Fox and Joe Klinkhoff, Bethlehem Food Co-Op.

Ms. Rothman explained the Bethlehem Backyards for Wildlife is an active standing committee of the EAC with a dedicated group of volunteers will give their report following this one. Ms. Rothman stated their most important work this year has been supporting the City's CAP, which is being written by the consulting firm WSP. EAC members are part of the Climate Action Plan Stakeholder Working Group and the mitigation subgroups for Land Use & Green Space, Food/Product Sourcing & Waste, Electricity Sourcing, and Education & Behavior Change. Once the CAP is finalized we will continue to assist in its implementation. Our great appreciation goes to Robert Vidoni, City Clerk, and Judy Kelechava, Assistant City Clerk, for their assistance. They respond immediately to all of our requests and questions, place meeting notices in the newspaper and facilitate communication between the EAC, City Council and the Administration. We recognize and appreciate our City Council liaison, J. William Reynolds, for his assistance, attendance at our meetings, initiative and continued efforts to bring a Climate Action Plan to fruition. We also acknowledge and thank Michael Alkhal, Director of Public Works, Matt Dorner, Deputy Director of Public Works, and Darlene Heller, Director Planning & Zoning, for their ongoing contributions to the CAP. Thanks also to Michael Halbfoerster, Director of Recycling, for his assistance to our Waste Reduction Committee. We commend City Council and the Administration for their support of the CAP and initiatives to make Bethlehem a greener, more pedestrian/bike friendly city.

#### *Bethlehem Backyard's for Wildlife Year-End Report*

Jane Cook, 208 West Langhorne Avenue, stated she is on the Committee of the Bethlehem Backyards for Wildlife. Our mission is to work with the City of Bethlehem to support biodiversity and minimize negative environmental impacts by encouraging city residents, schools, businesses, and other organizations to implement wildlife friendly and sustainable garden practices. Bethlehem is a National Wildlife Federation (NWF) Community Wildlife Habitat Bethlehem registered in 2009 and became certified in 2012. Each year we have been able to recertify with the exception of this year due to the pandemic. Even so there are more than 250 Bethlehem residences are registered as NWF wildlife habitats. Some schools that are involved

include Calypso, Buchanan, East Hills, Freedom, and Lehigh University. Public spaces certified by BBFW or in partnership with other organizations include Sand Island Native Plant Preserve, Meadow on the Greenway, ArtsQuest Butterfly Garden, Millers House Garden, and the Illicks' Mill Native Garden. Parks certified by the City include Friendship, Sand Island Children's Garden, Bethlehem Sculpture Garden, Bethlehem Public Library Garden, Illick's Mill and the Nature Area and Trail, along with Saucon Park. The Native Plant Demonstration Gardens maintained by BBFW committee volunteer include the Meadow on the Greenway, Hoover-Mason Trestle, and the Rose Garden Pollinator Garden along Eighth Avenue.

**Some 2020 Highlights include:**

**Arbor Day** - assisted the City Forester with the planning of the Arbor Day tree plantings along the Southside Greenway.

**Rose Garden Pollinator Garden** - maintained by irrigating and weeding the two new native perennial gardens on 8th Ave that BBFW designed and planted in 2019 and they are continuing to thrive.

**Rose Garden Rose Beds Weeding** - assisted with clearing out the overgrown weeds in the established rose-bush beds that had not been maintained for several years but the good news is that area is the process of being renovated.

**DCNR Grant** - continued to work with City and Mount Airy Neighborhood Association to develop the plans for using a \$210,000 DCNR matching grant for improvements to Rose Garden Park, originally begun in 2019.

**Southside Community Gardens** - met with the Southside Initiative Garden developers to assist with their creating a community vegetable garden area along the Southside Greenway, adjacent to the BBFW/Lehigh University Green Meadow native perennial garden.

**On-going projects:**

In 2020, with the COVID-19 pandemic restrictions that began in February, the City closed all access to the Hoover-Mason Trestle, which precluded us from doing any debris removal, weeding or pruning during the spring months. BBFW was granted permission to do these activities in late May, but on a limited basis—no public volunteers were allowed to participate. This late start and limited number of people allowed to work on the spring maintenance created a setback for the 11 beds to be properly maintained, but we did the best possible work within the limitations set. BBFW continued the weeding, pruning, mulching, path maintenance, and litter removal in the above-listed city gardens within mandated restrictions through the late summer. Ms. Cook stated they are hopeful they will be able to continue this type of work and include more volunteers next spring and next summer.

*Police Presence at Events with Alcohol*

James Jordan, 742 7<sup>th</sup> Avenue, stated he is calling on behalf of Touchstone Theatre where he is the Artistic Director. He noted it was prompted by Councilwoman Olga Negrón about the kind of ongoing issue that prevented Touchstone from doing some of its initiatives that we had wanted to do. We do a lot of work with the community and sometimes we want to have a party atmosphere with that and we have applied for permits through Parks and we are told if you want to have alcohol on city grounds you need to have police presence. We are talking about events that will have somewhere between 150-400 people. The idea that having to spend a certain amount of money for a certain amount of cops becomes cost prohibitive for us so we just do not do those events or we have them in some other way. If you are familiar with Touchstone we have Parham Park next to Touchstone and what we would like to do is not only use our parking lot but use Parham Park in these instances. We are unable to do that without having to have these police

officers there. The problem is we offer free programs, that is part of Touchstone's mission to make sure that everybody's voice is heard throughout the community and so when this happens we are unable to have a larger looser block party atmosphere. This idea that if we are on our property and there are a certain amount of people there and if we talk to the city and go over to the park then all of a sudden we need to have police officers there. This becomes cost prohibitive for us and it is actually affected us in the fact that we have not run events in the way we want to run them. Mr. Jordan is calling on behalf of recommending that this is looked at in a deeper way. He suggests maybe there is a threshold that could be, maybe if you have over 500 people you need a police officer and there is some sort of commonsense practice. But he does not believe that commonsense practice begins if you are going to have an event that has alcohol added then you need a police officer present. Being at Touchstone we have had the opportunity to travel around the world and go to different festivals and programs and it seems this is a cultural issue here that if you go all around the world there are plenty of places that you are allowed to have drinks, it is not demonized. If we as a community have an unhealthy relationship with alcohol then that needs to be looked at another way but the minute you make it a sin then it becomes a sin and is not being dealt with in a healthy way. Mr. Jordan would not suggest this is a sin tax on non-profits wanting to have alcohol at their events but it is affecting them as if it is. He is calling to say this should be looked at. Another option would be to bring in a group of non-profits and policy makers from the city to discuss how this is actually happening and what this is doing to them and affecting their ability to run events in a certain way.

#### *Student Overlay Housing Ordinance*

Anna Smith, 631 Ridge Street, informed she is calling because she wanted to thank the Members of Council who took the time to attend the Community Development Committee Meeting in October to hear from residents and south Bethlehem stakeholders about their support for the regulation of student housing in our city. In addition to the over 20 people who spoke at the meeting over 100 additional stakeholders signed their names to a letter in support of the zoning overlay. Tonight you finally have the opportunity to take action to protect and preserve south side neighborhoods for everyone, for families, renters, homeowners, boarding house and group home residents and yes students too. Why is this so important? You have heard from a lot of us and we have given a lot of reasons, preserving affordable homeownership and rental opportunities, protect quality of life, and encourage Lehigh students to live closer to campus to reduce the number of cars that are brought to campus. Also to encourage students to live in or near the business districts so they can easily patronize locally owned business, restrict haphazard development on steep slopes, reduce evictions and displacement of long-time residents when properties are converted to student housing. This will concentrate student housing in neighborhoods where it already dominates making it easier for colleges and universities to keep tabs on issues of safety and social life. Ms. Smith added if those are not enough reasons she would like to give her personal perspective. She wanted to talk as someone who loves everything about south Bethlehem and has spent the majority of her life living and working on its streets. She moved back here after 8 years away and decided to invest in the neighborhood that made her what she is much in the way that her parents decided to invest in the south side when they first moved here. This is not because of ArtsQuest or the South Side Arts District or Lehigh although those are all important aspects of our neighborhood character that makes the south side a great place to live. She moved back here because she wants to raise her Latina daughter in a neighborhood where she will not be the only kid speaking Spanish and where she will hear Spanish on the street just as often as she will hear English. Ms. Smith has invested in her

neighborhood because she wants her daughter to grow up as she did with friends and neighbors of all racial and ethnic backgrounds and also socioeconomic levels. She came back because she believes in our public schools and wants her daughter to be able to walk to Donegan Elementary in a few years. She moved back because she wants to live within a 5 minute walk of a playground, pool, Greenway, restaurants, mini-markets, and the woods. She moved back because south Bethlehem represents the best of what it means to live in a true community. We have some challenges like any community but we have so much to be proud of. It is so important for our elected officials to understand that, not at a surface level or based on their own experiences on the south side as outsiders or from conversations with representatives of institutions. We need our elected officials and their staff to make an effort to listen and spend time with residents of all backgrounds that make up the vibrant dynamic community at work in our south side neighborhoods. To walk around like she does and chat with her next door neighbor, a single grandmother who gives her daughter a little present for every holiday and the young Puerto Rican couple with twins next door who always offer us food from the barbeque. Also, the young married couple of women with the pit bulls who hang out on their porch every evening with their next door neighbors who are a black family with kids who race their scooters in front of her house and always ask to pet her dog. There is the older white man with a disabled son who always keeps the front of his house impeccably maintained and watches over the rest of the street. There is the immigrant family who just moved into a rental home this year but have already shown us all up with their holiday decorations for every holiday and weeks in advance. Ms. Smith noted this is what her ideal neighborhood looks like and where she chose to invest. We need you to understand why this is worth protecting about, not just today but each time you are asked to consider a policy change that will impact us. The neighborhoods of the south side have always had a certain reputation and most of us who live here have rarely had a say in decisions. We do not have many elected representatives or appointed ones who live on our streets and we often have seen that no one from the other side of town cared about our neighborhood. But things are changing and folks from outside the south side are now paying attention. New folks want to move here to live or open businesses, developers want to build and offers the opportunity to make a profit. She appreciates the energy and the fact that folks are excited about the neighborhood. We cannot forget what is attracting these folks in the first place, the essential character of our community that has been here for a lot longer than she has. We owe that to the people who define these neighborhoods, who have invested their time and livelihoods into these streets and their homes, who send their kids to local schools, who watch over neighborhood parks, and walk the Greenway to work. Also to the families that open businesses decades ago in a different economic climate and who have won the love and support of generations of residents, please remember them. As our south side evolves into the future we need to plan for the long term and be proactive less we risk losing the very part of our community and what makes it truly unique and irreplaceable. Ms. Smith is speaking tonight because she thinks the policy change you are considering this evening is a product of that very type of consideration. The Mayor and his Administration have listened and committed themselves to a long exceedingly thorough process to proactively protect and preserve the character of our diverse neighborhood. They understand why this is important for the future of our south side as a whole, how strong neighborhoods are necessary for a viable city. You have listened; you have attended meetings, wrote emails, talked with residents, and informed yourselves about the issue. This is perhaps the most thorough, well informed proposal that she has seen this current Administration put forward and she is proud to have been a part of the coalition that consulted with the Administration over the past several years as this was developed. Tonight you finally have the chance to stand with the residents of south Bethlehem

who have implored you to act for so many years now. Please vote to cut off all new authorizations of student housing development outside the student housing overlay as of December 31, 2020, our neighborhoods depend on it.

*Police Presence at Events with Alcohol*

Mary Toulouse, 1528 West Market Street, stated she is calling about the City Administration's policy for organizations to hire police when they are selling alcohol on city property or in city parks. She understands that a city park has a different designation than just city property. She understands this policy is under review which is why she is calling. There are two issues here, the policy related to a vendor selling alcohol for at home consumption or as well a second issue where alcohol is being sold in open containers to patrons. Related to the first issue as one of the managers of the Rose Garden Farmer's Market Ms. Toulouse did request permission to allow a vendor to sell beer for at home consumption at the market. She is sure that several of you may remember this because she probably called half of you to talk about the fact that every other farmer's market on public property in the Lehigh Valley was able to have a wine or a beer vendor and why could we not have it at our farmer's market in the Rose Garden. Eventually we did get over this hurdle and were allowed to have a wine or beer vendor, however the question came up that we would have to have a policeman come and supervise us at \$50 dollars an hour for about 4 hours of every market. This would have cost us \$200 dollars a day for over 20 weeks so it would have been about \$2,000 dollars just for a small community neighborhood market. This is a market that is run by a non-profit organization and this is something we could not afford. This also seemed completely unnecessary given the fact that the vendor who was going to come to our market and sell beer was Fegley's Brew Works, a neighboring business on Main Street in Bethlehem with a PA liquor license and trained staff. They were only going to be selling 4 packs of beer to be consumed at home along with food products sold by the other vendors at the market. Ms. Toulouse noted after a lot of time on her part and with Council and with the City Administrators we got a pass on this policy and were not required to have a police presence. But somehow it seems illogical to make a small group which over the course of one market, maybe 400 people a day would have to do this every year. There are other groups similar to us and they would be in the same situation. She would also like to note that we always have had a market manager at every single farmer's market and none of us ever saw anyone drinking beer that had been purchased from our market in public. Ms. Toulouse added when we did get permission not to be required to have a police officer we were also told that we better watch out because the police would be scrutinizing and we would be in big trouble. That was not the exact wording but the message was the same and it was a threatening message. She asks in this day and age when we are trying to improve police and citizen relations, is this the kind of language that we want to be using when we talk about our police officers. What does this convey, that we are supposed to be afraid of them? Ms. Toulouse noted in June when Council was first discussing better community interaction for the police our Mount Airy Neighborhood Association had voted at their meeting and sent a letter to the city endorsing a return of community police officers. In the past years ago we had a community police officer on the west side of Bethlehem and the neighbors still talk about it and still miss them. The new neighbors who did not know about this also endorsed the idea. We would love to have the police stop by any of our events, even our farmer's market where we are selling beer. This is the opportunity for them to know the neighbors and have the neighbors know them. Ms. Toulouse noted with small community events with 400 people there is no point in the city micromanaging it.

*COVID shut down*

Arthur Curatola, 813 Laufer Street, stated he had a question to ask. He asked if all of you in any way in any religion that is not of a Christian nature, he does not believe so because many are Christians. If you are, you should be on the same page as him. We who are Catholic did we ever think or care about our Priests having colds or the flu as we go into the confessional and confess our sins. Did we ever care about viruses or germs when our Priest or Minister gives us communion? Did we care about the people praying over us a foot or two away from us? No, we did not but is this COVID thing bigger or stronger than God. Governor Wolf said to close most businesses down, especially churches so people cannot celebrate the birth of Christ at Christmas time in the United States. This COVID monster is greater than God. We have government control, martial law, new world order, communism, socialist society; most of the Governors of the United States have overstepped their bounds. We are named the Christmas City, so we should in all of the cities in Pennsylvania stand strong and proud and not agree to have our city close down for Christmas. We do have social distancing and we wear masks, that is one thing but to shut down the United States of America for Christmas is sacrilegious and communistic. He and many other military veterans who gave our all for our country do not feel right about this at all. Mr. Curatola related this power shut down could have taken place weeks ago and should have not waited to be around the Christmas holidays, it can wait until after Christmas. He hopes all are with him on this. We need to be an example and put our foot down and tell Governor Wolf we will not shut down the City of Bethlehem for Christmas. We will close the city down after Christmas for 3 weeks, not before so we can celebrate the birth of our Lord and Savior Jesus Christ. Anything short of this is taking away our freedom of religion. We need to mask up and not shut down.

*Open Container Law*

Rachel Griffith, 774 Barrymore Lane, noted she is a downtown business owner, the Apollo Grill at 85 West Broad Street, and she is calling in support of the relaxation of the open container law for alcohol beverages that will be brought to City Council's attention soon. Our downtown businesses are drowning as she is sure Council is aware of. Anything that can be done on the City of Bethlehem's part to help us, to rescue us from what is happening to our city would be greatly appreciated. The restaurants are really, really suffering and obviously the stores are suffering as well. Especially with this being the holiday season she believes that the relaxation of the open container laws that are in place in Bethlehem would help us significantly. People could come in and get a cocktail to go, walk into a store and purchase something. Downtown Bethlehem is comprised of local small businesses. We are the first ones that would take our paychecks away so we could pay our employees where big companies would lay people off right away. We are the ones who are washing our windows rather than hiring a company to do it. We are the ones sweeping our sidewalks. Ms. Griffith is just calling in with support that hopefully you all see, that downtown Bethlehem businesses need your support in any which way you can do it. Maybe this will not make a huge difference but it will definitely impact a business that is suffering so much right now. She guarantees in the summer of 2021 not every single business in downtown Bethlehem that is there right now will be there. So anything that City Council and our City of Bethlehem as you represent can do for us, please we are begging you and asking for your help. She believes one of the ways you can do this is by passing and allowing the relaxation of the open container law. Thanks for listening to me.



*Police Presence at Events with Alcohol*

Christopher Shorr, 1010 N. New Street, explained like Mr. Jordon and Ms. Toulouse who commented earlier he is interested in the policy of requiring organizations to pay police to be at events in which alcohol is sold on public property. He is a professor at Moravian College and he also works with Touchstone Theatre. In addition to his experience as an educator and an artist prior to coming to Bethlehem he worked with economic development and city arts councils. Much of this experience has involved strategic planning to incentivize charitable arts organizations to do the much needed work of lifting communities up economically and socially. It is the economics of the policy of requiring organizations to pay for police presence that he wishes to address. Mr. Shorr noted we can imagine the scenario of a concert promoter setting up a large scale outdoor concert event with a few thousand people where the profit margin might be in the tens of thousands of dollars. They are selling alcohol in order to make a profit. Paying the police a few hundred dollars is the cost of doing business, it makes economic sense to the promoter and if they want to make their profit will jump the necessary hurdles. Their goal is to walk away with money in their pocket. Unlike that scenario when a charitable organization sells alcohol they are not doing it to make a profit, they are doing it to fund their charitable purpose which is in the interest of the community. Mr. Shorr added they are working for the public good. That work is a gold mine for city government because the return and positive community impact comes with very little investment. It is in the community's interest for the city to incentivize charitable activity. Removing barriers to that activity is a great start. We can imagine an ideal world where the charitable work of an organization is made possible entirely by charitable giving. The city wants an arts organization to run a community festival because it sees the benefit for the community; it gives them the \$200,000 dollars it needs to do it and they run the community festival, and everyone wins. Or the community wants the festival and itself has the money, the people in the community donate the money and the festival happens. Again, everyone wins. Unfortunately neither our city government nor our community has the means to provide the support entirely through charitable giving, so the burden shifts to the organization to earn the money it needs to pursue its charitable goals. It finds a variety of ways to earn that money. This brings us to the math portion of his comments. If a charitable organization runs an event with say 400 attendees and half of them buy an alcoholic beverage and the organization makes a profit of \$3 dollars on each drink, they would make a total of \$600 dollars. That is the scale of what we are talking about. Given the work that goes into holding the event that is not a whole lot of money if they have to pay \$100, \$200, or \$300 for police. That is not the cost of doing business, it is 16%, 33%, or 50% of the revenue. This is revenue that they are struggling to make for the purpose of benefiting the residents of the City of Bethlehem. Mr. Shorr urges Council to consider two things. First, waive this fee for charitable organizations, it is a burden and it discourages activity that only exists to benefit the community. Second, look for more ways to encourage the activities of these organizations, clear obstacles from their path and make it easy rather than difficult to do the charitable work that is already such an uphill battle. We are on the same side fighting for the same things. We want to make Bethlehem as strong and vibrant as it can possibly be and overcome the challenges our community faces. Help charitable organizations; help the city in this mutual effort.

*Police Department*

William Audelo, President of FOP Star Lodge #20, stated he wanted to speak to Council and the public about a few things. He would like to invite Council Members to come and visit

our headquarters. He can show where they recently had their asbestos removal while officers were actively working. The detective bureau still needs asbestos removal but we currently have nowhere to put our detectives. He is asking for Council's permission to have an air quality test performed, the FOP will pay for it, it is our treat and he will bet all the campaign funds that you can raise that the test will be positive for toxic mold, because it was last year. There was a movie filmed in our cell block and that is not because it is aesthetically pleasing but because it is a period piece and they needed a cell block that looked like it was from the 1970's. They needed a cell block that looked like it was 50 years old so they came to our headquarters. Mr. Audelo will not make demands and scream at President Waldron, if you could please keep the infrastructure at the Bethlehem Police Department in mind for some time in the future it would be appreciated. Secondly, he would like to explain the importance of compensating police officers. It is the officers who make your department great, definitely not the building but the future of this department lies in the officers who are yet to be hired. We need to attract, hire, and retain the best candidates out there. He noted there is a finite amount of top tier quality officers out there with 50 departments to choose from in the greater Lehigh Valley. Bethlehem police officers are already paid less than Allentown and Bethlehem Township and many more. Mr. Audelo believes our contract study put us at 7 or 8 out of 10 local departments. He asks why would top tier recruits choose Bethlehem. If you want a professional police department you have to be attractive to candidates. With regards to their pensions, he thinks it is important for the public to know that we do not get Social Security, that is the way the city set it up and our police do pay into the pension. Also, 10 years ago the FOP and the city agreed to cut police pensions for new officers. He does not think these stats were mentioned but they should have been. He knows there are a small group of individuals who for some reason take issue with our department. He is speaking about Professor Ochs and the Stand Up Lehigh Valley folks. He understands she and the Lehigh University researchers presenting themselves as experts in policing but he has heard the information they sent to Council and honestly it is embarrassing. Professor Ochs right away states that policing was formed as a result of slave patrols yet if you read her citation it clearly says in the South. The citation correctly states that Northern police departments came from English Metropolitan Police. So right off the bat the Lehigh University Core Team is knowingly misrepresenting information to Council. Mr. Audelo does not have enough time to touch on all of their mistakes but he has picked out a few favorites. The core team believes that the use of force should never be authorized for juveniles, only 8 times was the use of force used against juveniles last year and he was one of the officers. A call came in for 4 males broke into a vehicle and we were able to find them on city cameras in real time. He arrived on scene and they ran even though he asked them not to. He was able to tackle the one closest to him and it turned out to be a 15 year old male with a stolen 45 caliber hand gun in his waist band. We took another stolen hand gun off of one of his adult friends and ended up solving an open burglary in addition to all the vehicle break-ins. Yet, because he took that juvenile to the ground he had to do a use of force report, no strikes, no pepper spray or taser, the gun stayed in the holster. Still he needed to do a use of force report. So Professor Ochs is an expert in policing and cannot even think of a situation in which use of force is warranted on juveniles. It is almost as if the core team has zero police experience yet at previous Council Meetings it was discussed how she was actually texting members during the meeting. She might be texting Council Members right now. The expert peer Alison Mickels who is actually a professor of Middle Eastern Anthropology and not policing at all says the Bethlehem Police use force at a rate a certain amount of times higher on minorities. Mr. Audelo would like to remind everyone on the numbers. In 2019 there were 62,000 calls for service, there were only 143 times that force was used and that is 0.002% and 89 times that force was used is what he just described before, simply taking someone to the ground. He added that

16 times was just holding, not using, just holding a taser or firearm. So really only 38 times out of 62,000 calls was forced used beyond taking someone to the ground. Mr. Audelo finds it ironic that Dr. Mickels called our department biased yet she wrote on her Twitter page "We do not need police, I am sorry we don't need police." The only allegation of excessive force came from specific Members of Council and six months ago he came to Council and requested that you watch the video and see for yourself to see how professional the officer was. Mr. Audelo spoke with former Police Chief DiLuzio and current Police Chief Kott and was advised that the parties who made the allegations never requested to watch the video, six months ago, never apologized, never recanted. He hopes those that are listening understand how disheartening that is. But we do not hold grudges so he has the Please Support the Bethlehem Police signs for every Member of Council. Because he works night shift if you would like one, you can wake up to the sign in your yard like the most disappointing Christmas ever. He thinks that policing as a whole can be better, Bethlehem has a darn good police department and still we must seek improvement. As he said before he cannot promise perfection but we can always try to be better. At the same time he spent hours upon hours listening and hearing the voices of minority residents over the last 7 months. He is talking about people who have been fighting for civil rights for over 50 years. Young folks too have a very different view than previous generations. But when listening to all of these people of color the one thing he did not hear was we want white folks speaking over us, we want people who use their white privilege to tell the world our thoughts and opinions. Mr. Audelo stated if someone's position is anything other than bring this community and its Police Department closer, if they are not trying to find ways to love each other more and if they are shouting instead of speaking, they are on the wrong side. He would also like to say to our small business owners in the city, we stand with you, and your success means an economically sound Bethlehem. We stand with you and we pray for the health of all of our residents. Mr. Audelo thanked Council for their time and added please do not yell at your Council Members.

Greg Ragni, 2955 Oakland Road, informed that Officer Audelo's comments, who spoke before demonstrates what a true expert on policing sounds like. Those City Council Members who are truly interested in standing up for the public safety of Bethlehem should learn to discern the difference between true experts versus political hacks with an ideological ax to grind. We have a lot of people calling Council and putting pressure on Council who have an ideological ax to grind about policing in Bethlehem. Whether their ideas about policing are informed by what happened in Minneapolis or Seattle or Portland, he does not know but they are not informed by what is happening in the City of Bethlehem which is what Council and the Mayor and all those interested in the public safety in Bethlehem should be focused on. They should focus on what policing in Bethlehem is like, not what policing in Seattle, Portland, or Minneapolis is like. Mr. Ragni thanked Officer Audelo for his comments. It is nice to hear someone speak facts about Bethlehem policing for a change. Thank you for your time.

#### *Health Department Warning*

Christopher Valianatos, Borderline Family Restaurant, stated he was given a call today from the City of Bethlehem Health Department from someone named Beth saying that she is warning him that she heard we are open for indoor dining and we are defying the Governor of Pennsylvania. He told her, what do they want him to do; curbside will not pay his bills. How does he give his waitresses a nice Christmas? He has 27 employees and he had to lay-off 22 employees. His restaurant is COVID free; he has 6 air purifications in his restaurant. He put plexiglass between the booths; he tested his air from a government run laboratory in

Pennsylvania and proved that his air is 99.1% germ free. Now they are threatening to take his health license because he is open for indoor dining. Is there something the Mayor can do for us? The Mayor could overrule this. He talked to Senator Boscola and was told the Mayor could overrule this like they do in the other municipalities or the Mayor could not worry about this. What can he do as a business owner in Bethlehem? This is threatening to close his business.

*Open Container Law Relaxation*

Neville Gardner, 381 Bierys Bridge Road, stated he is the Chair of the Downtown Bethlehem Association and owner of McCarthy's Red Stag Pub and Whiskey Bar. He is calling about the possible relaxation of the open container law in Bethlehem. He noted like Ms. Griffith and just like the caller before he can verify that all of the restaurants in Bethlehem are going through a really, really tough time right now. He personally laid off three quarters of his staff on Friday, right before Christmas which was painful. He was in tears. He is not sure what he can do to fix this but he can say that if you could relax the open container law and allow people to walk around with a drink in Bethlehem that might help. We are in desperate straits right now. We are on our last legs and if the State decides to elongate this closure beyond January 4, 2021 he is not sure what is going to happen. Many businesses are holding on by the skin of their teeth and anything the city could do would be helpful. Mr. Gardner stated he did read an email today about some possible funding coming through the CARES Act and that would be fantastic. But all of us who have restaurants and retailers are going through the toughest times. He has been in business for 35 years and this has been the toughest year ever for his retail business and in the 17 years he has been in business as a restaurateur this by far has been the most difficult year. He would say that if you think relaxing the open container law is not going to help, think again because anything the city can do would be helpful. He beseeches Council to please consider doing this so someone could walk around with a hot toddy or something with alcohol around town he does not think it will be a situation where people will be falling down drunk. It is not that kind of situation. It is okay during Musikfest to have the open container law so why would it not be okay in the middle of December or January. Please give this consideration.

*Budget*

Greg Zahm, 224 E. Macada Road, informed in the past he has called in questions asked and he has sent a few emails to Council. He thinks what he will do is keep this simple and focus on one topic. The budget is up for discussion tonight and the question he has which has he has not been able to determine through the website or through any other source is what discussion was held by Council and what scientific data was used as opposed to however well-intentioned the anecdotes we heard tonight, for example from Mr. Ragni. He appreciates the professional opinion from the police officer, he certainly respects that. He would like to hear all the resources though and would like to know if there was discussion, how much, what data was considered and if records were kept and if those are available to the public. Mr. Zahm asked if he can get an answer now that would be great but or just to hear something when the budget is discussed or you are preparing to vote for it. He has tried several times and has said a lot in those times so it may be a bit to digest. Thank you.

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

- A. *Director of Budget and Finance – Recommendation of Award – PMA Insurance Group – Workers' Compensation TPA & Risk Management Services*

The Clerk read a memorandum dated December 7, 2020 from Mark Sivak, Director of Budget and Finance recommending a contract with PMA Insurance group for Workers Compensation Program and Risk Management Services. The term of the contract runs from January 1, 2021 through December 31, 2021. The cost is \$44,000 for the annual term. There are no renewals.

President Waldron stated resolution 10 B is on the agenda.

- B. *Penn Technology Consulting Inc., LLC – Overlay Request – 1838 Center Street & Dewberry Avenue – Grocery Store*

The Clerk read a memorandum dated October 8, 2020 from Penn Technology Consulting, LLC, on behalf of applicant, Bethlehem Manor Village LLC, the owner of a tract located at 1838 Center Street which is Zoned I-Institutional. The request was submitted in connection with the proposed construction of a grocery store.

*Scheduling Public Hearing*

President Waldron stated he will accept a motion and a second to schedule a Public Hearing on the proposed zoning text amendment for Tuesday, February 16, 2021 at 7:00 PM in Town Hall.

Mr. Callahan and Mr. Colón moved to schedule a Public Hearing on Tuesday, February 16, 2021 at 7:00 PM in Town Hall.

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

President Waldron stated a public hearing has been scheduled for Tuesday, February 16, 2021 at 7:00 PM in Town Hall. Due to the COVID -19 emergency this will be a virtual meeting.

- C. *Director of Community and Economic Development – Substantial Amendment CDBG-CARES Act Resolution – CDBG HOME Action Plan Amendment*

The Clerk read a memorandum dated December 11, 2020 from Alicia Karner, Director of Community and Economic Development with an attached resolution authorizing a substantial

amendment to the City's 2019 Community Development Block Grant annual action plan in connection with 2<sup>nd</sup> round CARES Act Funding.

President Waldron stated Resolution 10 C is on the agenda.

*D. Councilman Callahan – Proposed Ordinances Related to Third-Party Inspections*

The Clerk read a memorandum dated December 10, 2020 from Councilman Bryan Callahan with three proposed ordinances amending Articles 119, 1701, and 1731 which would enable third-party inspections in the city.

President Waldron stated he will refer this to the Community Development Committee.

*E. City Solicitor – Gift of Real Estate – from Lehigh Valley Industrial Park, Inc.*

The Clerk read a memorandum dated December 10, 2020 from William P. Leeson, Esq., City Solicitor recommending that the city accept a gift and dedication of real property located at 8 Mechanic Street. The property is described and shown in the memo attachments.

President Waldron stated he will refer this to the Public Works Committee.

*F. City Solicitor – Gift of Real Estate – from Bethlehem Parking Authority*

The Clerk read a memorandum dated December 10, 2020 from William P. Leeson, Esq., City Solicitor recommending that the city accept a gift and dedication of real property currently part of LVIP VII. The property is described and shown in the memo attachments.

President Waldron stated he will refer this to the Public Works Committee.

*G. Director of Planning and Zoning – Student Housing Zoning Map Amendment*

The Clerk read a memorandum dated December 10, 2020 from Darlene Heller, Director of Planning and Zoning with an attached proposed zoning text and map amendment related to creating a student housing overlay district. There is also an attached memorandum and proposed resolution from First Assistant City Solicitor Edmund Healy.

*Scheduling Public Hearing*

President Waldron stated he will accept a motion and a second to schedule a Public Hearing on the proposed zoning text amendment for Tuesday, February 2, 2021 at 7:00 PM in Town Hall.

Ms. Negrón and Mr. Callahan moved to schedule a Public Hearing on Tuesday, February 2, 2021 at 7:00 PM in Town Hall.

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

President Waldron stated a public hearing has been scheduled for Tuesday, February 2, 2021 at 7:00 PM in Town Hall. Due to the COVID -19 emergency this will be a virtual meeting. He added that a related resolution is on the agenda tonight as item 10 D.

H. *Councilwoman Crampsie Smith – Proposed Responsible Contracting Ordinance*

The Clerk read a memorandum dated December 11, 2020 from Councilwoman Grace Crampsie Smith with an attached proposed bill establishing a new article of the codified ordinances titled Responsible Contracting Procedures.

President Waldron stated he will refer this to the Public Works Committee.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Ellen Foscue Johnson – Fine Arts Commission*

Mayor Donchez reappointed Ellen Foscue Johnson to membership on the Fine Arts Commission effective through December, 2023. Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-207 to confirm the reappointment.

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

2. *Administrative Order – Sandra B. Gillen – Fine Arts Commission*

Mayor Donchez reappointed Sandra B. Gillen to membership on the Fine Arts Commission effective through December, 2023. Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-208 to confirm the reappointment.

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

3. *Administrative Order – Jessica L. Lee – Zoning Hearing Board*

Mayor Donchez appointed Jessica L. Lee to membership on the Zoning Hearing Board to fill the position held by Linda Shay Gardner effective through December, 2025. Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-209 to confirm the appointment.

Ms. Negrón thanked Mayor Donchez for making this important appointment. She is glad to see Jessica Lee be part of this Zoning Hearing Board. This is an important Board and will be filled with diversity. She is glad to support this appointment.

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

4. *Administrative Order – Kenneth C. Loush – Historic Conservation Commission – South Bethlehem and Mount Airy*

Mayor Donchez reappointed Kenneth C. Loush to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy effective through May, 2023. Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-210 to confirm the reappointment.

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

5. *Administrative Order – Mike Simonson – Historic Conservation Commission – South Bethlehem and Mount Airy*

Mayor Donchez appointed Mike Simonson, Building Inspector to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy to fill the unexpired term of Philip A. Roeder who is retiring effective through April, 2021. Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-211 to confirm the appointment.

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

4. *Administrative Order – Barry A. Cohen – Codes Board of Appeals*

Mayor Donchez appointed Barry A. Cohen to membership on the Codes Board of Appeals to fill the position held by Bryan Ritter effective through December, 2023. Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-212 to confirm the appointment.

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

#### *Snow Emergency*

Mayor Donchez remarked he issued a press release which he believes Members of Council received declaring a snow emergency effective tomorrow December 16, 2020 at 12:00 pm to allow plowing of snow on designated city emergency streets. All vehicles need to be removed from the designated streets on Bethlehem snow emergency routes by 12:00 pm, December 16, 2020. The Bethlehem Parking Authority also announced that the North Street, New Street, and Walnut Street parking garages and street meters will be free of charge beginning 12:00 pm Wednesday, December 16, 2020 to accommodate parking needs. Vehicles must be removed from locations within 4 hours when the emergency will end and he will issue a press release on this. Residents are asked not to park on public parking lots due to the need to plow those lots.

#### *COVID update*

Mayor Donchez continued with an update from Health Director Kristen Wenrich. She and her team are doing an outstanding job. As of yesterday, December 14, 2020 the total number of cases in the City of Bethlehem were 3,523, total deaths, 85, newly admitted to the hospital in the last 7 days, 10, incidents rate the last 7 days for the City of Bethlehem 513 per 100,000. This is lower than Lehigh County which is at 556 per 100,000 and Northampton County which is at 584



per 100,000. Average age of COVID patients the last 7 days, 37 years old and in the ethnic distribution of COVID cases in the last 7 days, we are looking at this carefully, 45% Latino. The Bethlehem Health Bureau is working with both hospitals and the Allentown Health Department to discuss COVID-19 and the vaccination coordination and that meeting is tomorrow. The Bethlehem Health Bureau will mainly be involved in a mass vaccination clinic for the general public in late winter and early spring but we may receive some vaccines earlier that can be used to vaccinate our first responders. Mayor Donchez added that Bethlehem Health's Department will be receiving the rapid test from the Pennsylvania Department of Health. The Bethlehem Health Bureau is in the process of conducting a survey for the community to engage interest in receiving the vaccine when it is made available.

*City Hall Closed to the public until January 4, 2021*

Mayor Donchez remarked in addition based on the Governor's police decisions last week we did close City Hall and it will be closed to the public through January 4, 2021 and employees will continue to assist residents via phone, email, or the city's website. The recycling center will remain open but will close because of the snow that is coming tomorrow. Critical situations including in person services provided by the Health Department will continue by appointment only. Chief Kott did send to Councilman Reynolds the memorandum pertaining to the police department's community engagement plan.

C. *Finance Committee*

Chairman Reynolds announced Finance Committee Meeting met tonight Tuesday, December 15, 2020 at 6:00 pm in Town Hall. The committee received a presentation from the city's auditors on the audit documents ending December 31, 2019. He thanked the Administration and the Auditors and the Members of Council who came to hear about the strong financial position the city is in.

Controller George Yasso wanted to clear something up from the Finance Committee Meeting, a question he had earlier. The question posed was the 2020 return for the Pension Funds, Police and Fire, where are we looking year to date. He estimated as to not overstate, mid to high single digits. He did reach out to Frank Burnette of Morrison Fiduciary Advisors who is the consultant to the Pension Board and does an outstanding job. Mr. Burnette will give exact numbers tomorrow but he is comfortable for the purposes of answering that question with a number of 11%.

Chairman Reynolds thanked Mr. Yasso for that quick work. Just as a reminder the 2019 number that was included in the audit was 17%. It is a credit to the Administration, Mr. Yasso, and the Pension Board that has representatives from a few of the Unions and he thanks Mr. Burnette for a job well done. This affects our MMO and our pension going forward.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 27-2020 – Adopting the 2021 General Fund Budget*

The Clerk read Bill No. 27-2020 – Adopting the 2021 General Fund Budget, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,

COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, ADOPTING  
THE GENERAL FUND BUDGET FOR 2021

Mr. Reynolds remarked in anticipation of the meeting tonight he did send a memo to Police Chief Kott and he was hoping she could explain this memo to give information to the rest of Council and everyone else that is listening.

Chief Kott remarked for the individuals listening on YouTube she will read the memo and then feel free to ask any questions. The memo states "During these divisive times, community-police engagement opportunities can genuinely and organically build understanding, trust, confidence, and respect between police agencies and the communities they serve. This correspondence serves as a general outline of the Bethlehem Police Department's plan to engage our community. Through this comprehensive approach that will seek to remove barriers to participation, embrace diversity, and encourage two-way communication, we will strive to identify the community's public safety priorities, build trust, increase understanding, improve satisfaction, and initiate a collaborative effort with community stakeholders towards addressing community issues/concerns. The following are some of the measurable actions that will be implemented/explored:

- Community safety surveys to determine past experience with BPD, satisfaction with services, public safety priorities, other community concerns, and open comments.
- "Your neighborhood, your police department" events that will be geographically located throughout the city and will provide community members and police officers with in-person engagement opportunities to meet and participate in productive dialogue.
- Community walks, where a limited number of Bethlehem police officers, including members of the police administration, visit various neighborhoods, going door to door to meet or reconnect with residents.
- Community-Police Forums to provide an outlet for community members and the police to voice concerns, share information, and enhance trust.
- Understanding we are in a pandemic we are going to take the proper measures to reintroduce Citizen and Jr. Police Academies that will provide an opportunity to expand community understanding of law enforcement, crime prevention, and public safety.
- Expand upon our partnerships with other City of Bethlehem departments, such as Parks & Recreation and the Health Bureau, by participating in joint events that foster positive relationships and build long term meaningful trust.
- Partner with community and stakeholder organizations to set up structured and unstructured events, such as listening sessions and focus groups, where community members and officers can share their experiences and perspectives
- Explore options that would enable and encourage different officers, not just members of the police administration, to participate in community events
- Increase the department's social media presence and utilize these platforms to promote available community resources

As stated above, this is just a general outline that is in no way static. I am interested in and open to additional concepts for community-police engagement opportunities and I'm grateful to the officers and community stakeholders that have already reached out to me with suggestions. By focusing on uniting our community, I am confident that we can improve communication and

increase the department's credibility with the public. I look forward to sharing our progress with you. Please feel free to contact me with any questions.

Mr. Reynolds thanked Chief Kott and added his memo was about when she became Police Chief and in taking a look at what our department does, things she thinks we may be able to improve on or put more resources to. He has been impressed in our public and private conversations with Chief Kott with the understanding she has and that she has an opportunity here to take a look at what we do, what we do well and what she thinks might be a priority and come back to Council in 2021 after this process plays out and take a look at our level of training. Also look at what our residents really like about what is going on. We talked about social workers, but those things take time to find ways to integrate well. Mr. Reynolds added it is important we allow the Chief, the department, the Administration, and the Community to come together in 2021 no matter how long it takes to come back with us about any changes. Giving the Chief and the leadership in the department as much time as it takes to do what they feel is a comprehensive look at what the department does is the way we need to go here. Some of the things Mr. Reynolds had mentioned to the Chief is trying to come up with some metrics in how we can see improvements year after year that we hear are working anecdotally. There is a lot we can talk about. When we vote for budgets we talk about the fixed costs that are in here, personnel, contracts, debt service, things like that. He has always been hardened by the Administration's ability to listen to Council members and take a look at our priorities. Several Members of Council have talked about what they think should be priorities for different departments. Mr. Reynolds thanked the Chief for responding so thoroughly and he is looking forward to this process. He appreciates the fact that Chief Kott is looking to design a process that will allow different voices to participate in different ways. Some do not want to come to a meeting, some want to be anonymous and some want to give ideas. She is on the mark on how to take all this in. He wants to thank the Chief for that and he looks forward in working together in the new year.

Ms. Negrón also thanked Chief Kott for her response to the request. She knows that Chief Kott listens to the callers and when we were talking about the events and the police part she already had a meeting with Deputy Police Chief Meixell, Mr. Novatnack, and Mr. Evans last Friday and we had conversations about some possibilities. She hopes Chief Kott heard the two callers that called. One mentioned if we are going to have an event and the police are required maybe waiving the cost for small non-profit events. She added that Ms. Toulouse said something and a good idea which is having police officers that are working that neighborhood to be part of that conversation; the Rose Garden Farmer's Market is a great community event. Instead of putting a burden into their organization with this great event by having to hire an officer, they could just have a police officer that is working that neighborhood to stop by and visit. Those are ideas she heard and listened to and she thinks it would be important as you move forward with your plan and we talk about how to be able to better support these small non-profit organizations that are doing incredible events in our community.

Ms. Crampsie Smith thanked Chief Kott for all she has done so far even though she has not been the Police Chief that long but we will see a lot of great progressive movements coming in the future. This has been a rough year in many ways through the community and especially around the police department. She hopes we can continue to enhance and build upon the ideas that she has. One thing she hopes we can do next year is look at the resources we already have especially at the county level and form greater collaborations with the county. For example with

crisis intervention, mental health, and developmental disabilities, the mental health issue is real and growing but we often forget about individuals with autism spectrum disorder and the numbers there are increasing rapidly every day. She sees a lot of students that are on the spectrum, they are teenagers and becoming young adults and she unfortunately knows some people who have had some bad situations and encounters with law enforcement. Ms. Crampsie Smith hopes we can form some collaborative efforts to work together to serve those individuals. She hopes we can have some dialogue and talk about looking into some tapping existing resources and building upon them. Regarding the budget she proposed the amendment with her concern about eliminating 4 firefighter positions and that did not pass. She would ask the Administration to take note that we all received an email from a concerned citizen that was forwarded to Robert Brooks who is the First Vice President of the firefighters local. Ms. Crampsie Smith related she does not know the facts but some of the information is a little alarming and it concerns her because our public safety, Police, Fire, EMS, they are the backbone of our community and ensure that our community is safe. From this memo it sounds like there is a lot of dissention within the Fire Department and what they are feeling regarding the Fire Chief at this point. She would request that the Administration sit down and try to broker with those two entities to see if we can try to resolve these issues and this dissention because as Mr. Brooks knows the morale in the Fire Department is at an all-time low as a result. We all know if the morale is low in any department or any entity that can affect the quality of work. We are talking about people who are dealing with life and death safety issues every day. Ms. Crampsie Smith noted she would be more than willing to help mediate anything that needs to be done because she does that every day in many ways at work. She does feel it is important this issue be addressed because we are looking at a department within our city that is responsible for the safety of our citizens. If there are morale problems and a lot of dissention within that department it needs to be addressed.

Mr. Callahan echoes what Councilwoman Crampsie Smith has said about the cutting of the 4 positions from public safety for the Fire Department. Because of that and also a variety of cuts he had proposed he will be voting no against this tonight. Along with the lack of the funding that Lehigh University stopped, the \$100,000 dollar funding of those two inspectors and the city is now picking up that cost and because of that he will be voting no.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 6. Voting NAY: Mr. Callahan, 1. Bill No. 27-2020 now known as Ordinance No. 2020-25 was passed on Final Reading.

*B. Bill No. 28-2020 – Adopting the 2021 Water Fund Budget*

The Clerk read Bill No. 28-2020 – Adopting the 2021 Water Fund Budget, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, ADOPTING  
THE WATER FUND BUDGET FOR 2021

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 28-2020 now known as Ordinance No. 2020-26 was passed on Final Reading.

C. *Bill No. 29-2020 – Adopting the 2021 Sewer Fund Budget*

The Clerk read Bill No. 29-2020 – Adopting the 2021 Sewer Fund Budget, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, ADOPTING  
THE SEWER FUND BUDGET FOR 2021

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 29-2020 now known as Ordinance No. 2020-27 was passed on Final Reading.

D. *Bill No. 30-2020 – Adopting the 2021 Golf Course Enterprise Fund Budget*

The Clerk read Bill No. 30-2020 – Adopting the 2021 Golf Course Enterprise Fund Budget, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, ADOPTING  
THE GOLF COURSE ENTERPRISE FUND BUDGET FOR 2021

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 30-2020 now known as Ordinance No. 2020-28 was passed on Final Reading.

E. *Bill No. 31-2020 – Adopting the 2021 Liquid Fuels Fund Budget*

The Clerk read Bill No. 31-2020 – Adopting the 2021 Liquid Fuels Fund Budget, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

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

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 31-2020 now known as Ordinance No. 2020-29 was passed on Final Reading.

F. *Bill No. 32-2020 – Adopting the 2021 Capital Budget for Non-Utilities*

The Clerk read Bill No. 32-2020 – Adopting the 2021 Capital Budget for Non-Utilities, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

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

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 32-2020 now known as Ordinance No. 2020-30 was passed on Final Reading.

G. *Bill No. 33-2020 – Adopting the 2021 Capital Budget for Water Utilities*

The Clerk read Bill No. 33-2020 – Adopting the 2021 Capital Budget for Water Utilities, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, ADOPTING  
THE 2021 CAPITAL BUDGET FOR WATER UTILITIES

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 33-2020 now known as Ordinance No. 2020-31 was passed on Final Reading.

H. *Bill No. 34-2020 – Adopting the 2021 Capital Budget for Sewer Utilities*

The Clerk read Bill No. 34-2020 – Adopting the 2021 Capital Budget for Sewer Utilities, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, ADOPTING  
THE 2021 CAPITAL BUDGET FOR SEWER UTILITIES

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 34-2020 now known as Ordinance No. 2020-32 was passed on Final Reading.

I. *Bill No. 35-2020 – Adopting the 2021 Community Development Block Grant Budget*

The Clerk read Bill No. 35-2020 – Adopting the 2021 Community Development Block Grant Budget, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

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

ADOPTING THE COMMUNITY DEVELOPMENT  
BLOCK GRANT BUDGET FOR 2021

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 35-2020 now known as Ordinance No. 2020-33 was passed on Final Reading.

*J. Bill No. 36-2020 – Adopting the 2021 Storm Water Fund Budget*

The Clerk read Bill No. 36-2020 – Adopting the 2021 Storm Water Fund Budget, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, ADOPTING  
THE STORM WATER FUND BUDGET FOR 2021

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 36-2020 now known as Ordinance No. 2020-34 was passed on Final Reading.

*K. Bill No. 37-2020 – Fixing the 2021 Tax Rate for All City Purposes*

The Clerk read Bill No. 37-2020 – Fixing the 2021 Tax Rate for All City Purposes, sponsored by Ms. Negrón and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, FIXING  
THE TAX RATE FOR ALL CITY PURPOSES  
FOR THE YEAR 2021

Mr. Colón remarked we have had long conversations about the tax increase and the state of where the economy is and our small businesses. Just to compare how we are doing with our neighbors he had looked up the millage rate for Easton in Northampton County and Allentown in Lehigh County. Our Northampton County rate for us here in the city is going to be 19.14 mils while Easton's holds at 24.95 mils which is about 29% higher than our millage rate here in the City of Bethlehem. Meanwhile Allentown's is going to be 7.31 for the county for 2021 while our millage rate that we are about to vote on is 6.05 and that is about 21% higher over in Lehigh County on the Allentown side. The point his making is that we could easily have raised taxes to hold off some of the cuts that were in this year's budget. That is not a criticism of these other municipalities, bringing up them for reference but it is about at what point are we comfortable with the taxes that are levied on our constituents, the land owners here in the City of Bethlehem and even the tenants with the millage rates being rolled in to rents. Mr. Colón informed he will continue to support this as he has with all these other budget amendments because while it is a balancing act and a challenge and we are raising taxes this year he still thinks that as a whole through Council's work or the Administration and the city employees holding the line on expenses that we are doing a good job by those we serve in the City of Bethlehem.

President Waldron stated he appreciates the comparison. It is easy to forget that Bethlehem has consistently over the years made some difficult decisions and put us in a position where we can have a relatively low tax rate compared to some of our neighbors.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 6. Voting NAY: Mr. Callahan, 1. Bill No. 37-2020 now known as Ordinance No. 2020-35 was passed on Final Reading.

L. *Bill No. 39-2020 – Stormwater Collection and Management User Fee*

The Clerk read Bill No. 39-2020 – Stormwater Collection and Management User Fee, sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
PENNSYLVANIA, ESTABLISHING A USER FEE  
FOR STORMWATER COLLECTION AND MANAGEMENT

Ms. Negrón wondered about our conversation last time in terms of any possibilities of making these a more fair share of the rates of this fee that will be charged.

President Waldron stated he will turn to the Administration.

Mayor Donchez informed that Michael Alkhal, Director of Public Works will provide some clarity on that.

Mr. Alkhal stated we have had some discussions and one of the ways we are hoping we can at least address some of your concern is that this also has to do with discussions with Dr. Van Wirt as well. That is to incorporate in the guidelines that we will be putting forth through Council early in 2021 criteria for which we would provide the maximum credit of 50% to homeowners. Right now what we are contemplating setting those criteria at is some level of household income, that would be one suggestions was 150% of the poverty level and also include some criteria for the type of property that we are talking about in terms of imperviousness. We will set the impervious level high enough probably somewhere in the neighborhood of 1,500 square feet. Typically even a large town home would meet that criteria and if those two criteria are met we would provide relief from the fee a maximum of 50%. The last criteria would be that we establish a fund in the program, in the enterprise and it will probably have some kind of a cap on it at least \$20,000, maybe \$30,000 or \$40,000 for this program. The only way we would not grant those reliefs is if there is not surplus at all in the fund at some point but we probably do not anticipate that happening. Mr. Alkhal informed they are hoping that would provide the opportunity for low income families and for modest properties to get 50% relief from the fee so instead of paying \$60 dollars they would be paying \$30 dollars. This would probably be lower than if we went to a tier system. He is not ruling out a tier system in the future. He pointed out they will study it further to see if it is something we could pursue as well but at least this will be in the guidelines in early 2021 to make sure we are taking into account your concerns as well as Dr. Van Wirt's.



Ms. Negrón thanked Mr. Alkhal and added that is very helpful. The other concern she has is with the Bethlehem Housing Authority and she does not know if Councilman Colón had a conversation with the Bethlehem Housing Authority Board about how they will cover for that new line item in the budget. Will it go back down to the residents, the poorest people in the city and there is the same concern with the school district and will that raise the school taxes now and would the school district be able to pay this new line item. She is concerned about what will happen to these two entities.

Dr. Van Wirt thanked the Administration for considering these concerns that multiple people on Council put forward in terms of the impact on our lowest income residents and the people we want to encourage to own homes and not add any more burdens to them. While we still have not nailed out the details on it she is optimistic that we can come to an understanding. The concerns that Councilwoman Negrón noted for both the Bethlehem Housing Authority and the School still stands. Dr. Van Wirt is interested in hearing how these are going to pay for it. She thinks the School may have deeper pockets. She is hoping we can find some answers to that. Dr. Van Wirt will also propose that if we are able to fund this fund generously enough and there is anything left over that we would consider a more aggressive form of relief such that it would be either/or if a resident regardless of how much impervious footage they had as a homeowner was within the 150% of the poverty level that they would be able to just apply for relief regardless of how much impervious surface they had. She added or if they had less than 500 regardless of what their income was that they could apply for relief as well. She thinks a lot depends on the vigorous response to the relief program in the first year but hopes that we can figure this out as an ordinance but also get some answers for the Bethlehem Housing Authority. She thinks it was a \$52,000 fee that they would incur through this ordinance.

Mr. Reynolds thanked the Administration and Councilwomen Negrón and Van Wirt for bringing up this issue. He also appreciates Mr. Alkhal doing some research in the past few weeks to come back with an answer. Mr. Reynolds appreciates that Councilwoman Negrón has talked about some of her ideas about police overtime, Dr. Van Wirt has brought up some things about the service center, Councilwoman Crampsie Smith has brought up some different things with the firefighter staffing but we understand we need a budget and we have promises to keep and services to provide. Even though each one of us could probably go around and say they do not like something in the budget that we understand whatever minor concerns we might have does not mean we should be voting against the whole budget. If we all decided because we do not like one particular thing and did not want to vote for it then we would be stuck in the spot where nobody will vote for the budget. Mr. Reynolds remarked no Council person delivered any amendments that would have reduced the tax increase which is important to state here. The Management User Fee Ordinance that we are talking about here is something by which the federal government has told municipalities we need to do something about this. We do not get to decide we do not want to do that and avoid the ramifications of that. This is why for those of use that attended our audit meeting before, we are already in a strong financial position. He appreciates Mr. Colón looking up those other budgets as well. We read the articles in newspapers and look at what goes on with other budgets and we see other municipalities and there are questions if these numbers are real with revenue expectations and do we think we can save money here. Year after year we read these audits where our numbers come in pretty close as far as our revenues and expenditures are concerned. Mr. Reynolds remarked that does not happen by us being irresponsible. What this budget does, is it keeps our promises to our employees, to our citizens, and the Stormwater Collection Management User Fee is another

example of something that takes explanation but it is good public policy and is why Bethlehem is the place it is. That is because the people that serve the city are responsive.

Mr. Colón remarked to Councilwoman Negrón's point he has had unrelated recent conversations with the Housing Authority Executive Director Mr. Jay Shuster but this has not come up as a concern of his or a question he had at the time. They have not been able to speak in the past few weeks but when he gets feedback from him then he will share that with Council at a future meeting on the Bethlehem Housing Authority's position on this fee being added to their budget. He has not heard anything in the negative nor the positive either. Also, to his last agenda item point we are the last to institute this fee also, this is something that both Allentown and Easton have already incorporated previously for each of their municipalities. So we are just joining and adding in something that we are mandated to do but we are by no means the first to bring this program forward in our municipality here in the Valley.

Ms. Crampsie Smith stated she did follow up with Mr. Alkhal after our meeting when we talked about the tiered system they do in Carlisle. He did assure her that he will do something and she is glad we talked about doing the credit. He is still going to look at the tiered system. Ms. Crampsie Smith said she would support this as long as we will look at a way that we can give relief to those with a hardship. She thanked Mr. Alkhal for looking into this. Ms. Crampsie Smith stated it does concern her here that this is another fee we have to add at a time when things are most economically difficult for people but on the flip side this has been in the works for some time, it needs to happen. She is hopeful that we will get some kind of equitable system for those that it is a hardship for.

Ms. Negrón thanked Councilwoman Crampsie Smith for following up with Mr. Alkhal and making sure this will happen. This needs to be done and she is not saying she will vote against it. This is mandated and we have to do it but her only point is that it has to be fair. There are many elderly on a fixed income and it will be harder for them. We need to do this in a fair way. She will have no problem with paying the \$60 dollars but her neighbors will be struggling and there are others in worse condition. She would gladly pay \$100 instead of \$60 so her neighbors do not have to pay the \$60. The tiers that Councilwoman Crampsie Smith, that is the fair part because those of us that are able could gladly pay more so that your next door neighbors can pay less.

President Waldron noted any time you are creating a new user fee it comes from a place where once we had nothing and now we have a fee that is put on top of the typical tax we see in the city. This is something that we should have had and could have had because we have a large cost in the city which is handling and treating the storm water run-off that happens. Unfortunately there is no way to do that without a designated fee that helps to mitigate what is dictated to us by the state and by the government. President Waldron imagines everyone on Council is not happy about the need to do this, it is something that we need to pass and it is responsible to pass this. The Administration has done their best to try to make it as fair as possible. While he does agree with Ms. Negrón that there might be some adjustments that could be made to make it more equitable to those who most need the assistance, he will support it this evening. He hopes we will continue these conversations to the first quarter to revisit this and make a few changes that would feel better knowing that we can support the people who need it the most in our city.

Mr. Callahan mentioned he does not often agree with Councilwoman Negrón but he does on this topic. We keep on adding fees and taxes and now taxes are going up 5% and the fees are going up. We are creating tax on the rainwater, he knows it is a mandated thing but at some point we cannot be adding taxes and fees and then also spending \$40,000 on a luxury pedestrian bridge over the Lehigh River. He proposed over \$300,000 dollars in cuts to the Community and Economic Development Department in trying to tighten up that department because that is the only department that has grown in the last 6 years. It is probably the only department we can privatize and not miss a beat. According to Ms. Karner we are already using a third party system where we farm out some projects. Mr. Callahan thinks that can be done on a more regular basis and he is looking forward to the discussion in the new year when we talk about the amendments he proposed. He noted Lehigh University cut the \$100,000 dollars and that was not even brought up until late into the discussion.

President Waldron asked Mr. Callahan if he had comments related to the storm water fee ordinance they are discussion because these are the same comments he made earlier this evening.

Mr. Callahan stated he will make this simple, he is voting against this.

President Waldron added he can say Mr. Callahan does not always disagree with Ms. Negrón, you both voted in support of the Non-Utility Capital Fund this evening which did have the feasibility study for the pedestrian bridge so you did both support that this evening. That is a good thing as well.

Mr. Callahan informed he was well aware of it but he knows the loss was there. He reads the writing on the wall and knows what he voted for.

President Waldron remarked if the loss was there he does not know why Mr. Callahan voted 6-1 on everything else this evening.

Mr. Callahan related in response to your comments he had told you and everyone else on Council that he was for the pedestrian bridge two years ago and voted for it two years ago. He voted for it a year ago but is not in favor of it right now because the timing is incorrect. He does not know how anybody can vote for a tax increase. He sees Ms. Van Wirt smiling and that she thinks it is no big deal that we are raising taxes on people again. He promises next year at this time we will be looking at another tax increase probably the same amount. Mr. Callahan is not in favor of not only the tax rate or the General Fund Budget but he is also not in favor of the Storm Water Fee.

Mr. Reynolds pointed out as we talked about this at the last budget meeting is that Mr. Callahan's inspection amendments were not going to do anything to the tax increase. Nobody offered any amendments; nobody on Council offered one amendment having to do with lowering the tax increase. He added that nobody had another plan by which to do anything else. The only plans that came forward would actually have been more irresponsible as far as moving money away from cash reserves which he knows we decided not to do. Mr. Reynolds would add and echo the comments made by Mr. Waldron that if it was a situation where he did not want to vote for the Non-Utility Capital Budget because he knew the bridge was in there and not lose that he is not sure why it would be a General Fund Budget and tax increase situation. As he said before all of us have something in this budget that we do not agree with but if all of us decided to do that

same thing and say we are not voting for this, we would not have a budget and have serious problems. That is why we are responsible.

Mr. Callahan understands what Mr. Reynolds is saying and he agrees with him. If everyone had a backbone and held tight to the things they believe in and the cuts they believe in that would force compromise. Some of these cuts would get done. Mr. Callahan has been on the record, that Community and Economic Development Department is over bloated and the one department we have had so many issues with. Even Dr. Van Wirt and Ms. Negrón have had issues with that department in some of the huge mistakes they have made. It is time that someone looks at that department a little bit closer. He tried to cut at least 4 positions from them. He does not know how you can say cutting those 4 positions would not have lowered the budget, he is not sure if it would have made much of a dent in the tax increase but it would have lowered the budget. If you can say that cutting 4 inspectors does not do anything they why are we cutting 4 firefighters, somewhere along the line we will have to start making cuts and start looking at economic development and not be so nit-picky on every economic development project that comes through. If you look at the Benner project, we had 4 meetings and our first meeting was about the community garden, that was a 4 hour meeting over a piece of property.

President Waldron remarked we are getting off track here as far as what we are discussing.

Mr. Callahan related that President Waldron allowed Mr. Reynolds to speak. He knows that you disagree with his comments but he thinks when it comes to a budgetary process he is allowed to make comments.

President Waldron stated yes, related to the bill at hand. He did afford Mr. Callahan and Mr. Reynolds the luxury of making some comments that were not related to this. He thinks has been clear and lenient on the fact that we have allowed Mr. Callahan and Mr. Reynolds to both have comments outside the bill at hand. At this point just to go back and forth is not productive to what the ordinance is that is in front of us. If Mr. Callahan has anything more to say he can bring it up during New Business.

Mr. Callahan stated he will bring this up during New Business.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 6. Voting NAY: Mr. Callahan, 1. Bill No. 39-2020 now known as Ordinance No. 2020-36 was passed on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Records Destruction – Community and Economic Development Department*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-213 that authorized the disposition of the Community and Economic Development Department records, as stated in

Exhibit A.

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

B. *Approve Contract PMA Insurance Group – Workers’ Compensation Program TPA and Risk Management Services*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-214 that authorized to execute a contract or amendment with PMA Insurance Group for Workers’ Compensation and Risk Management Services.

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

C. *Approve Substantial Amendment CDBG-CARES Act Resolution – CDBG HOME Action Plan Amendment*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-215 that approved the CDBG Action Plan for FY 2019 for the City of Bethlehem for the period from January 1, 2019 to December 31, 2019 and authorizes to provide the necessary assurances and certifications to the U. S. Department of Housing and Urban Development and to submit the FY 2019 Action Plan for HUD approval.

Mr. Reynolds then asked Ms. Karner about what is in front of us here. We all saw the press release today. He asked for an explanation on what we are looking at here and how they plan to move forward.

Ms. Karner remarked if you recall earlier this year we received our first round of CARES Act Funding. It was about \$796,000 dollars or slightly over that and we had programed it into a few categories including business assistance, housing assistance, homelessness support, non-profit support and the Administration dollars that we generally take for projects. This round of programming is approximately \$650,000 dollars. We had put the bulk of those funds into business assistance. You can see the breakout on the memo that was provided that was part of the communication. We asked for the input of Council at a previous Finance Committee Meeting and heard the call to assist our businesses in operational support or helping with their payroll and rental assistance. We also put additional funds into housing assistance which is where we put the bulk of the money the first time around. Ms. Karner explained we wanted to let the businesses know with the release of that press release today on the heels of the latest shutdown that there is help from the city on its way. That is presuming we get support from Council this evening and support from HUD. We do have to submit it for their approval but we have sought approval for this kind of program before and received it so we are very optimistic that we will have HUD support to run the grant program this time around as well.

Mr. Reynolds asked if they have a sense if we approve this tonight, although Ms. Karner cannot speak for HUD approve, just a general guess about when those applications will be available for businesses.

Ms. Karner stressed they will try to get the applications out, we are in the process of having them translated, as early as we possibly can, even in advance of HUD approval. She

noted that HUD has turned things around very quickly with the holidays and the year-end she does not want to make any commitments but the simplified application process is one we feel confident we can put out to the community and start to evaluate the responses even in advance of having all the official approval in place.

Mr. Reynolds remarked that is great and obviously a lot of use have looked at the fact that more of that \$1.3 billion dollars the state had went into their budget that did not get passed down to the counties and the cities. Any time we can provide a pot of money here it is a real good thing; businesses are certainly going to appreciate it. When he saw this on the agenda last week he heard in the last round people's ability to get this money often times comes down to how quick are you checking your email, responding, and getting the grant applications. The life of a small business owner right now is crazy so he appreciates the fact that Ms. Karner included in the statement from the Mayor that you will try to find ways to diversify these funds. The fact that you are providing a translation of it is great. He also thinks that anything we can do through that application process to make sure that businesses in every part of our city are helped by this. He is not sure if Ms. Karner has given any thought to how we will practically be able to do that but focusing on those businesses that may have not had an opportunity because of the language barrier, this is an issue of equity here. It should not be just a situation of if you have somebody that is watching us and get the application because they do not have something else to do for an hour that they should always get the money first that is not a fair way to do this. Mr. Reynolds looks forward to seeing that put in place practically.

Ms. Negrón queried if Ms. Karner is going to use the same application that she used in the first round because she knows it was in Spanish already.

Ms. Karner stated we did. We were so early when we released the prior round of funding. We actually used program income and the way we distributed the funds were slightly different. So we were geared towards supporting businesses that were either employing low income individuals or businesses that were owned by low income individuals. This time around there has been some changes because of the waiver process with HUD. Some of the things they are not allowing us to do, we have taken the opportunity to modify the application and we will be asking some of the questions relating to minority business ownership and that was not included the first time around. So yes we did need to change the application a little bit. Ms. Karner stated she wanted to introduce Tina Roseberry, she is the Administrator and she knows that not all have had the opportunity to meet her. Ms. Karner asked if Tina has anything she would like to add related to that change in the application process.

Ms. Roseberry remarked the application process will be translated in both Spanish and English and another positive point is that it can be applied online trying to be as quick and easy as we can. As Ms. Karner said, we will be instituting some of our priorities in there not that it is exclusionary in any way but someone did talk about equity throughout the city. She is hoping to map this on GIS so we can see who is applying and from what areas from the city. That is good for us to know measurement wise when we are reporting out on our successes. The last part she thinks as someone early said what the difference is between the two applications; the other one was a grant that was forgivable so it became a lien and that had its complications. We are making it so much easier to take a hold of this money, it will be purely on a grant format and they give us what they need filling out the application. We will make some decisions in house and then keep reporting back to Council on how things are going.

Ms. Negrón pointed out that the CADCD has been helping businesses doing the applications and she has sent information to NCC, the south side campus because they have a business program and the small business program that Lehigh University has. She knows that they have been helping the Latino business owners because some do not have the time or the knowledge of the computer or the language. She appreciates that and hopes that they stay in contact with those entities on the south side.

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

*D. Approve Resolution relating to Student Housing*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-216 that approved exhibit A which is the proposed ordinance and Communication 6 G that is the Student Housing Overlay Ordinance is declared as of December 31, 2020 to be a pending Ordinance of the City of Bethlehem beginning December 31, 2020 the Administration may deny applications for zoning permits and requests for certificates of occupancy and/or other relief under the Zoning Ordinance, and building permits for any new use or structure which would be conducted or erected in a manner inconsistent with the provisions of the Ordinance. Prior to formal enactment of the said pending Ordinance, City Council shall consider all comments and recommendations from the City Planning Commission, Lehigh Valley Planning Commission, and members of the public obtained in the manner required by the Municipalities Planning Code. The City Clerk is directed to advertise the Ordinance in the manner required by the Municipalities Planning Code and the substance of this Resolution.

President Waldron turned to Ms. Karner for the differential discussion on how this pairs and moves parallel to the Ordinance we will be discussing next year.

Ms. Karner stated she will refer that to Darlene Heller, Director of Planning and Zoning.

Ms. Heller remarked for a little bit of background she believes you are all familiar with the Student Housing Overlay Zoning Amendment that we are moving forward with. We had this before the Planning Commission in August, they had some minor revisions. We reviewed it with Council at a Community of the Whole Meeting in late October. We reviewed all those revisions, there were a few weeks of comment period after that and we did not receive any comments from Council Members. We moved ahead with consolidating the comments by the Planning Commission. Ms. Heller noted that you read in to the record the ordinance and set a public hearing date. These Zoning Amendments do take some time so there will be the public hearing and then the First and Second Reading after that. But in the meantime we thought it would be helpful if we set a clear defined date in which the ordinance would become effective. The pending ordinance resolution in front of you announces that December 31, 2020 would be the date that would require that any student housing would have to comply with the new amendment from January 1, 2021 onward, any time in 2021. So it gives us a clear date to work with, there is no confusion and it is helpful to have the resolution in place. Council has done this before, with short term lodging and for other Zoning Amendments in the past. We are just asking that Council pass the resolution so that the ordinance amendments can ride its course.

President Waldron thanked Ms. Heller for that clarification. He added that we will have a much broader conversation about the ordinance at our public hearing and then with the two readings. There will be potential for Council Members to offer amendments and we can get back

into that discussion. Obviously the intention of the Committee of the Whole Meeting was to try to hash out some of those details before we go down that road.

Ms. Heller explained they just wanted to make sure there was some consensus on the amendments that were proposed.

President Waldron remarked before you hold our feet to the fire and make us vote on it then people's minds might get changed. He added when you ask for that soft vote of no comment that is a different thing and is easier to commit to.

Ms. Negrón stated thank you to one of her favorite residents of the south side of Bethlehem Anna Smith for championing for this for so long and for having the patience to drag through it and dragging the community and the Administration along with it. Right now she is thinking of Stephen Antalics, every Council Meeting where he came to say please do something about student housing. Because she lived on the south side for so long she saw this every day, we need to stop this and she is looking forward to all the changes with the ordinance.

Ms. Crampsie Smith thanked Ms. Heller and Ms. Karner for all their work because this is really something that is very necessary. Hopefully this will help the south side and enhance it even further.

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

*E. Certificate of Appropriateness – 2 West Market Street*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-217 that granted a Certificate of Appropriateness to replace existing copper and slate roofing and replace the existing gutters at 2 West Market Street.

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

11. NEW BUSINESS

*Open Container Law*

Mr. Callahan had asked and sent a letter about a day and a half prior to Governor Wolf closing things down again. He understands where the Governor is coming from but he had received probably 3 or 4 phone calls from businesses and restaurants on Main and Broad Street. One of them called tonight and explained to all of you the direness they are in right now due to COVID. Mr. Callahan is not blaming the Governor or the Mayor but he is asking for support to suspend the open container laws in our downtown business districts indefinitely until a later date when we as a Council can make a determination that the effects on the businesses from COVID-19 has passed. He noted that COVID is on the rise and our indoor activity is restricted so we need to find a way to help our restaurants and small businesses thrive not only during the Christmas season but for the foreseeable future. Restaurants and small businesses are at the heart of success in Bethlehem and we need to do all we can to help them. The Governor has understandably taken steps to help mitigate the spread of COVID-19 by restricting indoor activity due to proximity and inside of restaurants. The least we can do is give restaurants as much opportunity outdoors as we



can to help them be successful. Mr. Callahan remarked we do have the power to relax that and he thinks it is something we can do. The Mayor sent out a confusing memo today which he does not understand. The Mayor said in one of his sentences "It is questionable and debatable whether the proposal would actually even help the businesses." Mr. Callahan noted if you listen to the two business owners that are on Main Street and Broad Street, they are long time businesses. He added that alcohol is their largest profit margin and because they are not allowed to have people inside of the restaurant and all they are allowed to do is basically sell food, right now it is legal for them to sell alcohol to go. They can sell alcohol to go and they are making a little bit of money that way. We all agree that we want people to be outside and as long as a majority of people are outside and not inside dining he thinks this would help. It will not solve all their problems but it could generate enough money for them to survive the winter. Mr. Callahan stressed that is all he is asking. He had a discussion with Ms. Crampsie Smith today; we need to find some way to help these businesses survive this. It is no one's fault but it is our job to try to alleviate some of the pain so they do survive. As some of them said to him they will not survive with the existing conditions through February. We are talking about some of the best restaurants that have been around for 20 years. If they close it will be a shame and we will have a hole in the city and it will affect us, he is very concerned about some of these restaurants being able to make it. We need to help them over the next few months until the vaccine is distributed to everybody and this disaster of a virus is solved. One of the ways we can do that is by helping them sell alcoholic beverages to people that can walk around the street and talk and hopefully on nice weather days enjoy the benefits of Main Street and Broad Street in historic Bethlehem. He simply asks that Council Members consider this. He is not sure if he needs to make a motion, he would like to resolve this tonight because these businesses are hurting right now. He added that Mr. Gardner and Ms. Griffith who called tonight have probably the most successful businesses in the historic district. They are the long term popular restaurants and if they are hurting everybody else is hurting. Mr. Callahan applauds the Mayor for the parklets, that was one great step but with everyone being forced to not dine in anymore he thinks this is the least we can do. He disagrees with the Mayor saying this would not help. Mr. Callahan trusts the word, professionalism, and expertise of the actual owners of the businesses that say it would help. Mr. Callahan then asked Solicitor Spirk if there is something we could do as of now to have a vote on this and if we could vote on this now.

Solicitor Spirk believes this would need to be in writing. So he thinks it would have to have been something that came on a Communication to be voted on tonight. To vote on something it has to be in writing. He did not understand that Mr. Callahan was looking for a vote; he thought he was merely seeking to get expressions of encouragement to have the Mayor take a certain action. But something would be needed in writing to vote on it.

Mr. Callahan added he sent a formal memo to the Mayor and Council about 4 days ago and about an hour and a half before this Council Meeting he received the memo from the Mayor saying he was not support of this. He added that put him in a bind. If it is not the will of Council to help out the downtown businesses he does understand but if it is something we could do now and accept the letter he sent to Council a few days ago as the written declaration he does not know. During the next two weeks before we meet again is a crucial time when there will be a lot of people walking around the downtowns shopping. Mr. Callahan will leave this up to the rest of Council but he would like to have this discussed and possibly passed tonight or just have a show of unity on Council to ask the Mayor to suspend the open container law. He added that the Governor controls the LCB, the inside of it and they are allowed according to the LCB right now to sell alcohol for customers to take home in their car with them. Mr. Callahan remarked if they

are allowed to do that he does not see why we would not allow people to responsibly walk around the downtown historic district with a beverage and that could possibly help the restaurants with sales. He does not know if there needs to be a second or any other discussion on it but if there is not he will take it that no one is interested. Mr. Callahan asks for consideration, not for him but for the business owners.

President Waldron knows that everyone on Council supports our downtowns and our small business owners and if there is anything we can do to help those businesses survive a challenging time we would do that. Obviously there is some question about the legality based on the memo we received at 10:00 am this morning from the Administration. President Waldron is sure that the Administration's Solicitor weighed in on the possibility of whether that is happening. It is the option of changing our ordinance that would require a written change and a motion and a second. That is not something to change an ordinance we can do under New Business in one evening. It is important to hear from the Administration about how something like this could change and what the process would be based on a legal perspective, not just what the will of Council would be. If there is anything we can do to snap our fingers to support our downtowns you have my support with that but there are legal issues at hand here.

Mayor Donchez related President Waldron said exactly what he and Solicitor Leeson discussed. First of all, he wanted to be clear, he along with his Administration have done everything possible to help the small businesses and restaurants on the north side and the south side with the parklets and planters, with the support of City Council. With CDBG money and the county money we have done everything possible to assist them. On this issue there are reservations about legalities and precedent. He noted that Musikfest is a different time, there are Use Permits, etc. and that is the reason for the memo.

Mr. Callahan would ask that Mayor Donchez reach out to the Downtown Bethlehem Association. He knows we have multiple events outside of Musikfest, we have Celtic Fest, Harvest Fest, we have also had Italian Fest. We have numerous festivals where it is permissible to have an open container on Main Street and on the Broad Street area. A few years ago they also had a beef cook-off on Broad Street where it was closed down and open containers were allowed. He does not know the legalities as Mr. Leeson does and he take his word on it but he would appreciate if Mayor Donchez would reach out to the Downtown Bethlehem Association and find out the quickest way we could possibly get this done. Mr. Callahan assumes from everyone else not making any negative comments about this that they are in favor of it. If there is anything we can do in the next couple of days, this is the busy time of the year where they generally make their profit for the year and now they will be making nothing.

*First Year on Council/Moment of Silence*

Ms. Crampsie Smith remarked this is a difficult situation and President Waldron is correct, we certainly do want to do everything we can. We have and the City Administration has done what they could to help the businesses. Ms. Crampsie Smith wishes she had a magic wand to help them but again if we could look at the Chamber and the Downtown Bethlehem Association and reach out to them to maybe have something like a winter carnival toward the middle or end of January, something to give them a boost. She does not know what will help them. Ms. Crampsie Smith pointed out it has been a full year since her first year on Council. She would say in the words of Jerry Garcia, "What a long strange trip it has been", this year. She

wanted to thank her fellow Council people, the Administration, and especially Robert and Judy and Mr. Spirk for all of their help. She has valued all the help they have given her and she hopes that everyone has a happy holiday and a much healthier and happier 2021 than 2020 has been. As she looks back at this last year, 10 months of the last 12 months have been very, very difficult for most if not all of us due to the COVID virus. She is sure she speaks on behalf of all of us when she says that our thoughts of comfort and healing go out to all of those who have lost loved ones due to the virus and the many hundreds of people in our community who are suffering and fighting the virus now. She has some in her own family and friends that it has hit over the weekend. This is very scary and she hopes we will all be safe and considerate of each other. Ms. Crampsie Smith thinks it is suitable that perhaps we have just a moment of silence as we end our meeting for all those people in our community that we lost to COVID this year, she believes it was 85. She proposes we have a moment of silence for all of those we lost in Bethlehem due to COVID.

President Waldron believes that is a fitting idea and after we conclude New Business from Members of Council that will be a great way to end our year.

*Special Permits/Merry Christmas*

Ms. Negrón remarked that many of the festivals and events require special permits and she did that herself with the Puerto Rican Parade and Festival. She remembers that part of the permit is that she has to send a map of the area that she was going to have the music and the alcohol. That was the only place it was allowed. She does understand that and there are many reasons for that. So that happens with all the other festivals. However, with Musikfest it is not quite the same, it is totally different with so many people. People walk the bridge north and south all day long, all week long with a Musikfest beer mug. We have many times in different circumstances looked the other way. She does not know if this is something we should rethink about especially in the downtowns. She hopes that the Administration does think about this. To close, she wanted to say Merry Christmas to all and she hopes everyone gets through this break between the snowstorm and COVID safe and sound. Merry Christmas and Happy New Year.

Mr. Colón echoes the comments by other Members of Council. He does not know what it would look like in terms of a Use Permit Agreement to have a defined event but he would support some sort maybe incremental in the terms of boost of business it would do. He does not have a background in the restaurant business but he does not have to be to know that their margins are always super thin and to Mr. Callahan's point that their biggest profit margin is on the sale of alcohol. A question he had is if they are paying any kind of annual fee for the sale of alcohol and now they are not able to sell as much that is another potential strike against them. Whether it be some kind of downtown festival that the Downtown Bethlehem Association would come to us with a Use Permit Agreement or whatever it would be, he would be in support something that would support the downtown businesses that are struggling right now. It would be a good idea and it cannot hurt to try something to give them a boost during this time. Mr. Colón wished everyone a Merry Christmas and Happy New Year and hopes everyone has a nice time with family and anyone who is separated from their family during this time, hope we can all make the best of this holiday season.

President Waldron thanked everyone for a very interesting year on Council working through all of the issues we had. Back in January we had discussions about who was going to be

Council President, he did not know we would end up here and he added if Ms. Negrón would want she could trade spots with him for 2021, he could stay home and she could come in here and punch in on the speaker phone. President Waldron thanked everyone for working through some of these technological hiccups as well as being flexible with your schedules and what has been asked of you as the elected representatives of the city, not just for Council and our support staff we have but all of the Administration and frankly all of the city employees who have had to do a little bit more and asked to do their job in a different way. This pandemic has affected everyone throughout 2020 and will continue to do so. The intention is that we try to return to normal as soon as possible when it is safe to do so but we have a long way to go and as a city we need to work together in order to support those who most need it. President Waldron added Ms. Crampsie Smith had an excellent idea that we do remember the people we lost. This is the last meeting of 2020 and now that we have adopted our 2021 budget we will finish up 2020 with a moment of silence for those 85 people we lost in the City of Bethlehem. Unfortunately that will probably not be the last that we lose due to this pandemic. Thank you all, have a good holiday and Happy New Year, see you again in January.

12. ADJOURNMENT

The meeting was adjourned at 10:00 pm.

ATTEST:

Robert G. Vidoni, Esq.  
City Clerk