

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, December 6, 2022 – 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

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

2. APPROVAL OF MINUTES

November 15, 2022

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

Clarification

Resident Arthur Curatola said he apologized because “I seem to have ruffled feathers of a few hens at the barnyard upon my comments at the last meeting and many other meetings about our City of Bethlehem being named after the city that Jesus Christ was born and then we re-enforced it by calling it the Christmas City, which we all know that Christmas was named after Jesus Christ whose main statement was [that] we must be an example, which was my thesis and is my point.” Mr. Curatola said that he was saying that elders should set an example for children and help them be tomorrow’s leaders. He suggested that if this statement had been made by a U.S. President or famous person and this city was named after them, this would not be an issue. So, why not honor the teachings of this great man who we know as Jesus Christ? Even if one does not accept him as their lord and savior, at least respect him as a philosopher and teacher.

Mr. Curatola next listed famous Jewish men besides Jesus Christ. He said there were no great female Jewish leaders except for Fanny Brice, Barbra Steisand, and Bette Midler.

Mr. Curatola said that in Chinatown, people live by the words and customs of their forefathers. Similarly, in our City of Bethlehem, we should be honoring and respecting the teachings of Jesus Christ. He added the belief that we do not all need to be devout Christians to show this respect. Many have mentioned the separation of Church and State. He said this is hypocritical. He cited the limited rights of the Chinese and American Indians as examples. Mr. Curatola observed that there has never been a Chinese, American Indian or Jewish U.S. President because of separation of Church and State. He added that there have not been several other ethnic groups represented as President for this same reason. Yet there were several Presidents from Irish descent who were devout Catholics.

But, he said, we are in Bethlehem, the Christmas City. “If we were in Rome, we should do as the Romans do,” Mr. Curatola said. In Rome, they have the Vatican, which has become its own

country, and honors Jesus Christ. Since we are in Bethlehem, we should live by and respect the teachings of Jesus Christ and honor his words. Mr. Curatola reminded that Jesus Christ said we need to be an example. We need to make this city a great example for other cities in our country. Mr. Curatola said this is the case whether Jesus said that or whether Mr. Curatola said that himself.

Parking Reminder

Alex Hirsch said he was just checking in on his attempt to resolve his ongoing issue with the Parking Authority. He is no longer permitted to participate in the Residential Parking Permit program because he no longer holds a Pennsylvania driver's license or vehicle registration. Mr. Hirsch is a part-time resident and has been fighting the rejection for 144 days. He had no update.

Historic Perspectives

Resident Stephen Antalics said minutes from a City Council meeting held in 2012 stated that a speaker described what an invocation is. An invocation can be used for civic or political events or religious events. The invocation that was given at that evening's Council meeting included use of the word "lord." The speaker that evening said the use of this word at a nonreligious public meeting could offend a Muslim or Jew because they would feel "unwelcome and uninvited." The word "lord" was used in the context of "Our Lord, Jesus Christ." The person giving the invocation was a Catholic priest. The priest then "crossed himself" in the name of Jesus as did many of those in the audience. Mr. Antalics said it was brought up that almost exclusively those providing invocations at Council meetings were Christian clergy. It was suggested that a Jewish rabbi or Muslim imam be invited to participate to offer diversity. Mr. Antalics said that he was this speaker 10 years ago.

Mr. Antalics also researched when Bethlehem became known as the Christmas City. In 1937, the president of the Chamber of Commerce noticed that animosity between the boroughs of Bethlehem and South Bethlehem carried over into the merged city 20 years later. He suggested Christmas lights of all the same color be used to signify unity. It worked, and he declared Bethlehem as "the Christmas City." Mr. Antalics made the point that this president of the Chamber of Commerce was a Sephardic Jew.

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 Water and Sewer Resources – Recommendation of Award – Colliers Engineering & Design, Inc. – Willow Brook Road Water Main Relocation*

The Clerk read a memorandum dated November 18, 2022 from Edward Boscola, Director of Water & Sewer Resources, recommending a contract with Colliers Engineering & Design, Inc. The project consists of engineering services to design the relocation of a section of 30-inch water main along Willow Brook Road in Allen Township. Work will be coordinated with Northampton County's plan to replace County Bridge No. 124. The cost is \$61,370. This is part of a cost-sharing agreement with Northampton County in which design and construction costs will be split. The contract shall run from the Notice to Proceed until December 31, 2023. There are no renewals.

President Colón stated Resolution 10 A is on the agenda.

- B. *Director of Water and Sewer Resources – ARPA PA Small Water and Sewer Grant Application Applebutter Road Sanitary Sewer Lift Station*

The Clerk read a memorandum dated November 21, 2022 from Edward Boscola, Director of Water & Sewer Resources, requesting support of an application to the Pennsylvania Department of Community and Economic Development for a Covid-19 ARPA PA Small Water and Sewer Grant. The grant will be used to fund a project to upgrade the Applebutter Road Sanitary Sewer Lift Station. As applicant, the City is obligated to provide matching funds of not less than 15 percent of the total project costs. The estimated project cost is \$463,250, meaning the City will apply for a grant of \$393,750. The City will need to pay \$69,500, representing 15 percent of the cost. Construction is not expected to take place until 2024 at which time the appropriate funds will be budgeted in the Sewer Capital Account.

President Colón stated Resolution 10 B is on the agenda.

- C. *Business Administrator – Transfer of Funds – Fire and EMS - Gasoline*

The Clerk read a memorandum dated December 1, 2022 with an attached Resolution from Business Administrator Eric Evans amending the 2022 General Fund Budget. These adjustments reflect the drastic increase in the price of gasoline that began in late 2021 and early 2022. Following budget transfers in July to cover higher fuel costs, the Fire and EMS accounts require additional funds. The transfer would be from Revenue Account – Streets - Salaries 0503-40001 to Expense Accounts – Fire - Gasoline 0701-41023 and EMS – Gasoline 0702-41023.

President Colón stated Resolution 10 D is on the agenda.

7. REPORTS

- A. *President of Council*

B. *Mayor*

Mayor Reynolds said that he had a couple of reports that he intended to provide, but “they were kind of put to the side by some of comments of earlier today under courtesy of the floor.” “I would just say that what was said is a reflection of what some beliefs are that people have, and I think that people within the Administration, City Council, and within the City, the vast majority of people in the City, are working to create a city where everyone feels welcome and inclusive and valued, no matter what their religion is, and we show up every day to work toward creating that city with the people within our community and on City Council. And, I am a bit shocked by what was said before, but that we will remain vigilant to create a city where there is no place for hate or the beliefs where it is the feel of some that certain religions make themselves feel superior to others.”

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 26-2022 – Amend Zoning Ordinance – Solar Energy Devices*

The Clerk read Bill No. 26-2022 –Amend Zoning Ordinance – Solar Energy Devices, sponsored by Ms. Wilhelm and Ms. Crampsie Smith and titled:

AN ORDINANCE AMENDING THE ZONING ORDINANCE,
PART 13 OF THE CITY OF BETHLEHEM, LEHIGH
AND NORTHAMPTON COUNTIES, PENNSYLVANIA,
AMENDING SOLAR ENERGY DEVICES

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 7. Bill No. 26-2022 now known as Ordinance No. 2022-25 was passed on Final Reading.

B. *Bill No. 27-2022 – Amend Article 933 – Recycling Fee*

The Clerk read Bill No. 27-2022 – Amend Article 933 – Recycling Fee, sponsored by Ms. Wilhelm and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF
LEHIGH AND NORTHAMPTON, COMMONWEALTH OF
PENNSYLVANIA, AMENDING ARTICLE 933 ENTITLED,
RECYCLING, OF THE CODIFIED ORDINANCES OF THE CITY OF
BETHLEHEM BY INCREASING THE RECYCLING FEE.

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 7. Bill No. 27-2022 now known as Ordinance No. 2022-26 was passed on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 39-2022 – Amending Zoning Ordinance – Miscellaneous*

The Clerk read Bill No. 39-2022 –Amending Zoning Ordinance - Miscellaneous, sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM AT PART 13 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM – MISCELLANEOUS.

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 7. Bill No. 39-2022 was passed on First Reading.

B. Bill No. 40-2022 – Amend Zoning Ordinance – Design Standards

The Clerk read Bill No. 40-2022 –Amend Zoning Ordinance – Design Standards, sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE FO THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM AT PART 13 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM – DESIGN STANDARDS

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 7. Bill No. 40-2022 was passed on First Reading.

10. RESOLUTIONS

A. Approve Contract – Colliers Engineering & Design, Inc. – Willow Brook Road Water Main Relocation

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-240 that authorized to execute an Agreement with Colliers Engineering & Design, Inc. for engineering services to design and relocate a section of water main along Willow Brook Road in Allen Township.

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

B. Approve Grant Resolution – ARPA PA Small Water and Sewer Grant – Applebutter Road

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-241 that authorized Mayor J. William Reynolds and Director of Water and Sewer Resources to execute all documents and agreements to facilitate and assist in obtaining the ARPA PA Small Water and Sewer Grant of \$393,750 from the Commonwealth Financing Authority to be used for upgrades to The Applebutter Road Sanitary Sewer Lift Station.

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

C. *Approve Golf Fees*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-242 that authorized to approve the Golf Fees listed on Exhibit A and made part hereof, are hereby established; and that the rates shall be effective January 1, 2023.

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

D. *Approve Transfer of Funds – Resolution – Gasoline*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-243 that authorized \$12,400 in Account 0503-40001-Street/Salaries be transferred to Account 0701-41023-Fire/Gasoline in the amount of \$7,350 and Account 0702-41023-EMS/Gasoline in the amount of \$5,050 to cover the increase in the price of gasoline.

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

Motion – Considering Resolutions 10 E through 10 G as a group – Certificates of Appropriateness

Ms. Crampsie Smith made a motion, seconded by Dr. Enix, to consider Resolutions 10 E through 10 G as a group. Under discussion, Dr. Van Wirt asked a procedural question about the COA associated with 306 South New Street.

President Colón said the COAs could be considered individually. He noted that there is a motion and a second on the floor for collective consideration. He asked the Council Member making the motion, Ms. Crampsie Smith, if she was willing to withdraw her motion. She said yes. President Colón next asked whether Dr. Enix wished to withdraw her second to the motion. Dr. Enix withdrew her second. Consequently, President Colón said the COAs would next be considered one by one.

E. *Certificate of Appropriateness – 102 East Fourth Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-244 that granted a Certificate of Appropriateness to install a new window decal at 102 East Fourth Street.

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

F. *Certificate of Appropriateness – 326 Polk Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-245 that granted a Certificate of Appropriateness to remove the existing roof sheathing and install new GAF Slateline shingles at 326 Polk Street.

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

G. Certificate of Appropriateness – 707 East Fourth Street

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-246 that granted a Certificate of Appropriateness to install new signage at 707 East Fourth Street.

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

H. Certificate of Appropriateness – 306 South New Street

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-247 that granted a Certificate of Appropriateness to install a new monument wall to segregate the main building entry/vehicular drop-off area from the public street at 306 South New Street.

Dr. Van Wirt noted that the COA for this project was recommended for approval by the Historic Conservation Commission at its November 21, 2022 meeting. She asked when the property owner is permitted to begin the requested work.

Solicitor Brian Panella said work could begin once the COA is approved.

Dr. Van Wirt asked whether builders are made aware that actual approval comes from City Council, so construction would have to wait until Councilmanic action.

Mr. Panella said the HCC would deliver that message to the builder's representatives. No one was present from Council to make that assertion at the HCC meeting.

Dr. Van Wirt sees several problems with work commencing before official approval. First, is "an enormous lack of respect for the process at hand." Second, the HCC does not have any enforcement mechanisms. She said this issue has arisen before. Dr. Van Wirt said she has heard that construction on this wall began before tonight's vote by Council. She asked how the City can ensure that rules are being followed.

Director of Public Works Michael Alkhal said that several events caused these issues. The developer first sought a curb and sidewalk permit from Engineering. They claimed that they thought this was the proper permit to obtain. Mr. Alkhal said that some of the project involved curb and sidewalk work, but a wall also was included. The proposed wall was not highlighted in the permit application as part of the scope of work. Engineering did not notice mention of the wall either. The developer claims that he did not know that the wall would not be covered under the curb and sidewalk permit. What was needed instead was an encroachment permit and HCC approval. Once the curb and sidewalk permit was obtained, the developer started the curb, sidewalk and foundation of the wall. When it was discovered that a wall was involved, the developer was notified and work stopped. The second mistake was made when the developer came before the HCC. It does not happen very often that an encroachment permit is a matter that comes before the HCC. Engineering attended the meeting. The HCC approved the wall and, unfortunately, Engineering thought that was the end of the process and issued the encroachment permit.

Mayor Reynolds said the City directed work to stop. The problem was that the hole already was dug. The Mayor said that Dr. Van Wirt's point about what to do about this is a good one.

Dr. Van Wirt said there is additional history. This developer has an established relationship with the City. "I think relationships with cities are built out of respect and confidence in that person doing the right thing, and this developer is losing, if not already lost, that respect and confidence that he is doing the right thing, at least from my part, and that affects how we vote on things because it affects how you feel that things are going to roll out in the future," she said. "There is an awful lot of trust in these things." She said this is the same building and the same developer saying, "Oh, I didn't know. It's too much." She said she is concerned about pedestrian safety regarding the open trench, but is not sure how to gain compliance.

Ms. Kwiatek fully supported Dr. Van Wirt's comments. She said this is the building she works in and has seen the work being done for herself. She said the reason that construction is going on three years later is because the developer did not build the project the way he said he would. That is a concern. She noted that the HCC voted for the COA unanimously, so she will support the measure, but this project needs to get completed. She added that these events have "further clouded my sense of trust" with this developer.

Ms. Crampsie Smith thanked Dr. Van Wirt for raising the issue. When she saw HCC approval for the four COAs tonight, she thought this was just routine consideration. But, there are more issues with this one. This is not the first time that this developer has done things that he did not have approval to do. She referred to the restaurant that was improperly constructed to the edge of the building on the top floor. She asked if there is a mechanism, a fine or something else, to penalize a developer who does not follow the rules.

Mr. Alkhal said the City has the option to fine a developer. There are amounts set - perhaps a few hundred dollars. Another option would be to have a developer undo their work. This measure often is impractical. Mr. Alkhal said a fine has not been issued.

Ms. Crampsie Smith said she just wanted to be consistent with developers. What have we done in the past? Would we do it next time? Why is the possibility of the fine as a consequence there if we are not going to implement it?

Mr. Alkhal said he agrees with what Ms. Crampsie Smith is saying. He added that Engineering believed that the developer did not know that he needed separate approval to build the wall and that an encroachment permit was necessary. If we think that he did it on purpose, then we could trigger imposing a fine. This can be reconsidered.

Ms. Crampsie Smith said she understands the innocent possibilities raised by Mr. Alkhal, but we need to be objective. We do not know if this was an oversight or done on purpose. She said we should be consistent.

Mayor Reynolds discussed some options that the City has involving developers. Often times money is held in escrow until aspects of the project are completed. The money withheld would pay to have work completed if the developer does not do so. This work is a streetscape project; however, and money was not held in escrow. Inspections are done, but there is not an onsite inspector watching every aspect of a job.

Ms. Crampsie Smith repeated that if fines are an option, then they should be imposed in order to be consistent and clear with developers that the process needs to be followed. She said that public perception is that developers get what they want. She said she was not sure that that was true, but instances like this feed that perception and one that there will not be actual consequences if directives are ignored.

Ms. Leon said her objections were less about procedure and more about aesthetics. She does not believe this wall fits in with the historic nature of the South Side or the concept that has been envisioned to have this neighborhood integrating into everyday life.

Dr. Van Wirt credited Ms. Leon with bringing this issue to her attention. She also asked that the HCC by-laws be amended to include both developers of new buildings as well as the modification of existing structures. She would like “a little bit more teeth to our process” when procedures are not followed. She suggested discussing in a proper forum the mechanisms to give the HCC and HARB recourse if the product produced is not what was advertised.

President Colón said the City has the spirit of wanting to give people the benefit of the doubt, but regardless of a developer’s intention, the reality is just that. That puts Council in a difficult position. However, our problem is what is the remedy? He said that, moving forward, he hoped that the developer and the City staff would get on the same page and have smooth completion.

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

11. NEW BUSINESS

Ms. Leon said that one of the things that she likes best about the City is that “no one person owns the story of what Bethlehem is, just like no one person owns the story of what any religious figure is.” She said she has been a Christian her whole life. She believes a person should “love God with all of your heart. Love your neighbor as yourself. And I think that we should think about that when we choose to speak with people.”

12. ADJOURNMENT

The meeting was adjourned at 7:49 PM.

ATTEST:

Tad J. Miller
City Clerk