

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Wednesday, May 18, 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.

CITATIONS

Honoring Sergeant Matthew Lazur and Captain Timothy Cooper

President Colón read citations honoring Sergeant Matthew Lazur and Captain Timothy Cooper upon their retirement from the Bethlehem Police Department. Neither was present, but the citations thanking them for their years of service will be mailed to each.

2. APPROVAL OF MINUTES

May 3, 2022

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

Church Bell Complaint

Rosemarie Frey, 212 East Fourth Street, played an audio recording of bells from a nearby church, which ring on the hour 10 times daily. After being inoperable for 22 years, the bells were fixed and began tolling again in February. She bought her home 21 years ago, so the bells have not been operable for all of the years that she resides nearby. Had they been operable at the time that she bought the home, she would not have done so. She spoke with the priest and with Darlene Heller, Director of Zoning and Planning. The bells were cut by three hours to toll between 7 a.m. and 6 p.m., but she is not satisfied. She has taken a petition to neighbors, who also oppose the bells. She is asking for Council's help.

President Colón said this was the public's opportunity to raise issues. She could stay to the end of the meeting to further discuss the matter.

Ms. Frey added that she has suggested to the church Elders that the bells only toll at Mass times. But, she was told, that the Church Council has voted, and the bells will toll between 7 a.m. and 6 p.m. She also has been told by the City that religious organizations are exempt from the Zoning Ordinance on this matter. She is asking for guidance on other avenues that may bring her a solution.

Littering Concerns

Robert E. Wolff, 442 Seneca Street, complained about trash containers and plastic trash bags being left on sidewalks beyond the scheduled pick-up date. He has spoken with the Health Bureau and the City Clerk's Office, but has gotten no action toward enforcement.

Again, President Colón said this forum is for residents to be heard rather than to provide a full back-and-forth; however, he would like to follow up with Mr. Wolff on this matter.

Concerns with Tall Buildings

Tina Kazakos, 4th and New Streets, said she represents residents of the general area of 3rd, 4th and New Streets. She asked Council to consider what might happen if a sinkhole or major fire were to affect the integrity of a building proposed in their neighborhood and what that might do to their properties. She asked for a "buffer zone" between the building and their properties. She encouraged Council and the Mayor not to give in to developers' intimidation, but to plan safely and wisely.

Traffic violations and Illegal Dumping

David Gill, 241 Franklin Street, raised concerns about traffic and trash. He complained of speeding, cars driving the wrong way on a one-way street, and cars not stopping for stop signs in the stretch between Spring and Leibert Streets. In addition to litter, he reported a wooded area along Leibert Street where illegal dumping occurs.

Love and Peace Festival Suggested

Arthur Curatola, 813 Laufer Street, noted that he was a part of a local peace concert associated with the United Nations' International Day of Peace held on September 21. A second event is scheduled for September 21, 2022, but Mr. Curatola also suggested initiating a festival supporting "love and peace" in Bethlehem. He said that he is working to start similar festivals in cities in Pennsylvania and New Jersey, and suggested that Bethlehem, with its many festivals, should be among the locations.

Police Attitude Complimented

Ed Rodriguez, 701 Main Street, complimented Chief Michelle Kott for a new attitude from police. He noted respect, mannerisms, and patience from police. More needs to be done, but this is a good start. He also would like to see more done about loud motorcycles and music. Enforcement would send a message of deterrence. He also suggested placing speed humps in the area of Nisky Hill Cemetery to slow speeding traffic.

Affordable Housing Assistance Offered

Larry Spagnola, 1521 Kaywin Avenue, was born in Bethlehem and moved back after a 40-year absence. He spoke of problems involving affordable housing. He is the CEO of Global Housing and has worked successfully with the City of Los Angeles and elsewhere including in West Africa. He introduced himself to City Council and said he would contact them.

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

HCC Denial Questioned

Attorney Joseph Bubba said he represents the developer who is seeking a Certificate of Appropriateness for the Morton Street properties on tonight's agenda. He said he was accompanied by a team of architects and other professions and thought they would be permitted to make a larger presentation to appeal the denial of the COA as recommended by the Historic Conservation Commission. Earlier today, he circulated a memo which he hoped that Council Members had received. His memo outlined reasons that he believed the HCC-recommended denial is flawed. First, he said that COAs are required in this case for both demolition and infill. He said a balancing test is to take place to compare options of the two. He also believed that the Historic Officer was mistaken in his interpretation of guidelines. While this project falls within the historic district, Attorney Bubba said these are not landmark properties that need to be saved. He asked that this be referred back to the HCC for reconsideration.

President Colón said further consideration would come under tonight's agenda item 10 S.

Support for HCC Denial

Bill Scheirer, 1890 Easton Avenue, commented on Attorney Bubba's memo outlined earlier in the meeting. He took issue that the HCC did not follow its own guidelines. Mr. Scheirer said the HCC's recommendation was that the residences not be demolished. Any additional planning requirement would be "onerous" on the part of the HCC. Mr. Scheirer also took issue with the memo's contention that the guidelines state that the HCC and Council should make every effort to accommodate the needs of the developer. An affidavit also purports that a hardship is present, but Mr. Scheirer believes the only hardship present is that the developer bought land and proposes a project that is economically challenging. He does not believe this to be sufficient cause for granting approval. He also has seen families living in the existing homes.

Important Decision

Stephen Antalics, 737 Ridge Street, said that more residents used to attend these meetings, but stopped coming because he their interests became secondary to Council. He referred to Article 1714 which was meant to preserve the history of the South Side, but said it became a "paper tiger" during a period when a City Council "succumbed to the will of developers." He asked if that era will continue here and whether residents will continue to stay away from Council meetings because they believe they are not being heard or represented. He believes that this Council has shown responsiveness, and said that the handling of the Morton Street project will further determine whether this Council will represent the will of the people or developers' interests.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Police Chief – Firearm Purchase - Kessler*

The Acting Clerk read a memorandum dated May 3, 2022 from Police Chief Michelle Kott with an attached resolution and agreement for the purchase of a duty weapon by a retired Officer of the Bethlehem Police Department. Pursuant to the Third Class City Code, Retired officers may purchase their duty firearms at fair market price.

President Colón stated Resolution 10 A is on the agenda.

B. *Director of Purchasing – 2022 Vehicle Auction*

The Acting Clerk read a memorandum dated May 6, 2022 from Sandra Steidel, Director of Purchasing, with an attached list of vehicles that will be placed for sale in an online auction to be held within the next 60 days.

President Colón stated if Council has no objections to the property listed, the items may be added to the on-line auction. If Council would like to discuss a specific item, the same shall be removed from the list and discussed at the next Council Meeting on June 7, 2022. No objections were raised. President Colón said the Purchasing Director shall be notified.

C. *Health Director – Recommendation of Award – Cedar Crest College – Community Connection Focus Groups*

The Acting Clerk read a memorandum dated May 3, 2022 from Kristen Wenrich, Health Director, recommending a contract with Cedar Crest College to provide Community Connection Focus Groups. The cost is \$6,000 with an estimated completion date of June 30, 2022. There are no renewals.

President Colón stated Resolution 10 B is on the agenda.

D. *Police Chief – Firearm Purchase - Conrad*

The Acting Clerk read a memorandum dated May 3, 2022 from Police Chief Michelle Kott with an attached resolution and agreement for the purchase of a duty weapon by a retired Officer of the Bethlehem Police Department. Pursuant to the Third Class City Code, Retired officers may purchase their duty firearms at fair market price.

President Colón stated Resolution 10 C is on the agenda.

E. *DCED Business Manager – Recommendation of Award – Greater Lehigh Valley Chamber of Commerce – Marketing Contract*

The Acting Clerk read a memorandum dated May 9, 2022 from Tiffany Wismer, Department of Community and Economic Development Business Manager recommending a contract with the Greater Lehigh Valley Chamber of Commerce for marketing services. The term runs until December 31, 2022. The cost is \$75,000. There are no renewals.

President Colón stated Resolution 10 D is on the agenda.

F. City Solicitor – Use Permit Agreement – Steel Pub, LLC – 2022 Steel Pub Summer Kick Off

The Acting Clerk read a memorandum dated May 11, 2022 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and Associated Use Permit Agreement. The Permittee is Steel Club, LLC and the event is the 2022 Steel Pub Summer Kick Off. The agreement is from 12:00 Noon to 8:00 pm on June 5, 2022. The agreement covers First Street from Polk Street to the entrance of the Steel Ice Parking Lot.

President Colón stated Resolution 10 F is on the agenda.

G. City Solicitor – Use Permit Agreement – ArtsQuest – 2022 Steel Stacks Summer Concert Series

The Acting Clerk read a memorandum dated May 11, 2022 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and Associated Use Permit Agreement. The Permittee is ArtsQuest and the event is the 2022 Steel Stacks Summer Concert Series. The agreement is from 10:00 am to 12:00 midnight for each of June 5, June 12, July 31, and August 24, 2022. The agreement covers First Street from Polk Street to the Eastern Terminus; and Founders Way between 1st and 2nd Streets.

President Colón stated Resolution 10 G is on the agenda.

H. City Solicitor – Use Permit Agreement – Community Action Development Corporation of Bethlehem – Greenway Farmers Market

The Acting Clerk read a memorandum dated May 11, 2022 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and Associated Use Permit Agreement. The Permittee is Community Action Development Corporation of Bethlehem and the event is the Greenway Farmers Market. The agreement is from 1:00 pm to 7:00 pm each Friday from June 10 through October 7, 2022. The agreement covers the Greenway from Taylor Street to Pierce Street.

President Colón stated Resolution 10 H is on the agenda.

I. City Solicitor – Use Permit Agreement – ArtsQuest – 2022 Sabor Latin Festival

The Acting Clerk read a memorandum dated May 11, 2022 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and Associated Use Permit Agreement. The Permittee is ArtsQuest and the event is the 2022 Sabor Latin Festival. The agreement is from 12:00 Noon to 1:00 am on both June 24, and June 25, 2022, and 8:00 am to 1:00 pm on June 26, 2022. The agreement covers 1st Street from Founders Way to the Eastern Terminus.

President Colón stated Resolution 10 I is on the agenda.

J. City Solicitor – Use Permit Agreement – Juneteenth Lehigh Valley – 2022 Juneteenth Lehigh Valley

The Acting Clerk read a memorandum dated May 11, 2022 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and Associated Use Permit Agreement. The Permittee is Juneteenth Lehigh Valley, the SubPermittee is ArtsQuest, and the event is the 2022

Juneteenth Lehigh Valley. The agreement is from 8:00 am to 10:00 pm on June 18, 2022. The agreement covers 1st Street from Polk Street to the Eastern Terminus; and Founders Way between 1st and 2nd Streets.

President Colón stated Resolution 10 J is on the agenda.

K. *City Solicitor – Use Permit Agreement – Holy Infancy Roman Catholic Church – Holy Infancy 2022 Cultural Celebration*

The Acting Clerk read a memorandum dated May 11, 2022 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and Associated Use Permit Agreement. The Permittee is the Holy Infancy Roman Catholic Church and the event is the Holy Infancy 2022 Cultural Celebration. The agreement is from 5:00 pm to 8:00 pm both June 15, and June 16, 2022 and 12:00 Noon to 10:00 pm on June 17, and 8:00 pm to 10:00 pm on both June 18 and June 19, 2022. The agreement covers Laufer Street between Pierce and Buchanan Streets; and Pierce Street between East Packer Avenue and East 5th Street.

President Colón stated Resolution 10 K is on the agenda.

L. *City Solicitor – Use Permit Agreement – ArtsQuest – Sights for Hope Concert*

The Acting Clerk read a memorandum dated May 11, 2022 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and Associated Use Permit Agreement. The Permittee is ArtsQuest and the event is the Sights for Hope Concert. The agreement is from 4:00 pm to 10:30 pm on June 14, 2022. The agreement covers 1st Street from Founders Way to the Eastern Terminus.

President Colón stated Resolution 10 L is on the agenda.

M. *Deputy Director of Economic Development – Recommendation of Award – Reinvestment Fund – Housing Strategy Consultant*

The Acting Clerk read a memorandum dated May 11, 2022 from Deputy Director of Economic Development Alicia Miller Karner recommending a contract with the Reinvestment Fund for Housing Strategy Consultant Services. The term runs until December 31, 2023. The cost is \$129,436. There are no renewals.

President Colón stated Resolution 10 E is on the agenda.

N. *City Solicitor – Intergovernmental Cooperation Agreement with Hanover Township, Northampton County – Yard Waste Facility Usage*

The Acting Clerk read a memorandum dated May 11, 2022 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and Associated Intergovernmental Agreement between the City of Bethlehem and Hanover Township, Northampton County, related to usage of the City's Yard Waste Facility.

President Colón stated Resolution 10 M is on the agenda.

- O. *City Solicitor – Use Permit Agreement – Fourth Amendment – Festival Sites – Musikfest 2022, 2023, and 2024*

The Acting Clerk read a memorandum dated May 11, 2022 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and Fourth Amendment to the Use Permit Agreement for festival sites. The Permittee is ArtsQuest and the event is Musikfest 2022, 2023, and 2024. The agreement includes a small parcel of City-owned land adjacent to Nevin Place as a festival site for Musikfest in the 2022 through 2024 calendar years.

President Colón stated Resolution 10 N is on the agenda.

- P. *City Solicitor – Special Event Permit Agreement – Handwerkplatz and Liederplatz – Redevelopment Authority property*

The Acting Clerk read a memorandum dated May 11, 2022 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and Special Event Permit Agreement. The Permittees are ArtsQuest and The Moon Bounce Guys, LLC. The agreement represents a supplemental request from ArtsQuest to use certain City and Redevelopment Authority property for carnival ride and inflatable bounce attractions. The agreement is for Musikfest 2022, 2023, and 2024. The agreement covers property located in the Sun Inn Courtyard.

President Colón stated Resolution 10 O is on the agenda.

- Q. *Kolb, Vasiliadis, Florenz & Recchiuti, LLC – Street Vacation Petition – Second Avenue*

The Acting Clerk read a letter from Kolb, Vasiliadis, Florenz & Recchiuti, LLC, on behalf of petitioners George Mowers and Charlene Donchez Mowers, requesting vacation of a portion of Second Avenue. As part of the Armory redevelopment plan, a portion of Second Avenue was vacated in favor of the developer of the Armory Apartments. However, an approximate area of 15 feet by 107 feet was not vacated and remains a grassy areas between the Mowers' property and the sidewalk on Second Avenue. The Mowers are seeking to have this area vacated in their favor and will be responsible for care and maintenance.

Scheduling Public Hearing

Ms. Wilhelm moved, seconded by Dr. Van Wirt, to schedule a Public Hearing on Tuesday, August 2, 2022 at 7:00 pm in Town Hall.

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

President Colón stated a Public Hearing has been scheduled for Tuesday, August 2, 2022 at 7:00 PM in Town Hall.

7. REPORTS

A. *President of Council*

B. *Mayor*

Reimagining West Broad Street

Mayor Reynolds thanked Council Members who attended last week's Reimagining West Broad Street announcement. He thanked them for their words of encouragement.

Live in the Concert

There was a great crowd despite the rain. Many people came out from the neighborhoods. He anticipated continued success with the event, including the next concert in the series this Saturday.

Peaceful Rally

Mayor Reynolds also thanked Chief Kott and the Police Department for their handling of a peaceful march and rally on Saturday. He said there seemed to be some uncertainty at times about what could come next with lots of people about to take to the street, but the Department kept events orderly and handled it well.

President Colón observed that the comment marked several compliments of the professionalism of the Police Department tonight and that they were a pleasure to hear.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Firearm Purchase – Kessler*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-093 that authorized to execute an agreement to effectuate the transfer of the city issued handgun for the price of \$300 to Samuel Kessler, a retired City Police Officer.

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

B. *Approve Contract – Cedar Crest College – Community Connection Focus Groups*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-094 that authorized to execute an agreement with Cedar Crest College for providing Community Connection Focus Groups.

Ms. Crampsie Smith noted that "stakeholders" were referenced. She asked if those would be people whom the police have had contact with in the past and perhaps were referred to and used the services of the social worker.

Chief Kott said she believed so.

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

C. *Approve Firearm Purchase – Conrad*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-095 that authorized to execute an agreement to effectuate the transfer of the city issued handgun for the price of \$300 to Kevin Conrad, a retired City Police Officer.

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

D. *Approve Contract – Greater Lehigh Valley Chamber of Commerce – Marketing Contract*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-096 that authorized to execute an agreement with the Greater Lehigh Valley Chamber of Commerce for Marketing Services.

Ms. Crampsie Smith asked whether this was an annual contract with the Chamber of Commerce.

Ms. Karner said it was and that the practice was started before she arrived several years ago.

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

E. *Approve Contract – Reinvestment Fund – Housing Strategy Consultant*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-097 that authorized to execute an agreement with the Reinvestment Fund for a Housing Strategy Consultant.

Ms. Crampsie Smith noted that the proposed contract with the Reinvestment Fund showed a figure of \$129,436. She wondered if the cost could run higher.

Ms. Karner replied that the figure was a maximum.

Ms. Crampsie Smith also asked if the listed December 31, 2023 completion date was correct.

Ms. Karner said it was.

Ms. Crampsie Smith said she is torn on this issue. She naturally favors affordable housing. But, when she speaks to constituents, she often hears that the City spends too much on consultant fees. She believed a lot of data is available, including information from the Lehigh Valley Regional Housing Advisory Board that offered a specific plan for use of Rescue Funds to address housing issues. The Lehigh Valley Planning Commission has done a housing study. New York University did a workshop in which Ms. Crampsie Smith participated. The

recommendations were not to hire a consultant but to bring all of the local stakeholders to the table and to be collaborative. Ms. Crampsie Smith reminded that when Rescue Funds were reviewed at budget time, she recommended that money earmarked toward housing issues and homelessness be doubled, but she did so with the idea that the money go directly toward those needs, not consultants. She is mindful that sometimes consultants' fees are necessary, but pointed out that a position was transferred last year from the Service Center to the Department of Community and Economic Development to create a new position to address housing. She was concerned that awarding this consulting contract would take six figures from the Rescue Fund money that could be part of the solution instead of being used toward a consultant when a person already should be on staff to offer recommendations.

Ms. Crampsie Smith also said that, while she would prefer not to pay consultants, she had offered to Council the names of firms recommended by her contacts. She added that NYU also suggests expanding the search beyond local consultants and suggested not just putting out RFPs. It is believed that quality consultants are not searching for more work, but reputation draws clients to them. She further said that we are at a crisis point now, and she did not want to wait a year and a half more for a consultant to provide recommendations. She also noted the \$85,000 already budgeted toward a homeless shelter and wondered why two consultants would be hired for what seems like a related issue. She concluded by saying that that homelessness and affordable housing are issues in need of solutions, but she did not believe that this consulting plan was the solution.

Dr. Enix agreed with Ms. Crampsie Smith. She said that she knows when universities are involved in grant programs, such as the New York University one, that they generally provide consultation services.

President Colón asked Ms. Karner for her perspective.

Ms. Karner said the City has received feedback from NYU after drafting the RFP prior to its release. She said they have a wonderful relationship. She said the City continues to work with them.

Dr. Enix referred to the University's website and said there are many listed references depending on particular needs.

Ms. Karner said that the City will continue to tap into these resources when needed, including both printed material and consulting with listed individuals to discuss particular needs. She said she believes the City has taken full advantage of the available resources and continue to do so. However, she also recognized that these are fast-changing times because of the volatile housing market. She added that it appeared that Council was willing to potentially invest millions of dollars into a year-round permanent shelter. She said this consultant would evaluate the issue, physical location, and structure. This was a specialized and specific role of the consultant. As to timeline, the first few months would be spent collecting data. It is not anticipated that implementation should take to the end of 2023.

Dr. Van Wirt added that she had reservations about hiring a consultant when she agreed to serve on the RFP task force, but she decided to participate in order to learn how this department is challenged in ways that they have not been challenged before in terms of cost and

the overall needs. As she went through the process, she decided that it would be best to defer to DCED to determine who will guide this process. She was particularly impressed by the “lifestyle” study that was offered by the Reinvestment Fund. They were very persuasive.

Ms. Leon also said she does not want to needlessly spend money, but she believes the Reinvestment Fund brings some important aspects to this project.

Ms. Crampsie Smith said she understood the comments supporting hiring a consultant and that City staff is busy, but she believed the positions hired in recent years were done with the intentions to work on these issues. She also pointed to recent data made available through the Lehigh Valley Regional Housing Advisory Board, and especially NYU which has data on its website specific to Bethlehem that can be accessed. Additional data is available through the Lehigh Valley Planning Commission. We have the data, local resources, and experts in the field who are willing to discuss this. She believes that NYU recommended that Bethlehem stay on its path of working through the housing task force. She believes that this path is quicker, cheaper, and on the mark.

Mayor Reynolds recognized participation in the NYU process last year. But, he said there are many needs coming together and added that the big thing before the City is not how it is going to spend this Rescue Fund money, but how it will spend its time. He said there are many approaches to trying to solve the affordable housing crisis, but there are not one-size-fits-all answers. Expertise is needed to help Bethlehem solve its affordable housing crisis. Key questions include how do we increase our housing supply and how do we work with what our market is. We need someone who specializes in these things to guide our staff to try to find how to help the most people.

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

F. Approve Use Permit Agreement – Steel Pub, LLC – 2022 Steel Pub Summer Kick Off

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-098 that authorized to execute a Use Permit Agreement with the Steel Pub, LLC for the 2022 Steel Pub Kick Off.

Ms. Kwiatek observed that there appears to be a time and space conflict between this event and the Steel Stacks Summer Concert Series.

Mayor Reynolds said it appears that there is “street contact”, but he did not believe there are events being held in the street that would overlap.

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

G. Approve Use Permit Agreement – ArtsQuest – 2022 Steel Stacks Summer Concert Series

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-099 that authorized to execute a Use Permit Agreement with ArtsQuest for the 2022 Steel Stacks Summer Concert Series.

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

H. Approve Use Permit Agreement – CADCB – Greenway Farmers Market

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-100 that authorized to execute a Use Permit Agreement with the Community action Development Corporation of Bethlehem for the Greenway Farmers Market.

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

I. Approve Use Permit Agreement – ArtsQuest – 2022 Sabor Latin Festival

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-101 that authorized to execute a Use Permit Agreement with ArtsQuest for the 2022 Sabor Latin Festival.

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

J. Approve Use Permit Agreement – Juneteenth Lehigh Valley – 2022 Juneteenth Lehigh Valley

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-102 that authorized to execute a Use Permit Agreement with ArtsQuest for the 2022 Juneteenth Lehigh Valley

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

K. Approve Use Permit Agreement – Holy Infancy Roman Catholic Church – Holy Infancy 2022 Cultural Celebration

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-103 that authorized to execute a Use Permit Agreement with Holy Infancy Roman Catholic Church – Holy Infancy 2022 Cultural Celebration.

Dr. Van Wirt said she understood that this proposed event has nothing to do with the bell-ringing issue raised earlier tonight by a resident, but she hopes that the church will continue to work with neighbors and the City to try to reach a resolution to the situation. She said that even if bells were to toll just twice daily, 46 times, “seems to be almost intolerable.”

Mayor Reynolds repeated Ms. Heller’s comment that there is nothing in the Zoning Ordinance to regulate church bells. Council could change the ordinance, but he suggested beginning with having a conversation with church leaders to see if something can be worked out.

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

L. Approve Use Permit Agreement – ArtsQuest – Sights for Hope Concert

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-104 that authorized to execute a Use Permit Agreement with ArtsQuest for the Sights for Hope Concert.

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

M. *Approve Intergovernmental Cooperation agreement with Hanover Township – Yard Waste Facility*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-105 that approved an agreement with Hanover Township to allow residents of Hanover Township [Northampton County] to use the City's Yard Waste Facility. The duration of the agreement shall be three years from the date executed.

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

N. *Approve Use Permit Agreement – Fourth Amendment – ArtsQuest – Musikfest 2022, 2023, and 2024*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-106 that authorized to execute a Use Permit Agreement Fourth Amendment with ArtsQuest for Musikfest, 2022, 2023, and 2024.

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

O. *Approve Special Event Permit Agreement – Handwerkplatz and Leiderplatz – Use of Certain Redevelopment Authority Property*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-107 that authorized to execute a Special Even Permit Agreement with ArtsQuest and The Moon Bounce Guys, LLC for Musikfest, 2022, 2023, and 2024.

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

Motion – Considering Resolutions 10 P through 10 R as a group – Certificates of Appropriateness

Dr. Van Wirt moved, seconded by Ms. Kwiatek, to consider Resolutions 10 P through 10 R as a group.

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

P. *Certificate of Appropriateness – 52 East Wall Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-108 that granted a Certificate of Appropriateness to replace the existing roof, skylights, and windows at 52 East Wall Street.

Q. *Certificate of Appropriateness – 512 North New Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2022-109 that granted a Certificate of Appropriateness change the color of the door from brown to black and paint the existing brown colored circle top window infill material black at 512 North New Street.

R. *Certificate of Appropriateness – 444 North New Street*

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2021-110 that granted a Certificate of Appropriateness to replace concrete steps and landing along Wall Street and redo the parking pad along Wall Street at 444 North New Street.

Voting AYE on Resolutions 10 P through 10 R: Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, and Mr. Colón, 7. The Resolutions passed.

S. *Certificate of Appropriateness – DENIAL – 106, 110-112, 116, 118, 122-124, 126 East Fourth Street, Two “through-block” site parcels situated along East Morton Street and 119 and 119.5 East Morton Street*

Dr. Enix and Ms. Leon sponsored a Resolution that DENIED a Certificate of Appropriateness to demolish a series of detached dwellings in order to construct a new infill development at 106, 110-112, 116, 118, 122-124, 126 East Fourth Street, two “through-block” site parcels situated along East Morton Street as well as 119 and 119.5 East Morton Street.

President Colón said he wanted to make a few remarks before discussing this matter. Article 1714 is the ordinance that creates the Historic Conservation District. Section 1714.07(a)(2) says that if the HCC recommends denying a COA that it shall offer the applicant changes, if any, that would result in a positive recommendation. President Colón referred to a June 1, 2021 instance in which Council referred a recommendation to deny back to the HCC because it similarly did not recommend suggestions that might result in a recommendation for approval. The memo at that time requested that any future recommended denials include suggestions that might result in a recommended approval. President Colón said that the HCC meeting on the Morton Street project resulted in a recommended COA denial, but did not include discussion that recommended planning improvements. He said he would favor Council tabling action tonight to give the HCC the opportunity to amend its comments. Council could consider those comments at a later time. He reminded Council that any motion to table, followed by a second, would end discussion for tonight. So, if there are Council comments tonight, perhaps those should be heard before taking action to table, if that is desired.

President Colón said he had asked Council Solicitor Panella if the action of tabling tonight would give the HCC the opportunity to offer comments. He asked if this would require another public hearing or if this would afford the opportunity to amend the HCC’s procedures.

Solicitor Panella believed the matter could go back to the HCC without need for a new public hearing as long as the plan remained largely the same. He also said it would only be fair to the community and the developer to allow the developer to be present for the HCC meeting and make comments that would be appropriate in the course of action.

President Colón emphasized that returning this matter to the HCC is not intended to change the outcome of the recommendation, but is meant to procedurally be in accordance with the June 1, 2021 application and with what the ordinance states.

Ms. Wilhelm referred to Mr. Scheirer's comments during Courtesy of the Floor. She asked what would make the HCC's comments more clear rather than perhaps what was implied.

President Colón asked for Solicitor Panella's guidance, but added that it was his understanding that there was no motion or recommendation at the HCC meeting as to how the application could be amended to potentially meet approval.

Solicitor Panella called it a "form" issue. In reviewing the notes and meeting recording, the Chairman was asking if there were any recommendations, and nothing was offered. The "line" that you are seeking about demolition was not a part of the initial motion or denial. Hypothetically, if the recommendation is not to demolish structures, that should have been directly stated to satisfy the requirement of the ordinance. He does not believe that was met.

Dr. Van Wirt said she attended the HCC meeting. She believes it was "absolutely implicit" that the HCC would not recommend approving a COA if the plan were to demolish the buildings. It is not the HCC's job to design a building for the developers; it is their job to tell them what would be appropriate. Unfortunately, it was not explicitly put into the motion. She added that Council's reaction tonight is not intended as a "re-education" of the HCC, but to make sure that the rules are followed.

Ms. Crampsie Smith said she also attended the HCC meeting and was very impressed with how the meeting was conducted. It was also clear to her that board's intent, but she wants to be sure that, procedurally, that all things were properly done.

Ms. Leon made a motion, seconded by Dr. Enix to table this matter. The Acting Clerk was to notify the HCC of the tabling and that reconsideration should be revisited in alignment with the memo sent in June requesting that there would be language consistent with the ordinance.

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

11. NEW BUSINESS

President Colón thanked the Clerk's Office for providing the light at the podium that was requested at the last Council Meeting.

Committee of the Whole Meeting

President Colón also announced a Committee of the Whole Meeting will be held on Tuesday, June 21, 2022 at 6:00 PM in Town Hall for Ethics Training for Council Members. This is required by ordinance on alternating years.

Community Development Committee Meeting

Dr. Van Wirt announced a Community Development Committee Meeting will be held on Tuesday, May 24, 2022 at 6:00 pm in Town Hall. The subject will be to discuss the five Zoning Text Amendments that were read as a Communication at the May 3, 2022 Council Meeting.

South Side Concerns

Dr. Enix said she has continued to look into the concerns raised during a recent Council meeting about conditions on the South Side, particularly in the Business District. She continued to visit businesses, as she reported at the May 3 meeting. Someone at the State Store has since said that there are problems with inebriation in the area, but they are not getting the alcohol from him.

Finance Committee Meeting

Chairwoman Enix announced a Finance Committee Meeting will be held on Tuesday, June 7, 2022 at 6:00 pm in Town Hall. The Committee will discuss Budget Adjustments.

Responses to Public Comments

Ms. Crampsie Smith recognized the comments made by Ms. Frey about the church bells. She said she knows someone on the church committee and will approach him about discussing the subject. She also addressed the comments of Ms. Kazakos and noted that the decision to approve the building came under a previous City Council and that she voted no. A more recent vote has been taken by the sitting Council, but that was a design matter that the City was legally obligated to accept.

Climate Action Plan Update

Ms. Kwiatek said that, despite the rain, the first Live in the Garden concert event was a big success and that the next event in the series will be on Saturday night. She added that the Climate Action Plan Committee had a great meeting today. It is currently focused on the City's waste stream including how much we are producing and where it is going.

Public Comment Encouraged

Ms. Wilhelm referred to Mr. Antalics' comments about public participation. She appreciated that, as evidenced tonight, residents are using the podium to raise issues and commend actions as well. She said that Council Members are human beings and they do hear the public.

12. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

ATTEST:

Tad J. Miller
City Clerk