

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, April 20, 2021 - 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

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

PUBLIC HEARINGS

Prior to the consideration of the regular Agenda items, City Council will conduct two Public Hearings, as follows:

Public Hearing No. 1

The First Public Hearing is to review and accept public comment on the Zoning Map amendment proposal submitted by the property owner at 1852 West Market/1843 West Broad Street from CL (Limited Commercial) to LI (Light Industrial) to allow the completion of a minor subdivision plan and the related expansion of an existing auto repair business.

Communication 6A – City Planning Commission – Zoning Map amendment proposal submitted by the property owner at 1852 West Market/1843 West Broad Street from CL (Limited Commercial) to LI (Light Industrial) to allow the completion of a minor subdivision plan and the related expansion of an existing auto repair business.

The Clerk read a memorandum dated March 12, 2021 from Darlene Heller, Director of Planning and Zoning, with an attached privately-proposed zoning map amendment related to 1852 West Market Street/1843 West Broad Street, to rezone the affected land from CL (Limited Commercial) to LI (Light Industrial), to allow the completion of a minor subdivision plan and the related expansion of an existing auto repair business. At their March 11, 2021 meeting the City Planning Commission voted unanimously to recommend that City Council support the proposed Zoning Ordinance map amendment.

Communication 6B – Lehigh Valley Planning Commission – Zoning Map amendment proposal submitted by the property owner at 1852 West Market/1843 West Broad Street from CL (Limited Commercial) to LI (Light Industrial) to allow the completion of a minor subdivision plan and the related expansion of an existing auto repair business.

The Clerk read a memorandum dated April 7, 2021 from Jillian Seitz, Senior Community Planner of the Lehigh Planning Commission concerning their review of the proposed zoning map amendment related to rezoning 1852 West Market Street/1843 West Broad Street from CL (Limited Commercial) to LI (Light Industrial). The commission stated that this proposal is

generally consistent with the Regional Plan because it supports the expansion of small businesses and entrepreneurship and encourages reuse of vacant and underutilized properties.

Public Hearing No. 2

The Second Public Hearing is to receive public comment on the Zoning Text Amendment request by the property owner related to the OMU (Office Mixed Use) zoning district at the Martin Tower site at 1170 8th Avenue.

Communication 6C – City Planning Commission – Zoning Text Amendment request by the property owner related to the OMU (Office Mixed Use) zoning district at the Martin Tower site at 1170 8th Avenue.

The Clerk read a memorandum dated March 12, 2021 from Darlene Heller, Director of Planning and Zoning with an attached privately-proposed zoning text amendment that would affect the Office Mixed Use district at the former Martin Tower site at 1170 8th Avenue. The proposed amendment would amend sections 1311.08 (a), 1311.08 (b), and 1314.02 (b) (5) of the City zoning ordinance related to parking in front of principal buildings, entering and exiting onto an arterial street, and rear yard setbacks. At their March 11, 2021 meeting the City Planning Commission voted unanimously to recommend that City Council support the proposed Zoning Ordinance map amendment.

Communication 6D – Lehigh Valley Planning Commission – Zoning Text Amendment request by the property owner related to the OMU (Office Mixed Use) zoning district at the Martin Tower site at 1170 8th Avenue.

The Clerk read a memorandum dated April 7, 2021 from Jillian Seitz, Senior Community Planner of the Lehigh Planning Commission concerning their review of the privately-proposed zoning text amendment that would affect the Office Mixed Use district at the former Martin Tower site at 1170 8th Avenue. The commission recommended that the developer seek a variance from the Bethlehem Zoning Hearing Board, where the Pennsylvania Municipalities Planning Code directs requests for relief.

Public Hearing No. 1

The First Public Hearing is called to order concerning a privately-proposed zoning map amendment proposal submitted by the property owner at 1852 West Market/1843 West Broad Street from CL (Limited Commercial) to LI (Light Industrial) to allow the completion of a minor subdivision plan and the related expansion of an existing auto repair business.

Attorney Michael Recchiuti stated he is speaking on behalf of Tavarez Real Estate Investments and added that project manager Howard Lieberman is also on the call tonight. What we are requesting is a rezoning of a portion of 1852 West Market Street. This is being acquired by Tavarez Real Estate Investments. At Council's August 18, 2020 meeting City Council approved a transfer of that land to Tavarez by resolution. An agreement was worked out with the city that was finalized in January of 2021 and as part of that agreement we had to submit a minor subdivision plan to do a lot line adjustment to take a portion of the 1852 West Market Street property and coming that with the 1843 West Broad Street property. He added for the subdivision to be approved they have to be zoned the same so we are seeking a change on the

1852 West Market Street to match what is currently CL (Limited Commercial). We are seeking to have that changed to Light Industrial.

Darlene Heller, Director of Planning and Zoning remarked that she does not have much to add. This is straight forward and something that Council supported at a prior meeting. The zoning map change just cleans up the transfer of land so that this parcel is not split zoned. They do support this.

President Waldron added that this does seem like a straight forward request which makes sense to move the project forward. He will be supporting this when we have the First Reading of the ordinance.

Ms. Crampsie Smith pointed out she did meet with Mr. Lieberman last year because she is the Chair of the Public Works Committee. The owner of the property was looking at purchasing some of the city land which we did have that transaction go through. She was impressed with what the property owner is doing with the property and it is great that he is enhancing work force in the city, especially for minorities within the city, so she will be supporting this because she is pleased with the owner and his plans for the land and property.

President Waldron added this intersection is one of the gateways to West Bethlehem on the corner. They have done well recently to help improve that space which offers visitors as well as residents of the city a nice entrance into the city. He looks forward to seeing more progress on that corner.

Public Comment

None.

President Waldron stated the zoning amendment will be placed on the May 4, 2021 Council agenda for First Reading.

President Waldron adjourned the First Public Hearing at 7:10 pm.

Public Hearing No. 2

The Second Public Hearing is called to order concerning a privately-proposed zoning text amendment proposed by the developers at the former Martin Tower site located at 1170 8th Avenue.

Duane Wagner, Director of Land Development and Planning stated he is representing the property owners for the petition for the text amendment provisions outlined affecting the OMU zoning district in the city's zoning ordinance. Although everyone is fairly familiar with the Martin Tower site and its location he wanted to begin with some background information about the property and outline each of the amendments being requested. The subject property is located in the southeast quadrant of the intersection of Eaton and 8th Avenue. The subject property fronts 8th Avenue, Eaton Avenue, and Schoenersville Road each of which is designated as an arterial street. The subject property is zoned OMU (Office Mixed Use). The OMU zoned district is comprised of one 53 acre part of the former Martin Tower site. No other property in the City of Bethlehem has the

OMU zoning designation. The OMU district is intended to promote redevelopment of areas in the city that are currently underutilized and partially developed. The subject property will be developed and subdivided into multiple lots and upon redevelopment each of which will be under separate fee, ownership, and use. What we are requesting this evening and presenting at this public hearing are 3 zoning amendments related to the OMU district. Amendment number 1 is to Section 1311.08 (a), to permit additional parking to be placed between the building and the curb line of an arterial street. Amendment number 2 is related to 1311.08 (b) to permit a new signal entering or exiting onto an arterial street. Amendment number 3 is related to Section 1314.02 (b) (5) with a rear yard setback of 20 feet. The zoning amendments requested were reviewed by the City Administration and the zoning amendments as written are supported by the Mayor. The zoning amendments were presented to the City of Bethlehem Planning Commission at the March 11, 2021 meeting and the requested amendments were approved with unanimous support of the commission. The zoning amendments requested have been reviewed by the Lehigh Valley Planning Commission at their April 20, 2021 comprehensive planning committee meeting and the zoning amendments as written were supported by the commission. Amendment number 1 as written reads Section 1311.08 (a): In the OMU District, parking spaces placed between a principal commercial building and the curb line of an arterial street along the front of the lot shall be limited to one (1) driving aisle and one (1) row of parking spaces. The petitioner is proposing to develop two (2) large three (3) story medical office buildings and a grocery store along the 8th Avenue frontage that would run from 378 up to Eaton Avenue along the east side of 8th Avenue and a large 3 story professional office building along the Eaton Avenue frontage. The parking placement limitation set forth in the Section 1311.08 (a) will result in poor vehicular circulation around the medical office buildings and poor accessibility to the drop-off entry canopy facing the arterial street. These buildings will be fronting 8th Avenue so the main access point would be on 8th Avenue and the buildings would be designed with a canopy for drop-off and access along 8th Avenue, fronting 8th Avenue. Mr. Wagner stated the parking space placement limitation causes a majority of the parking spaces to be at the rear of the building for the patrons visiting the buildings, a majority which are elderly and would be required to walk much further distances to enter the facilities. So it is a function of allowing better placement parking around the buildings. The parking placement limitation would also result in a loss of parking spaces including handicap and ADA spaces adjacent to the entry of the grocery store. The way it works is that the ADA spaces would be placed at the building next to the building in the entry and one drive by would eliminate the ability to parking across the aisle along 8th Avenue. So we would eliminate either the parking spaces to support the size of the building or eliminate the ADA spaces next to the building. The parking space placement limitation will result in a loss of parking spaces along the professional office building as well for the same reason; not being able to have more than one row of parking along the access aisle limits the amount of parking we are allowed to design for the buildings. Mr. Wagner continued to say the parking space placement limitation set forth in Section 1311.08 (a) is generally consistent with most of the properties in the vicinity of the subject property, many of which were developed or redeveloped in recent years, the last building which was in 2018, at the northeast corner of 8th Avenue and Eaton Avenue. All of the properties along the east side of 8th Avenue, the same side as the Martin Tower property have parking space placement inconsistent with what is set forth in Section 1311.08 (a) including the medical and professional buildings located at 834 Eaton Avenue, 1530 8th Avenue and the Wawa at 1584 8th Avenue. In addition the medical office buildings at 1417 8th Avenue, 1469 8th Avenue, and 1521 8th Avenue and the grocery store at 1001 8th Avenue also have parking placement that is inconsistent with the limitations set forth in 1311.08 (a). It is also important to note that none of the zones adjacent to the OMU District have a parking limitation requirement. So essentially what you see if you look at an aerial map or photo, you will see all the properties along the east side of 8th Avenue that go from 378 up to Schoenersville

Road all have more than one row of parking and one drive aisle in front of the building along 8th Avenue and many of them across the street on the west side, basically everything excluding the CVS and the bank branch also add more parking than one row and one access aisle. Mr. Wagner noted the second amendment requested is to Section 1311.08 (b) and it states that: No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street. It is important to note that this limitation is to limit multiple driveways from entering and exiting onto the street in an unsafe condition. Utilizing a controlled/signalized intersection does not prevent an unsafe condition using the already existing signal. We are proposing to develop the east leg of the existing three way signalized intersection on 8th Avenue; this is the traffic light that exists between 8th Avenue at the CVS entryway. You have access to the signal controls north and south movements as well as movements into and from the west side of 8th Avenue so we would just be completing the fourth east leg to provide direct access from 8th Avenue to the medical office building parking areas as well as the interior Martin Tower site. Direct access by way of the signal of this intersection will be controlled and therefore will not result in the dangerous or undesirable condition that Section 1311.08 (b) is intended to prevent, namely multiple uncontrolled access ingress/egress points along an arterial street. Planned development of the final leg of the existing three way signalized intersection on 8th Avenue will utilize existing improvements to allow access to the Martin Tower site consistent with development along the 8th Avenue corridor. Again, we are utilizing the traffic signal that is put in to allow access to the property, the redevelopment site of the west side of 8th Avenue, we will be utilizing that same intersection to access the property on the east side of 8th Avenue. The third amendment we are requesting is related to Section 1314.02 (b) (5) which requires a 30 foot minimum rear yard setback. The intended development plan results in multiple corner lots meaning as the property is subdivided and the interior roadways are created at those intersections you are creating multiple corner lots that results in front yard and rear yards that could be considered side yard, so depending on which street is determined to be the front yard of the lot the opposite would be otherwise deemed the side yard which would now be the rear yard. We are requesting to reduce the rear yard setback from 30 feet to 20 feet. It is noted that there are no rear yards to be planned to be set along 8th Avenue or Eaton Avenue so the requested amendment to Section 1314.02 (b) (5) would have no impact along the 8th Avenue and Eaton Avenue corridor. There would be no visual impact; this is basically something that affects only the interior rear yard and lot lines within the development itself. Mr. Wagner noted in summary the OMU District is comprised of one 53 acre parcel, this site; there is no other property in the City of Bethlehem that has the OMU designation. The OMU district is to promote redevelopment in the areas in the city that are currently unutilized and partially developed. The 3 amendments that are in this ordinance within the OMU District that we are requesting are to Section 1311.08 (a) for additional parking to be placed between a principal building and the curb line of an arterial street, to Section 1311.08 (b) would be a new signalized driveway entering or exiting onto the arterial street, and finally Section 1314.02(b) (5) to reduce the rear yard setback from 30 feet to 20 feet. The requested amendments provide redevelopment of the subject property without any adverse impacts to and they are consistent with the existing properties along the 8th Avenue and Eaton Avenue corridors. The requested amendments allow for the existing signalized intersection on 8th Avenue to be utilized to incorporate safe access into the subject property and the requested amendments are supported by the Administration and the City Planning Commission.

Darlene Heller, Director of Planning and Zoning informed we reviewed the entire master plan back in the spring of 2019 and provided a broad range of comments on the development at that time. This time we really only took a look at the three provisions that were submitted along with this zoning amendment. As was noted the Planning Commission reviewed this proposal at their

March meeting and they did support the amendments as they were proposed. The first one with the parking in front of the building, there was some discussion about that but they did ultimately vote to support that. For the entrance way onto the arterial streets, both 8th Avenue and Eaton Avenue are arterial streets so there is really no way around that without allowing better access for access management so we did not have an issue with that. She added that assuming there would be dense development here, so we did not have a concern about reducing the rear yard setback from 30 feet to 20 feet. Although this is a large significant project we really only at this point looked at the three amendments when we reviewed with the Planning Commission. She noted that she would be happy to answer any questions.

President Waldron remarked that he is sure we will have questions. Just to clarify this is our public hearing to discuss the proposed zoning text amendment by developers of the Martin Tower site and Council will not be taking any action tonight on a vote. Our first reading on the ordinance at this point is scheduled for May 4, 2021 but this is an opportunity to ask questions of the developer and the Administration on the project as well as get comment and feedback from members of the public. Council and others would recall the long conversation we had back in 2015 about the development of this site. He believes it was himself, Mr. Reynolds and Mr. Callahan of the current Council that were on at the time when we had some of those long conversations. We had a lot of feedback from members of the public who gave us some input who said they did not want to see a third downtown developed. Likewise there was some resistance to the idea of creating a strip mall destination that would not have a city feel and would not offer any walkability. This may be Council's only opportunity to weigh in on what is going to happen at such a large parcel of land in the heart of the city, so it is important we are able to understand the vision of the developer as well as collect feedback from the Administration and members of the public as to what direction they would like to see this large project go. President Waldron related at this point Council is being requested to change the zoning to allow for parking changes for that site and if you are following along at home or Members of Council we have a color handout which has the current zoning ordinance with a map and if you are looking at the top left corner you will see what is currently proposed under our current zoning ordinance. On that second side by side page is what is being requested by the developer. President Waldron remarked that Mr. Wagner or Ms. Heller could jump in if he is misstating this but essentially we are pushing those two top left buildings back and we are removing parking from the back of the building and pushing it to the front of the building. That is an oversimplification of the proposal that is in front of us but if you are looking at the drawing that has been presented to Council that would be the request.

Mr. Wagner noted that is correct. Essentially the way the zoning is written the buildings along 8th Avenue are on the west side of the lot and the amendment allows those buildings to be more centrally located on the lot which distributes the parking around the buildings.

President Waldron noted it is his perspective that the reason people want to live in cities and spend time there is because of the energy that a walkable neighborhood provides. To have front facing buildings that are as close to the street and the sidewalk is the goal and this pushes that back a little bit so from his perspective it is not a sizable change but it is on that is noticeable and should be considered in some of the ramifications it may have. There have been some conversations about why this is needed so he would be interested to hear Mr. Wagner's perspective as to why the current zoning as it is would not allow for your project to be successful.

Mr. Wagner related the two office buildings in particular along 8th Avenue the way the current zoning reads and that is shown on the left hand side of the two color handouts. It forces the buildings to the west side of the property and puts an inordinate amount of parking to the rear of the building. Where the blue shaded area is on the left hand side of the buildings that is the entrance to the building and that is where the ADA parking is and where the entry canopy is to drop off the patients. Requiring that to be on a single loaded parking line as well as a single drive aisle really puts an inordinate amount of traffic pressure on that front canopy. The alternate layout with the building pushed more towards the center of the lot distributes the parking more evenly and allows additional access for patients and customers to be able to navigate the parking lot and also provides more parking closer to the front of the building to service the customers and their needs. Also the buildings as shown on there are three story 60,000 square foot buildings. From a scale perspective the building on the northwest corridor, the St. Luke's oral surgeon is a 2 story 20,000 square foot building so we are talking about another story and about a building 3 times the size of that. So pushing towards the center of the lot softens it a little bit instead of having it up against the curb line as the zoning ordinance requires right now. That is for the 60,000 foot and the 40,000 foot building.

President Waldron remarked just for reference that top building on the picture is a medical office, is that correct?

Mr. Wagner noted right now it is planned as a medical office.

President Waldron added that the second building down would be a retail grocery store.

Mr. Wagner stated the third one down would be a retail grocery store, it is a medical office, another medical office, and then the retail grocery and to the right of the first medical office building is the 3 story office along Eaton Avenue.

President Waldron then queried about the entrances of those buildings because clearly the front of the buildings would be facing 8th Avenue so the main entrance would be on that area of 8th Avenue.

Mr. Wagner stated that is correct.

President Waldron asked if there will be other entrances that could be designed that may not be the front of the building but could also be the main entrance. He thinks about the building that is on Third Avenue and West Broad Street, where the front of that building is tight to the corner of Third Avenue and West Broad which is the front; however the main entrance is essentially in the rear of the building where the parking is. In that neighborhood which is a vibrant walkable neighborhood, that is a perfect fit. Obviously that building is much smaller than what you are proposing here but he is curious as to where the entrances would be in reference to the front of the building versus being a main entrance.

Mr. Wagner stated there is one main entrance planned and in the world we are in today the single control public access to the building, there would be other exits within the building for emergency and whatever but from a public access standpoint there would be one controlled point. Especially in a medical building, we have patients coming in and they would know who is coming and who is leaving and how the flow is going. Where the blue shaded areas are you see the building is set back and there are a few blue dots along the left hand side of the page and that is a canopy that

is designed for people to pull up and provides a covered rain proof area for patients because sometimes it takes more time to get in and out of a vehicle. The public entrances will be along the points of 8th Avenue and there would be no other public entrances planned for security that is consistent with the office building that is planned as well.

President Waldron remarked he just wanted to make sure he understood the proposal and what they were asking of Council in the zoning change. He does have some other questions but is interested to hear from his colleagues for other questions or Ms. Heller at this point. This may be one of Council's only opportunities to weigh in on this project and to gain feedback from the public as to what will happen on such an important large parcel in the heart of Bethlehem.

Mr. Colón asked Ms. Heller about the parking. In the memo that was forwarded to Council the City Planning and Zoning Bureau reported that two of the amendments having to do with the intersection where the traffic light is and also minimizing the rear yard setback but could you just speak to the thought process behind not supporting the exception for parking.

Ms. Heller stated the way the ordinance is written now these sections come out of the design guidelines in the zoning ordinance. There are zoning districts where we do not allow parking at all in front of the buildings; we want the buildings in the front and parking in the back. There currently is an exemption for OMU (Office Mixed Use District) that allows the one row of parking and one drive by in the front of the buildings. What is proposed is that the new provision would state that this requirement does not apply at all in the OMU District. Our comment was that there should at least be a limit on how much parking that would be. So when the Planning Commission reviewed this they did not have any issue with that because they looked at some of the examples that Mr. Wagner gave about other properties on 8th Avenue but we were really looking comparatively to what we do in other zoning districts and trying to minimize the relief if there is a certain amount of parking that they need, then we would consider that. But the proposal really removes any limitation.

Mr. Colón noted when we are looking at the blue on the diagram that is the canopy for drop offs and to him it makes sense to have the front facing on 8th Avenue. When we were going through this meeting he was thinking of Price-Rite and other commercial structures that are along that corridor there and then other main roads throughout the city. He asked if any thought was given to just change the orientation of the buildings to having the main entrance being maybe facing south. We see where it is west on the two medical buildings and the retail building the main entrance being situated to the west of the actual building. He asked if there was any thought given to just changing the orientation to have that main entrance facing south to accommodate leaving that as a lane for pass through traffic, and not so much drop off.

Mr. Wagner stated that was considered but part of one of the other variables that needs to be addressed as you redevelop the site is what do the users need to accomplish treating this location. He added that Mr. Colón had said as you looked at other properties along this corridor and others they front the arterial road to provide maximum visibility for their buildings. What we have been seeing throughout both health systems we have now between St. Luke's and Lehigh Valley Health Network they all have certain type buildings and designs and aesthetics that they want to maximize for their branding identity and that is what you have with these buildings. It is important for them to face as much outwardly as they can towards the arterial

road to maximize their visibility and presence on the property. That is part of the consideration of them choosing a location like this.

Mr. Colón noted he is not in love with the idea of adding to the setback from other lanes of parking. As we discuss this one of his early thoughts is if this would be something as we further discuss, he would want to see to the point of Ms. Heller with the early memo at least some kind of limitation put in the ordinance so that if it was going to be setback that is was more defined than simply removing the language in there that limits how many rows or lanes of parking. He added even though the intent as it is outlined in the diagrams in front of us is not to have 50 yards of blacktop between 8th Avenue and the buildings. As to something as we further this discussion and he keeps trying to visualize this he would want to see if anything limitations imposed on that. To the other points that were talked about tonight with the connecting onto the existing traffic light he personally thinks that makes perfect sense. He has no hesitation as it relates to that in the design. With limiting the backyard setback from 30 feet to 20 feet does that add to the blacktop that will be on the 53 acres as a whole, he wondered the impact that will have on how much blacktop will be put there?

Ms. Heller explained she does not think it will have an impact on the amount of blacktop. It describes where they can put the building but the amount of blacktop is really based on how much parking we are looking at here, what is the footprint of these buildings, how tall are they, there are a lot of things that go into how much and where the impervious service will be on the lot.

Mr. Callahan asked why the medical building wants their frontage on 8th Avenue, is that for advertising and visibility?

Mr. Wagner stated that is part of it but it is also that they have specific design criteria for their buildings and that is part of the overall branding for the health network. So to be consistent the front entrances are designed a certain way with a certain aesthetic and 8th Avenue provides the most access and visibility for those buildings. With their signage and the front the building on 8th Avenue they are easily identified rather than being the back of the building.

Mr. Callahan remarked Mr. Wagner is saying that the medical building does not want to have multiple entrances; he asked if that is a security concern.

Mr. Wagner informed that is certainly paramount in the healthcare industry but you would find that in professional office buildings and others. Securing access is important and trying to direct the public to multiple access points could be challenging and well as costly and just provides increased potential for errors.

Mr. Callahan asked if this building will be for doctor's appointments and things like that.

Mr. Wagner stated that is correct.

Mr. Callahan remarked that if we do not allow this and keep it as it is then the people going there which would primarily elderly people will have to park in the back and walk around to the front.

Mr. Wagner stated yes, although it is two things, making the assumption that if the design cannot be accommodated their requirements that they would come here regardless, that is not the case. Secondly, those patients would be walking from the rear along Tower Drive and parking near there and would have to walk around to the front of the building.

Mr. Callahan remarked as far as the blacktop if this is passed it would be the same amount of blacktop, it is just that there would be more blacktop and parking in the front as requested versus the 3 lanes in the back.

Mr. Wagner informed that is correct, it is really shifting parking from the east side of the rear of the building to the west side which would be the front of the building. It is not creating any material change in the amount of parking or the impervious surface.

Mr. Callahan then asked Ms. Heller about the building across the street that is in red in the top half corner of the map, that is a new building and he asked if Council had to vote on that before because it looks like they have what Mr. Wagner is requesting.

Ms. Heller informed the building in the northeast corner of 8th and Eaton is setback. When that went through our office for land development we did ask them to move that building front, we did not have an ordinance in place at the time that would allow us to require it. But we did ask them to move it front to the corner and put the parking in the back.

Mr. Callahan asked if that is the St. Luke's building.

Ms. Heller noted she is not sure.

Mr. Callahan reiterated that the building across the street already has what Mr. Wagner is asking for. He asked which other buildings already have what he is asking for.

Mr. Wagner stated that if you go north on 8th Avenue, 834 Eaton Avenue is the building we are talking about, the newest 3 story building and then if you go up the street to the next building that is 1530 8th Avenue that is a 2 story professional office that has more than one row of parking in front of it and when you get up to the Wawa you see the same condition where it also has more than one row of parking along 8th Avenue.

Mr. Callahan noted that the 3 neighbors in consecutive buildings to the north have what they are asking for already.

Mr. Wagner stated yes. He added that the building across the street, 1521 8th Avenue has a similar condition and the building at 1469 8th Avenue, behind the CVS, the parking along 8th Avenue which is an arterial road there is 15 rows of parking between 8th Avenue and that building. Also, the Neurology Associates building which is south of the CVS basically at that traffic light, a portion of that building comes up to 8th Avenue but there is a large parking lot along 8th Avenue with 10 rows of parking there. If you continue down across the street from Martin Court at the traffic light, the Price-Rite has about 10 or 12 rows of parking between the building and 8th Avenue.

Mr. Callahan remarked it is just the 2 medical office buildings where you are asking for the setback.

Mr. Wagner noted also the retail store, along 8th Avenue and Eaton Avenue. So it is all the buildings that would be located along there and if you look at the map if you work from top to bottom there is the 3 story 60,000 foot office building, below that is the 40,000 foot office building, and below that is the one story retail building, the grocery store. As you go along Eaton Avenue to the east you will see there is a lot there that is the 3 story 40,000 foot professional office building.

Mr. Callahan related if we would grant the extra row of parking for the elderly in the front close to the entrance of the building he assumes there is a sidewalk but is there a walkway from the sidewalk up to the main entrance of that medical office building for residents that may be walking there from the Kaywin Avenue area?

Mr. Wagner stated yes, there are sidewalks surrounding the exterior of the building along 8th Avenue, all of the proposed planned roads interior all have sidewalks to allow pedestrian access throughout the entire site, back to the pond and back to Burnside Plantation, you can walk through the whole entire 53 acres.

Mr. Callahan stated he is talking about a walkway, so if I am walking up 8th Avenue towards Eaton Avenue and on the sidewalk, he wondered if there is any type of sidewalk or walking path up into the main entrance on the frontage of the building.

Mr. Wagner stated yes, there is a sidewalk that comes in where we are proposing the signalized intersection connection across from the CVS, those sidewalks curve in and take you into the parking areas. There is no sidewalk taking you across the parking lot but there is access into there or if you came down Martin Court you could walk up through the area. If you are looking at the colored plan all the lines surrounding the lots on 8th Avenue and Eaton Avenue are all sidewalks so the whole site is interconnected with sidewalks for pedestrian access.

Mr. Callahan stated he appreciates Mr. Wagner's feedback on this. He personally does not have a problem with this and if it is what the hospital is requesting for their patients so they do not have to be walking around the back of the building to the front. He does understand that they want the frontage there like all the other buildings that are in that whole area. Since the 3 buildings closest to it already have that setback he does not see any problems with this. He is sure we will have more discussion about this.

Dr. Van Wirt mentioned whenever she comes across a privately requested zoning text amendment change her guard goes up. Zoning text amendment changes usually come from the city and it is because there is has been something that has been well planned and well thought out. This is coming from a private entity so her question for Ms. Heller is why we are not going the usual route which people want to do when they have a site specific problem that does not mesh with the zoning code, they go to the Zoning Hearing Board and ask for a variance. She did read that there was an efficiency issue here because of the number but at the same time that does not obviate the need that perhaps the best route for this to go through is actually the Zoning Hearing Board for a variance request.

Ms. Heller noted it is certainly an option but honestly because it would apply to at least a few maybe several properties, she understands why the owner would not think that was a very efficient way to address the question. It is true that would be an option but the overall parcel is going to be subdivided into many parcels.

Dr. Van Wirt remarked there was a statement that Mr. Wagner made about the Lehigh Valley Planning Commission (LVPC) supporting this request. She was hoping Ms. Heller could help eliminate that because she has in front of her a letter dated April 7, 2021 referring to two upcoming meetings, one today and one in two days. Beyond those two meetings it says: The privately proposed zoning ordinance amendment refers specifically to a property located at 1170 8th Avenue, a key redevelopment site that is one of the most accessible locations in the region. The amendments are intended for a specific site but, the proposal would affect the entirety of the OMU Zoning District and any properties that may be zoned as OMU in the future, this is a critical point. It continues to say, because the proposed amendment, if adopted would affect more than one property and this zoning amendment proposal is directly related to a development plan for specific site the LVPC recommends the developer seek a variance from the Bethlehem Zoning Hearing Board, where the Pennsylvania Municipalities Planning Code directs requests for relief. Dr. Van Wirt does not interpret that as full support but perhaps there was something yesterday that she was not aware of.

Mr. Wagner stated the reason he said they gave their support was that they had their meeting at noon today and they made a motion to support the amendments, as far as he understood it on the call. He thinks it passed 4-1. His understanding was that they supported the request at their meeting.

Ms. Heller stated when they made the motion to support was that this letter would be forwarded to the full commission, so they supported this letter, that is what they voted.

Dr. Van Wirt thanked Ms. Heller for clarifying that. It seems like we need a little bit more data from the LVPC themselves. There are members of the public who are watching who may not have access to everything so she just wanted to make sure that we are clear that our City Planning Bureau did not support the parking request here. Not to put Ms. Heller on the spot here but the sentence says the Planning Bureau does not support the exemption from the requirement to limit the amount of parking between the front lot line and the principle building especially because the proposed text amendment completely exempts the requirement and provides not upper limit. Dr. Van Wirt noted if this were to pass theoretically we could have what looks like the Kohl's with 20 rows of parking in front of it. That might not be what is actually built but we have lost control the minute we approve this zoning text amendment. Overall she would like to say that she feels that Bethlehem is not where we were in 1994, this city is now in a position of strength and she feels there is a golden mean that we have to find where we have appropriate development that respects our zoning code, that respects our walkability, and our need to de-emphasize motor travel transportation and especially to decrease the sea of asphalt that we see from our roads. We want development to happen at Martin Tower but not at the expense of our zoning and our quality of life and she feels like we must try harder. Dr. Van Wirt fully expects when developers come to our Administration Community and Economic Development that every single effort will be made to ensure that not only the new development respects our historic districts, our zoning codes, our walkability, but also will negotiate with developers prior to coming for any request to obtain the very best deal and the maximum benefit for the citizens, not the developer. This is what she expects of the Administration and City Council she believes will hold to these standards. Dr. Van Wirt feels

like there really is a solution here and it is called good design and that is what we need to be asking of our developers before they come and ask for exemptions to our zoning code.

Mr. Reynolds remarked we are dealing with something an end user wants here. His wife works for the Lehigh Valley Health Network and when he goes to her at work there is about 20% of their spaces being used and 80% is not. That is the end user that is requesting that. When we take a look at this and we are looking at the 53 acres there is a lot of questions when we look at this particular part and how it necessarily affects it. There are questions and maybe we can answer some of them today, these questions are about the timeline of the rest of the development, what it is going to look like. When we had that conversation 6 or 7 years ago and it came down to what he thought was 2 parts. Should the tower stay up, yes or no, and also what does it look like afterwards. We are here now with the zoning that exists partly because there were fears about competition and other things. What is about now is how we get the best development there possible. The challenge for a lot of us on City Council and the public is understanding and this is not just about this particular issue but how do we as a city between the private property owner, the Administration, City Council and the community get to that point where we get the best development we can. He noted that nothing is done in a vacuum and we understand there are questions today about how this affects other things. One of the things people are not sure about or lack confidence in is that kind of big plan or the challenge to see how this is going to affect the rest of the site. Mr. Reynolds knows that part of the reason we are here is because there are requests from the end user. It is not something in a perfect situation we would be here to talk about but when we think about the end users that we represent, whatever public policy priorities are, one of the things City Council has questions about are for Ms. Heller and Ms. Karner and that they have discussed different things they want to see over these 53 acres. There are not too many places in Bethlehem where we have 53 acres. He added that Ms. Heller and Ms. Karner have talked about different things they want to see on this site. We understand the end user; Lehigh Valley Health Network is looking for this relief to have their buildings here. The question he would have is what the feelings are of Ms. Heller and Ms. Karner on how the city will be able to see their priorities for the site come to fruition or be included, not just here in going forward because there is uncertainty. We have had a lot of communication from different people about how this will fit in with different aspects of the site and quite frankly we do not have a lot of answers. He understands that things are moving but he would turn to Ms. Heller and Ms. Karner to talk about how they see the priorities that people have mentioned before to make this the best development possible and when will those get addressed.

Mayor Donchez stated he agrees with many of the points that were made here this evening. There are several things he would like to see looking at the whole site, the 53 acres that were important to him when they reviewed the master plan which was around 2019 sometime in March or April and they are still relevant and important today. The parking issue has come up, needless to say and he would hope that looking at the whole project that there would be opportunities for shared parking. He said it back in 2019 and he still believes it. The amount of impervious coverage on the site he would like to see be reduced, there is quite a bit. It is important to create maximum opportunities on the site for safe biking, pedestrian infrastructure because we are a walkable community and we have been emphasizing that a lot the last several years. The replacement of lost tree canopies is important, the view shed of the historic Burnside Plantation and improvement of the storm water issues that would impact that site are an important issue. Mayor Donchez explained many people use the trails and we are being considered for a World Heritage Site and it all kind of ties in with our historic nature in a sense. There is also the enhancement of the trail network, including the Monocacy Way to the east and the trail network to the south of the unused Norfolk

Southern trail. We said this was important going back to 2019. But the enhanced green space and the recreation opportunities are important because there will be a significant number of people living on this 53 acres. The number of apartments has been reduced but we do want green space and we do want recreational opportunities. Then, there will be a lot of CRIZ acreage that will not be used and it would be important for the developer to consider decertifying it for the city to use on other projects, he said that going back to 2015 when we were talking about the Boyd project. An issue that has come up in the last 7 months with many members of Council led by Councilwoman Grace Crampsie Smith is affordable housing that is a very important issue today. We have an Affordable Housing Commission and they will be making recommendations that are an important issue today city wide. We have seen this in other communities. Mayor Donchez reported those are his concerns, almost an exact repeat of going back when we looked at the master plan with Councilman Reynolds back in 2019.

Mr. Reynolds thanked Mayor Donchez and then turned to Ms. Heller and Ms. Karner, as Mayor Donchez just laid out different ideas, thoughts, and priorities. None of us are planners, or work full time for the City of Bethlehem. His question is how do they feel or where things are in that process of development. He understands that developing 53 acres at one time will not happen but there are legitimate questions about where in the process do those priorities get addressed.

Ms. Karner stated she will take the CRIZ issue and the affordable housing issue and will defer to Darlene on the planning comments. The CRIZ conversation is something the Mayor has had with the ownership going back to 2015 and probably 2014. When you see a site of this size that has deep slopes, plans for public streets that has a lot of parking and parking lots in particular throughout the site and if your recall Council supported a zoning amendment specific to CRIZ projects a few years ago that allowed us to peel off the parking that does not need CRIZ for things that did not produce tax increment. She does think it is important to continue that conversation as the site develops to ensure that there is opportunity to move that acreage around, decertifying something that we know is not going to be used. Once the subdivisions occur, it is an important step for the city to take, an important pledge for the property owner to make to the city. The use of that CRIZ acreage is going to be important for other projects. We have postage stamp sized parcels throughout the city that could potentially benefit from something like the CRIZ, specifically in our downtowns. Ms. Karner noted it has been an ongoing conversation as the Mayor said for a number of years. She would hope this continues to evolve with the ownership over the next few years as the subdivisions occur, as the streets develop, as the parking develops. Certainly affordable housing is an extremely important issue. We had a Community Development Committee Meeting a few weeks ago and we all agreed that we are at a point of crisis for affordable housing. We are seeing more and more of the development community step up and pledge to do some percentage of units as affordable. We do not necessarily have the ability to say they must do that but to encourage and request it is an important step that was not part of our conversation when she started with the city in 2014 to specifically ask about affordable housing. She will say with this developer that has been part of the conversation the past 6 months. Certainly it is not something anybody is in a position to make commitments to but we will encourage the Administration, the continued inclusion of housing that is affordable so we are providing opportunity for residents of all different incomes and family sizes throughout the city.

Ms. Heller commented on the land use items that the Mayor listed. She believes that each of those were listed in our comment letter back in April of 2019 when we commented on the general master plan that was forwarded to our office at that time. There was also a substantial amount of

public feedback and comment and the items that the Mayor listed here were keeping with much of the public comment we also received. You are all aware that we just enacted a Climate Action Plan and many of these comments are in keeping with the recommendations of the Climate Action Plan as well. Some of them are interrelated, the reduction of impervious coverage goes along with the reduced parking and creating opportunities for shared parking and all of that is because it is often unnecessary and because we want to become more walkable and bikeable. There are trails right there and there is transit. We want to become less car oriented but that also allows us to add more green space to the parcel. There was a huge tree canopy on the parcel originally and we would like to see that replaced as the project moves forward. A lot of that is interconnected, we have always had discussions about protection of Burnside, it is very important. We continue to keep that at the front of the discussions as well. There are limitations within the zoning ordinance and there is a tree buffer there that we will continue to maintain. There was a question about the timeline and she believes at the Planning Commission there was a question about when the project would be submitted and she believes there was some intention to submit maybe later this summer or at some point during this calendar year. We really have to start commenting on those things lot by lot as the parcel is subdivided but the more important thing is to really look at a master plan and ensure that all of these goals and objectives are reflected in the master plan before we get to a point where there are individual parcels subdivided and things like that.

Mr. Reynolds does understand what Mayor Donchez said and he understands what you repeated about your conversations and discussions but that is now what he asked for and is looking for. What happens when those conversations do not work out? What happens when those discussions do not work out? What happens to make sure those things are priorities? Mr. Reynolds stressed that he sat through a lot of those Climate Action Plan meetings and to be honest, you sit through those meetings and you hear about the different priorities and hear it will be included here, but then the actual process by which that gets carried out. Mr. Reynolds stated if he was the developer and Ms. Karner asked him to do something and said these are the things that are important to our community that comes up in comments and so on and so forth. Then I said that is not something I am comfortable doing and not something I want to do. Mr. Reynolds asked what is it that the city is able to do because we get questions all the time about how to make sure that these priorities happen. Everybody wants to see that site developed, we need to get that site developed, we need to get Lehigh Valley Hospital in there but there are bigger questions here about how these priorities are going to be carried out. Mr. Reynolds remarked that everybody here has asked similar types of questions that if we approve this and come back 3, 6, or 9 months down the road and he does not put this on the person doing the development as much as it is on the city and the city Administration that when we approve or do not approve something that there is a plan to get these priorities carried out. He will ask again, what is it that you are able to do if I was the developer and I said I do not want to do these things.

Ms. Karner stated just to use another project as an example, the South New Street project which has not become before Council yet but potentially will as a Certificate of Appropriateness. What we typically do is sit down with the developer and they will make a commitment to us and we will publicly support that we will jointly talk about the commitment is being made. In fact we take them at their word. She would say that when dealing with things like CRIZ acreage, decertification, or dealing with affordable housing having the developer or the property owner commit publicly to partner with the city to achieve mutual goals is a step. It is really what we rely on.

Mr. Reynolds asked Solicitor Spirk if that is something that Council is able to do or not.

Solicitor Spirk informed the enforceability is the issue. If Council were to say we will vote for this but only if you promise to do that, the problem with that is you could not enforce the promise because it is Council that actually does zoning, not the Administration. They have to come to Council to get approvals. So if Council were to say we will vote for whatever the developer happens to want because we are relying on your promise to put a medical office building and not a retail store or something like that. Later then the developer, he is not suggesting that any particular developer would but the developer reneges on the promise, Council would be powerless to enforce the promise because you are Council and you zone and you cannot zone and later enforce a promise. That is Council's role. The Administration however as Ms. Karner outlined, they do not have the final say in zoning so the interactive process she described which goes on in many conversations with many priorities and many commitments is the proper place for that kind of thing. Hopefully that answers the question.

Mr. Reynolds stated it does, that City Council cannot come up with that list of priorities and say we are unable to do that.

Solicitor Spirk stated you can do it but you cannot enforce it, you run the risk of contract zoning and you would have the inability to do anything about it afterwards.

Mr. Reynolds mentioned the Administration because through the various comments that were made today by Members of City Council is that it is the ability of the city to get these priorities done here because we want to see this site redeveloped. We also want to make it the highest quality development possible and one that fits in with the rest of our public policy goals is that the Administration, the Planning Department, and the Community and Economic Development Department in particular although there is only so much they are able to do with encouraging support and also say they will not support projects in the future and so on. That is where a lot of these questions are coming from. This is in front of us, we want to see the best possible development here and there has been a long list of things that people in the community are looking for and we are looking for but there are questions about how we will achieve that goal, which is the end user goal on the public policy side.

Ms. Crampsie Smith stated she has concerns regarding parking, she does concur with Dr. Van Wirt that right now what she is reading is that the city really encourages limited parking in front of buildings. If we approve this amendment we would go from a limit of one to unlimited so that would give a lot of freedom to the developer. This is concerning about the parking. She asked why the parking must be in the front. Ms. Crampsie Smith noted her doctor's office is on Eaton Avenue and there is no parking out front and we go around the back of the building and the main entrance is at the back of the building. She is wondering why the main entrance cannot be in the back of the building. She wants to see this developed but one thing we have to worry about is traffic. She does not live far from this and traffic already in the area during rush hour is heavy and it will be a lot heavier. She is thinking if people are coming in off of 8th Avenue going into the building and they will be making a right to go park in the front of the building, will that be safer than having them proceed and go to the back and making that the entrance. Nothing against our elderly citizens but she is thinking for a lot of them they may need to drive slower and may have more of a difficult time navigating and having to turn right into a parking lot versus going around back to the back of the

parking lot from a safety perspective. Ms. Crampsie Smith added the other thing she is thinking of is can we see a backup on 8th Avenue if we have parking in the front.

Mr. Wagner stated the parking is all contained on the interior site so he does not think there will be an issue backing up 8th Avenue. It is right in going north on 8th Avenue and there are also access points off of Eaton Avenue and the signalized intersection at 8th Avenue would also help mitigate traffic issues. Relative to the accessibility around the building, he thinks there is better circulation having multiple drive aisles throughout the property, if you look at the plan on the left hand side of the page, that is where the drop off is, the upper corner, the whole blue area is designated as a drop off safety zone for people pulling out or dropping off patients. If people have a mobility issue it provides a safe pull over to be out of the area. If you look at the plan on the right hand side of the page you will see there is a whole separate drive aisle outside of the canopy drop off area, it provides parking more distributed around the building and more in the front for those patients to get into the building. The canopy and drop off area for patient services is an important and integral part of the design for patient safety. Again, he thinks the two access points of the building would provide confusion as well as increase the likelihood of disoriented patient activity. If they know the front of the building is where they go in they will not be looking for an access point at the back of the building. It is to simplify the access points and flow of traffic within the building.

Ms. Crampsie Smith understands but just thinks the fact that the parking will be so close to 8th Avenue that you will have to turn in and then turn into parking right away versus would it be easier to around the building to park. She wonders about more specifics regarding the plan. At what point in time will we be given more specifics. For example, she knows it is two medical buildings and the office buildings but what kinds of restaurants are we looking at and what kind of retail are we looking at. She is also wondering about the office buildings because some of her friends are working in officer, they built Taj Mahal's a few years ago but now they are working remotely and it is apparent that we are seeing on the news that because of Covid more and more people are working remotely and we will be seeing possibly some empty office spaces in the future. She wonders how that will play out with this development.

Mr. Wagner informed that it was brought up several times that we are seeking relief for a specific lot and that is not really the case. What we are trying to accomplish is the text amendment to allow for a correction or modification to the existing zoning to allow us the continuing planning of the site. These three buildings along 8th Avenue are the most critical or the lynchpin lots to the development because they are really set where the lot and the interior roads go and where the rest of the buildings can be placed. The parking is important because if we are not able to provide a design option for end users and as Ms. Crampsie Smith said the office space situation right now with some of the vacancies you are seeing the medical office has been a consistent good product to have that does not have the empty office issues that you see in typical general or professional office space because people continue to work at home. It is hard to get treatment at home. The challenge we have is without being able to commit or get an amendment passed to allow this parking modification we cannot continue the development of these lots for those uses because they will not materialize. Mr. Wagner added that puts them back at square one and will have to redesign the site for different uses to go in there. It could turn into a vicious cycle of not being able to put these types of buildings or a grocery store in this location, these are great uses and have already happened along the entire 8th Avenue corridor, it is filled with medical use and this becomes the medical hub of the west side of Bethlehem. It continues what is already developed around this property. As far as what will go on the property we have some things conceptually laid out here but we will work from the

north west corner of the site into the site and without being able to set up these buildings on these lots we would have to go back to the drawing board. Mr. Wagner remarked that Mr. Reynolds asked earlier the timing for the development as Ms. Heller said we are looking to have plans submitted to the city this calendar year but that is all predicated upon being able to proceed with the plan that we have designed that is of course subject to the zoning amendment that we are requesting. They all play a hand in the bigger picture. We cannot get to the end of the finish line of what we are trying to design without knowing what we can start with and that is why we are starting with the text amendment request which will be the catalyst for this development all along 8th Avenue to begin.

Ms. Crampsie Smith queried if at this point in time they have any specifics regarding the retail space and the restaurants.

Mr. Wagner stated not yet, we have not pushed on that. We have the grocery store that we are talking to and this site is laid out with their type store. Again, that sits in the lower left corner of the map, there is an angle on their building and that is based on their design and that will face Martin Court and that exposure to 8th Avenue corridor is of critical importance to the end users especially at this end. As these get developed we will then be defining what the remaining lots will look like and where they will go and then have conversations with restaurants, retailers and other users to commit to the site.

Ms. Crampsie Smith thanked the Mayor and Ms. Karner for bringing up the issue of affordable housing. It is disappointing that there will not be any housing in here, it looks like there will be a hotel; she asked if that is correct.

Mr. Wagner pointed out this is an enlargement of a portion of the site. If you look along the right hand side you will see some other buildings and there are apartments planned along the east side of the property, along Burnside. They will be in consideration of the view shed and the design criteria that was set forth. They are compatible with that to protect the view shed of Burnside.

Ms. Crampsie Smith queried if these apartments will be considered affordable.

Mr. Wagner stated no, they will be standard market rate, similar to the ones across the street at Woodmont Mews.

Ms. Crampsie Smith asked if they are high end luxury apartments or condos.

Mr. Wagner stated we refer to them as market rate; we do not get into the high end luxury because that means something different to everybody. What I feel is luxury may not be luxury to you.

Ms. Crampsie Smith remarked it is all relative for sure. This is an OMU zone and that is designed for dense development which in her mind would be great for housing. You pretty much have to be living in a cage lately if you do not see it all over the news that we do have a housing crisis in the country, state and our city. It is just getting worse especially with Covid, people cannot find houses they can afford, the housing market is limited at this point in time and one out of three households in the Lehigh Valley are cost burdened, meaning they are paying more than 30% of their income on rent and mortgages. Her other concern that goes into this is that this is a CRIZ area, 53

acres of CRIZ. She feels we are using state and local tax money for the benefit of development. We certainly want and need development but she feels it is our duty as a city and a community and our Administration she would encourage you to look into what can we do to promote and encourage housing that is inclusionary for all income levels within the city. It is only fair to our taxpayers, we are using their state and local tax money to offset development and she thinks we need to assure that money gets put back to the greatest benefit for the entire community. Ms. Crampsie Smith informed that Ms. Karner had stated that we are fortunate to work with some developers who are considering helping us with this issue and that is something we need to pursue, that we do housing that is affordable and if not, that developers are willing to give a fee in lieu of to a housing trust fund especially if they are going to be given the advantage of something such as CRIZ. She hopes that we are kept in the loop as far as what this development will look like going forward with more specifics.

Mr. Callahan asked for a point of order. He asked Solicitor Spirk, he is not sure we want to be talking about quid-pro-quo and he does not know why the CRIZ acreage is coming up at a zoning meeting. He thought that when we went through the Ethics Training with the state that the gentleman specifically talked about the fact that when it comes to zoning issues you cannot tell someone when it comes to zoning, I will give you the zoning if you do this. He heard Dr. Van Wirt and Ms. Karner and another Councilwoman talk about CRIZ acreage in lieu of getting the zoning. He is not sure if we want to go down that path. If he is wrong he apologizes but he thought that was clear when we went through the ethics training that especially when it comes to zoning you cannot say we will give you this when it comes to zoning if you give us this. He is just cautioning everyone to hold tight and be careful of what you are saying.

President Waldron stated he will allow Solicitor Spirk to respond but he has not heard anyone from Council say that they would approve the zoning change if CRIZ acreage was awarded. He heard them prioritize the fact that it is a consideration when we are doing such a large development to think about the CRIZ acreage much like it is green space, walkability, and affordable housing. This is our role as Council Members to advocate on behalf of smart development within our community to say these are the things that need to be prioritized and hope that the Administration would force the developer to help prioritize some of those needs that Members of Council who are being asked to approve a zoning change as well as members of the public have advocated for in the past. He does not believe there has been any conversation about a quid-pro-quo but he will turn to Solicitor Spirk for clarification.

Solicitor Spirk thinks more than the presentation by the Ethics Commission, Mr. Callahan is probably recollecting conversations that we had about this notion of contract zoning. The Pennsylvania courts have created this doctrine of contract zoning. They say you should zone based on the interests of the whole community at large. Zoning should be something that is meant to last for long periods of time and to consider the broad view. Zoning should not be something tailored to a specific project or a specific end user just because that does not necessarily reflect looking at the broad view like zoning is supposed to. So to enforce that the courts have made up this doctrine called contract zoning. This says for example if you zone for a particular developer who is say going to put in a medical office building and you approve zoning for that particular end use and then the developer puts a barber shop there the courts say, Council there is nothing you can do about it, you zoned for a specific small end user when you should have been looking at the whole community. The way we are going to discourage you from doing that is we are going to say if the developer reneges on what you zoned for then there is nothing you can do about it. That is the concept of contract zoning and that is why as Council you could try to exact promises and commitments all you

want but if the developer reneges there is nothing you can do about it. So the courts would say you should not zone that way, we are going to discourage you from zoning that way, site specific, you should be looking at the broad picture.

President Waldron asked Solicitor Spirk if he heard any conversation that would make him think we crossed that line this evening.

Solicitor Spirk stated no, and he has really been listening carefully.

Ms. Negrón mentioned she is usually the last one to speak and right now she is a little frustrated after listening to everybody who spoke. She is disappointed because when she saw the request for the change she was expecting that there was going to be a presentation sharing more about what will happen in the rest of the parcel. It is funny that everyone is talking about this. With all due respect to the developers, Mr. Wagner and Mr. Ronca, you work with the city and sit down with Ms. Heller, Ms. Karner, and the Mayor and talk about the plans and take pictures of the site. Council does not do that, we only know about it when it comes in front of us. You have had that conversation already about what is going to happen the rest of the year, but we have no idea and then we have to report the rest of the members of the community that voted for us and they are asking the same questions that we are asking, what else is going to happen. Ms. Negrón is glad that Dr. Van Wirt talked about smart building and development and she appreciates what Councilman Reynolds mentioned, we wonder what else there is and people are asking what else there is. Here we are with a request and we still do not know anything else. She agrees and thanks Councilwoman Crampsie Smith because of what she said. Ms. Negrón stated since she has been on Council she was the one speaking out and speaking up about the crisis we have with affordable housing. She was even asked a question about some members of Council, we have plenty of affordable housing, we have Pembroke and we have Lynnfield, but that is not affordable housing. She noted that affordable housing means we need to have enough apartments, enough housing for the people that are working in the building that you are trying to build. The people working for Lehigh Valley Hospital, the technicians they will need a place to live and they will not be able to afford it. That is affordable housing, it is for the working class. We are not asking you do to free housing, we are only asking for affordable housing. There are people who only make \$40,000 dollars a year and there is no place they are able to live in. That is what the wish of Council is, we cannot make that happen but again, she is saying she is frustrated because she was expecting to hear a little more about what was going to happen in the future. Ms. Negrón hopes when we come back in May there might be some more information for us. She is also concerned that the LVPC did not really give an okay from their side. She appreciates the good point that Councilwoman Crampsie Smith said that the buildings around it are built the way you are asking to do this, but they were there before the ordinance existed. So why would the ordinance change, there is a good reason why the ordinance was changed and like was said the building is supposed to be closer to the sidewalk, closer to the edge and how the entrance of the building should be at the back of the building so people can park and go in there. Ms. Negrón thinks they have made this more complicated than it should be. She added that Ms. Crampsie Smith made a good point that the main entrance should be behind the building where the parking is. She hopes we have more information when we talk about this again in May.

Dr. Van Wirt mentioned included in the Council documents she asked Mr. Vidoni if she is correct in saying this, included in the publicly accessible documents for this meeting tonight is a really thorough synopsis of some of the concerns about this plan and about this request that was

put together for the coalition for appropriate transportation by Scott Slingerland, it is 7 pages long and has maps and photographs and it is not confrontational and comes forward with lots of good ideas but also a lot of concerns. She would encourage any citizen who is interested in what is happening at Martin Tower to read this document and to access it. If you cannot, email me and I will send it to you. It is really a very thorough and amazingly well thought out document. He outlines a number of different concerns but one of them is the creation of a future Martin Tower spur trail that connects 8th Avenue to the Monocacy Creek path. Dr. Van Wirt added that he also brings up concerns about land use understanding that this current 53 acre footprint site right now is going to be covered with 30 acres of asphalt. She thinks that is a profound amount of asphalt. There are some fluctuations in curb cuts and what is going to go there but other than that she feels this is a fixed plan and those 30 acres are real. Dr. Van Wirt wants the public to be able to have what we have that is a well thought out plan. He is also asking for clarification of green areas on the plans for storm water management, how are we handling it besides the runoff pond, all about stuff that might flow into the Monocacy Creek which is one of our treasures and also suggested improvements to Monocacy Way Trail crossing at Schoenersville. Dr. Van Wirt asked Mr. Vidoni if this document from the LVCAT available on the City of Bethlehem website under our documents for the meeting tonight.

Mr. Vidoni informed it is not, and it was not an official document. He believes it was sent to Council and some members of the Administration but it is not an official document such that it would be included.

Dr. Van Wirt asked how a member of the public could obtain this if they wanted to have this perspective.

Mr. Vidoni stated the normal channel is a right-to-know request.

Dr. Van Wirt noted she would be allowed to send it out as well if someone would email her.

President Waldron mentioned that any Member of Council would be able to share it.

Dr. Van Wirt stated she would be happy to send this document out. She wanted to thank Mr. Slingerland for putting this together, it is well done and a service to the community.

President Waldron remarked in his perspective here as we close up our public hearing before we move to public comment on this is that we have heard a lot of the same comments from Members of Council. This is our real first public opportunity to weigh in on this project. We all have an understanding of what the developer is asking of Council in this zoning change but he also hears some of the same issues, walkability, trail connections, green space, and impervious coverage in the form of parking, affordable housing, and CRIZ. We heard some feedback from the Administration including the Mayor saying that these are priorities of his as well. President Waldron would be interested to know if the Administration and the developer would be willing to sit down and talk about some of those priorities and get those in writing so that way the members of the public would have a better understanding of what they could expect down the line. Right now we really do not have an idea of what this project is going to look like other than these pictures that are in front of us. He is not overwhelmingly encouraged by what he is seeing thus far regardless of the zoning change being asking for us, it is our role as Council to give

feedback and help represent the community and say these are things that are important based on conversations we have had with members of the public that have been ongoing for years. It is the role of the Administration to advocate on behalf and try to prioritize those things and work with the developer on what is feasible and what is something that can be accomplished when we develop such a large tract of land. President Waldron asked if there is a possibility to continue those conversations and get some of those priorities down in writing.

Mayor Donchez stressed the Administration is always willing to sit down with the developer and meet.

President Waldron wondered if this is something that we can get these in writing so that way we and the members of the public would understand what the priorities are for such a large and important project.

Mayor Donchez remarked if the developer would agree to the priorities, the answer is yes, we certainly share a lot of common ground with Members of Council and with the discussion tonight. He thinks meeting is important.

President Waldron noted that is good, it is not the ability of Council to say that these are things that must happen. It is not our role, our role is to take a look at what is in front of us and approve or deny it. But we can advocate on behalf of some of those priorities that he thinks are important to all of the community. He thinks not only having a verbal commitment as Mr. Reynolds discussed in the past we have had conversations about other development where we heard the developer say that it is a priority and then those things often get forgotten about unless we have something in writing that can be reminded and the public can hold those developers accountable. President Waldron would hope that maybe those conversations could continue in the next two weeks before we have our first reading of the ordinance which is scheduled for May 4, 2021.

Ms. Negrón commends President Waldron for that statement. She appreciates what Ms. Heller, Ms. Karner and Mayor Donchez said because she knows that is the way you feel but it was an important moment to share that these are priorities for the Administration. But thank you President Waldron for making that statement and hopefully this will come to fruition when we get together again and talk about this in May.

Mr. Callahan noted he wanted to make sure that he understood something correctly and that someone mentioned earlier that if we approve this there is the possibility that the developer could go back as far as he wanted, like a target situation and he would not be in favor of that. He wanted to make sure that if we approve this is there a way we can stipulate clearly that it is not allowed to have a target situation where the building is 100 yards or 150 yards back and only this one additional parking lane allowed. Is there a way we can stipulate that if it did pass?

President Waldron remarked as the ordinance is presented to us it would require an amendment but he does believe we have the ability to limit the proposal to what is in front of us and not allow for additional depth. He sees Solicitor Spirk nodding in agreement and if a member of the Administration has additional comments we would accept those but we do have the ability to amend the amendment that has been given to us essentially.

Mr. Callahan remarked as it is written right now if it passed they could set it back as far as they want, is that correct?

President Waldron stated that is his understanding.

Ms. Heller thinks what they are asking is that the OMU zoning district being exempted from the provision so there would be no limit.

Mr. Callahan asked why this would come to Council with no limit.

Ms. Heller stated that is what they submitted, it is their draft.

President Waldron related that would be a question for the developer. This text amendment was not generated by the Administration it was written by the developer so all the specifics are that of the developer. So any reason for something included or excluded from this would be a question for the developer.

Public Comment

None.

President Waldron stated the zoning text amendment will be placed on the May 4, 2021 Council agenda for first reading.

President Waldron adjourned the Second Public Hearing at 8:55 pm.

2. APPROVAL OF MINUTES

March 16, 2021

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

409-411 Wyandotte Renovation

Jackson Eighmy, 1503 Creek Road, informed he would like to request approval for a renovation project at 409-411 Wyandotte Street. He was born and raised in Bethlehem and has a deep love for the town and the history. He took his senior year off of college this past year to do this project and got as far as getting approval from the Pennsylvania Department of Community and Economic Development Neighborhood Assistance Program and Enterprise Zone Tax Credit of over \$436,000 dollars for this investment. The proposed investment would be \$1.9 million in the Bethlehem community on the south side. This tax credit program from the state has a timeline so he would like to start this project sooner rather than later. It is actually in the historic district and we have had a long process with the Historic Commission that has gone back to August and we went through August and September and ultimately received an approval and Certificate of Appropriateness in November. We took October off in this submission process to work with the commission to hammer out differences and settle on an idea we could take going forward. We were able to do so and were granted unanimous approval in that November HCC

Meeting on the demolition and general conditions for the project which is requesting partial demo for the rear portion of 409 Wyandotte Street. After that hearing we were excited to hammer out the rest of our finances and get the project underway. Then it came time to get demo permits and we were told from the permit office and the Historic Commission that they were unable to based on the Certificate of Appropriateness. He tried to get further clarification from contacts he had made at the Historic Commission and was unsuccessful in those efforts. He has been struggling to get emails and phone calls which were left unanswered which has led him to come in front of Council tonight. Based on the conversation with the HCC in November and the language the COA is written we disagree that we had not received ample approval for the demo. To quote the COA: The approved rehabilitation of the side (north) façade and the rear (east) façades includes the following details: “ non-contributing rear additions at #409 Wyandotte Street to be demolished and replaced with new 3-story stair and mechanical tower with flat roof and sheathed with James Hardie (or comparable) fiber cement horizontal lap siding. Applicant to submit samples of proposed siding, which we did for consideration during subsequent HCC review.” Mr. Eighmy added that the further development requires that full approval pertains to the details of the finishing and other materials used in the structure but not the structure itself. To quote the notes from the COA: The Applicant also agreed to future HCC reviews of various items that require further development, including components of the wood-look privacy fencing and balconies, railings and open frame of the rear metal stair, canopy elements, railing for the access ramp at the side façade, signage, lighting, etc. All of those action items are just details and do not actually pertain to the demo itself or the general path of the building. A portion of what was approved to be demolished due to the COA is in disrepair with collapsed beams on the inside and partial separation from the rest of the building and we fear if it is left much longer it could pose a threat to fellow neighbors and surrounding buildings should it fall off completely. We did obtain a letter prior to our September HCC meeting from a structural engineer that says just that, the building is in dire disrepair and needs to be addressed. The HCC took that into consideration and that is part of why we were granted unanimous approval that night in November. His goal is to not cut corners; he has a love for the history in Bethlehem. We received word today that we will get our full bank approval on this Friday, April 23, 2021. We did all our due-diligence and cannot wait to start this project any longer. As a college student with one year to go he cannot afford to be sitting on \$1.9 million on top of a tax credit from the State of Pennsylvania while he plans on going to school to graduate. We have approval for this project by the State of Pennsylvania and now we are requesting that the City Council approves our demo permit with the understanding that we will go back to the HCC to get the rest of the details ironed out.

President Waldron mentioned that Ms. Karner our Director of Community and Economic Development said she will be willing to talk to you tomorrow about the details and the timeline of how that can proceed. Council is not in the position this evening to take any action on this as we do not have enough information, we would need to hear from the HCC but from his understanding about the project is that the HCC wanted more information about some of those detail finish items before they were willing to grant full approval for the demolition. President Waldron stated we are over 7 minutes on the 5 minute time limit so he is just giving the information he has as this is the first time this has come across Council. So there is no information we would need from you at this point to try to take any action. Some of these details will have to be worked out with the City’s Economic Development Department as well as the HCC. President Waldron added that Mr. Eighmy can expect a phone call from Ms. Karner tomorrow or reach out to her office in the morning.

Martin Tower Proposal/George Floyd Anniversary

Ed Gallagher, 49 W. Greenwich Street, informed he signed up to get a call tonight because he had a specific topic in mind, relative to George Floyd and the city. He wanted to cut that short and say that he appreciates the scrutiny that Council has given to the Martin Tower proposal tonight. He can say that many of the Bethlehem Gadfly followers are following this closely and are very interested. Mr. Gallagher noted that the document from Mr. Slingerland that Dr. Van Wirt mentioned will be posted on his blog first thing tomorrow morning and if people want to respond to comments they can there. He will not talk in detail on what he planned to talk about, he will just say that he was going to make a modest proposal that Council set aside some time at the end of next month, the one year anniversary of the George Floyd event to take stock of how the city has responded to that event over the year to do a kind of report card and set some plans and goals. The verdict today we cannot think of as the end of the ramification of the George Floyd event. Mr. Gallagher thinks that the city should mark this anniversary of the George Floyd event by going over how the city has responded and looking forward to what we will do in the future. If he had taken the time to do what he planned to do he would have indicated that he does not think the city has really done a good job so far. If people are interested, this question of using the anniversary for retrospect is the question on his blog forum today for the Mayoral candidates, both Mayoral candidates responded to the possibility of marking the anniversary with something and tomorrow the candidates for City Council will respond to that kind of question. He knows that several of them are watching tonight and are getting the idea of what it takes to be a Council person. Mr. Gallagher thanked Council again for their scrutiny of the Martin Tower proposal and he will talk again another time about George Floyd and the city.

Johnston Drive Speeding/Potholes

Matthew Dilba, 261 Johnston Drive, remarked he has been in touch with the Chief of Police about the speeding on Johnston Drive to no avail. He also watched the police department themselves speed down Johnston Drive and it is not a lot of fun to watch them too. The potholes in these streets and the condition of the roads in Bethlehem are absolutely atrocious. That is all he wanted to say.

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

E. *Police Chief – Records Destruction – Police*

The Clerk read a memorandum dated April 5, 2021 from Police Chief Michelle Kott requesting Council to consider a resolution for the Destruction of Records from the Police Department listed on the attached exhibit. The Chief has reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Waldron stated the Resolution may be placed on the May 4th Council agenda.

F. *Director of Public Works – Recommendation of Award – Advanced Environmental Contractors – Rodgers Street Facility Asbestos Abatement*

The Clerk read a memorandum dated April 7, 2021 from Michael Alkhal, Director of Public Works recommending a contract with Advanced Environmental Contractors for work related to removing asbestos at the Rodgers Street Facility. The term is 60 days. The cost is \$158,000. There are no renewals.

President Waldron stated Resolution 10 A is on the agenda.

G. *Lehigh Valley Planning Commission Letter regarding Zoning Text Amendment related to Multi-Family Development in CB and CL Districts*

The Clerk read a memorandum dated April 7, 2021 from Jillian Seitz, Senior Community Planner of the Lehigh Valley Planning Commission concerning the review of an Administration proposed zoning ordinance amendment to revise the Multi-Family Development section of the city's zoning ordinance to ensure that the provisions that currently apply in the IRR-Industrial Redevelopment Zoning District related to exemptions from required building size and setback, parking capacity and number of units in a structure, also apply in the CB (central business) and CL (neighborhood commercial) districts. The commission stated that the proposed amendment was generally consistent with the regional plan because it supports an efficient development process that is responsive to regional needs, increases flexibility for multi-family developments, encourages reinvestment in commercial areas and promotes the fiscal health and sustainability of the City. Additionally, the proposal increases housing attainability and access to employment opportunities.

President Waldron stated the proposed Zoning Text amendment is on tonight's agenda for First Reading as Item 9A.

H. *Kolb, Vasiliadis, Florenz & Recchiuti, LLC – Street Vacation Petition – Luna Street/Bushkill Street*

The Clerk read a memorandum dated April 9, 2021, a street vacation petition from Kolb, Vasiliadis, Florenz & Recchiuti, LLC, on behalf of petitioners Michael and Gretchen Devers, requesting vacation of unopened portions of Luna and Bushkill Streets. The petitioners recently purchased this property and plan to raze the existing structures to build a new house and detached garage. The proposed plans for the property would require formally vacating the unopened sections of these roads to relieve the owners from some setback requirements.

Scheduling Public Hearing

President Waldron stated he will accept a motion and second to schedule a Public Hearing on this requested Street Vacation at the Tuesday, June 15, 2021 City Council Meeting at 7:00 PM in Town Hall.

Dr. Van Wirt and Mr. Reynolds moved to schedule a Public Hearing on Tuesday, June 15, 2021 at 7:00 PM in Town Hall.

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

President Waldron stated a remote public hearing has been scheduled for Tuesday, June 15, 2021 at 7:00 PM in Town Hall.

I. City Solicitor – Use Permit Agreement – McCarthy’s Irish Pub, Inc. – Tunes at Twilight

The Clerk read a memorandum dated April 15, 2021 from City Solicitor William P. Leeson, Esq. with an attached Resolution and associated Use Permit Agreement. The Permittee is McCarthy’s Irish Pub, Inc. and the event is Tunes at Twilight. The agreement covers dates from May 6, 2021 through July 22, 2021 and applies to Walnut Street between Main Street and Guetter Street.

President Waldron stated Resolution 10 B is on the agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Susan Acevedo – Bethlehem Housing Authority*

Mayor Donchez appointed Susan Acevedo to membership on the Bethlehem Housing Authority to fill the unexpired term of Joseph E. Long, who resigned and is effective through November, 2022. Ms. Crampsie Smith and Mr. Waldron sponsored Resolution No. 2021-076 to confirm the appointment.

Ms. Negrón thanked Mayor Donchez for his appointment. She knows that Mr. Long was there for many years.

Mayor Donchez stated it was 19 years that Mr. Long served on the Bethlehem Housing Authority.

Ms. Crampsie Smith thanked Mr. Long for serving all of those years, she knows he took this very seriously and was a great contribution to the city. He has had some health issues over the past year and she wishes him the best.

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

2. *Administrative Order – Carol S. Ritter – Zoning Hearing Board*

Mayor Donchez reappointed Carol S. Ritter to membership as an alternate on the Zoning Hearing Board effective through April, 2026. Ms. Crampsie Smith and Mr. Waldron sponsored Resolution No. 2021-077 to confirm the reappointment.

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

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

Mayor Donchez reappointed Mike Simonson, Building Inspector to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy effective through April, 2024. Ms. Crampsie Smith and Mr. Waldron sponsored Resolution No. 2021-078 to confirm the reappointment.

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

Covid Update/Nike

Mayor Donchez informed he has an update from Health Director Kristen Wenrich. She informed that cases have been slightly lower the past few days but still are averaging about 30 per day. Yesterday the Health Bureau had a clinic in Northampton Community College and vaccinated 350 students and staff. They are planning a clinic in May with the Bethlehem Area School District to vaccinate students 16 through 18 years of age. The demand for the vaccine is significantly dropping and the Health Bureau is working with a physician and a volunteer group on outreach to churches throughout the city. They are also working with church leaders to educate the congregations on the importance of getting vaccinated. Mayor Donchez related yesterday we had a very good announcement about Nike coming to Bethlehem. They will be leasing the 1.2 million square foot in Majestic Realty. We beat out a site in New Jersey. They will probably start with 250 jobs with a possible increase up to 400 to 500 and they are hoping to be in and have a ribbon cutting in mid-July. They really want to be involved in the community. Mayor Donchez noted he has been very pleased with his discussions with them. This is great for Bethlehem and also great for the Lehigh Valley. It will be their east coast e-commerce fulfillment center. He is looking forward to working more closely with them.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 10 – 2021 – Amending 2021 General Fund – General Fund Adjustments*

The Clerk read Bill No. 10-2021 – Amending 2021 General Fund – General Fund Adjustments sponsored by Mr. Colón and Mr. Waldron and titled:

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

THE 2021 GENERAL FUND BUDGET

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 10-2021 now known as Ordinance No. 2021-09 was passed on Final Reading.

B. Bill No. 11 – 2021 – Amending 2021 Capital Budget for Water Utilities

The Clerk read Bill No. 11-2021 – Amending 2021 Capital Budget for Water Utilities sponsored by Mr. Colón and Mr. Waldron and titled:

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

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 11-2021 now known as Ordinance No. 2021-10 was passed on Final Reading.

C. Bill No. 12 – 2021 – Amending 2021 Capital Budget for Sewer Utilities

The Clerk read Bill No. 12-2021 – Amending 2021 Capital Budget for Sewer Utilities sponsored by Mr. Colón and Mr. Waldron and titled:

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

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 12-2021 now known as Ordinance No. 2021-11 was passed on Final Reading.

D. Bill No. 13 – 2021 – Amending 2021 Community Development Block Grant Budget

The Clerk read Bill No. 13-2021 – Amending 2021 Community Development Block Grant Budget sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2021 COMMUNITY DEVELOPMENT BLOCK GRANT
BUDGET

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 13-2021 now known as Ordinance No. 2021-12 was passed on Final Reading.

9. NEW ORDINANCES

- A. *Bill No. 14-2021 – Zoning Text Amendment – Multifamily dwellings in CB and CL Districts*

The Clerk read Bill No. 14-2021 – Zoning Text Amendment – Multifamily dwellings in CB and CL sponsored by Ms. Crampsie Smith and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING ZONING ORDINANCE SECTION 1322.03 (II) TO AMEND PROVISIONS FOR MULTI-FAMILY DWELLINGS IN THE CB AND CL ZONING DISTRICTS

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 14-2021 was passed on First Reading.

10. RESOLUTIONS

- A. *Approve Contract – Advanced Environmental Contractors – Rodgers Street Facility Asbestos Abatement*

Ms. Crampsie Smith and Mr. Waldron sponsored Resolution No. 2021-079 that authorized to execute a contract with Advanced Environmental Contractors for the Rodgers Street Facility Asbestos Abatement.

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

- B. *Approve Use Permit Agreement – McCarthy’s Irish Pub, Inc. – Tunes at Twilight*

Ms. Crampsie Smith and Mr. Waldron sponsored Resolution No. 2021-080 that authorized to execute a Use Permit Agreement with the McCarthy’s Irish Pub, Inc. for the Tunes at Twilight at Walnut Street between Main Street and Guetter Street on May 6, 13, 20, 27, June 3, 10, 17, 24 and July 1, 8, 15, and 22, 2021. Additionally starting on June 17, 2021 Walnut Street between Main Street and Guetter Street will be closed for the summer; date to re-open is to be determined.

Mr. Reynolds remarked this is for Tunes at Twilight which is at McCarthy’s Irish Pub. We know that Tunes at Twilight used to be in the Sun Inn Courtyard. There has been some discussion about the Sun Inn Courtyard and about who uses what and so on and so forth. He was wondering on what their plan is here for Tunes at Twilight this year.

Ms. Karner informed the information she has most recently was that they were spreading out the Tunes at Twilight concept to have it at different locations throughout the summer as opposed to concentrating it at one location. Not only is that a benefit with Covid because you are not having that many people in one place but it is also putting people in different parts of the downtown. Specifically with McCarthy’s they are closing the street and to have a permanent

Tunes at Twilight on Walnut Street where there are activities which is in front of you for tonight's meeting.

President Waldron noted they will rotate this around the city for 2021 but he sees all of May, June, and July they will be in this location but are their plans for other locations as well?

Ms. Karner stated the last conversation she had with the Downtown Bethlehem Association was that there will be other different locations. This one she suspects involves selling alcohol so there is probably a different set of requirements. She got the impression they were looking at different sites throughout Main and Broad Street.

President Waldron remarked Council is not considering that this evening.

Ms. Karner is not sure Council needs to consider that in the same way because of the street closure and because of the requirements around what is related to this kind of more permanent location. Other places just need a right of way permit just to have someone out on the sidewalk and performing.

President Waldron pointed out that Tunes at Twilight was a great event and was missed last year because of Covid and now we see it moved just maybe 150 feet away into the street to what he perceives as a smaller space. He is interested to see how that will work where he thought the Sun Inn Courtyard was a perfect location. He can see why this is beneficial to McCarthy's but as an overall aspect it does not make a huge amount of sense to him logistically to have it in that location to replace the perfect location that was with a designated stage and was a pretty good space for an event like that in the Sun Inn Courtyard.

Ms. Karner remarked ultimately what changed was that there is now a business located at the Sun Inn who just like all the other restaurants was scrambling for space during the pandemic. The Sun Inn actually owns half or slightly more of the courtyard. They have the parcel and the city has the street but at the end of the day it is private property and so the easement the city has had for probably about 20 years expired about 20 years ago. Certainly we have a very cooperative relationship with the Sun Inn and she expects that to only become more cooperative as we talk about how the Sun Inn Courtyard can be used in the future. She is under the impression that this is not the only location for Tunes at Twilight at McCarthy's and that there will be other locations along Main and Broad at the same time to provide the separation and provide additional business benefit throughout the downtown.

Dr. Van Wirt noted it says that the closure is between Main and Guetter but actually that is not technically correct, it is just the same closure that had happened all during Covid that it goes halfway up.

Ms. Karner will defer to Michael Alkhal, but that is her understanding that there will still be the two way access.

Mr. Alkhal stated that is correct.

Mr. Reynolds remarked that just because Ms. Karner has brought up the situation with the Sun Inn Courtyard and the multiple owners and who owns what and who has the right of way.

He has spoken to Ms. Karner about this before, this is an area that the city has talked about putting money into before and has talked about taking this to another level from where it is at currently. As we come out of the pandemic and talk about what we want in our downtown there is only one Sun Inn Courtyard there. Trying to get everyone on the same page and trying to get whatever Use Permit Agreements we need to be able to put public dollars in to that area is a priority especially when we look at whatever happens to the future of the Walnut Street Garage. Whenever that happens, whether next year or several years down the road, that will be something that will be a point of frustration and a difficult thing for our downtown merchants and people living downtown. Mr. Reynolds added that the Sun Inn Courtyard can be one of those things that if everyone can get on the same page with the city and we are able to drive some infrastructure and investment dollars in there it will help our downtown and what will be a difficult situation in the next few years. Mr. Reynolds has talked about this to Ms. Karner and this is an issue she is familiar with but as we are coming out of the pandemic and we are thinking big as far as what we can do for the vibrancy of our downtown, that is a huge opportunity for us.

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

Motion – Considering Resolutions 10 C through 10 F as a group – Certificates of Appropriateness

Ms. Negrón and Dr. Van Wirt moved to consider Resolutions 10 C through 10 F as a group.

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

C. Certificate of Appropriateness – 234 East Wall Street

Ms. Crampsie Smith and Mr. Waldron sponsored Resolution No. 2021-081 that granted a Certificate of Appropriateness to replace the existing roof and paint the existing brick and trim at 234 East Wall Street.

D. Certificate of Appropriateness – 236 East Wall Street

Ms. Crampsie Smith and Mr. Waldron sponsored Resolution No. 2021-082 that granted a Certificate of Appropriateness to replace the existing roof and paint the existing brick and trim at 236 East Wall Street.

E. Certificate of Appropriateness – 246 East Wall Street

Ms. Crampsie Smith and Mr. Waldron sponsored Resolution No. 2021-083 that granted a Certificate of Appropriateness to replace the existing front portion of the roof to match the rear portion of the roof and the front porch roof, as well as paint the existing brick and trim at 246 East Wall Street.

F. Certificate of Appropriateness – 23 East Church Street

Ms. Crampsie Smith and Mr. Waldron sponsored Resolution No. 2021-084 that granted a Certificate of Appropriateness to enclose the sleeping porch and replace the vinyl siding, remove a third-floor window in its entirety and side opening with cementitious siding, replace a second-

floor window with a similar style window as the first-floor window, and relocate a downspout at 23 East Church Street.

Voting AYE on Resolutions 10 C through 10 F: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. The Resolutions passed.

11. NEW BUSINESS

Community Development Committee Meeting

Chairwoman Van Wirt announced there will be a Community Development Committee Meeting on Tuesday, May 11, 2021 at 6:00 PM in Town Hall. There is one agenda item, the discussion of an administration-proposed bill to expand the eligibility requirements for Board members on the Historical & Architectural Review Board.

Grants for Firefighters

Mr. Callahan remarked he became aware a few days ago about the SAFER Grant for FEMA that they sent for relief of funds for communities for firefighters and police and asked if Eric Evans, Business Administrator is aware of that.

Mr. Evans noted he is aware of the SAFER Grant and added they have been around from time to time and Fire Chief Warren Achey deals primarily with writing and working with those grants directly.

Mr. Callahan explained it came to his attention that as of right now there is \$200 million dollars of supplemental funding in the SAFER fund and there is another \$100 million additional dollars of supplemental funding for the AFG fund. Those two funds are earmarked for the SAFER and AFG grants and the main purpose is to maintain the ranks and stay within the recommendations of the NFPA. These are grants and do not have to be paid back and that money is to help fund firefighters and public safety officials in cities and there is a timeline on it and a ton of money in there to be used right now. Back in 2019 the first year of the 3 year grant, the amount of money that was given and required for the first year was 90% FEMA, 10% for the municipalities, the second year was 80/20, the third year was 70/30. In 2020 it basically went better than that it was 90/10, 90/10, and 90/10. That is what the thought process is right now according to what he is hearing from the lobbyists that in 2021 it will be the same format, 90% FEMA, and 10% for the municipalities. Mr. Callahan remarked if that money is there and is a grant and will be used by the cities if we do not use it, why do we not at least apply for the grant to replace the 4 fire positions that we cut last year when we can reinstall those positions at a fraction of the cost of what we were paying for those firefighters before. Mr. Callahan noted we could go back to full staffing with what we had before and only pay 10% of it.

Mr. Evans reported he does not have all the documents in front of him right now; he was not expecting this tonight. He added that Chief Achey is also not available tonight to comment on it. There are a number of eligibility requirements and with this particular SAFER grant for firefighters that were laid off, if you remember we did not lay off, we decided we did not want to furlough and all the firefighters are still with us and will go through attrition. So as to hire ones that were laid off we do not have that or if we are looking to increase the ranks we are also not looking to do that. Going back to the budget hearings we feel we are right sized with the force

that is put out there now. The Chief had spoken to that last November, the way the force is laid out with the 4 platoons. But that is where the Administration stands on that. We are aware of the SAFER, it has been looked at and reviewed by Chief Achey and he can comment if you give him a call he can talk to you about that.

Mr. Callahan stated he was under the impression that we cut those positions last year due to budgetary concerns. The city would be best served with an additional 4 firefighters but he thought we cut those not because of any other reason due to the budgetary concerns we had last year due to the tough year we had.

Mr. Evans stated no, if you go back and look at the discussions a part of the tough year we had was when we reached in and took an additional \$1 million dollars in cash on top of it but part of it is the ongoing battle to control legacy costs. When we talk about the budget and Mr. Callahan talked about the ability to control taxes and 75% is personnel. So we looked to see where we could become efficient and where we felt we could also provide public safety but control costs especially to the taxpayers and that is when we took a look at this and had ongoing conversations with the Fire Department leadership. They felt they were comfortable with the staffing we proposed and that is what we are looking to do going forward. Besides the salaries we talked about the pensions and what that ultimately means to the end user, the taxpayers of the city and how many can they afford. When you bring that back and you add payroll or personnel anywhere that is the biggest cost driver we have because it drives not only salary but healthcare and pension and that is not all covered under the SAFER grant as well.

Mr. Callahan asked if any of it is covered under the grant.

Mr. Evans stated it depends if they are eligible uses and he does not have that in front of him right now. But he does remember when we looked at it the latest version of the SAFER grant which has been around from time to time for a while was to bring back people that were laid off and that was not the case, no one has been laid off. We changed the staffing but as they retire through attrition we will not back fill those positions. But no one was laid off that needs to be brought back because of Covid. We are talking about two different things in that case.

Mr. Callahan asked if he sent the SAFER grant information to Mr. Evans and Chief Achey he asked if they would be interested in applying for the grant to see if we are eligible and what we could use that money for and whether it does cost legacy and healthcare costs.

Mr. Evans stated it is the fire leadership that does it; they have all the specifics and the background and have always been the ones that applied directly. Mr. Evans noted he does not have that kind of information to apply. If you give Chief Achey a call and ask him the efforts to do it, this does take a lot of work so the Chief needs to make the decision based on recommendation of the Mayor before all the steps are taken because grants take some time to work through even if there is some assistance from the rank and file, there needs to be some time and effort put into that. Before that the strategic decision needs to be made, you do not just submit it to see what happens. Mr. Evans asked Mr. Callahan to reach out to Chief Achey directly and have that conversation, he can explain the details.

Mr. Callahan stated he will call him and set up a meeting. He believes that everybody on Council would agree that public safety is a very important thing to the City of Bethlehem and the

taxpayers and we would be better served with more firefighters especially if it only costs us 10% of what the whole cost is. He noted that if we can fund 4 firefighters for 3 more years at 10% of the cost that would be a win/win for the city and the Fire Department.

Mr. Evans added that there are additional commitments also when you bring them on even after the funding is gone; you need to keep them a few more years. The devil is in the details and we will get into that and respond.

National Borinqueneers Day

Ms. Negrón informed she wanted to thank the Administration for the help and she knows this is just the beginning. April 13th was designated by Congress as National Borinqueneers Day and we had a groundbreaking ceremony last Tuesday and she just wanted to say we did not even do a press release and she was hoping for 20 to 30 people but we almost had 100 people there. She hopes that the Administration understands how important this event was and how important this monument is to the 65th Infantry Regiment and our community. There were 2 Borinqueneers there in their 80's and one of them said he was touched when Congress gave him a Congressional Gold Medal and for being here today to celebrate with his people and celebrating what will be, that makes him happy. Ms. Negrón remarked it was very touching to see them and to hear them say things like that along with the rest of the community; this was meaningful to the Latino community and was overwhelming. She thanked Councilman Reynolds who was there and Mayor Donchez for naming April 13th Borinqueneers National Day. It meant a lot and she just wanted to say thank you.

Mr. Reynolds thanked Ms. Negrón for the organization and if you were there one of the things you saw were people there that were happy that we were celebrating a part of Bethlehem's history. When we talk about historic Bethlehem and the history of our community we are not talking about the history of every part of our community and a lot of people felt strongly that what we were doing there was celebrating a different part of our history for one of the first times. As the conversations continue in this country and community about the changing identity of what it means to be an American and from our city, he thinks that Councilwoman Negrón and everyone else that organized that is helping to push us in that direction and he wanted to say thank you for that.

Wind Creek Vaccination Clinic

President Waldron added that he finally got an opportunity to get his first dose of the vaccine at the clinic at Wind Creek and he was quite impressed by the setup they had there. He was in and out in 30 minutes including the after shot wait time. There was a full flow of people, hundreds of people moving through that space and it was effortless as a patient, they have a great system there. President Waldron wanted to thank everybody who is volunteering their time and putting in all that effort to try to help vaccinate our community.

12. ADJOURNMENT

The meeting was adjourned at 9:45 pm.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk