

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, February 16, 2021 - 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

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

PUBLIC HEARING

Prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to accept public comment on a request for a proposed Zoning Ordinance amendment to allow a new Overlay in the Institutional Zoning District at 1838 Center Street and 200 Dewberry Avenue. The petitioner requested the proposed amendment in conjunction with the possible future construction of a grocery store at 1838 Center Street in the City of Bethlehem.

*Communication 6A – City Planning Commission – Zoning Ordinance Amendment and Overlay request to expand the Institutional Overlay to the Institutional Zone at Center Street and Dewberry Avenue Petition submitted by Bethlehem Manor Village LLC*

The Clerk read a memorandum dated January 20, 2021 from Darlene Heller, Director of Planning and Zoning related to a privately proposed Zoning Ordinance amendment to allow a new Institutional District Overlay at 1838 Center Street and 200 Dewberry Avenue in connection with the proposed construction of a grocery store. The City Planning Commission reviewed the proposed Zoning Amendment at their January 14, 2021 Meeting and voted unanimously to recommend that City Council does not accept the proposed Zoning Amendment. There is a memo behind the initial document dated January 8, 2021 discussing the Planning and Zoning Bureau's comments on the proposal. The Planning Bureau recommended against placement of the Overlay Zone at this site as discussed in the memo.

*Communication 6B – Lehigh Valley Planning Commission – Zoning Ordinance Amendment and Overlay request to expand the Institutional Overlay to the Institutional Zone at Center Street and Dewberry Avenue Petition submitted by Bethlehem Manor Village LLC*

The Clerk read a memorandum dated February 8, 2021 from Samantha Smith, Chief Community Planner of the Lehigh Valley Planning Commission concerning their review of this proposed zoning Ordinance amendment to allow a new Institutional District Overlay at 1838 Center Street and 200 Dewberry Avenue in connection with the proposed construction of a grocery store. The Commission stated that the proposal is generally inconsistent with the County Comprehensive Plan for reasoning which is discussed in their memo.

Abraham Atiyeh informed the reason why we want this as an Institutional Overlay and why the City of Bethlehem established that in the past is when an Institutional Zone meets up with another zone like Lehigh University, there are mixed uses to make something come out of it. This particular Overlay works on Center and Dewberry because it joins two Residential Zones and it also fronts on Center Street which is a highway now, there is a lot of truck traffic and it is very loud. It is very difficult to find an Institutional use on this zone that is permitted by right. He has tried other options and with everything we were denied. With having this Overlay allows for retail type uses that are compatible with Center Street, Route 512 and the neighborhood. Mr. Atiyeh pointed out that Lidl is only an option right now and based on the current ordinance we could put a Lidl in there, you have to have 20% of the gross square footage and their store size is bigger so we would have to come back to amend. One good thing is it allows for retail type uses that will be compatible with Center Street. The amount of traffic that generates now is not really residential. Who would want to live anymore on Center Street when you have tractor-trailers, dump trucks, and UPS trucks? He noted that 20 years ago it was quiet but it has become a highway, people come from Route 22 to the center of Bethlehem. Mr. Atiyeh explained that Lidl approached him as an option; he thinks it is a good use because there is a void in the grocery store business. You cannot find a grocery store anywhere in center city. The grocery store that was on Stefko Boulevard closed so those shoppers have to travel. He added that Lidl's is a good option for this site; a Starbucks would be a good option or a Chick-fil-a, or a small strip mall. Those are the uses that go with the Overlay Institutional Zone. It would allow him as a developer other options on this site. Right now he is stuck with an Institutional Zone and the uses are difficult to find to get on this site. This Overlay would allow him potentially more uses. When we first tried to put an apartment complex in and then a psychiatric hospital and with that 300 neighbors showed up, they did not want that in their neighborhood. There will not be a lot of opposition tonight. They should take into consideration the transition from Institutional to Residential, this Overlay works; it is just the other option. He is not saying he is putting in a psychiatric hospital that is only an option for him right now, he has to research the market. He had Arcadia Healthcare, they are the second largest provider in the world and they wanted to be in this location and that fell apart. He was an operator himself, he could build a psychiatric hospital, we were ready to open up a small building and then we lost originally in court but now we won in Commonwealth Court. He is not threatening in any way; he is not saying a psychiatric hospital is coming here because he does not know if that is in demand anymore. He will research it and look at companies to see if they are interested in a psychiatric hospital in Bethlehem. We will hire a marketing firm to do that. Mr. Atiyeh noted maybe we will put in a psychiatric hospital, maybe we won't and maybe they are not interested in this market anymore. He will keep that as an option on this site, he is a real estate developer, and he is not a psychiatric hospital provider. For him to venture into that business he would have to get a partner or an operator to partner and venture with him. He does have the capability of developing and building it, he will rent it to them just like he owns the DUI Treatment Center in Easton and another treatment in Catasauqua.

President Waldron mentioned to Mr. Atiyeh that he should present his proposal that is in front of us this evening for the Overlay.

Mr. Atiyeh explained the proposal as such if Council approves it will be a Lidl's grocery store that we would build there and operate. Lidl is not presenting tonight. They presented in front of the Planning Commission and were rejected. He is saying when you do a rezoning request Lidl's is just an option. He is saying that Lidl is a potential option for this site. He hopes that Council will consider a solution to this site. It is a troubled site and if you approve the

Institutional Overlay something more productive would get developed here, whether it is a Lidl's or some retail, it just allows for a good transition, that is what overlay's are made for. Mr. Atiyeh remarked that is all he has to say right now.

Darlene Heller, Director of Planning and Zoning informed this did go before the Planning Commission and the Planning Commission supported unanimously our recommendation that the Overlay should not be supported at this site. You have a copy of our memo and one thing we do point out is that there are other Overlay districts in the city but an Overlay here is very unique, it really should be tied to some very need or specific purpose, unique about a parcel or area of the city. The Institutional Overlay that was created for Lehigh University was done almost 20 years ago. There used to be a row of surface parking lots that divided the University and its campus from the downtown and the long range plan for Lehigh was really to fill that in and to fill it in with development that would lead to integrate the campus with the downtown. In order to do that in a more efficient way we did allow in the Zoning Ordinance to create the Overlay that allows for commercial uses specifically at Farrington Square. The purpose of that was to blend the two districts and become a transition so that people shopping in the downtown feel comfortable entering the campus and that people on the campus would feel comfortable going down to the south side downtown core area. So it was written specifically for that site and if you take a look at that area it was called out specifically in the purpose section. Ms. Heller added in the memo they also talked about the Comprehensive Plan and neighborhood compatibility. We talk about the fact that the City of Bethlehem, the city of its size really has a lot of commercial area now already. There are two downtowns, the Beth Works area; Route 412 has new opportunities for retail and restaurant. We have a lot of areas for commercial and what we want to concentrate on is keeping those areas vital and active. Typically we are not looking for new areas to create a traditional commercial space. Ms. Heller explained some of the other things they looked at which included the grocery store is proposed on 3 acres of this proposal. He is requesting to rezone about 7 acres so there really is nothing to address what would be proposed on the other 4 acres of this site. It is a very limited proposal we have at this point in time. We feel that even if an Overlay was to be considered here it really needs to be more well thought out, it needs to be drafted in a way that is specific to this area and it really needs to address some kind of a purpose for the community. In the application there really is not much of a purpose spelled out. Basically, the application just says that the Overlay would benefit the surrounding neighborhoods by convenient access to groceries and other basic needs for walking or biking. There is really just nothing that speaks to this site specifically. Ms. Heller noted their position is that the request should not be approved.

President Waldron thanked Ms. Heller for her comments. We do have the comments from the Planning Commission that is in front of us this evening. Those unanimously recommended to not support the proposed zoning ordinance.

Mr. Callahan queried what this site is zoned right now.

Ms. Heller stated it is zoned Institutional.

Mr. Callahan asked what Mr. Atiyeh is allowed to put at that site. He also asked that when Mr. Atiyeh bought this site it was Institutional, is that correct?

Ms. Heller stated that is correct. It was a parcel that was subdivided from the cemetery which was zoned Institutional so it has probably been Institutional for many decades. He did have approval originally when he purchased the property for an assisted living facility, hospitals are also a permitted use, medical offices, different types of schools, any type of a school would be a permitted use. She added that churches, other community and medical or institutional uses.

Mr. Callahan remarked in other words the ruling in Philadelphia what happened with that, was it a ruling against the city.

Ms. Heller informed he submitted a proposal for a psychiatric hospital maybe two or three years ago and there was concern about the definition of the use and whether it was categorized as a hospital or a treatment center. The Zoning Hearing Board ruled in favor of the city's position and it went to the County courts and the decision recently came from the Commonwealth Court.

Mr. Callahan asked what happened with that.

Ms. Heller explained in that position they agreed with the property owner, the applicant Mr. Atiyeh.

Mr. Callahan queried if that means the psychiatric hospital is permitted?

Ms. Heller remarked she guesses you could say that, sure. Our position was that he did not meet the definition of the zoning ordinance and that was overturned by the Commonwealth Court.

Mr. Callahan remarked when he bought the property he was allowed at that time to put in an assisted living facility or medical office and he wanted to put a psychiatric hospital in and we ruled it was not allowed and the Commonwealth Court ruled it is allowed, basically.

Ms. Heller noted the Commonwealth Court overturned our position that he did not meet the definition of a hospital, a treatment center.

Mr. Callahan asked if they ruled he has the right to put that there or he does not.

Ms. Heller noted Mr. Callahan might want to talk to the Law Bureau about that.

Ms. Crampsie Smith related Ms. Heller mentioned one of the uses could be community venues and she wondered what that could be, a community center or a recreation center?

Ms. Heller stated basically any general Institutional use; it could be a community facility, churches, schools, hospital, medical office building, assisted living, nursing homes, those kinds of things.

Ms. Crampsie Smith thought she had stated community uses, she was thinking maybe a community center.

Ms. Heller noted broadly speaking, yes.

Ms. Crampsie Smith remarked that Mr. Atiyeh had brought up that we need a grocery store at this site but there are a few grocery stores within a mile or a mile and a half. She asked if there is any criteria from a city planning perspective as far as how within what mileage a grocery store should be accessible to neighborhoods.

Ms. Heller stated there are studies that determine where food deserts may exist and where local residents may not have access to fresh food and a variety of food. There are food deserts in the City of Bethlehem but really not in this area. We did make a partial list of some of the grocery stores that are somewhat nearby, there are quite a few. It is really more the core of the city where residents may have more of a challenge to getting access to healthy food.

Ms. Crampsie Smith did look at Weis Markets which is 1.8 miles away, Wegmans is 2 miles, Valley Farm is around 2 miles away. We can safely assume it is more in center city where we need a food market versus this area.

Ms. Heller noted that is correct.

Mr. Callahan remarked that Councilwoman Crampsie Smith and others have been pushing for moderate to low income housing or more affordable housing. He queried if that would be a permitted use on that property?

Ms. Heller stated it is not a permitted use in the Institutional Zoning District. Years ago we did have conversations about rezoning the parcel to Residential to match the zoning that exists across Center Street or Dewberry Avenue so that residential could be constructed there but that was not pursued.

Mr. Callahan reiterated that residential is not permitted right now at this site.

Ms. Heller stated not right now.

Mr. Atiyeh asked if he is allowed to speak right now.

President Waldron stated he does not believe Council has asked any questions directly to Mr. Atiyeh, this is an opportunity for Members of Council to ask questions of Mr. Atiyeh or Ms. Heller.

President Waldron related with this Zoning Overlay request does this affect any property outside of specifically what is owned by the developer within the immediate neighborhood.

Ms. Heller stated no, this proposal is to create the Overlay over the 7 acres that he owns at Center Street and Dewberry Avenue.

Mr. Callahan does not want to speak for everybody else but most would agree that we do not want to see a psychiatric hospital there. If that is what the court ruled he does not know what the developer is looking for other than this. He hopes that the Mayor and the Administration could sit down with the residents in that area and possibly Mr. Atiyeh and try to come up with something so we do not end up some day with a psychiatric hospital.

*Public Comment*

None.

President Waldron stated the Ordinance will be placed on the March 2, 2021 Council Meeting for First Reading and a vote.

President Waldron adjourned the Public Hearing at 7:37 pm.

2. APPROVAL OF MINUTES

December 15, 2020 and January 19, 2021

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

*Bethlehem Parking Authority*

Artie Curatola, 813 Laufer Street, informed he had quite a trying few weeks and added that being the Christmas City we need to be an example to all surrounding cities. Every executive branch of our city has to be perfect or close to perfect. Mr. Curatola added there are thousands of people who are willing to sign a petition to have the Bethlehem Parking Authority aggregated; we need to save it so it shines as the authority on parking that it is supposed to be. There should be only one parking permit per owner to only one vehicle per family, and that needs to be enforced. Extra vehicles per family needs to be in a garage or a parking lot that is rented and vehicles with 4 or more parking violations need to be towed and stored at their own expense. These should not be booted by the Bethlehem Parking Authority; this way the taxpayers of Bethlehem would have legal spots to park in. City Council needs to make an article to support this as well as the previous one he stated. He moves for a motion for these to be debated. Mr. Curatola added with there being hard enough to find legal parking vehicles should not have to be moved on designated street cleaning days. If the property owners want the city to clean their streets they need to sweep the leaves into the street approximately 10 minutes before 8:00 am on street cleaning days. If they do not they must clean them up themselves within 24 hours and if not, they should be fined. Mr. Curatola stated again, City Council needs to make an article to support this and he moves for a motion for this debate. If residents can have an area on their property to be used as a parking space the city needs to do whatever they can to cut the red tape to make it happen. On the side of his property there is an area that is owned by the Bethlehem Parking Authority and he owns it too, they have blocked it for over 10 years for him to use. He should be able to use it for at least the next 10 years and he could free up at least 1 to 3 spots on the street for residents to park legally. Others have been using this area for a legal dumping that he has to mostly pay to get rid of. Some of the things he had to get rid of other than leaves and twigs were toxic waste of car parts including cracked batteries and bags of garbage, couches and mattresses. Mr. Curatola noted he is getting too old for this, we need to take care of these problems and make our city better and make the Bethlehem Parking Authority look respectable. Stay safe and stay healthy.

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

None.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- C. *Director of Recreation Bureau – Resolution – Lease Agreement – MMG Concessions to operate at Earl E. Schaffer Ice Rink and Memorial Pool Food Concession Stands*

The Clerk read a memorandum dated February 1, 2021 from Jodi Evans, Director of the Recreation Bureau requesting approval of a concession stand lease with MMG Concessions for the food concession stands located at the Earl E. Schaffer Ice Rink and Memorial Pool. The rent is \$500 for each complete calendar month. The term runs through March 31, 2022 and Section 2 of the lease contains a number of potential one year renewals.

President Waldron stated resolution 10 B is on the agenda.

- D. *Chief of Police – Firearm Purchase - Bronson*

The Clerk read a memorandum dated January 29, 2021 from Police Chief Michelle Kott with an attached resolution and agreement for the purchase of a duty weapon by a retired Officer of the Bethlehem Police Department. Pursuant to the Third Class City Code, retired officers may purchase their duty firearms at fair market value.

President Waldron stated Resolution 10 C is on the agenda.

- E. *Chief of Police – Firearm Purchase - Fenstermaker*

The Clerk read a memorandum dated January 29, 2021 from Police Chief Michelle Kott with an attached resolution and agreement for the purchase of a duty weapon by a retired Officer of the Bethlehem Police Department. Pursuant to the Third Class City Code, retired officers may purchase their duty firearms at fair market value.

President Waldron stated Resolution 10 D is on the agenda.

- F. *City Solicitor – Use Permit Agreement – North Bethlehem Little League*

The Clerk read a memorandum dated February 11, 2021 from William P. Leeson, Esq., City Solicitor with an attached resolution and associated Use Permit Agreement. The Permittee is North Bethlehem Little League and the agreement concerns the athletic association's sanctioned baseball and softball activities. The agreement runs through December 31, 2021 and covers Sell Fields, Northdale Fields, Bernie Fritz Fields, and the Annex Field at the Monocacy Complex.

President Waldron stated the Resolution can be placed on the March 2, 2021 Council agenda.

G. *Director of Public Works – Ordinance – Determination of Storm water User Fee Credits and Appealing Storm water Fee Determinations*

The Clerk read a memorandum dated February 11, 2021 from Michael Alkhal, Director of Public Works with an attached proposed ordinance titled Determination of Storm water User Fee Credits and Appealing Storm water Fee Determinations. A related policies and regulations manual is also attached that would be adopted in connection with the proposed ordinance.

President Waldron stated he will refer this to the Public Works Committee at their Thursday, March 4, 2021 meeting at 5:30 pm.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Nik Nikolov – Fine Arts Commission*

Mayor Donchez reappointed Nik Nikolov to membership on the Fine Arts Commission effective through March, 2024. Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-034 to confirm the reappointment.

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

2. *Administrative Order – Vince Gentilcore – Fine Arts Commission*

Mayor Donchez reappointed Vince Gentilcore to membership on the Fine Arts Commission effective through March, 2024. Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-035 to confirm the reappointment.

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

*COVID update/Police Department Reorganization*

Mayor Donchez mentioned an update on COVID and that today we vaccinated approximately 1,400 people at Wind Creek Casino Event Center. He really wanted to recognize again Kristen Wenrich, Sherri Penschishen, Bob Novatnack, the Health Bureau, Police, Fire, EMS, the people who have assisted in the Service Center for their outstanding work. Also he wanted to recognize the Wind Creek workers who have assisted us. This is a very smooth operation, everyone is inside and we will be there for the foreseeable future. Our next vaccination date will be Thursday, February 18, 2021. We have hit 10,500 people who have been vaccinated. Mayor Donchez added that Fox 29 did an interview with Ms. Wenrich Sunday night and that is on our link. It is a great testimonial for our Health Department. There was a COVID outbreak at the



Bethlehem Emergency Shelter and the Health Department has been working closely with Bob Rapp and others. Moving forward the Health Department will be working with St. Luke's to provide testing at this site. Additionally the Health Department is vaccinating all the homeless people who stay at the Bethlehem Emergency Shelter that are eligible under 1A. The total number of cases in the City of Bethlehem is 6,272 the total number of deaths in the City of Bethlehem is 97. Mayor Donchez pointed out as our press release indicated from the Health Department last week we are opening up appointment slots up every Friday as our vaccine supply allows individuals and encourages scheduling appointments online. We have a small number of appointments reserved for seniors who do not have computer or internet access. These individuals can call in and schedule an appointment over the phone. We are also meeting with Northampton County's Department of Aging this week to discuss how they can assist us in working with seniors to schedule appointments. We have also added online screening forms for the registration process to prevent those who are not eligible from scheduling an appointment. As Ms. Wenrich noted please remember this vaccine is purchased with federal dollars so we cannot turn individuals away from other areas. But we did receive permission from the Department of Health who refer individuals who live in a county with a County Health Department back to their respective Health Department to schedule an appointment. So the City of Bethlehem Health Department is prioritizing residents from Bethlehem, Northampton and Lehigh Counties. Mayor Donchez added we are also working with the United Way, Lehigh Valley Health Network, and St. Luke's University Health Network and the Hispanic Center on outreach and education efforts specifically for Latinos and African-American Communities. The Health Bureau created mobile COVID-19 vaccine unit to provide onsite COVID-19 vaccinations to individuals to live in senior living facilities in Bethlehem. We will be visiting a total of 10 facilities during the month of February. The Bethlehem Health Department is also partnering with Meals on Wheels to develop a plan to provide vaccines to seniors who are homebound or have mobility issues. Again, the Bethlehem Health Department is doing a fantastic job and we should all be proud of the amount of work they are doing and he can vow that they are working 60 to 70 hours per week. Mayor Donchez wanted to say on behalf of all of us, thank you for the outstanding work. He did send a letter to President Waldron and Public Safety Chair Colón that Police Chief Michelle Kott would like to meet with City Council maybe at a Committee of the Whole Meeting or during the Mayor's report at a Council Meeting in March to go over her reorganization plan. This is complete and does not have anything to do with community engagement; it is just a reorganization of the Police Department. We will be waiting to hear from President Waldron. Hopefully, we will keep our fingers crossed that we will not get the 5-8 inches of snow this Thursday. So far we have spent about \$450,000 dollars on plowing and snow removal.

President Waldron remarked that Mayor Donchez mentioned the public safety topic of the reorganization of the Police Department. He and Mr. Colón have talked about adding it to the next Public Safety Committee Meeting agenda where we would have ample time to discuss the nuances of the reorganization of the Police Department. He asked Mr. Colón if there is a date set for that.

Mr. Colón stated no, he was in the office today and spoke to Mr. Vidoni and he stated he will reach out with proposed dates. We are looking at either before the first Council Meeting in March which is March 2, 2021 or before the second Council Meeting in March which is March 16, 2021. We would have this at 6:00 pm before the Council Meeting to talk about the reorganization.

C. *Community Development Committee Meeting*

Chairwoman Van Wirt stated the Community Development Committee met on Tuesday, February 9, 2021 at 6:00 PM and discussed three proposed bills that would enable third party inspections in the City. The Committee adjourned without taking any action and anticipates possibly continuing discussion of the three bills at a future committee meeting.

8. ORDINANCES FOR FINAL PASSAGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. NEW ORDINANCES

*Bill No. 07-2021 – Zoning Text and Map Amendment – Create a Student Overlay District*

The Clerk read Bill No. 07-2021 – Zoning Text and Map Amendment – Create a Student Overlay District, sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
PENNSYLVANIA, AMENDING THE ZONING ORDINANCE IN  
SECTIONS 1302, 1303, 1306, AND 1327 TO HEREBY ESTABLISH A STUDENT  
HOME OVERLAY ZONING DISTRICT, TO REVISE CERTAIN DIMENSIONAL  
REQUIREMENTS FOR THE RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL  
DISTRICTS, TO AMEND ACCESSORY STRUCTURES REGULATIONS, AND TO AMEND THE  
DEFINITIONS SECTION

President Waldron related this is a topic we had discussed first in a Committee Meeting and then in a Public Hearing so we have had that conversation twice now. This is the first time this has come up for a vote this evening. We did have a few comments when we had the Public Hearing two weeks ago from callers. The general consensus was that they were in favor of it and the criticism might have been why the zone was not bigger. He knows that the Administration put quite a lot of time into this ordinance and that made the stakeholders who are the property owners within the district to figure out the dimensions of it. Any time you are drawing lines around a specific area there will be people who feel left out if they are one side of the street versus the other. But those lines have to be drawn somewhere and clearly there was quite a lot of thought and discussion put into where those lines meet. President Waldron would largely turn to the experts which are Ms. Karner and her staff to create what they feel those lines would best serve the district as well as the city as a whole. He imagines this is something that will be tracked closely and if there is enough feedback and cause for maybe expanding those boundaries that will be something that can be discussed in a future time. At this point he thinks those boundaries seem appropriate to what we have discussed in the past few times we have had this conversation.

Mr. Callahan thanked the Administration for all the work on this and all the residents that participated. This is not perfect and nothing is but he is thankful for the amount of work that everyone put into this. He does think the homeowners and the families that live outside the district will love this because it will allow their neighborhoods to become family neighborhoods again and their property values will have a big jump in the years to come. It will also help to keep the students in a certain area, surrounding the Lehigh University boundaries. Mr. Callahan heard the concerns of the property owners of the student rentals but he does think they will also see their property values go up too because it is limiting the amount of student rentals that can be out in the outer perimeter of the Lehigh boundary. Mr. Callahan remarked that demand and supply will increase. He does understand the concerns but he does think a few years down the road he will be right about the property values going up. This is a good thing and he will be supporting it.

Voting AYE: Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, and Mr. Waldron, 7. Bill No. 07-2021 was passed on First Reading.

## 10. RESOLUTIONS

### A. *Approve Records Destruction – Law Bureau*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-036 that authorized the disposition of the Law Bureau records, as stated in Exhibit A.

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

### B. *Approve Lease Agreement – MMG Concessions – Ice Rink and Memorial Pool Concession Stands*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-037 that authorized to execute the Earl E. Schaffer Ice Rink and Memorial Pool Food Concession Stands Lease Agreement between the City of Bethlehem and MMG Concessions, and such other agreements and

documents as are necessary, as it relates to operating concession stands at the Earl E. Schaffer Ice Rink and Memorial Pool.

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

*C. Approve BPD – Firearm Purchase - Bronson*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-038 that authorized an agreement to effectuate the transfer of the City issued handgun assigned to Rodney Bronson, Retired City Police Officer.

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

*D. Approve BPD – Firearm Purchase – Fenstermaker*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-039 that authorized an agreement to effectuate the transfer of the City issued handgun assigned to Cordt Fenstermaker, Retired City Police Officer.

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

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

Ms. Negrón and Mr. Callahan moved to consider Resolutions 10 E through 10 H as a group.

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

*E. Certificate of Appropriateness – 228 East Market Street*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-040 that granted a Certificate of Appropriateness to repair and replace porch roofing, gutters, and downspouts at 228 East Market Street.

*F. Certificate of Appropriateness – 740 East Fourth Street*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-041 that granted a Certificate of Appropriateness to install a flat wall sign above the storefront windows at 740 East Fourth Street.

*G. Certificate of Appropriateness – 13 East Fourth Street (Nawab Indian Restaurant)*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-042 that granted a Certificate of Appropriateness to replace the front faces of two internally-illuminated signs at 13 East Fourth Street (Nawab Indian Restaurant).

*H. Certificate of Appropriateness – 306 South New Street (ZEST Bar & Grille)*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-043 that granted a Certificate of Appropriateness to install an awning on the east terrace and an alternate awning on the north terrace at 306 South New Street (ZEST Bar & Grille).

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

11. NEW BUSINESS

*Recycling/Garbage Pickup during Snow Storms*

Mr. Reynolds mentioned one thing we should be looking at in the future is when we have snow storms like this or if there is any type of delay in recycling pick up he believes the method is important by how we get that message out to residents. Although it was posted on the website and he had seen it on social media it had said that people should keep the recycling out until it is picked up. He has gotten several emails and as you drive through neighborhoods people have recycling out at different times. He does understand this is a lower priority than the moving of the snow but just the way we share that information in 2021 we should be able to get out that information. He does know this is an ongoing process as far as getting people onto our City of Bethlehem App. Mr. Reynolds thinks that is something we should work on in May, June, and July when we do not have these storms. That is the same thing with garbage, we have all heard stories of some haulers picking up garbage and others saying they cannot get their trucks down certain streets that led to garbage being left out. He talked to someone who had their garbage out for 10 days and then it was finally picked up. That is not on the city because we are not the private haulers but we could create a better system of communication. Mr. Reynolds does know there are other priorities, it is not as high of a priority as moving the snow and removing the snow but it is something we should put on our list of things to work on in the future.

12. ADJOURNMENT

The meeting was adjourned at 8:00 pm.

ATTEST:

Robert G. Vidoni, Esq.  
City Clerk