

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, July 5, 2022 - 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

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

PUBLIC HEARINGS

President Colón stated 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 accept public comment and discussion concerning the 2022 CDBG/HOME Recommended Allocations. At this hearing, the City's Program Year 2022 Annual Action Plan (AAP) for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) will be reviewed.

Public Hearing No. 2

The Second Public Hearing is to accept recommendations and public comment concerning the proposed ordinance that establishes Article 343 and associated resolution for the creation of a Southside LERTA District II.

Communication 6A - City Planning Commission - The Clerk read a memorandum dated June 30, 2022 from Darlene Heller, Director of Planning and Zoning, stated the Planning Commission unanimously recommended approval of the draft revised map boundaries to the Southside LERTA district boundaries as presented at their meeting.

Public Hearing No. 1

President Colón called the First Public Hearing to order concerning the 2022 CDBG/HOME Recommended Allocations. At this hearing, the City's Program Year 2022 Annual Action Plan (AAP) for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) will be reviewed.

Robert Vidoni, Housing and Community Development Administrator, provided a PowerPoint presentation outlining the 2022 CDBG/HOME Funding Annual Action Plan. The 2022 HUD CDBG allocation remained nearly the same as 2021 at \$1,391,666, and the 2022 HOME allocation rose by about 11 percent to \$430,794.

Mr. Vidoni summarized both programs and how they work. CDBG, the Community Development Block Grant Program, is a federal entitlement program that provides annual formula

grants to entitlement community grantees, including the City, to develop viable urban communities by providing quality housing and living environments, and expanding economic opportunities, principally for low- and moderate-income persons. CDBG funds enable a range of community development activities directed toward revitalizing neighborhoods, economic development, and improving community facilities and services. Grantees develop their own programs and funding priorities through a five-year planning process. This Public Hearing is part of the City's annual planning process related to identifying, evaluating, and funding projects after receiving community input.

Mr. Vidoni explained that CDBG-funded activities must meet one of the following national objectives: benefit low- and moderate-income persons, prevent or eliminate slums or blight, or address urgent community needs caused by conditions posing a serious and immediate threat to the health or welfare of the community for which other funding is unavailable.

Mr. Vidoni further said that the HOME Investment Partnerships Program (HOME) was established by the National Affordable Housing Act in 1990. HOME funds are awarded annually as formula grants to participating jurisdictions, of which the City is one. The formula considers the relative inadequacy of each jurisdiction's housing supply, its incidence of poverty, its fiscal distress, and other factors. HOME provides grants that communities use, often in partnership with local nonprofits, to fund a range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance.

Mr. Vidoni said that the intent of the HOME Program is to increase the supply of decent affordable housing to lower-income households, expand the capacity of nonprofit housing providers, strengthen the ability of state and local governments to provide housing, and leverage private-sector participation.

Mr. Vidoni added that Bethlehem uses HOME funds for two types of homebuyer activities. The first is homebuyer purchase assistance, which provides loans to help with down payments and closing costs under the Bethlehem Homebuyer Assistance Program. The Second is a direct buyer subsidy for houses constructed or rehabbed, in whole or in part, with HOME funds. These homes are normally built or rehabbed by Bethlehem's nonprofit partners. The City's Housing Rehabilitation Program helps eligible owner-occupants rehabilitate or reconstruct their homes. The City provides HOME assistance for rehab using grants, deferred-payment loans, and direct loans.

Mr. Vidoni explained that this year 23 applicants requested \$1.9 million in projects from the City's CDBG allocation. Eighteen projects totaling the entire \$1,391,666 budget have been recommended for funding. Four applications were received under the HOME Program. All four were approved for the \$430,794 total allocation. The five unfunded applicants under the CDBG Program have been encouraged to apply for the 2023 cycle. It is estimated that the application process will begin this fall. Mr. Vidoni also explained the application review factors.

Mr. Vidoni stated that it is anticipated that CDBG-funded programs are as follows: 1. CDBG Program Administration and Planning Costs \$278,333, 2. Center for Humanistic Change - Project SUCCESS/Mentoring \$10,000, 3. Hogar CREA - Substance Abuse Counseling \$35,000, 4. ShareCare - Assistance for Elderly and Disabled Individuals \$10,000, 5. Lehigh Valley Center for Independent Living - PLACE Program \$20,000, 6. New Bethany Ministries - Representative Payee Program \$58,750, 7. Hispanic Center of the Lehigh Valley - Food Pantry \$15,000, 8. YWCA - TechGYRLS

Science, Technology, Engineering, and Math (STEM) Program \$10,000, 9. New Bethany Ministries – Choice Pantry \$25,000, 10. New Bethany Ministries – Trinity Soup Kitchen \$25,000, 11. CACLV – Home ownership/financial counseling provided by Community Action Financial Services, Down payment/Closing Cost Assistance: Bethlehem Homebuyer Assistance program \$20,000, 12. CADCB – Friendship park Residential Facades \$30,000, 13. Redevelopment Authority – Blight Remediation \$35,000, 14. Housing Rehab – Grants and Loans \$300,000, 15. Housing Rehab – Program Delivery 210,000, 16. YMCA – Child Care Wing Renovations \$279,583, and Northside 2027 Organizer \$30,000.

Mr. Vidoni advised that the anticipated HOME-funded programs are as follows: 1. Community Housing Development Organization Allocation \$64,619, 2. HOME Program Administration \$43,079, 3. City Housing Rehab (owner-occupied or rental) \$143,096, 4. CACLV – Homebuyer Assistance (purchase/rehab/sale) \$80,000, and 5. Affordable Housing Project Requests \$100,000.

Mr. Vidoni next explained the CDBG/HOME planning process. Every five years, the City prepares a Strategic CDBG/HOME Consolidated Plan which outlines goals for these projects for the next five years. The current plan covers 2020-2024. Each program year, the City prepares an Annual Action Plan to outline the upcoming program year's CDBG and HOME projects, funding amounts, and project goals. The Annual Action Plan requires two public hearings to receive community input. Tonight's Public Hearing was the second such hearing.

Mr. Vidoni additionally explained that the CDBG application process generally opens in fall of each year. HOME applications are accepted on a rolling basis. Program year 2022 applications opened on September 21, 2021 and were due by November 1, 2021. Other necessary activities included the first Public Hearing (outside City Council) to solicit community input on the upcoming program year, internal committee reviews and scores of applications, the committee creates a preliminary activity list, and the Mayor approves the list. A second Public Hearing is held during a Council meeting. City Council next considers the Annual Action Plan Resolution. The Annual Action Plan is submitted to HUD. And, HUD approves the Annual Action Plan and additional steps must occur before the City receives funds from HUD.

As to application review factors, Mr. Vidoni listed the following: Is the activity eligible per the statutory/regulatory requirements? Is activity consistent with Consolidated Plan/Annual Action Plan goals? Does the activity meaningfully impact residents' quality of life? How much unspent prior year funding does the recipient have? Can the applicant spend the funds quickly to avoid timeliness issues? Does the applicant have the capacity to deliver the program? Are there past compliance issues with this applicant? Is the activity duplicative of a service already being provided? Is the project sustainable? Will it have a long-term impact? Does the activity coordinate and leverage other resources? And other considerations.

Mr. Vidoni stated the Annual Action Plan goals, which are as follows:

- Create and preserve affordable rental housing. These would include projects that invest in the creation and preservation of quality rental affordable housing.
- Preserve owner-occupied housing. Rehabilitate owner-occupied housing under both the CDBG and HOME programs.
- Enhance homeownership opportunities. Rehabilitation and direct homebuyer assistance.
- Address impediments to fair housing choice. Services that help low- and moderate-income

individuals and families address barriers to live where they want.

- Support homeless housing and services. Investments in wraparound services, outreach, and housing investments for families and individuals struggling with homelessness.
- Support high quality public services. Support a wide array of programming and investment to directly assist low- and moderate-income families with social services, education, training, and other support.
- Improve public facilities and infrastructure. Investing in public facilities and infrastructure that serve primarily low- and moderate-income residents.
- Create and preserve local jobs. Support investments in local businesses to help them create and preserve low- and moderate-income jobs in the community.
- CDBG/HOME program administration. City activities for overall administration of the HOME and CDBG programs to enable the City to quickly and efficiently identify community needs, work with community partners, and target resources.

Finally, Mr. Vidoni explained next steps for the process. Council will consider a Resolution approving submission of the 2022 Annual Action Plan to HUD, likely at its July 19, 2022 meeting. Submission of the Annual Action Plan to HUD by the strict statutory deadline is required or all funds must be forfeited. The Department of Community and Economic Development will announce and publicize the schedule for the 2023 CDBG application process in fall. The date is yet to be determined.

Mr. Vidoni asked for any questions.

Ms. Kwiatek asked if it is typical to be nearly into the next application cycle before the applicants receive their funding.

Mr. Vidoni said that it is. The situation can create some timing problems and confusion. Mr. Vidoni said that the timeline is publicized and added that the City has long-standing relationships with many of the participants who are aware of the process and are quite experienced. However, the City is always looking for new worthy entities and offers technical assistance to try to help those with eligible projects through the process. It was noted that the City has information for interested organizations on the Community Economic Development page on the City's website under CDBG. He added that they will spread the word on social media as well as email past applicants.

Mayor Reynolds added that any organization can call Mr. Vidoni to inquire about the process at any time and perhaps meet to learn whether they might qualify for funding. He said this could be done any time to be ready for an upcoming round of funding. It was noted that a project may be better suited for funding under another program. A discussion with Mr. Vidoni might redirect the funding request but lead to a better chance for success through another program that Mr. Vidoni might recommend.

President Colón asked how the federal government determines its funding allocation to the City.

Mr. Vidoni said HUD determines the amount through poverty statistics, population, housing overcrowding, age of housing, population growth lag relative to other metropolitan areas, etc.

Public Comment

None.

President Colón adjourned the First Public Hearing at 7:39 PM.

Public Hearing No. 2

President Colón called the Second Public Hearing to order concerning the proposed ordinance that establishes Article 343 and associated resolution for the creation of a Southside LERTA District II.

Alicia Miller Karner, Deputy Director of Economic Development, outlined the LERTA program. LERTA stands for Local Economic Revitalization Tax Assistance. It is aimed at eliminating or making improvements to certain deteriorated commercial, industrial and other business properties. The act requires that the City hold a public hearing to discuss the boundaries of LERTA.

Ms. Karner mentioned that the proposed LERTA district was the subject of a June 28, 2022 Community Development Committee Meeting of Council. The existing LERTA will expire at the end of this year. It encompasses 1,629 acres. The proposed LERTA would be 242 acres, an 85 percent reduction. This includes 15 acres of commercial property (CB and CL Districts), 225 of industrial and 2 acres of industrial redevelopment. Two-thirds of the commercial property have existing buildings. The remaining one-third are vacant lots. Of the 225 acres of industrial land, 182 are potential business expansions, and 44 acres are vacant. A further breakdown of the industrial property shows 45 percent used for manufacturing, 21 percent is transportation and construction services, 19 percent is the U.S. Cold Storage (food), 12 percent is office and technology space, and 4 percent is warehouse space. Of the vacant parcels include, none are slated for warehousing. The remaining 2 acres are the remaining Steel general office buildings, the tower and the East Annex Building. These are the only properties that were not in the previous LERTA. They were evaluated based on the ability for re-use and redevelopment of these parcels. They believe that they have identified properties that are good for development for the City, fit the criteria for LERTA and that the City wants to encourage development.

Dr. Van Wirt asked if an applicant owes back taxes to the City, does it influence the decision to grant them the LERTA benefit?

Ms. Karner said that the tax record is searched. Council passed an ordinance a few years ago to deny permits to those owing City taxes. The applicant would not be issued a permit to start the project under LERTA if they are delinquent in taxes or water or sewer bills on another property.

Dr. Enix asked about a parcel that is listed twice. Ms. Karner said that may be an error on the Resolution. She will check into it.

Ms. Kwiatek had a similar concern if an applicant owes back taxes. She had a further concern if the taxes were to become delinquent after the permit is pulled.

Ms. Karner believed that could be addressed as well.

Ms. Crampsie Smith noted concern for applicants who are tax delinquent, but also asked if there could be restrictions or other consequences if their property is unkempt if the land is undeveloped and the owner is not keeping up with property maintenance.

Ms. Karner said permits could be denied if the property is not code compliant. The City cannot simply say that the property looks bad. Formal steps would have to be taken, such as filing charges with the magistrate. However, a new owner to a property would be worked with because it would be presumed that they want to clean it up and move forward with redevelopment. "You just don't want to reward bad actors," she said.

Ms. Crampsie Smith said her question stems from some community comments involving the existing LERTA where permits are already granted, the property is unkempt, and nothing is happening.

Ms. Karner said the assumption may be that permits have been issued, but it is likely they have not been. She said they can talk about which properties those are and send inspectors out.

Ms. Crampsie Smith asked for confirmation that the only new area in the proposed LERTA would be the old Steel offices.

Ms. Karner agreed that it would be the tower and the East Annex property. The vacant parcels to the rear were included in the Affordable Housing LERTA.

Ms. Crampsie Smith also asked what percentage of the proposed LERTA would be residential.

Ms. Karner said 17 acres.

Ms. Leon asked how it was determined which properties should be developed and which should not. She specifically asked about 616 Fourth Street.

Ms. Karner said that that address was included in the existing LERTA. She noted that it is a vacant lot across from a church. She said if development is planned, the City wants to encourage that it be affordable housing.

Ms. Leon said the last time there was a LERTA planned it became really hard to live on the South Side because everything became very expensive. She wondered why this could not remain a vacant lot. If a building were erected with perhaps 16 apartments, this would just create more congestion with 16 more vehicles. Conditions are bumper to bumper already. She wondered why the City would incentivize more development there.

Ms. Karner said the South Side went through a planning process probably in the early 2000s. That property was identified by the community as a good opportunity to be developed.

President Colón asked about the expansion of the LERTA and received confirmation that the former Steel referenced property was included in the previous TIF boundary, which expired in November of 2020.

Public Comment

Resident Eddie Rodriguez commented on ownership of properties. He asked what happens if the owners of these LERTA properties are out of state and do not take care of their properties. He said contact is sometimes lost with the owners. He asked how the out-of-state owners can be tracked.

President Colón suggested that Mr. Rodriguez could stay until the end of the meeting and perhaps Ms. Karner could answer or get more information at that time.

Mr. Rodriguez asked why his question could not be answered now.

Mr. Colón said this was the time for Council to receive public input on the proposed LERTA.

Resident Bill Scheirer noticed that the list of properties did not include street numbers for some of the properties, only street names. He said this makes it difficult to pinpoint the location. He also commented on affordable housing and noted that there is no definition of "affordable housing" provided. HUD says that anything under 30 percent of a person's income is affordable. The City says the median income is \$52,000 a year, which translates to \$1,300 a month. There are two ways of approaching this. One would be to list a dollar figure that would have to be updated every year. The second might be to specify an income level. The other option in the ordinance is the trust fund. This would be money the City collects in lieu of a developer providing at least 10 percent of affordable housing in their LERTA project. The proposed amount would be \$26,350 per unit. Over a 10-year period, this would be about \$220 per month. This is not an insignificant amount, but is probably on the low side. He admitted that the affordable housing problem is difficult. He does not believe that LERTA will solve it. Alley houses have been discussed. He said the problem is urgent and suggested that Council hold a town meeting to brainstorm the situation in September and think outside the box. He added that he does not believe that the situation should wait until the study is complete in spring.

President Colón adjourned the Second Public Hearing at 8:04 PM.

2. APPROVAL OF MINUTES

June 21, 2022

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

EAC Looking for a Commissioner

Lynn Rothman spoke on behalf of the City's Economic Advisory Council. She said it is in need of a member to complete an unexpired term which runs until January. The only requirement is to be a City resident. Applicants should submit a letter of intent and a resume. To learn details, interested parties should go to the Commission's website at bethlehemeac.org. She added that the public is always welcome to attend the Commission's meetings on the first Thursday of each month at 7:00 PM.

Speeding and Stop Sign Violation Complaint/Bridge Complaint/Improper Street Repairs

Eddie Rodriguez requested more visibility by police officers to try to deter speeding and stop sign violations in the City, Main Street in particular, as well as illegal drug sales. He also requested the return of police substations so that residents can report crime to police. Mr. Rodriguez also complained about damage done to the bridge along Old York Road. He said the damage was patched, but this is insufficient. Mr. Rodriguez also said that UGI does not properly resurface streets after excavating its utility lines. He said the City should inspect these repairs to be sure they are done properly. This is a safety concern as one for damage that could be done to vehicles using these streets.

Resident Takes Exception

Resident Stephen Antalics said he took exception to comments made last meeting in response to a statement that he made. He said he views knowledge of the community a person lives in and longevity of their residency as strong assets, not prime requisites for elected office. He said his comments that night were misinterpreted. At the same meeting, he referred to what he and some others consider one of the best Council groups this City has seen. He said he referred to them in a "biographical sketch." He said they were unique because they were older men who lived in the City their entire lives. The Council was also bipartisan. He also has complimented that the sitting Council also is at the peak of excellence. He meant this as quite a compliment to both councils. The major difference between the two is longevity and history. Despite the present Council not having the same longevity and history, he said it does not seem to be a disadvantage.

What bothered Mr. Antalics was that the unnamed person who holds a high position in City government made a distortion. He also was bothered because the speaker mentioned someone and referred to them as a great individual despite being cited for unethical behavior by a grand jury and the Ethics Commission. He also said that he had not emailed Council members in the past, but has started to provide them with historical background to assist their deliberations. He concluded by saying that in all of the Council meetings that he has attended over the years, he never experienced a circumstance in which an official made public comments about a speaker's statements.

4. PUBLIC COMMENT (on ordinances and resolutions to be voted on by Council this evening - 5 Minute Time Limit)
5. OLD BUSINESS
 - A. Members of Council
 - B. Tabled Items
 - C. Unfinished Business
6. COMMUNICATIONS
 - B. *Director of Water and Sewer Resources - Recommendation of Award - Grace Industries, Inc. - Minsi Trail Siphon South Access Improvements Project*

The Clerk read a communication dated June 24, 2022 from Edward Boscola, Director of Water and Sewer Resources, recommending a contract with Grace Industries, Inc. for the Minsi Trail Siphon South Access Improvements. The cost is \$77,400. The term is 120 days from the Notice to Proceed. There are no renewals.

President Colón stated Resolution 10 A is on the agenda.

C. *Police Chief – Resolution – Musikfest 2022 Special Event Parking*

The Clerk read a memorandum dated June 29, 2022 from Michelle Kott, Chief of Police, implementing a special event parking zone for 2022 Musikfest.

President Colón stated Resolution 10 B is on the agenda.

D. *Councilwoman Van Wirt and Councilwoman Kwiatek – Memorandum and Ordinance – Proposed Chicken Ordinance*

The Clerk read a memorandum dated June 29, 2022 from Councilwoman Paige Van Wirt and Councilwoman Hillary Kwiatek proposing an Ordinance permitting the keeping of backyard chickens in residential areas by amending Article 1159.

President Colón stated the Ordinance can be placed on the July 19, 2022 Council agenda.

E. *City Solicitor – Public Utility Right-of-Way Agreement – UGI Utilities, Inc. – Gas Regulator Station at Ullman Park – 940 Sassafras Street*

The Clerk read a memorandum dated June 29, 2022 City Solicitor John F. Spirk, Jr. with a proposed approval resolution and an associated Public Utility Right-of-Way Agreement between the City and UGI Utilities, Inc. The Agreement would grant the utility the right to construct a gas regulation station on City-owned land in Ullman Park at 940 Sassafras Street in consideration for \$8,000.

President Colón stated Resolution 10 C is on the agenda.

F. *City Solicitor – Fifth Amendment to Tower Lease Agreement – New Cingular Wireless PCS, LLC – (successor in interest to Pennsylvania Cellular Telephone Corporation d/b/a AT&T Wireless Services) – South Mountain Park*

The Clerk read a memorandum dated June 30, 2022 from City Solicitor John F. Spirk, Jr. with a proposed approval resolution for a Fifth Amendment to a Tower Lease Agreement between the City and New Cingular Wireless PCS, LLC (successor in interest to Pennsylvania Cellular Telephone Corporation d/b/a AT&T Wireless Services) in South Mountain Park.

President Colón stated Resolution 10 D is on the agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

Informative Presentations/July 4th Celebration/Tax Revenue Update Next Meeting/Flag Event

Mayor Reynolds thanked Mr. Vidoni and Ms. Karner for their presentation tonight during the two Public Hearings. Mayor Reynolds thanked Fire Chief Warren Achey and many others who successfully planned and executed the Fourth of July fireworks. He also mentioned pending legislation in Harrisburg that would change fireworks regulations. Mayor Reynolds said he is watching the progress to see what that potentially will mean as far as local action is concerned. That will be a future topic involving City Council, but he wanted to advise that he is watching the situation. Mayor Reynolds added that Business Administrator Eric Evans will be giving an update at the July 19 Council Meeting on a financial perspective including tax revenues and related information through the first six months of 2022. Finally, Mayor Reynolds reported that several people expressed concern over an event on Payrow Plaza that included several Confederate flags. He does not believe the group obtained a permit, but this gathering was determined to be something that is protected by their First Amendment right to assemble in the way that they choose to. It was not something that we were able to stop.

C. *Community Development Committee Meeting*

Chairwoman Van Wirt announced the Community Development Committee met on Tuesday, June 28, 2022 at 6:00 PM, in Town Hall. The Administration gave a presentation on the South Side LERTA District II. The committee voted to recommend approval of the Southside LERTA ordinance and resolution and referred it to full council for consideration at a future council meeting. Bill No. 14-2022 is on tonight's agenda for First Reading. The Administration gave a presentation on the City's Land Development Process. This was for informational purposes only, no votes were taken.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

A. *Bill No. 14-2022 - Enacting Article 343 - Southside II Local Economic Revitalization Tax Assistance (LERTA) Program*

The Clerk read Bill No. 14-2022 - Enacting Article 343 - Southside II Local Economic Revitalization Tax Assistance (LERTA) Program, sponsored by Ms. Leon and Ms. Wilhelm and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, ENACTING ARTICLE 343 OF THE CODIFIED ORDINANCES ENTITLED LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE - SOUTHSIDE LERTA DISTRICT II

In recent discussion with some Council members, President Colón sensed that there may be a will of Council to postpone the First Reading of the Bill. He opened the matter up for discussion.

Ms. Leon appreciated the June 28 Committee Meeting on this subject, but has since had some questions that have not yet been answered, so she is hesitant to move forward at this time.

Ms. Crampsie Smith is still concerned that the fee in lieu of providing affordable housing is still too low. She opposed the \$25,000 fee that was passed for the existing LERTA. She believes that the proposed \$26,350 this time remains too low. She cited the Urban Institute on calculating fees in lieu of providing affordable housing. Its comment was that if the fee is set too low and developers simply pay the fee rather than provide the affordable housing, this can undermine the jurisdiction's goals of providing affordable housing. She also referred to an eight-week housing solutions workshop in fall with New York University. At this time, one of the NYU experts stated that the belief that the City's in lieu of fee was very low and recommended reconsidering it. She suggested delaying the vote until Council could come up with a fair fee in lieu of.

Ms. Crampsie Smith also agreed with a concern that much of the land in this zone will be used for manufacturing and warehouses. She believes that development is great, but adverse effects must be weighed, including transportation, environment and infrastructure. In some other areas of the country, if there is a tax abatement or other incentive, the developer also must pay to offset some of those adverse costs.

Ms. Kwiatek also would like to delay the First Reading, but this is mostly about her concerns regarding potential participants who are tax delinquent. She would like time to be sure that the City has strong language in the ordinance to offer protection. She was pleased to learn tonight that only a small percentage of land in the zone would be designated for potential warehouse use.

Dr. Van Wirt said that her desire for postponement aligned with comments made by Ms. Crampsie Smith and Ms. Kwiatek. Dr. Van Wirt said the housing situation in Bethlehem is constantly changing. She did not want to rely on a flat fee for five years. A formula is needed, perhaps with the help of NYU and the Urban Institute.

Ms. Wilhelm also agrees that more time is needed to look at the fee. She said they also should look at the impact that industrial development would bring in terms of the need for housing. More time is needed to research related angles.

Mayor Reynolds reminded that the LERTA process starts with the City, but it must then go to Bethlehem Area School District and Northampton County for consideration. He asked Solicitor Panella what this would mean for their advertising time and a timeline on the whole process.

President Colón said this also brought up whether the City would have to re-advertise if amendments were made to the advertised ordinance.

Solicitor Panella said he believed this would be considered a substantial amendment and would require re-advertisement. A change to the fee in lieu of element alone would require re-

advertisement. This would not result in a great delay since this is only at the First Reading stage. Still, Council should act with some haste to keep the process moving for the other entities.

President Colón asked, if the First Reading were to be postponed tonight, could Council have the First Reading on July 19 with the understanding that the ordinance would be re-advertised in time for the Second Reading?

Solicitor Panella believed this to be permissible, because the statute says that re-advertisement must occur before enactment, which would be the Second Reading.

Mayor Reynolds said he did not have a problem postponing First and Second Readings until July 19 and August 2, respectively.

Mayor Reynolds also commented on the \$26,350 payment in lieu of fee. He said this figure was not chosen by the Administration as a "fair number." He said that might be more in the range of \$70,000 or \$80,000, but he does not see that figure working. Instead he asked, "How do we incentivize the incentive"? He said that if you make the fee too high, developers won't be attracted and the City will have nothing. He also said he would prefer to receive the in lieu of fee money and allow the City to direct it as it sees fit.

Some higher in lieu of fees were referenced involving other states, but Mayor Reynolds said that Pennsylvania does not allow these levels.

Ms. Crampsie Smith clarified her earlier statement when she said she is looking for a "fair" in lieu of fee. She said perhaps "equitable" and "reasonable" might better explain her intention. She wants to come up with a fee that is equitable and reasonable when considering that LERTA participants will have saved an estimated \$1 million to \$2 million through the LERTA program over the 10-year program period. She restated her position to say that when considering the developer's savings through the LERTA program, she does not believe that it is fair to only charge an in lieu of fee of \$26,350.

President Colón believed that he heard that a majority wish to postpone the vote, so the question becomes when. He suggested the First Reading could take place at the July 19 meeting and perhaps the August 2 meeting for the Second Reading. Amendments could be offered at either meeting.

Ms. Crampsie Smith said she may not be able to attend the July 19 meeting and wondered if the First Reading vote could take place anyway. Solicitor Panella said a vote would be permissible as long as a quorum was present.

Dr. Van Wirt made a motion, seconded by Dr. Enix, to postpone the First Reading of the Southside LERTA District II ordinance until the July 19 Council Meeting.

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

10. RESOLUTIONS

A. *Approve Contract – Grace Industries Inc. – Minsi Trail Siphon South Access Improvements Project*

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-140 that authorized to execute an agreement with Grace Industries, Inc. for the Minsi Trail Siphon South access Improvements Project.

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

B. *Approve Resolution – Musikfest 2022 Special Event Parking*

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-141 that authorized during the period 12:00 Noon, Friday, August 5, 2022 through 11:59 PM on Sunday, August 14, 2022, and in connection with the 2022 Musikfest festival, all violations of the provisions of Article 531, Parking Generally, and the subsections specified in the resolution shall carry the modified fines as specified in the resolution.

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

C. *Approve Resolution – UGI Utilities, Inc. – Gas Regulator Station at Ullman Park – 940 Sassafras Street*

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-142 that authorized to execute an agreement with UGI Utilities, Inc. for a Public Utility Right-of-Way Agreement on City-owned land in Ullman Park.

Ms. Wilhelm asked if this is at the corner of Sassafras and Wyandotte Streets. She asked how long the project will take and the traffic impact.

Public Works Director Michael Alkhal said just a few months.

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

D. *Approve Resolution – Fifth Amendment to Tower Lease Agreement – New Cingular Wireless PCS, LLC – (successor in interest to Pennsylvania Cellular Telephone Corporation d/b/a AT&T Wireless Services) – South Mountain Park*

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-143 that authorized to execute an agreement with New Cingular Wireless PCS, LLC for a tower lease in South Mountain Park.

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

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

Ms. Wilhelm made a motion, seconded by Ms. Crampsie Smith, to consider Resolutions 10 E through 10 F as a group.

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

E. *Certificate of Appropriateness – 1200 Spring Street*

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-144 that granted a Certificate of Appropriateness to replace the existing slate roof and damaged gutters at 1200 Spring Street.

F. *Certificate of Appropriateness – 925 Prospect Avenue*

Ms. Leon and Ms. Wilhelm sponsored Resolution No. 2022-145 that granted a Certificate of Appropriateness to install an aluminum fence and three aluminum gates around the property's perimeter at 925 Prospect Avenue.

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

11. NEW BUSINESS

Committee of the Whole Meeting

President Colón announced The Committee of the Whole will meet tomorrow night, Wednesday, July 6, 2022 at 6:00 PM in Town Hall. The subject will be the proposed Conflict of Interest Ordinance.

Finance Committee Meeting

Chairwoman Enix announced a Finance Committee Meeting has been scheduled for Tuesday, July 19, 2022 at 6:00 PM in Town Hall. The subject will be Budget Transfers.

12. ADJOURNMENT

The meeting was adjourned at 8:57 PM.

ATTEST:

Tad J. Miller
City Clerk