

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, May 7, 2019 - 7:00 PM

INVOCATION

Archbishop Julius L. Licata, D.D., Ph.D., Cathedral Parish of St. Jude, offered the Invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

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

Gus Loupos

President Waldron stated he wanted to take a moment to honor Gus Loupos who passed away on Saturday evening. He was a dedicated man who loved and cherished his family, friends, students, and his City. He made the City of Bethlehem a better place because of the lives he touched. President Waldron expressed condolences on behalf of City Council to his family.

President Waldron added that up to even a month ago Mr. Loupos was extremely active in his Block Watch that met at the Church of the Manger. He persuaded everyone on Council to come to the Block Watch meetings and share their time and speak and listen to the residents. This was the largest and active Block Watch in the City. President Waldron explained he spent some getting to know Gus and the Block Watch members who met at the Church of the Manger. President Waldron pointed out he won his first election to City Council by a very slim margin and Gus always reminded him of that slim margin victory and to no credit it was in a small part to the folks in that room that he wrangled and had support on his behalf. President Waldron remarked Mr. Loupos was a great person for the City of Bethlehem and was a good role model not only for young people, but for elected officials as well. He was a great man that cast a big shadow across Bethlehem and he will be missed.

Mr. Callahan remarked he has known him since 1977 when Mr. Loupos was a teacher at Liberty High School, and Mr. Callahan was there as a sophomore. He had the room on the first floor of the Commons Building in the corner and he loved that room. He informed that Mr. Loupos was the best practical joker ever. He was a great, great man and will be missed. Mr. Callahan noted the last time he saw him he was frail but he always had a certain energy to him.

Mr. Colón informed he had never met Gus until he ran for Council four years ago and they had a lot of conversations as residents of the west side. Mr. Colón began see him wherever he went, at Coca-Cola Park, Nitschmann and Gus always had the same positive and encouraging response. Mr. Colón stressed Mr. Loupos will be missed by many. He was glad he got to meet and know him on that level.

Mr. Reynolds remarked it was always impressive to see much respect everybody in the neighborhood had for Gus and for organizing that Block Watch. When you look at how much people respected him and trusted him, you know that happened through a life of living the right way. Mr. Reynolds added Mr. Loupos was always in a good mood and often times when we are not in a good mood we know it, but Gus was always was in a good mood and always happy to see you. Mr. Reynolds will always remember that about him and he thanks him for his service.

Mayor Donchez added he had the privilege of knowing Gus and his brother Mike, who served on City Council. He agrees with all of the eloquent comments made by Council. He has never met anyone who was always smiling and happy. He has never heard Gus say a negative word about anyone; he always looked for the positive in people. Bethlehem is a better community because of Gus Loupos. We were fortunate to have him on the Zoning Hearing Board. His love for the City and his family is renowned. Mayor Donchez pointed out Gus was the Grand Marshall of the Halloween Parade this past year and he really enjoyed the honor. Mayor Donchez recalled he saw him three weeks ago and they ended up talking a long time. Gus was a remarkable person and he touched the lives of many, many people and he will be missed.

2. APPROVAL OF MINUTES

The Minutes of April 16, 2019 were approved.

Resolution added-Certificate of Appropriateness

President Waldron announced a Certificate of Appropriateness will be added to the Resolutions when we reach that portion of the agenda. He asked the Clerk to read the Certificate of Appropriateness to provide the public the opportunity to comment.

Resolution 10 N

The Clerk read Resolution 10 N - Certificate of Appropriateness for approval of an emergency shingle roof replacement and a flat/low sloped porch roof at 35 East Market Street.

3. PUBLIC COMMENT (on any subject not being voted on this evening - 5 minutes time limit)

Rose Garden Farmer's Market

Mary Toulouse, 1528 West Market Street, stated she is the President of the Mount Airy Neighborhood Association (MANA) and the co-manager of the Rose Garden Farmer's Market. She advised opening date is June 1st and they will be planting two pollinator beds in the Rose Garden Park. The Calypso Elementary School band will provide the entertainment that day and each student will receive three market dollars to introduce them to fresh local foods. She also wanted to thank Council tonight for the unanimous support in funding of the Rose Garden Park where the market is held. The money along with some fundraising from MANA has been used to apply for a Penn State grant for parks. She expressed thanks for assistance from Cindy Smith, the City Forester, Darlene Heller, Director of Planning and Zoning, and Chris from Public Works for with the grant application. Ms. Toulouse pointed out it is important to review and revise the rules that govern this space; they are ossified and do not reflect the new way residents would like

to use their parks. She pointed out they had to appeal to have a food truck at the event, which they had for the last three years and receive another one year dispensation. Ms. Toulouse continued to say they have asked for a pass on a \$1 million liability insurance requirement that would keep, for example a handicapped woman in a wheelchair from selling her handmade shopping bags. The insurance would cost this person \$450 dollars a year, and taking into account MANA already has a \$2 million liability insurance naming the City as additionally issuer seems to her to be excessive. She noted the Ordinance for new Article 961 – Special Events and Activity Permits and expressed she is a little afraid because they have had three different changes to the special event activity form already since January.

Martin Tower Demolition

Martin Romeril, 26 West Market Street, remarked based on his experience at October 6, 2015 Public Hearing on the rezoning of the Martin Tower property he thought he would get his questions in now in case Thursday's meeting is run in a similar fashion to discourage public participation. Mr. Romeril then moved to another subject and mentioned to Mayor Donchez that he thinks the wrong person was fired from City Hall. He referenced the hard and commendable work of the former Zoning Officer. Mr. Romeril informed that he looked at the press release that was put out today regarding the demolition of Martin Tower, and through all of the questions and many questions were not answered. He posed questions regarding the weather conditions, the radius of a dust cloud, how residents should handle demolition dust at their house, the effects on Monocacy Creek, playground equipment, the Golf Course, and pets, the size of dust particles, and several more.

President Waldron highlighted that on Thursday night's public meeting at 6:00 pm at Nitchmann Middle School he believes there will be an opportunity for Mr. Romeril to ask all of these questions and have them answered. There will be representatives from the Administration, the developer, the demolition company, DEP and specialists who will be able to answer those questions.

Steve Diamond, 425 Center Street, stated he is a forensic pathologist and he recently performed an autopsy on a person who frequented the World Trade Center location in New York City for two years. It took over 15 years for this person to manifest lung disease and pass away. He asserted lung disease may occur secondary to different aerosols of particles. It does not have to be related to asbestos. It may be secondary to inhalation of many different small particles of material that causes excitation of the immune system. This process may take many years, and those effects may not realize the cause and effect of the exposure. He continued on to say that implosion poses health risks; the most commonly known is contamination from asbestos which is responsible for mesothelioma, gastric cancer among other diseases. But the City is overlooking the health hazard that can simply cause lung disease by aerosols of foreign particles. He asserted silica is one of those major irritants and is part of cement. People with asthma may particularly be in danger from this event. It is 12 days until the implosion and advisory for the public and health risk and precautions people should take were only given a few hours ago. He queried if samples of air, soil and water will be taken prior to and after the demolition of Martin Tower, and what will be done to protect the hospitals, schools, business, homes, parks and field from contamination. His concern about the implosion is not only for the health exposure of the public but also for the financial exposure of the City to future liability as a result of this demolition.

Ed Gallagher, 49 West Greenwich, commented Thursday is the night where these things should be talked about and hashed out, but when the public has something to say they come to Council. This is the visible place for people, but City Council is really not involved with this or responsible for this, but we come to you and we talk. He was contacted by three people who have been trying to find out information about health with regard to this demolition. He noted a lady who posted on his blog last night revised what she has on the website now. He feels the passion and pain for that lady who lives across the street from the entrance to Martin Tower. Someone went to see her today and she feels better, and maybe all it takes is for someone to listen. Mr. Gallagher would like to see by Thursday is a scientific study about the impact of implosions on health. He has seen statements such as implosions should not be done in metropolitan areas. Is that a study we should listen to? He does not know, but maybe somebody here should know. It seems to him that the Health Department should be the point people here.

Gus Loupos/Typo/Martin Tower Demolition

Bill Scheirer, 1890 Eaton Avenue, informed he misses the former Zoning Officer, who was always friendly and helpful and he is sorry she was terminated. Mr. Scheirer stated he also misses Gus Loupos, and even though they would disagree from time to time on development issues, it was always on a friendly basis. Mr. Scheirer pointed out a typo on Communication 6 H, where it says the contract is awarded to Maser Consulting, but at the bottom of the page it says the recommended provider is Spillman Farmer Architects. He thanked Mr. Romeril and Mr. Diamond for scaring him because he has a little emphysema and lives a mile to the west of Martin Tower. He does have two more questions for Thursday night regarding when it will be safe to open our windows again, and when will it be safe to turn on the air conditioning.

Wireless Infrastructure

William Munez, 427 Second Avenue, remarked he has many stories about Gus Loupos. He added he is a survivor of the World Trade Center from 9/11 so he knows very well what implosions can do. That is not what he is here to talk about. He wanted to put forth a few thoughts about the wireless infrastructure needed around the City. There are many events that we have and cellphones sometimes are not able to connect even though you have a good signal. It will become a big issue in the near future. He wanted to know if there will be more meetings on the infrastructure related to wireless going forward to 5G.

Martin Tower Demolition

Al Wurth, 525 Sixth Avenue, informed he is astounded that Martin Tower will be demolished. It is the tallest building in the valley; it is the legacy of Bethlehem Steel for better or for worse. He never dreamed we would blow it up, and could not figure out what advantage it would be for the City to do that. Mr. Wurth remarked the first thing he thinks of with buildings blown up and that comes to mind for everyone is the World Trade Center. That was a bad thing, terrorists did that to us but we are doing this to ourselves. Mr. Wurth will not be outside; he recommends that no one do that. There is a building about the size of Martin Tower in a town about the size of Bethlehem where his daughter lives that was just built and they did not have any buildings that tall. One thing Martin Tower has is lots of views. This building, that he mentioned where his daughter lives, is being built for views. They are going to sell condos throughout the building and the top floor condos are going for a million dollars apiece.

Somehow our developer thinks that generic will be better and blowing this up and hauling this away would be cheaper and easier than tearing it down and protecting the safety and health of Bethlehem. It seems to him that we have a priceless asset in a town that has an historic tie to the steel company that put it on the map. He expressed that he means no slight to the Moravians, but we are going to celebrate the destruction of the symbol of the steel company. We will tear down the tallest building in Bethlehem and instead build generic by some guy who does not even live here, and will probably not be here for the implosion, he can guarantee that.

Mr. Callahan stated that is false.

Mr. Wurth asked if the developer will be out there breathing the air.

Mr. Callahan stated that is correct.

Mr. Wurth remarked this is just an embarrassment for him and a travesty.

Stephen Antalics, 737 Ridge Street, complimented earlier speakers on their professionalism and their knowledge of the issues at hand. He wanted to take an overview of this from year one. Coming to these meetings it seems to be that the City of Bethlehem has become the City of developers. Here we have a multi-billionaire who sees an opportunity to make money and become involved. But in the process, based upon maximizing profit, the group has been granted what they needed to do to maximize profit. Suddenly this building became too costly to develop so let's tear it down and put something there where we can make money. In the process of all of these events from what he has heard is that the most qualified people have been the citizens. As Professor Gallagher mentioned, the people are not listened to. If they were listened to these things would not be happening and Martin Tower would still stand. He agrees with Professor Wurth that we the taxpayers come here because we have a sincere interest in the City. We have no vested interest, no profit motives. These people spent a lot of time to research what they are going to do. Mr. Antalics noted that Mr. Diamond is a professional and he raises serious issues, but no one is listening. To him, it seems that the City of Bethlehem will become a City of developers rather than a City of concerned citizens. He does not know where this will end.

Handicapped Door

Mr. Romeril remarked for the third time he has stated before Council that there is a violation of the American of Disability Act of 1990 because the exterior switch of the handicapped door still does not work. It has been repaired a few times but it is broken again. The interior switch works, but if someone is on the outside and wants to get in and they cannot open the door themselves, they cannot get into a meeting. He hopes that is followed up and fixed.

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

UPA/7 Days of Bayou

Kim Kelti stated she is here on behalf of the Bayou Boys on 702 Hawthorne Road. She has been working with Judy Stiles and Cynthia Bartera on a special event The Bayou will have next weekend. She submitted the special event application in January. This is a new process for her

and Ms. Bartera recommended that she come to this meeting to go over any questions City Council may have.

President Waldron noted the Resolution is on our agenda this evening. If we have any questions when we get to the Resolution we may ask them of you, but at this point we do not need anything.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Director of Water and Sewer Resources – Recommendation of Award – Alan Kunsman Roofing & Siding – WWTP Building Exterior Restorations*

The Clerk read a memorandum dated April 23, 2019 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with Alan Kunsman Roofing and Siding for the Waste Water Treatment Plant Building Exterior Restorations. The term of the contract is 180 days from the Notice to Proceed and the fee for the contract is \$1,432,022.

President Waldron stated Resolution 10 E is on the agenda.

- B. *Director of Water and Sewer Resources – Recommendation of Award – ITR, LLC – Predictive Maintenance Program – Water and Waste Water Treatment Facilities*

The Clerk read a memorandum dated April 23, 2019 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with ITR, LLC for Predictive Maintenance Program for Water and Waste Water Facilities. The term of the contract is from Notice to Proceed until December 31, 2019. The fee for the contract is \$26,900. There are 5 renewal options.

President Waldron stated Resolution 10 F is on the agenda.

- C. *Director of Water and Sewer Resources – Recommendation of Award – Tri-State Technical Sales Corp. – Water Treatment Plant Valve Actuator Replacement Project*

The Clerk read a memorandum dated April 23, 2019 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with Tri-State Technical Sales Corp. for the Water Treatment Valve Actuator Replacement. The term of the contract is from the Notice to Proceed until December 31, 2019. The fee for the contract is \$74,522.

President Waldron stated Resolution 10 G is on the agenda.

- D. *City Solicitor – Use Permit Agreement – Katie Finnegan dba The Bayou – 7 Days of Bayou*

The Clerk read a memorandum dated May 2, 2019 from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and associated Use Permit Agreement. The

Permittee is Katie Finnegan LLC t/a The Bayou Restaurant and the Bayou Restaurant for the 7 Days of Bayou event. The duration of the agreement is May 18 and May 19, 2019. The location is East North Street between Wood Street and Hawthorne Road.

President Waldron stated Resolution 10 H is on the agenda.

E. *City Solicitor – Use Permit Agreement – ArtsQuest - Levitt Concert Series*

The Clerk read a memorandum dated May 2, 2019 from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and associated Use Permit Agreement. The Permittee is ArtsQuest and the event is the Levitt Concert Series. The duration of the agreement is May 17, 18, 24 and 25; June 1, 7, 8, 14, and 15. The location is First Street from Founder's Way to the Eastern Terminus.

President Waldron stated Resolution 10 I is on the agenda.

F. *City Solicitor – Use Permit Agreement – ArtsQuest – Grand Prix*

The Clerk read a memorandum dated April 11, 2019 from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and Associated Use Permit Agreement. The permittee ArtsQuest and the event is the Steel Stacks Grand Prix. The duration of the agreement is June 14, 15, and 16, 2019. The location is First Street from Polk Street to the Eastern Terminus; and Founders Way between First Street and Second Street.

President Waldron stated the Resolution can be placed on the May 22 agenda.

G. *City Solicitor – Use Permit Agreement – ArtsQuest – Sabor Event*

The Clerk read a memorandum dated April 11, 2019 from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and Associated Use Permit Agreement. The Permittee is ArtsQuest and the event is the Sabor Event. The duration of the agreement is June 21, 22, and 23, 2019 and the location is First Street from Polk Street to the Eastern Terminus; Founders Way between First Street and Second Street.

President Waldron stated the Resolution can be placed on the May 22 agenda.

H. *Director of Public Works – Recommendation of Award – Spillman Farmer Architects – Bethlehem Dog Kennel*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works recommending a contract with Spillman Farmers Architects for a dog kennel to house stray dogs. The term of the contract is 9 months from the Notice to Proceed and the fee for the contract is \$23,000.

President Waldron stated Resolution 10 J is on the agenda.

I. *Purchasing Director – On-Line Auction*

The Clerk read a memorandum from Sandra Steidel, Purchasing Director to which is attached a list of vehicles to be sold at the next on-line auction to be held within the next 60 days.

President Waldron stated if Council has no objection the property listed; the same may be added to the on-line auction. If Council would like to discuss a specific item, the same shall be removed from the list and discussed at the next Council Meeting on Wednesday, May 22, 2019. President Waldron queried if any Member of Council would like to discuss a specific item, have it removed from the list, and discussed at the next City Council Meeting on Wednesday, May 22, 2019.

President Waldron stated a memo will be sent to the Purchasing Director that City Council has no objections to the property listed.

7. REPORTS

A. *President of Council*

1. *Councilmanic Appointment – Brian Nicas – Environmental Advisory Council*

President Waldron appointed Brian Nicas to membership on the Environmental Advisory Council. This appointment is effective until January, 2022. Mr. Martell and Mr. Colón sponsored Resolution No. 2019-105 to confirm the appointment.

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

B. *Mayor*

Sands Casino Sale/9-1-1 Center/Mayor Pfeifle Monument/Vietnam Ceremony/Martin Tower

Mayor Donchez remarked tentatively the sell of the Sands Casino is scheduled for the Gaming Board on Wednesday, May 15th. He plans on going to the Gaming Board meeting with Mr. Evans and Ms. Karner and if it is approved, hopefully they will be closing by the end of the month or early June, 2019. Regarding the 9-1-1 Center, we are close to the July 1st date. We are moving forward on that and we will probably be extending an invitation to City Council sometime around the third or fourth week in June with Northampton Executive Phillip McClure. He believes that Council will receive an invitation with regard to the installation of a monument on Webster Street on the Greenway in honor of Mayor Pfeifle. That will take place on May 29th. Also, there will be an invitation to a ceremony on June 1st outside of City Hall for the Bethlehem citizens who were killed in action in Vietnam. Mayor Donchez then asked Robert Novatnack, Emergency Management Director for remarks about the 9-1-1 Center and Martin Tower. He informed Mr. Novatnack will be making the presentation Thursday, at 3 pm and 6 pm.

Mr. Novatnack started off by saying we did work on scheduling the informational meetings for this Thursday ten days before the implosion of Martin Tower. There has been a lot of input from the citizens and from the businesses in that area. We have been holding meetings and today we held one with the press. We had numerous members of the press there to explain to them what will happen on the day of the implosion. We are also meeting with the stakeholders

in the area. That means the neighbors that are affected in the restricted zone and also the businesses that are on Eighth Avenue and Eaton Avenue and all the way down towards Burnside Plantation, Casilio Concrete, and every surrounding business in that area. There has been a lot of work going on that maybe does not hit the newspapers, but it is happening. He did field questions; he saw a lot from Dr. Van Wirt, Ms. Negrón and President Waldron. Mr. Novatnack informed we are addressing some of those concerns, but at the meeting on Thursday, which is really important, the experts that can answer the questions will be there from the DEP and the Department of Mining. So with that in mind we did take into consideration to get this meeting scheduled here and then a public meeting at Nitschmann Middle School so we could address these issues and concerns of the people. Mr. Novatnack stressed we are not the experts in those fields, that is why the DEP will be there. He has responded to Mr. Gallagher that the DEP will be at that meeting. It will be an open meeting, we will be able to ask questions and they will answer them. The demolition crew from CDI, Controlled Demo Inc., will be here and explain the process of what will happen the day of the implosion and who we will meet with ahead of time. They will be on the scene from now until the day of the implosion, meeting with the neighbors and all the St. Luke's units in that area. They have scheduled meetings tomorrow with Burnside Plantation and Moravian College. We are following through with everyone who is a stakeholder in that area. The 3 p.m. meeting on Thursday will be for the Elected Officials, stakeholders and the press. The 6 p.m. meeting at Nitschmann Middle School will be for the general public. We will do a Power Point presentation to show where we are at as the City for public safety with Police, Fire and EMS. Controlled Demo will then explain what they will do and then the representative from the DEP and the Department of Mining will speak. These will be open concepts and you can ask any question you want at those meetings. The developer of the property and Controlled Demo are aware of that.

Dr. Van Wirt thinks the Gadfly Blog put together a very comprehensive list of questions that in her best estimation encompassed all of the concerns we heard here tonight and they are detailed. There were questions about air quality monitoring before and after and including the water in the ground. She queried if the people from the DEP have been given this list of detailed questions so we can be assured that we are provided the answers before the public meeting so we could knock a lot of the basics out. Then perhaps we could have things that were not on that list. She asked if they have been given that list and had a chance to compile some answers.

Mr. Novatnack stated tomorrow the owners of the building are meeting with the DEP and Controlled Demo on those questions so that for Thursday's meeting they will have the answers from the experts.

Dr. Van Wirt asked if there is a format that those could be distributed to people before the meeting so there is a knowledge base that we could go into the meeting with so people can digest that information. If they have follow up questions they could be able to ask those.

Mr. Novatnack informed they are planning on putting together a pamphlet or a booklet that would have the power point presentation that he will do on the public safety end. He added in there will be pamphlets on the dust, which are provided by the demolition company. In addition, there will be other items added such as the map indicating the restricted zones. We will also have that map available and released on Thursday and that too will also be on the City's website. Yes, they are aware of all of the questions that we have, there were close to 100 questions that we did receive.

Dr. Van Wirt noted those will be provided in the detail to the public before the meetings.

Mr. Novatnack understands what she is asking, but he thinks just in the meetings he was at today with the press, they were asking many of the questions that were brought up here. They were answered in detail today by the Controlled Demo folks that were at the meeting.

Dr. Van Wirt stressed she is trying to get that information to the people so they can read it, digest it, and then come to the meeting with any follow up questions they might have after understanding what you all understand. She would like to see a list of those questions answered and available to the public before the meeting. She knows that is asking a lot but the timeframe for this is still troublesome. There is a lot of concern about the impact on demolition day but she thinks the predominant concern that she is hearing about is health concerns.

Mr. Novatnack stated she is right; there is a short timeframe because the meeting is on Thursday, May 9. He will see if he can get those questions out, but wondered how they would be delivered. Would it be on the City website?

Dr. Van Wirt stated she leaves that to the City, the Department of Health. She thinks there is a valid role here for the Department of Health to be involved in disseminating health related information to the citizens on an arbitrary date that was chose. That is May 19th because we did not want to get any information out until the developers had applied to the DEP for the demolition permit. That was the gating event for having the DEP involved and getting the information to the citizens. The timeframe is when that application went in and when the demolition is going to happen. All of the information has been compressed in this one month period and it is not on the citizens to not have the information. She expressed it is on the developer and the Department of Health and the DEP to provide it in a timely fashion before the building comes down.

Mr. Novatnack stated they are meeting with stakeholders that are there and he personally went to the neighbors. He lives less than a half mile from that site so he has been meeting with them and everyone we would possibly meet with. The DEP has been on the scene for months inspecting the building. The asbestos company has been there for months doing their work. It is a private business, the City does not own that building, but we are working with them for public safety. He will try to get whatever question that are not just frequently asked, but into details as some we saw and see if we can get them answered and on the website.

Dr. Van Wirt asked the Department of Health for Bethlehem be involved in this process to help disseminate health related information particularly to the citizens.

Mr. Novatnack explained they did reach out to the State Department of Health and they are going to send us information that can be put in our packet.

Dr. Van Wirt asked if they will available for questions.

Mr. Novatnack stated they will not be available according to his latest email but two representatives from the DEP and two representatives from the Department of Mining will be at the meetings on Thursday. It did not just happen yesterday; we have been working for weeks to get representatives.

Dr. Van Wirt knows he has a lot to cover, and she was told that the DEP would not get involved in answering health related concerns for the citizens until the demolition application had been presented. So we have created this arbitrary shrunken compressed timeframe for getting health related information out to the citizens. She hears that Mr. Novatnack will do his best but she just wanted him to understand that the timeframe that we are operating in is an arbitrary timeframe. This is not something that has to happen on May 19th; that is something the developer chose. The developer chose to submit the application one month prior so this is arbitrary compressed time that the citizens are struggling to understand the health impacts. She thinks it is on the City to provide that information.

Mr. Callahan thanked Mr. Novatnack for the all the work he has done on this. He wondered if he could tell us all of organizations that have been involved in the planning of this.

Mr. Novatnack stated from the City end, there is the Zoning Department, Police, Fire, EMS, Water Department, Health Director, so almost every department in the City has been involved; this has been a big undertaking.

Mr. Callahan asked about the County.

Mr. Novatnack informed Northampton County and Lehigh County will both be there with command posts. They have been involved from the beginning.

Mr. Callahan asked about the State.

Mr. Novatnack remarked at one point his most difficult phone calls were to the State, to get representatives here. Now we have four representatives from the DEP and the Department of Mining that are committed to come to the meeting.

Mr. Callahan explained he is not talking about the meeting itself, he is talking about the whole planning process.

Mr. Novatnack remarked the building owners have definitely been in touch with the State for all of the necessary permits and work they are doing on the site for almost the last two years.

Mr. Callahan asked what other departments in the State were involved.

Mr. Novatnack related the biggest one is the DEP and then private contractors have been there, not from the State, but they worked with the asbestos that was removed from the building.

Mr. Callahan asked if the FAA was involved.

Mr. Novatnack stated the FAA is involved; we have a flight restriction for the morning of the implosion that will be released on Thursday's meeting, and so no planes or drones are in the area.

Mr. Callahan asked if there are any City, County, or State organizations that you think should be involved that were not involved.

Mr. Novatnack explained by what he has heard tonight he wishes the State Department of Health was coming. We are trying to get the experts to come and answer questions that he cannot answer. We do not do implosions every day; this is a rare occurrence on a monumental building that our fathers and friends have worked in. This is a big project, but we are trying to get all hands on deck in a condensed time manner.

Mr. Callahan queried if it is the first time for the people who are involved in the demolition.

Mr. Novatnack stated no, they have been in business for over 40 years. They did four buildings last week in Pennsylvania, and they have done stadiums. They have also done buildings between buildings. He stated if you ask me if I have confidence in them, yes I do. They explained what they are doing.

Mr. Callahan asked if Mr. Novatnack knows of any buildings that they have knocked down that something went wrong on.

Mr. Novatnack informed he does not know that information.

Mr. Reynolds added part of the situation here is not that we do not trust Mr. Novatnack; rather it is that most people around here have never seen this happen before. We have had the experience of working with Mr. Novatnack and working with some of his personnel. As was said, this does not happen here often. He does not know the last time anyone local imploded a building this size. Anytime you do something for the first time there will be a lot of questions. As we go forward in this process over the next 10 days, it is the unknown factor. It is more about how do we deliver this information in the most efficient way possible to inform people because they just do not have this type of experience. Much of the concern is that the questions are not about how do we save the tower; the questions are what does this mean, because no one has seen this before.

Mr. Novatnack mentioned we have been going to the stakeholders; they are the ones who can see Martin Tower. He can see Martin Tower from the back window of his house. Their neighborhoods are affected and they are in the restricted zone and are not allowed to be there during the implosion. Mr. Novatnack informed they were at one of the houses today, which was mentioned earlier here by someone at the microphone, and they talked to a person that was very upset and did not understand what was going to happen. The demolition crew and the building owners and Mr. Novatnack were there for 45 minutes in their living room talking to them and when we left she thanked us for keeping her informed. She thanked the demolition company saying "okay, now I understand what you are going to do". Part of the explanation was that they already took down the annex building that was 400,000 square feet and there has been dust from that and there have been other issues there and no one has said anything. Now you are taking down the tower which is a monument. When we left this woman house she thanked us for talking to her about her Koi pond in the backyard, what she has to do around the windows and how they will go to her building afterwards, after we open up Eighth Avenue. That to him was very refreshing. We also met with the press and explained everything to them. We are handling this by talking to the neighbors that touch that property, the stakeholders, first, and the elected officials will get the whole briefing on Thursday. We have put all of our energy into this in the

last few weeks. This has been very time consuming and has been a worthwhile project that we will do right and safely.

Mr. Colón thanked Mr. Novatnack for being the point person on this and fielding all of these questions and corralling all of these agencies together. Mr. Colón lives not too far from Martin Tower, and he knows today with the release of some answers, people were thankful for that information. There are more people looking forward to coming out on Thursday to have their questions answered. Even though it is not covering every question that has come up so far, he knows members of the public were appreciative to get some answers that they had. He heard about Mr. Novatnack going to door today and he knows that those people are appreciative of that. Many people will be coming out on Thursday to get answers to questions from the people who are responsible for executing the plans. Mr. Colón mentioned we heard tonight the mention of September 11th and the World Trade Center. He wanted to remind everyone this is a controlled demolition. This is something that has taken weeks of planning and to compare one to the other is not a fair and accurate depiction of what we are getting ready to do. The World Trade Center was something that was a terrorist attack, something that was meant to inflict harm and the demolition of Martin Tower is not meant to inflict harm. Also, one of the big reasons there were so many health related issues after the World Trade Center was because of what was inside the buildings, the building materials, and the electronics. These things have been removed from Martin Tower with the preplanning to put us in a good position. He reflected, have all the questions been answered, no, but Mr. Colón is glad that we are working towards that. We are where we are in terms of timeline and timeframe. He is not able to be at the meeting on Thursday but he looks forward getting his questions answered from others that will be there.

Mr. Callahan thought the questions that were issued were posted on the website.

Mr. Novatnack explained the ones that were most frequently asked and we could answer were on the website. He would not answer certain questions that the DEP should answer; he wants their expert to be standing here on Thursday answering those questions. The owner will be standing here too; there will be an open dialogue.

Mr. Callahan knows that Mr. Novatnack and all involved have done an enormous amount of planning on this. What upsets him is the undertone that all of these organizations are not doing what they are supposed to be doing. The Health Bureau, the Fire Department, the Police Department, all the State and County Departments, that everyone is just pushing this through to demolish this building. I think you will find out that a large majority of people are informed and feel completely safe about it, and you will see a lot of people getting up early in the morning to watch it. They have no fear of anything that is going on at the site, and have complete confidence in all of the professionals as he does.

Mayor Donchez stated he wanted to give State Senator Lisa Boscola and Representative McNeil's office some credit in trying to get representation here from the State Department of Health and the DEP. He really wanted to give credit to the Governor's Office when he called on Thursday about how important it is to have representation here from the DEP and the Department of Health. There is a chance we may have a representative from the State Department of Health. We actually received a confirmation yesterday around 4:00 pm that there would be two people from the DEP and two from the Department of Mining. They are well aware of the situation. As Mr. Novatnack said, there has been a lot of communication for weeks

with the DEP. Mayor Donchez noted Mr. Novatnack has been working on this for a good number of weeks. If we do not get the State Department of Health to come to Bethlehem, he will ask Kristin Wenrich, the City's Health Director to be at the meeting on Thursday.

Dr. Van Wirt stated this is not about her or the citizens' trust in Mr. Novatnack. She knows he has been working hard. This is about the process, not about the person.

Mr. Novatnack thinks after that Thursday meeting, all your questions will be answered. He has been at their meetings with stakeholders and the press, and they do not rush the meeting. They answered every question they were tasked to answer. Sometimes it is better to hear it from the person standing there.

President Waldron remarked it seems like everything is in line as it should have been to this point other than the amount of communication that is coming back to the public and that is no fault of Mr. Novatnack. It seems like not everyone knows how to get the information out that is needed, but this is a great opportunity to do that on Thursday. Hopefully it will rest a lot of fears that folks have. He was not sure if anyone knew what the format will be for that meeting on Thursday as far as presentation, questions and what an agenda would look like.

Mr. Novatnack stated we are going to have a Power Point agenda to see what is going on. The building is now a skeleton with a metal skin on it. We will even talk about the floors. He was in the Fire Department for 38 years, he is not a demo guy and not with the DEP, but everything that he understands now to be happening with the demolition you will get that day. Whatever questions he cannot answer, can be answered by the demolition company, the building owners, the DEP, and the Department of Mining who will be here. The format will be 7 to 10 informational slides with other information about dust, and if anyone has questions they could be added on later. So many people are asking us about a map of the restricted area and today finally when we walked around the neighborhood and met with the press we released the timeline of the road closures and because we wanted to get out in front of it. Mr. Novatnack remarked that had to get out today because we were getting a lot of leaks and rumors. This informational meeting will answer 90% of the questions just in the presentation and talk and then there will be time with open dialogue with the experts to answer questions. Mr. Novatnack added that you will hear everything you want to hear on Thursday.

President Waldron queried where the meeting will specifically be at Nitschman.

Mayor Donchez stated in the auditorium.

Mr. Novatnack stated that meeting is for the public and anyone is welcome to attend the meeting.

President Waldron just wants to make sure there is ample time from the representatives of the demolition company as well as the State and that they are not expecting they will be out of there at 7:00 pm. He can imagine that folks will have a lot of questions. It will be very time consuming for all of that if we are not able to have that information ahead of time. He wanted to make sure that this is emphasized and the expectation is that folks will be able to stay there until the questions can be as fairly and reasonably answered as possible.

Mayor Donchez mentioned that everyone who comes to the meeting at 3:00 pm with elected officials and stakeholders will receive a packet. He informed they will make 125 packets for this forum. He felt it was important that we should have a meeting for the elected officials and stakeholders here at Town Hall. The meeting at 6:00 pm is a meeting he felt was very important with the developer. That would be developer's meeting with the public. We would be part of it, but they would run the meeting. We will make 500 packets, regardless of whether there are 50 people or 500 people attending that public meeting. The auditorium holds 700 people. Mayor Donchez stated they will be meeting with the developers tomorrow and informed that the developer is prepared to stay until 11:00 pm or so. It is important that all questions are answered. Mayor Donchez expressed that he wishes they had received the questions that were emailed to him and Mr. Novatnack sooner, but he does think that as many questions should be answered as possible. Those questions we emailed to them yesterday. In closing he remarked they have impressed that on Mr. Wagner and Mr. Ronca that the forum has to be open.

President Waldron thanked Mayor Donchez and Mr. Novatnack.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 09 – 2019 – Amending General Fund – Department Contracts – Operating Supplies*

The Clerk read Bill No. 9 – 2019 – Amending General Fund – Department Contracts – Operating Supplies, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 9 – 2019 now known as Ordinance No. 2019-09 was passed on Final Reading.

B. *Bill No. 10 – 2019 – Amending 9-1-1 Fund Budget – Transfer to Non-Utility*

The Clerk read Bill No. 10- 2019 – Amending 9-1-1 Fund Budget – Transfer to Non-Utility, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 10 – 2019 now known as Ordinance No. 2019-10 was passed on Final Reading.

C. *Bill No. 11 – 2019 – Amending Capital Budget for Non-Utilities – City Hall Security Upgrades*

The Clerk read Bill No. 11 – 2019 – Amending Capital Budget for Non-Utilities – City Hall Security Upgrades, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 11 – 2019 now known as Ordinance No. 2019-11 was passed on Final Reading.

D. *Bill No. 12 – 2019 – Amending Water Fund Budget – Capital Appropriations*

The Clerk read Bill No. 12 - 2019 - Amending Water Fund Budget - Capital Appropriations, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 12 - 2019 now known as Ordinance No. 2019-12 was passed on Final Reading.

E. Bill No. 13 - 2019 - Amending Water Capital Fund Budget - Various Projects

The Clerk read Bill No. 13 - 2019 - Amending Water Capital Fund Budget - Various Projects, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 13 - 2019 now known as Ordinance No. 2019-13 was passed on Final Reading.

F. Bill No. 14 - 2019 - Amending Sewer Fund Budget - Capital Appropriations

The Clerk read Bill No. 14 - 2019 - Amending Sewer Fund Budget - Capital Appropriations, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 14 - 2019 now known as Ordinance No. 2019-14 was passed on Final Reading.

G. Bill No. 15 - 2019 - Amending Sewer Capital Fund Budget - Various Projects

The Clerk read Bill No. 15 - 2019 - Amending Sewer Capital Fund Budget - Various Projects, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 15 - 2019 now known as Ordinance No. 2019-15 was passed on Final Reading.

H. Bill No. 16 - 2019 - Amending Golf Course Enterprise Fund Budget - Sponsorships - Capital Projects

The Clerk read Bill No. 16 - 2019 - Amending Golf Course Enterprise Fund Budget - Sponsorships - Capital Projects, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 16 - 2019 now known as Ordinance No. 2019-16 was passed on Final Reading.

I. Bill No. 17 - 2019 - Amending Liquid Fuels Fund Budget - Snow Operations - Improvements

The Clerk read Bill No. 17 - 2019 - Amending Liquid Fuels Fund Budget - Snow Operations - Improvements, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 17 – 2019 now known as Ordinance No. 2019-17 was passed on Final Reading.

J. *Bill No. 18 – 2019 – Amending Community Development Block Grant Budget – CDBG 2017 – HOME Grant 2018*

The Clerk read Bill No. 18 – 2019 – Amending Community Development Block Grant Budget – CDBG 2017 – HOME Grant 2018, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 18 – 2019 now known as Ordinance No. 2019-18 was passed on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 19-2019 – Establishing New Article 961 – Special Events Activity Permits*

The Clerk read Bill No. 19-2019 – Establishing New Article 961 – Special Events Activity Permits, sponsored by Mr. Martell and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, ADDING
ARTICLE 961 RELATING TO SPECIAL EVENT ACTIVITY PERMITS,
DEMONSTRATIONS, AND USE PERMITS TO THE CODIFIED
ORDINANCES OF THE CITY OF BETHLEHEM

Dr. Van Wirt asked for an explanation of any difference in terms of what the previous process was versus what this process will be.

City Solicitor William Leeson informed we are really not trying to change anything of substance. What we are trying to do is codify what has already been in place. This document reflects in large part a project that started possibly three years ago when the Mayor directed that the festival events and the procedures and forms for the festival events be organized, put together and then possibly lead to an Ordinance. There is an events committee in the City and Mr. Novatnack is on that committee and they have been working on these things for quite some time. In large part this is really not a change except that it is not reflected in Ordinance. The other component reflects initiative that actually started with a request from ArtsQuest. They had asked if the City could just type up some of the rules that may affect demonstrators at Musikfest. At the Mayor's direction we assigned Assistant Solicitor Edmund Healy to work directly with ArtsQuest representatives to generate a product and some ideas making a regulations Ordinance, whatever form it would be, to come up with some ideas about how that could be addressed. Solicitor Leeson explained the product of those discussions came out toward the end of last year. It ended up being very much a permitting Ordinance. It was very much in the image of what we already do. This document you are looking at is very much the reflection of not only the events and festivals, procedures and processes; this is a reflection of what we were already doing. It does add some new content on things we are already doing but specifically directed to demonstrations

and the permitting of demonstrations. The general idea of demonstrations at festivals is now brought together in a single place, not with the idea that we reinvented the wheel but rather we codify a lot of the things we already do. He added, perhaps the new substantive content that he would bring to Council's attention would be the parts that talk about demonstrations, that demonstrators cannot be bringing weapons and clubs and things like that. There is a specific section on that and that is new. Solicitor Leeson pointed out they have also now codified a procedure for appealing if there are issues with respect to the denial or suspension or revocation of a permit. We have tried to codify that and that is always a good thing where people have a right to remedy for redress. The other thing is the additional Ordinances that we are changing. We had some provisions affecting festivals and events in several Ordinances. What we are doing is to a limited extent pulling that material out of those Ordinances so to the extent those involved festivals and activities, we now bring it over into this, otherwise not trying to change the substance of those Ordinances.

Dr. Van Wirt related the comments she would have and ask him to address relate to the definition of demonstration. It would be five people or more with the intent or propensity to draw a crowd or onlookers. This seems awfully subjective that five peaceful people could get together to pray and yet it might draw other people who do not want them there and yet that would be a definition of a demonstration. It just concerned her that there was a lot of liberty here for us to determine who is intending to draw a demonstration and who is not. She thinks there is some room for discretionary abuse, not that anyone would, but she was concerned about that. Dr. Van Wirt stated her biggest concern that she has with the Ordinance was the redress. If the Director says "no" to somebody, because of perhaps even a definition that the intent would be not the right thing, the appeal would go to the Mayor. She gave an analogy of someone applying for sanctuary to the United States and Secretary of State says no and then they get to go to President to ask for a reprieve. She remarked it would be more appropriate for City Council to hear the appeal if the Director felt a permit should not be issued, except for someone who owes money. For all other reasons that have discretion in the granting of a permit or not, she believes that City Council would be more appropriate to hear the appeal.

Solicitor Leeson understands her concern, and does not think it is unreasonable. He informed a perspective of why this is there is because we are often dealing with some time constraints and a decision needs to be made. People want to know where they stand. We would simply be running against a time constraint to letting an applicant know where they stand and where we are going. That is all he can offer for her consideration.

Dr. Van Wirt would offer if there is the time to allow Council, perhaps it is a three month application or perhaps it is a one month application, she would suggest if the appeal goes to the Mayor and the Mayor agrees with the Director and the person still has the time frame to appeal to Council, that this be allowed. She does not know what the parliamentary procedure would be here. She would ask that this be considered by Council for the final vote.

President Waldron noted we have a few options. It may be easiest to send this entire Bill to Committee where we can get more into the details about that issue, as well as anything else. He asked if there is a timeline that we are working against with this Ordinance.

Solicitor Leeson knows the Mayor had requested as part of the submission to Council that this be adopted sometime in June so it is in force for the benefit of Musikfest. That was the concept.

President Waldron noted Musikfest is in the beginning of August so why the June timeline.

Mayor Donchez stated the feeling was to get the word out there. We had some issues last year on Main Street. We had some serious issues two years ago on the south side by Steel Stacks pertaining to this event. Mayor Donchez stated that he and Kassie Hilgert, President of ArtsQuest felt that we should have this passed sometime in June but no later than that to get the word out. He added that there is the option to offer an amendment at the Second Reading. This is the First Reading tonight on the Ordinance.

President Waldron noted a third option would be to postpone this vote too. It all depends on what the will of Council would be. If this would go to Committee it would go to Community Development chaired by Mr. Martell to have that larger discussion. He would ask, without a motion on the table if any other Council Members have input on what path they would like to see this Ordinance 9 A take.

Dr. Van Wirt respects the City's timeframe so she does not want to do something that will prolong it. She feels that going to Committee is the best thing to do if we can do it in a reasonable timeframe.

President Waldron remarked if we sent it to Committee and got that done in May the First Reading would be June 2nd and the Second Reading would be the end of June and then it would be 20 days after the Mayor signs the Ordinance for it to go into effect. You are still within the timeframe, but as far as disseminating that it narrows that window significantly. He queried if we can do First Reading and then go to Committee. President Waldron remarked Council Solicitor Spirk stated we could pass this First Reading tonight and send it to Committee to review so that way when it gets any changes in Committee we would only have one vote, so that takes one of those votes out later down the line.

Ms. Negrón noted as was said before, we can just postpone the vote for tonight so the Administration has some time to work on it, and send us the changes and then we can do the first vote at the next meeting and the second vote would happen the first week of June. We do not have to have a Committee meeting; we can have a discussion and a revision if that is the will of Council.

Solicitor Leeson mentioned he would like to know exactly what Council has in mind before he starts writing something up.

Mr. Martell stated he is agreeable to do what the will of Council is. Based upon what he is hearing from the proposed possible changes he thinks we can probably handle that where we would vote tonight or postpone it and get the amendment prior to the second vote. That would allow us to have discussion. He is not sure we need to have a Committee meeting if that is the one change that we would like to have.

President Waldron remarked if anyone on Council thinks we need a larger discussion about this Bill, a Committee would be the place to do that. He does not believe there is anything else in our City laws that are spelled out regarding recourse going to Council if time permits. We do not have a template for that verbiage, although it is possible. He queried if there is anything else in this Ordinance to have a conversation on.

Dr. Van Wirt related there is a lot of room for abuse, not that it is going to happen. Whenever you craft an Ordinance she thinks you always want to err on the side of civil rights. She wants to make sure that the definition of demonstration does not necessarily preclude a peaceful demonstration that attracts other people. Therefore in the future you are going to say you cannot gather, you five people here to pray because everyone else is going to be mad at you. If anyone else has this concern then we should talk about it, but if no one else is, she is willing to drop that and just move forward with the appeal process.

President Waldron advised it seems the spirit of this was to go after something specific as ArtsQuest was the motivator behind this. He had not heard about any instances like this.

Mayor Donchez informed we had an incident two years ago on Steel Stacks campus where there were protestors that were very vulgar on the main entrance way and created a scene. He is very much for the First Amendment with the freedom of speech, but there was a lot of vulgarity aimed at children and families walking by. That was the genesis of this. Then last year the political campaigns were on Main Street with political party supporters on opposite sides of the street, and we anticipate more of that this year because of the intensity of the Election. The genesis of this goes back two years ago, and we worked on it with ArtsQuest attorneys and with Mr. Leeson and Mr. Healy. It is possible, as a recommendation, if Council would want to submit amendments to this Ordinance, because we have not really discussed the changes, it should really come from Members of City Council if you feel you want to offer amendments. That should be sent to us and it would be up to Council to vote on.

President Waldron remarked typically anytime we have changes we would like to add as the Administration brings an Ordinance forward, we do that within Council with the help of our Solicitor, as opposed to tasking Mr. Leeson with something. That is because the Ordinance is what the Administration proposed so it would be our role to come up with those amendments, whether that is in Committee or in between First and Second Readings. We have that possibility. If we are not going to send this to Committee, another option is to do those changes between First and Second Reading since we are up against the timeline. We could pass this tonight and get any amendments together for Second Reading, whether that is in two weeks. Again, if we are not ready in two weeks we can just push it to the next meeting. We would pass the Ordinance as it stands tonight with the idea that we work with Solicitor Spirk on amendments, as well as the Administration, because we would have to see how those amendments would impact what the Administration is trying to do. We would then bring amendments forward with the hopes at the next Council Meeting in May we can have a second vote, but if not, the Second Reading would be in June, and within the timeline to get the word out for Musikfest.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 19-2019 was passed on First Reading.

B. *Bill No. 20-2019 – Amending Article 721 – Streets and Sidewalks*

The Clerk read Bill No. 20-2019 - Amending Article 721 - Streets and Sidewalks, sponsored by Mr. Martell and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AMENDING ARTICLE 721 OF THE CITY OF BETHLEHEM CODIFIED ORDINANCES RELATING TO STREETS AND SIDEWALKS AS A RESULT OF THE ENACTMENT OF NEW ARTICLE 961 RELATING TO SPECIAL EVENT ACTIVITY PERMITS, DEMONSTRATIONS, AND USE PERMITS

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 20-2019 was passed on First Reading.

C. *Bill No. 21-2019 - Amending Article 941 - Parks*

The Clerk read Bill No. 21-2019 - Amending Article 941 - Parks, sponsored by Mr. Martell and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AMENDING ARTICLE 941 OF THE CITY OF BETHLEHEM CODIFIED ORDINANCES RELATING TO PARKS AS A RESULT OF THE ENACTMENT OF NEW ARTICLE 961 RELATING TO SPECIAL EVENT ACTIVITY PERMITS, DEMONSTRATIONS, AND USE PERMITS

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 21-2019 was passed on First Reading.

D. *Bill No. 22-2019 - Amending Article 951 - Pedestrian Mall*

The Clerk read Bill No. 22-2019 - Amending Article 951 - Pedestrian Mall, sponsored by Mr. Martell and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AMENDING ARTICLE 951 OF THE CITY OF BETHLEHEM CODIFIED ORDINANCES RELATING TO PEDESTRIAN MALLS AS A RESULT OF THE ENACTMENT OF NEW ARTICLE 961 RELATING TO SPECIAL EVENT ACTIVITY PERMITS, DEMONSTRATIONS, AND USE PERMITS

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. Bill No. 22-2019 was passed on First Reading.

10. RESOLUTIONS

A. *Authorizing Use Permit Agreement - Arts Quest - Step Outdoors Lehigh Valley, including Your First Mud Run*

Mr. Martell and Mr. Colón sponsored Resolution No. 2019-106 that authorized to execute a Use Permit Agreement with ArtsQuest for the Step Outdoors Lehigh Valley and Your First Mud Run event June 1, 2018 through June 2, 2019 according to the agreement.

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

B. Authorizing Use Permit Agreement – Arts Quest - Tacofest

Mr. Martell and Mr. Colón sponsored Resolution No. 2019-107 that authorized to execute a Use Permit Agreement with ArtsQuest for the Tacofest event on June 9, 2019 according to the agreement.

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

C. Authorizing Use Permit Agreement – Holy Infancy Roman Catholic Church – Portuguese Heritage Celebration and Multicultural Festival

Mr. Martell and Mr. Colón sponsored Resolution No. 2019-108 that authorized to execute a Use Permit Agreement with Holy Infancy Catholic Church for the Portuguese Heritage Celebration and Multicultural Festival event on June 7, 8, 14, and 15 according to the agreement

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

D. Authorizing Use Permit Agreement – Mountain Airy Neighborhood Association – West Side Farmers Market

Mr. Martell and Mr. Colón sponsored Resolution No. 2019-109 that authorized to execute a Use Permit Agreement with the Mount Airy Neighborhood Association for the West Side Farmers Market according to the agreement.

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

E. Authorizing Contract – Alan Kunsman Roofing & Siding

Mr. Martell and Mr. Colón sponsored Resolution No. 2019-110 that authorized to execute an agreement with Alan Kunsman Roofing and Siding for the 2019-01 Wastewater Treatment Plant Building Exterior Restorations.

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

F. Authorizing Contract – ITR, LLC

Mr. Martell and Mr. Colón sponsored Resolution No. 2019-111 that authorized to execute an agreement with ITR, LLC for the Predictive Maintenance Program for Water and Wastewater Facilities.

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

G. *Authorizing Contract – Tri-State Technical Sales Corp.*

Mr. Martell and Mr. Colón sponsored Resolution No. 2019-112 that authorized to execute an agreement with Tri-State Technical Sales Corp. for the Water Treatment Plant Valve Actuator Replacement Project.

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

H. *Authorizing Use Permit Agreement – Katie Finnegan dba The Bayou – 7 Days of Bayou*

Mr. Martell and Mr. Colón sponsored Resolution No. 2019-113 that authorized a Use Permit Agreement with Katie Finnegan dba The Bayou for 7 Days of Bayou Event on May 18 and May 19.

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

I. *Authorizing Use Permit Agreement – ArtsQuest – Levitt Concert Series*

Mr. Martell and Mr. Colón sponsored Resolution No. 2019-114 that authorized a Use Permit Agreement with ArtsQuest for the Levitt Concert Series May 17, 18, 24, 25 and June 1, 7, 8, 14, 15.

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

J. *Authorizing Contract – Spillman Farmer Architects*

Mr. Martell and Mr. Colón sponsored Resolution No. 2019-115 that authorized to execute an agreement with Spillman Farmer Architects for a kennel for stray dogs.

President Waldron asked Michael Alkhal, Director of Public Works for confirmation that Spillman Farmer is correct.

Mr. Alkhal stated that is correct.

President Waldron clarified we are voting on the Resolution, the Communication did have a typo but that does not affect the Resolution we are voting on.

Mr. Alkhal remarked in the Communication that paragraph is standard, it does not change but for some reason specific language got into it from a previous contract.

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

Motion – considering Resolutions 10 K through 10 M as a group

Mr. Callahan and Mr. Martell moved to consider Resolutions 10 K through 10 M as a group.

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

K. *Certificate of Appropriateness – 14 West Fourth Street (Vapor Galleria)*

Mr. Martell and Mr. Colón sponsored Resolution 2019-116 that granted a Certificate of Appropriateness to install a sign for the business at 14 West Fourth Street (Vapor Galleria).

L. *Certificate of Appropriateness – 337 Wyandotte Street (New Bethany Ministries)*

Mr. Martell and Mr. Colón sponsored Resolution 2019-117 that granted a Certificate of Appropriateness to rehabilitate and repair wood surfaces at 337 Wyandotte Street (New Bethany Ministries).

M. *Certificate of Appropriateness – 306 South New Street (Zest Bar & Grille)*

Mr. Martell and Mr. Colón sponsored Resolution 2019-118 that granted a Certificate of Appropriateness to install a 50' x 11' awning over the north terrace at 306 South New Street (Zest Bar & Grille).

Voting AYE on Resolutions 10 K through 10 M: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. The Resolutions passed.

Adding Resolution 10 N to the Agenda

Mr. Callahan and Dr. Van Wirt moved to add Resolution 10 N to the agenda.

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

N. *Certificate of Appropriateness – 35 East Market Street*

Mr. Martell and Mr. Colón sponsored Resolution 2019-119 that granted a Certificate of Appropriateness for an emergency shingle roof replacement and a flat/low sloped porch roof at 35 East Market Street.

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

11. NEW BUSINESS

Rescheduling Second City Council Meeting in May to Wednesday, May 22, 2019

Mr. Colón and Mr. Callahan moved to reschedule City Council's second meeting in May to Wednesday, May 22, 2019 since the normal meeting date of Tuesday, May 21, 2019 is Primary Election Day.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 7. The motion passed.

President Waldron remarked the Tuesday, May 21, 2019 City Council Meeting has been rescheduled to May 22, 2019 at 7:00 pm in Town Hall.

Equal Pay Ordinance

Mr. Callahan informed he and Solicitor Spirk have had some conversations about what came out of our Human Resources and Environment Committee Meeting concerning the proposed Ordinance related to equal pay for women. The general consensus is to make it a stand-alone Ordinance so Solicitor Spirk will be sending that to Mr. Reynolds and Dr. Van Wirt, and Mr. Callahan would appreciate any feedback or input or changes they would like to make to the Ordinance. After the input on this he would like to ask for another Committee meeting, if we need another Committee meeting.

President Waldron noted it would depend on the resolution. He does not know if his intention was to send it to the Human Relations Commission, as well.

Mr. Callahan reported the general consensus from the meeting was to have it as a stand-alone Ordinance, whatever Mr. Reynolds would like since it is his Committee. He would like to send it to them because they are on the Committee, and he would like their input on the proposed Ordinance.

Executive Session/Terminated Employee

Mr. Callahan referred to his comments from the April 16 City Council Meeting regarding his interest in an Executive Session and wanted to make it clear that he does not personally know the woman he spoke of. All he knows is what he heard through third party individuals and hearsay. He gave a hypothetical of a working class woman who was given specific reason for her dismissal and after she proved that she had nothing to do with this specific reason, the City wrote a letter to the unemployment agency confirming her claimed innocence. She was not rehired. He asserted someone made a mistake permitting a restaurant to build something they were not supposed. Two people were blamed and proved they did not do it, and nothing happened to the person who was responsible for it. Mr. Callahan pointed out he does not want anybody fired for mistakes. We all make mistakes, we are human. He asserted that when he sees a wrong he tries to right it, and he will keep fighting the fight. All he has asked for is an Executive Session to be informed of the exact reason why. Mr. Callahan referenced the upcoming Primary Election and thinks that working class women in the City would like to know if the candidates have their backs or choose to sweep this under the rug, and keep this Council in the dark concerning the firing of a long term employee. Mr. Callahan expressed Council has been informed about multiple incidents about employees about some of the most sensitive things that have happened, and he related his disappointment in not receiving a second for his motion. He remarked if we are told in the Executive Session it will stay in the Executive Session; that is what it has to do. He continued to say at the last Council

Meeting when he when it was brought up Mr. Reynolds stated it was inappropriate to bring this up and he talked about Executive Session and how what is said in Executive Session stays there. Mr. Callahan stated he agrees with Mr. Reynolds. Mr. Callahan asked Solicitor Spirk if someone agrees with his motion, do they affirm that, by saying yes or seconding it.

Solicitor Spirk stated yes.

Mr. Callahan mentioned if they do not agree with it, what do they do.

Solicitor Spirk stated they vote no.

Mr. Callahan queried if remaining silent and not giving a second appropriate.

Solicitor Spirk noted you would make a motion and if it got a second then there would be discussion and then a vote. If you made a motion and did not get a second there would be no discussion.

Mr. Callahan remarked if no one gives a second it is safe to assume that they are in the negative on the motion, they do not agree with the motion.

Solicitor Spirk would say they would not agree with what you want to do.

Mr. Callahan made the motion that Council move to Executive Session so that they can be informed by the Administration as to why a hard working middle class woman, who was a long term employee, was fired from her job without receiving any remedial plan or corrective action.

President Waldron mentioned just to be clear he would like us to end our public meeting immediately and move to Executive Session this evening.

Mr. Callahan stated no, it would be whenever the Administration would like to have an Executive Session.

President Waldron related that is what his motion was to go to Executive Session.

Mr. Callahan stated he would like to schedule an Executive Session sometime.

President Waldron understands, but just wanted to clarify.

President Waldron queried if there is a second on the motion.

Mr. Colón seconded the motion for discussion.

Mr. Colón noted Councilman Callahan used some rather strong language alluding to the upcoming election that he and two other members here are up for election and somehow drawing a line between not wanting to go into Executive Session meaning that we do not support an employee who he understands was working class and female. Speaking for himself, he does not feel that our unwillingness at the last Council Meeting, and potentially our unwillingness tonight or our unwillingness in the future, is saying that we do not care about working class women in

the City, as opposed to the fact that Council does not routinely interject itself in matters of ongoing litigation. Mr. Colón is coming up on the end of his first term on Council, but he does not recall a time that Council interjected itself in ongoing litigation other than the annual Executive Session where we received an update on insurance claims and things of that nature. He does not remember a time where we were installed when it came to personnel matters. Mr. Colón defers to the comments that were made at the previous Council Meeting where he will not be voting in favor of going into Executive Session for something that is ongoing. He has faith in how the City Council Solicitor as well as the City Law Bureau in how they handle personnel matters at this time and moving forward. He wants to make abundantly clear that one does not have to do with the other with the fact of gender and socioeconomic status of this employee, whoever they are, as well as his lack of interest in pursuing Executive Session to hear why that went on at this time. At a future date, once these things are resolved, and if it is appropriate in the eyes of the Law Bureau and our City Council Solicitor, he would be interested. As a City Councilman who does not have a legal background, and other than being told what is going on, he does not see how he will change the trajectory on these outcomes that are already taking place. He will again defer to those who are in charge of the legal matter to the City.

Mr. Callahan does agree with Mr. Colón. He has the utmost respect for the two Solicitors. Mr. Callahan remarked there is no lawsuit, but he is trying to head off one. We were informed step by step of every little motion that was going on way before any lawsuit with a Police Officer, so there is precedence for this already. He finds it amazing that no one is interested in finding out the reason why in Executive Session. His motion stands.

President Waldron asked if there is any other discussion on the motion.

Voting AYE: Mr. Callahan, 1. Voting NAY: Mr. Reynolds, Dr. Van Wirt, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Waldron, 6. The Motion failed 6-1.

City Clerk Retirement

President Waldron added there will be change here on Council which has nothing to do with the election. He announced City Clerk Louise Kelchner will be retiring and this is her second to last meeting. The next meeting will be her last before she earns her well-deserved retirement. He just wanted to recognize all of her years of service here and thank her for her guidance and patience working with Council as well as all of the years she served the City in her other role. He expressed we anticipate a seamless transition as our current Assistant City Clerk steps up to this role. He has full confidence that things will be keep moving smoothly and the City will be in good hands. More importantly Ms. Kelchner will enjoy her retirement.

12. ADJOURNMENT

The meeting was adjourned at 9:11 p.m.

ATTEST:

City Clerk