

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, January 19, 2021 - 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

President Waldron called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Grace Crampsie Smith, Olga Negrón, J. William Reynolds, and Adam R. Waldron, 6. Paige Van Wirt was absent, 1.

PUBLIC HEARING

Prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to accept public comment on a proposed Bill amending Article 1501 of the Codified Ordinances of the City of Bethlehem titled Fire Safety and Code Enforcement Inspection Fees.

Deputy Fire Chief Craig Baer queried if Council wanted him to go through this ordinance line by line or to just talk about the highlights and some of the changes.

President Waldron stated to give Council a bullet point of what some of those changes are and then he will turn to Public Safety Chair Michael Colón for comments and questions.

Deputy Chief Baer remarked for a history on this the last Fire Code that we adopted to stay consistent with the state was 2009 and this is going to 2015 so we skipped over two code cycles. This has nothing to do with us it is just how the state did it so that is why it took a little bit of extra time this time around to come up with the changes. Instead of reviewing a code cycle it was reviewing two full code cycles and there have been a lot of changes. For the permit fees they are not proposing any fee changes. He does not plan on doing a resolution to change any of the fees. There is a change in the appendices so we intend to adopt the fire code with all of the appendices of the fire code and in addition to extra appendices, an appendix that we can enforce to regulate temporary and mobile cooking operations. There are a few permits typed requirements that we removed from the fire code, mostly these were done because they are either regulated by another agency, the state or other agencies within the city. We address these in our annual inspection programs so he does not see a need to collect a permit fee on top of that. We are already enforcing the code, it would just be applying a permit fee to that and he does not see it being necessary. But some of those are carnivals and fairs. He noted that High Piled Storage is done by code enforcement, Industrial Ovens is done by DEP, LP gas-propane and natural gas, that is all regulated by the state, Repair Garages and Gas Stations are all done by the state, the same as the Temporary Membrane Structures and Tents, all set by the state. So we do not really have any enforcement authority on them, so those permits were removed out of the code. Deputy Chief Baer remarked they had a change to enforcement of over-crowding. Over the years it has been assumed in the way the code was written that you were allowed to evacuate a premises in an emergency situation due to over-crowding, we just added that language in there in Section

107.6 so that there is no question. This sets the rules for the Appeals Board, there is no separate Fire Code Appeals Board, and it all falls under the existing City Code Board of Appeals. Then Section 109 sets the penalties in order with the Third Class City Code in Pennsylvania. All the allowable penalties under the Third Class City Code are now rolled into and consistent with our local adoption of the Fire Code. We had to address the Department of Transportation and he went through Legal with this and this is because of the new Pennsylvania Fireworks Law and people transporting fireworks in Pennsylvania, we had to put the Commonwealth of Pennsylvania in there not just as a federal regulation but now the state has some say with their new fireworks law. Deputy Chief Baer continued with Open Burning and added they specifically removed the exception for recreational fires. He noted that recreational fires are defined as a fire that is built right on the ground and we removed that through the Fire Code, that they are not permitted at all. We adjusted the distances and clearance to buildings and combustible material for any open burning that would be allowed. We added language that open burning is only allowed when approved. We did that because we still have some instances through say Cub Scouts and some different events down at the Colonial Industrial Quarter, the flag burning ceremony, they do colonial cooking demonstrations, and we did not want to completely eliminate that possibility for those things to still happen. But it just needs to be in an approved method so we added that language in there to allow for that where approved through the proper process. He added some information for the portable fuel open flame devices, like the heaters you see on Main Street, there is a note added in there that they have a safety listing, from UL or one of the other ones so they have all the safety features that are currently available. Those include the anti-tip switch and if there is a leak they automatically shut off, so they are the safest ones possible. Deputy Chief Baer pointed out from 2009 to 2015 the emergency management portion of the Fire Code expanded from 3 or 4 pages to probably 40 pages. Just think back from 2007 and 2008 when that code was being drafted until now how many changes have taken place in the emergency management world. The language that we added was to give the City's Emergency Management Coordinator the authority to enforce certain sections of the Fire Code that he can require certain things that the Fire Code also requires and it would give him the authority in a planning phase to require those things. One of those things that he can require or he did not feel it was right for the Fire Department to require was a Police Department presence at some of these events. He thinks that is better handled from a higher level than the Fire Department saying they need police officers at an event. That gives the Emergency Management Coordinator the ability to enforce certain aspects of the Fire Code when it comes to public gatherings, planned events, festivals, and that sort of thing. This is specifically laid out in there what they can and cannot enforce. When the Emergency Management Coordinator position was in the Fire Department he does not think this was a big deal but now that it is a separate stand-alone entity, he thinks it will flow better with the Emergency Management Coordinator having the ability to direct some of those things. Deputy Fire Chief Baer remarked we have the mandate of reports for fire alarms, sprinkler systems, there is testing and maintenance to go through compliance and that is working well so we are going to keep that language in there and he would like to continue using them for submitting testing and maintenance reports for fire systems. He did make another change that had been changed in the 2009 ordinance because the language was not as clear as it could be for when additional standpipes are required, 250 feet from the nearest point of Fire Department access. We polished up that language so it is as clear as it can be. That is mainly for the big warehouses that are going in to give us the ability to better fight any fire that would occur. We would have a better ability with those extra standpipe connections. Deputy Chief Baer continued with Section 31 which lays the groundwork for the temporary cooking and mobile cooking in tents. Even though we do not enforce tents that is really done through the states and through the

buildings department but when it comes to cooking, eating, warming, any open flames in tents then that comes back to the Fire Code and that extra appendix that we adopted. That appendix is a National Fire Protection Association document, we did not come up with anything on our own, and that is a standard document put out by the NFPA to regulate mobile and temporary cooking operations. We addressed the new fireworks law in Pennsylvania, we had to make some changes and add Commonwealth of Pennsylvania in there with not just the federal government but how it affects us here locally with Pennsylvania's new fireworks law. We also addressed the new fireworks ordinance, Article 746 the City's firework ordinance and how that affects fireworks displays and what is considered a fireworks display and when it is just fireworks used by the public. Deputy Chief Baer noted those are the high points of this and the changes for this year.

Public Safety Chairman Colón thanked Deputy Chief Baer for going over that ordinance. He had gone over the permits that were removed from the code because there are other regulatory agencies that oversee those. He queried if that is new, or were those same agencies in effect the last time this was revised but just left in at that time.

Deputy Chief Baer stated no, we did some shifting around enforcing less permits but yet they were pretty much the same. He just wanted to explain why they were taken out. It is not that they are not enforced, he just does not see that it is either that we cannot or it is not really necessary that we add on an additional permit fee for something we are already getting through our annual fire inspection program.

Mr. Colón asked what page talks about recreational burning?

Mr. Colón noted this is on the bottom of page 9 of the bill and previously recreation fires would be allowed as long as they were not within 25 feet of a structure of combustible material and now they are prohibited outright, is that correct?

Deputy Chief Baer stated yes, the reason that there are some changes is that the language changed in the Fire Code so he tried to modify it the best he could to how the Fire Code has always been enforced in the past. It took a little bit of language change and he hopes the way this is proposed that it still gives us the ability to regulate it and allow it in certain circumstances but it is still consistent with how it has been for as far back as he can remember and as far back as anybody he has spoken to remembers, how the ban on open burning was.

Mr. Colón noted when we talk about fire protection and having regulations, he was at VegFest 2013 on the Greenway when the propane tank popped and he witnessed a tent vanish in a matter of a micro-second because of what happened. So when we talk about fire safety there are the needs to have these codes in place with different inspections and oversight. These changes he has no disagreements with, thank you for the presentation.

Deputy Chief Baer added it may seem for a lot of these events this is overkill but unfortunately Bethlehem is up there with some places like Philadelphia and Chicago who have had a significant event from mobile cooking. When you look at places around the country that are strict, most of those places have had a significant event that they either got really lucky or things got really bad. He does not think you can ever be too safe in those situations especially when it comes to the public being around, they have the right to be as safe as possible during those events.

Mr. Callahan remarked for the people who have an open fire pit in their backyards that they use for cooking, would that still be allowed?

Deputy Chief Baer related he did not hear the question.

Mr. Callahan asked for residents that have a fire burning pit in their backyard and are using it to cook hotdogs, as long as they are cooking with it is this still legal?

Deputy Chief Baer explained to really be considered cooking it is supposed to be in a store bought grill, not some sort of homemade thing or a stone wall. We tell people switch over to propane, it is safer and convenient for everybody.

Ms. Crampsie Smith stated she has had questions from people about the fire pits. Are there regulations that they have to be gas or can they be alternates to gas, what is the status on that?

Deputy Chief Baer remarked it is only propane or natural gas that is currently allowed. He will say that a lot of other cities do allow it if they take the open burning out of the Fire Code and make it more of a public nuisance thing. He is trying to be consistent with what we enforce here in Bethlehem that it was not allowed, it is just now that some of this language has changed and we have had to modify it to make it fit into what our intention is.

Ms. Crampsie Smith related that the fireworks this year were just ludicrous, there were many complaints. She asked how they will deal with this until hopefully we get the state to revoke the law, but is there anything we can do to help with enforcement.

Deputy Chief Baer noted unfortunately the state took any authority away from us, the fire side and made it strictly a police issue. The way the state law is written from the fire side, we do not have any enforcement authority. One of the reasons is that we are one of the few municipalities in the state outside of Philadelphia and Pittsburgh that enforce the entirety of the International Fire Code. Unfortunately we did have a say in fireworks but the way the state law is now written it becomes a crime that is enforceable by police. In his opinion this was poorly written and they did not accept any input, it was a money grab and they did what they had to do to get it approved.

Mr. Callahan remarked he just wanted to be clear that residents are only allowed by the ordinance to use gas flame for cooking; they are not allowed to use firewood. He was under the impression that there are allowed to use firewood as long as they are using it for cooking purposes.

Deputy Chief Baer informed to give an expanded history on this we have tried different things over the years and for a while it was an unwritten rule that if you are cooking the Fire Department will not say anything but that went bad in a hurry. He remembers at least one night going to two separate building fires on the south side and they were around Lehigh students and they were cooking and thought they were fine but in the middle of the night their cooking fire spread to buildings. He thinks it is the safest and easiest way to do this is to have the outright ban. He would be willing to share some of the crazy things that people do.

Public Comment

None.

President Waldron stated the Bill amending Article 1501 of the Codified Ordinances of the City of Bethlehem titled Fire Safety and Code Enforcement Inspection Fees will be placed on the February 2, 2021 agenda for First Reading.

President Waldron adjourned the Public Hearing at 7:24 pm.

2. APPROVAL OF MINUTES

November 17, 2020 and January 5, 2021

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

Student Overlay District

Brandon O'Keefe, 1932 Mary Street, explained that with 802 Atlantic Street and 801 Hillside which he purchased within the last four months he was told by Robert Vidoni that he could call in and comment about the Student Overlay for that particular property. He wanted to give a few reasons why he thinks this property would be good for the Student Overlay. It is connected to an additional 1.2 acres that would allow additional parking and front use space for the students. It is also about a 10 minute walk from the college, the arts center, and other buildings for the college. On our structure we are setting up the ability for students to gather and study in game rooms, fitness areas, and they will have their own laundry facilities. All the students will have access to the high speed internet that is on the property. Mr. O'Keefe pointed out most of the homes in the area are already twin homes and apartment complexes so he thinks this area is perfect for this. We can update the look to that particular area so it would increase property values. The property is going to be managed by a professional management company which would allow the property to be maintained and well taken care of. We are planning on putting in security cameras throughout the property that will increase the security for the neighborhood. Mr. O'Keefe hopes this is enough information. He added they moved from Utah to do this venture and are excited to be in Bethlehem.

President Waldron stated he would encourage Mr. O'Keefe to follow up with an email so that way we have some of those pertinent details.

Armory Construction

Diana Rodriguez, 315 Rauch Street noted she would like to ask a question she has asked twice before. She is back with this concern especially that we are looking forward to the next election here in the city. Her neighborhood is very focused to see who has our interest and who is protecting us. So far every time we bring up the same question and topic we are just ignored. She and her neighbors live around the Armory development. President Waldron had suggested getting in contact with Alicia Karner and she did that. Her response was that the city does not do periodic inspections when constructions are happening. She did not say why, she said the city

does not do that. Ms. Rodriguez would like to know if the Council could give her any reasons why the city cannot commit to do some kind of periodic inspections during and after the construction of this magnitude especially given that it is an historic neighborhood and our homes are really old. She would like to know why they cannot do this.

President Waldron reported he does not know why.

Ms. Rodriguez queried if there is a way we can find out why they cannot to commit to something as simple as just sending an inspector out after and during the construction to make sure that our homes are protected. We are just here at their mercy.

President Waldron remarked that would be a question that would be best answered by the Housing Department under the Community and Economic Development Department. Those inspectors are the ones that carry out inspections within the city. He added that City Council does not have any overview of those employees. That would be something the Administration would have to handle.

Ms. Rodriguez asked if the person in charge would be Ms. Karner.

President Waldron stated ultimately yes.

Ms. Rodriguez explained she is the one who told her that the city does not do that. She was wondering if anyone there would have the knowledge of why. She did not give any legal reason why they do not do this; she just said they do not do it.

President Waldron is not aware of the city ever inspecting other properties in the proximity to any development but again he is not in that department and is not familiar with their practices. This is something those professionals would have a better handle on.

Ms. Rodriguez noted we are at their mercy, they approved this and then they left us alone with whatever happens. The other question she has is that we have been trying to ask for a traffic study specifically for Rauch Street because we do not have sidewalks and they have not done a traffic study. Ms. Karner said if she wanted that information, which is supposed to be public information because we are going to be the ones affected by this, we will have to fill out the right-to-know form. She was wondering if there was an easier way to have access to the traffic study.

President Waldron remarked the easiest way would be to fill out the right-to-know request which is a one page form and that gets processed quickly. He is sure if that was done last time we had this conversation you would have probably have the report by now.

World Heritage Initiative

Charlene Donchez-Mowers informed she is the President of the Historic Bethlehem Museum and Studies and the Bethlehem World Heritage Commission. She would like to thank City Council for their continued support of our World Heritage Initiative. There was a federal register notice requesting public comment on the next site to be put forward by the United States nomination to the World Heritage list. She understands that City Council will be having a resolution this evening to support this initiative. She added this will bring incredible recognition

to our city; we can become a heritage triangle with the Statue of Liberty in New York and Independence Hall in Philadelphia, the other two nearby World Heritage sites. There are only 24 World Heritage sites in our entire country, so this would be an incredible honor. Ms. Donchez-Mowers wanted to call in and say thank you very much to the City Council for your continued support of this initiative.

President Waldron thanked Ms. Donchez-Mowers for her work on this World Heritage Initiative; all of the City of Bethlehem appreciates it.

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

None.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Director of Water and Sewer Resources - Recommendation of Award - D'Huy Engineering, Inc. - Water Treatment Plant Roof Repair*

The Clerk read a memorandum dated January 8, 2021 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with D'Huy Engineering Inc. for Water Treatment Plant Roof Repair. The term of the contract shall run from the Notice to Proceed until December 31, 2021. The cost is \$35,000 and there are no renewals.

President Waldron stated resolution 10 B is on the agenda.

B. *Director of Water and Sewer Resources - Recommendation of Award - Rettew Associates, Inc. - Broadway Sanitary Sewer Replacement*

The Clerk read a memorandum dated January 8, 2021 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with Rettew Associates, Inc. for Broadway Sanitary Sewer Replacement. The term of the contract runs from the Notice to Proceed until December 31, 2021. The cost is \$90,800 and there are no renewals.

President Waldron stated Resolution 10 C is on the agenda.

C. *Chief of Police - Firearm Purchase - Yeakel*

The Clerk read a memorandum dated January 11, 2021 from Police Chief Michelle Kott with an attached resolution and agreement for the purchase of a duty weapon by a retired officer of the Bethlehem Police Department. Pursuant to the Third Class City Code, retired officers may purchase their duty firearms at fair market value.

President Waldron stated Resolution 10 D is on the agenda.

- D. *Human Resources Director – Recommendation of Award – Preferred EAP – Preferred Employee Assistance Program – Counseling and Coaching Services*

The Clerk read a memorandum dated January 12, 2021 from Michelle Cichocki, Director of Human Resources recommending a contract with Preferred EAP for Employee Assistance Program Service Agreement counseling and coaching services. The term of the contract runs until December 31, 2022. The cost is \$14,200 and there are no renewals.

President Waldron stated resolution 10 E is on the agenda.

- E. *Human Resources Director – Recommendation of Award – St. Luke’s Occupational Medicine – DOT Regulated Random Testing Agreement*

The Clerk read a memorandum dated January 13, 2021 from Michelle Cichocki, Director of Human Resources recommending a contract with St. Luke’s Occupational Medicine for DOT required drug and alcohol testing program services. The term of the contract runs until December 31, 2021. The estimated cost is \$7,200 per year and there are no renewals.

President Waldron stated resolution 10 F is on the agenda.

- F. *Assistant City Solicitor – Proposed Amendment to Article 1713.04 – Relating to Composition of Historical Architectural Review Board*

The Clerk read a memorandum dated January 14, 2021 from Edmund Healy, First Assistant City Solicitor with an attached proposed bill amending Article 1713.04 relating to the composition of the Historical Architectural Review Board. The Main purpose of the amendment is to increase flexibility of board service eligibility requirements to make it easier to fill vacant positions.

President Waldron stated he will refer this to the Community Development Committee.

- G. *Director of Community and Economic Development – Recommendation of Award – Historic Officer – Phillips & Donovan Architects – Joseph Phillips*

The Clerk read a memorandum dated January 13, 2021 from Alicia Karner, Director of Community and Economic Development recommending a contract with Joseph Phillips, Phillips & Donovan Architects, for the Historic Officer Position. The contract runs through 2023 with possible one year extensions through 2025. The cost is \$16,200 per year with an additional \$25 per month in subsequent years.

President Waldron stated resolution 10 G is on the agenda.

- H. *Director of Community and Economic Development – Recommendation of Award – Historic Officer – Jeffrey Long*

The Clerk read a memorandum dated January 13, 2021 from Alicia Karner, Director of Community and Economic Development recommending a contract with Jeffrey Long for the

Historic Officer Position. The contract runs through 2023 with possible one year extensions through 2025. The cost is \$16,200 per year with an additional \$25 per month in subsequent years.

President Waldron stated resolution 10 H is on the agenda.

I. Director of Water and Sewer Resources – Records Destruction Resolution

The Clerk read a memorandum dated January 14, 2021 from Edward Boscola, Director of Water and Sewer Resources requesting Council to consider a resolution for the Destruction of Records from the Water and Sewer Resources Department listed in the attached exhibit. The Director has reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Waldron stated the resolution can be placed on the February 2, 2021 Council agenda.

J. Council President – Resolution in support of naming Historic Moravian Bethlehem to the World Heritage List

The Clerk read a memorandum dated January 15, 2021 from Council President Adam R. Waldron with an attached proposed resolution supporting the City's efforts to have Historic Moravian Bethlehem named to the World Heritage List.

President Waldron stated resolution 10 I is on the agenda.

K. Director of Water and Sewer Resources – Penn Vest Grant Application – Lead Service Line Replacement

The Clerk read a memorandum dated January 14, 2021 from Edward Boscola, Director of Water and Sewer Resources with an attached proposed resolution authorizing the city to submit a Financial Assistance Application to the Pennsylvania Infrastructure Investment Authority (PennVest), for the purpose of obtaining a grant to fund construction, rehabilitation, and/or extension of city water infrastructure.

President Waldron stated resolution 10 J is on the agenda.

L. Director of Public Works – Recommendation of Award – B & F Petroleum Installation, Inc. – Underground Storage Tanks Replacement at Municipal Garage

The Clerk read a memorandum dated January 15, 2021 from Michael Alkhal, Director of Public Works recommending a contract with B & F Petroleum Installation, Inc. for replacement of the underground storage tanks in the municipal garage. The estimated completion date is May 27, 2021. The new contract amount will be up to \$334,410 and there are no renewals.

President Waldron stated resolution 10 M is on the agenda.

7. REPORTS

A. *President of Council*

Lehigh County Executive Phillip Armstrong

President Waldron related this evening City Council is joined by Lehigh County Executive Phillip Armstrong. He has been checking in with us every twelve months or so. Last time he was able to join us in the rotunda but this evening he is with us on the GoToMeeting for those watching at home. He will give us some information on what is happening in Lehigh County. President Waldron noted as some of you are aware, about a third of the city is located in Lehigh County including his residence and Vice President Colón's as well. We are eager to hear what he has to say and we thank him for joining us this evening.

Executive Armstrong thanked Council for having him. He likes to get out to every one of the meetings every year. It is nice to get out and see what is going on. He found the information about the Fire Code unbelievably interesting; it is amazing how these things get updated. He had the privilege to serve on the Bethlehem Historic Committee with Mrs. Donchez-Mowers and he has to say that she is a gem and has been working so hard as getting this city as a World Heritage site. His eyes were opened when he became a member of this committee with the work that is involved. It is not just putting in an application and saying what we have and please can we be a designation. Executive Armstrong noted that Lehigh County is also going to be doing a letter of support of that. He is also very proud of the help we were able to give out to all the municipalities in Lehigh County including Bethlehem in our CARES Act Funding. We saw that the municipalities took a major hit because of Covid as the Counties did also. So we tried to share as much as we could and we also did substantial help to ArtsQuest because we realize how valuable that is to all of the Lehigh Valley. Just because it is held maybe not in our County it is still a valuable resource that we do not want to lose as far as quality of life. We are experiencing the same problems that Bethlehem is experiencing getting people help right now because of Covid in our jail and our senior homes. He is sure that Mr. Colón knows that working at Gracedale. It is a difficult situation and is a fluid situation because it changes by the hour. We are doing the best we can with what we have. What good has come out of this is that you have seen lately cooperation between municipalities and the county, between non-profits and the county, between businesses and the county. He is sure that everyone agrees we are sick of looking at things at the national level where it is just two forces meeting head on. We can assure the citizens of our area we are always working together. Potholes do not know parties that is his saying, if there is a pothole that needs to be fixed they do not care what party you are in and that is the great part of local politics. If we try to take the word politics out of it we get to be people who serve our community. What he would like to do by coming is asking you if you have any questions on anything in particular in the county or a need that we may have forgotten about. He would like to open this up to Council if there is anything about the county that you would like to know in particular.

Mr. Callahan thanked Executive Armstrong for all of his support with the Rose Garden. He knows that budgets are tight this year and probably next year also. But if there could be any funds that could be directed towards the Rose Garden on the west side he would deeply appreciate it. He knows the residents on the west side would appreciate it also. That is one of the main areas on the west side of Bethlehem which is Lehigh County. There are a lot of good people

over there that put a lot of work into the Rose Garden to upgrade it. Again, he appreciates anything that can be done for that area.

Executive Armstrong noted the Rose Garden and also the Burnside Plantation are both in Lehigh County, two beautiful spots in Bethlehem. We are hoping in the next round of funding that we will have money back to us again to be able to do these things. One bit of good news which he cannot make public today but we got a nice check today, a very nice check to work with a particular problem that he knows we have in our cities. We just got the check but are not ready to make a formal announcement until we put it all together. We applied for something and we were rewarded by getting our application in first.

President Waldron remarked he could mute everyone else and just tell Council about that grant award.

Executive Armstrong noted he can say that it will be helping with housing and rent assistance.

President Waldron related that is great news for all of Lehigh County.

Executive Armstrong pointed out in the Morning Call that there were 25 County Executives from America have joined this group where we meet monthly. A few weeks ago we met with the future Secretary of Transportation and because he is in that group the next day he got a call from that group saying there will be money available and you could get up to a little bit more than \$10 million. We got that call on Friday morning and Friday afternoon the application was in and today the check came. That is the quickest thing we ever got. It is a problem we are facing in our cities and in our urban areas so now we have a lot of work to do on agencies to work with this but it will be tremendous help for Lehigh County.

President Waldron stated that is great news. He knows there are many families and individuals and small businesses that are hurting because of the economic downturn. How does he feel that has affected Lehigh County in any way that is different than the Lehigh Valley as a whole?

Executive Armstrong informed that he and he is sure Lamont McClure did the same in Northampton County, every small business that applied for CARES funding, we were able to give them economic development money. There were many thank you letters and in fact he received a really nice letter from ArtsQuest today. This meant life or death to a lot of our businesses especially restaurants and people who were dealing with the food industry and tourist industry. They were hurt but today he found out that our hotels are not near what they were but we have the highest percentage occupancy rate of any of the hotels in the State of Pennsylvania. We are higher than Philadelphia. We have a great place to live, a great place to come and enjoy, we have great open spaces, Rails to Trails, and recreation. When we get Historic Bethlehem as a World Heritage site that will be tremendous, so he thinks we are going to be on the right side of this when we get out of Covid with the economy but it will be a few quarters until we get back to normal. Our businesses are suffering. What we are all hurting on is labor. He met with 103 different business leaders last Thursday and the common thread was that their businesses are doing well but they cannot find workers. Because of Covid people are not at work and with schools they are staying home because of daycare problems so there is a shortage of labor now in

Lehigh County. We have the career link and they are ready to place people so we just need to get these people ready to get back to work, we have the jobs for them.

President Waldron remarked that all sound positive, thank you for joining us.

Ms. Crampsie Smith thanked Executive Armstrong for coming to our meeting, it is great how you come periodically to keep us updated and it is appreciated that you are accessible. Any money you can send our way for housing and mental assistance, we will take it.

Executive Armstrong related we just got this check today so there is a lot of work before he can announce it. As with anything that comes with a grant there are a lot of regulations that go with it but it is a fantastic thing to get.

Ms. Crampsie Smith hopes we get first dibs. She asked about the shortage of labor and if it is skilled labor or non-skilled labor.

Executive Armstrong stressed all kinds of labor. You would be surprised, in Northampton and Lehigh County there is B. Braun, Bausch, Olympus, every one of them were talking about shortages. There are construction companies, manufacturing companies, so there are not just warehouse jobs out there, a lot of different kinds of jobs. We have programs now with the schools, not all kids want to go to college so we need them to go into these trades which are just as valuable and there is free training for this. We are also working on those programs in a cooperative effort.

Ms. Crampsie Smith remarked as a school counselor doing career counseling she sees that many kids need to go into the trades more so than college, that is important that we send them through that route and make sure we have those training programs for them.

Executive Armstrong stressed at we do.

President Waldron thanked Executive Armstrong for joining us this evening and he hopes the rest of his visits to the other municipalities within Lehigh County go well. He hopes that Executive Armstrong and the rest of the residents of Lehigh County have a better 2021.

Executive Armstrong stated thank you.

Michael Schweder

President Waldron wanted to honor a former City Council Member Michael Schweder who we lost recently at age 71. President Waldron noted he did not have an opportunity to work with Mr. Schweder on Council; his time on Council was from 1998 until 2009. He was a Liberty graduate and he had a large impact on many residents within the City of Bethlehem and carried a long lasting legacy. He asked if there were any other remarks that Council wanted to make and after that he would like to have a moment of silence.

Mr. Reynolds had the opportunity to serve with Mr. Schweder for two years and during his time serving the city, we have talked about what the Casino and what the redevelopment has meant for our decision making in 2021 and beyond. When that all was coming together John

Callahan was the Mayor at the time and he worked hard to bring that to Bethlehem and bring in development. Without the Casino there we do not have Steel Stacks and we do not have that \$10 million dollars every year and we do not have the jobs. Mr. Reynolds remarked many people deserve credit for that but at the time City Council and Mr. Donchez remembers this, it came down to 4 votes and Mr. Schweder was one of those votes. He had pushed for the Casino and the redevelopment. It was something at the time was controversial but one thing we can all agree on is if we did not do this at that time as a city who knows where we would be. It is sometimes hard to prove a negative and hard to prove we did not have to make difficult decisions because Mayor Callahan and City Council at the time including Mr. Donchez did that. Mr. Reynolds remembers he was just out of college at the time and was not on City Council yet but just watched this as a Bethlehem citizen. It was a heavy lift and at the time there were some disagreements between City Council and the Mayor but this was one where they came together and got behind this transformational project for the city. A lot of great things that have happened in the city over the past 15 years have been dominos that have fallen because of the leadership of Mayor Callahan, Councilman Schweder and Councilman Donchez at the time and the other members of City Council. It is absolutely going to be a big part of Councilman Schweder's legacy. Mr. Reynolds believes he speaks for a lot of people when he says that his prayers go out to his wife and his sons and his family.

President Waldron then asked for a moment of silence to remember former Councilman Michael Schweder.

B. *Mayor*

U. S. Post Office Mail

Business Administrator Eric Evans announced they are very aware of significant delays with mail in our homes or at our work places. The city is no different than that. Most of the delays that are impacted seem to be the water bills coming in late. People are calling in saying they are not getting them, we have a lot of volume with that. The tax bills went out and we do not seem to have that same impact, it may be due to the timing of rolling them out. We are notifying resident mostly through social media, email, and our website and when people are coming in we are not charging any interest or penalties. We are hoping the mail will begin to become corrected.

1. *Administrative Order – Dr. Joseph Bacak III – Board of Health*

Eric Evans, Business Administrator, read Mayor Donchez' reappointment of Dr. Joseph Bacak III to membership on the Board of Health effective through January, 2026. Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-008 to confirm the reappointment.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

2. *Administrative Order – Dennis Domcheck – Bethlehem Authority Board*

Eric Evans, Business Administrator, read Mayor Donchez' reappointment of Dennis Domcheck to membership on the Bethlehem Authority Board effective through January, 2026. Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-009 to confirm the reappointment.

Ms. Crampsie Smith remarked as the liaison to the Bethlehem Authority Mr. Domcheck has done an excellent job and has an impressive resume. She spoke with Mr. Repash and he hopes that Mr. Domcheck will be reappointed because he has been a real asset to the Authority.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

C. *Community Development Committee Meeting-Canceled*

President Waldron remarked we would have had a report from Dr. Van Wirt. There was an intention for the Community Development Committee to meet this evening at 6:00 pm. This meeting had to be postponed and a new date has not been set but when it does that will be made public.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

A. *Bill No. 01-2021 – Zoning Text Amendment – Commercial Uses on First Floor in CB and CL Districts*

The Clerk read Bill No. 01-2021 – Zoning Text Amendment – Commercial Uses on First Floor in CB and CL, sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE IN SECTIONS 1305 AND 1306 TO AMEND PROVISIONS FOR COMMERCIAL USES ON THE FIRST FLOOR IN CB AND CL ZONING DISTRICTS.

Mr. Callahan remarked this area will cover the Third and New Street area where the Benner project is and asked if that is correct.

Ms. Karner related when Mr. Callahan says this will cover that area the changes are not going to apply so much to CB as they are to CL. What we had talked about at the last meeting was that instead of discouraging law offices and office space in the limited commercial area which is East Fourth Street, Broad Street, East and West Broad Street, a few of the areas we pointed out, this will make it easier for those offices to operate in that limited commercial area. It will transition them from non-conforming to conforming uses.

Mr. Callahan stated he concern is that Benner building has been up now for a few years and the name of the restaurant that was in there was Sagra Beans, it was a coffee shop. The

second floor and up which are all offices, from his understanding, is completely booked and leased out. It looks like he is having problems trying to get a restaurant or retail into the first floor. His is on board with trying to have restaurant and retail on the first floor. His only concern is that if that continues in storefronts like that or building like that for some reason retail or restaurants are not working. He thinks it is not working there because people do not want to park in the garage, they want to park in front versus other restaurants that are down there. He does not want us to get to a point where we are binding the owner of that building. If he cannot find a restaurant in two or three years and if a restaurant and retail store is not working is he stuck keeping that open or does he have to come back to us to try to have us have a text amendment or something to change it so he could allow offices in there. Mr. Callahan reiterated he is on board and wants to keep the first floors of all these buildings in these areas retail and restaurants if possible. If it is not possible and time goes by and we realize that for whatever reason that first floor of any building is not attracting a restaurant or retail business what relief could they get in allowing having an office on the first floor.

Ms. Karner stated as with any ordinance they can prove hardship, they can request a variance and take it to the Zoning Hearing Board. We do make policy in the best interest of the central business district. In this instance as a whole we do not tend to make decisions especially those that are backed up by retail analysis and study and just observation determining where we see the foot turnover in other locations. Certainly I am loathe to discuss a specific property in a public setting especially as it relates to real estate but when it comes to this policy we are looking at what is in the best interest of the downtown as a whole, not individual storefronts.

Mr. Callahan realizes that but he is just trying to figure out what relief in the future or not just this building but any other building that would show they have an issue or issues that are not permitting for whatever reason for a retail or restaurant store not working on the first floor. He thinks everyone would agree we do want retail and restaurants on first floors but if it is not working he thinks a business on the first floor is a much better look than an empty storefront that is his concern.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. Bill No. 01-2021 was passed on First Reading.

10. RESOLUTIONS

A. *Approve Records Destruction –Fire Department*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-010 that authorized the disposition of the Fire Department records, as stated in Exhibit A.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

B. *Approve Contract – D’Huy Engineering, Inc. – Water Treatment Plant Roof Repair*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-011 that authorized to execute a contract with D’Huy Engineering, Inc. for the Water Treatment Plant Roof Repair.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

C. *Approve Contract – Rettew Associates, Inc. – Broadway Sanitary Sewer Replacement*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-012 that authorized to execute a contract with Rettew Associates, Inc. for the Broadway Sanitary Sewer Replacement.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

D. *Approve BPD – Firearm Purchase - Yeakel*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-013 that authorized an agreement to effectuate the transfer of the City issued handgun assigned to Eric Yeakel, Retired City Police Officer.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

E. *Approve Contract – Preferred EAP – Preferred Employee Assistance Program Service Agreement*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-014 that authorized to execute a contract with Preferred EAP for Preferred Employee Assistance Program Service Agreement.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

F. *Approve Contract – St. Luke’s Occupational Medicine – DOT Regulated Random Testing Agreement*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-015 that authorized to execute a contract with St. Luke’s Occupational Medicine for the DOT Regulated Random Testing Agreement.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

G. *Approve Contract – Historic Officer – Joseph Phillips, Phillips & Donovan Architects – Joseph Phillips*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-016 that authorized to execute a contract with Joseph Phillips, Phillips & Donovan Architects for the Historic Officer Position.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

H. *Approve Contract – Historic Officer – Jeffrey Long*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-017 that authorized to execute a contract with Jeffrey Long for the Historic Officer Position.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

I. Approve Resolution in support of naming Historic Moravian Bethlehem to the World Heritage List

Mr. Reynolds and Mr. Waldron sponsored Resolution No. 2021-018 that recognizes the great historical, cultural, and architectural value of Historic Moravian Bethlehem and strongly supports the city's efforts to have the site named to the World Heritage List.

Mr. Reynolds thanked Mr. Waldron and Mr. Vidoni for putting this together. He had a conversation with Ms. Donchez-Mowers a week ago and he asked about whether or not we could put something on here. This is really big deal for Bethlehem. When you go around and talk to the different institutions, Moravian College, Historic Bethlehem Partnership, LVDC, or the Chamber of Commerce, this is really a potentially wonderful thing for Bethlehem. It could really bring a lot of people to our city. He thanked Mr. Waldron and Mr. Vidoni for working on this quick to get this on the agenda. He also thanked Ms. Donchez-Mowers for all of her continual work on this issue.

Mr. Colón also wanted to thank the Members of Council that brought this forward and Ms. Donchez-Mowers. As fate would have it he runs into Ms. Donchez-Mowers grocery shopping pretty much half the time, they go at the same time, so he gets first person updates from her directly. He also hears all the work that goes into this with her time and energy and her expertise working on this. He thanks her and is glad to support anything to continue these efforts as we move forward.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

J. Approve Resolution – PennVest Grant Application – Lead Service Line Replacement

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-019 that authorized to submit a financial assistance application to the Pennsylvania Infrastructure Investment Authority substantially in the form presented at this meeting for the purpose of financing the construction, rehabilitation, and/or extension of the City of Bethlehem water system. Appropriate officers of the City of Bethlehem are hereby authorized to execute all certifications and documentation required in connection with the application.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

K. Certificate of Appropriateness – 29 East Church Street

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-020 that granted a Certificate of Appropriateness to remove fence sections and gates and to install a 6-foot-high red cedar fence and new gates.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

L. *Certificate of Appropriateness – 408 North New Street*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-021 that granted a Certificate of Appropriateness to demolish the detached rear garage and replace with a new 2-story structure, with modifications to the existing deck.

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

M. *Approve Contract – B&F Petroleum Installation, Inc. – Underground Storage Tanks Replacement at Municipal Garage*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-022 that authorized to execute a contract with B&F Petroleum Installation, Inc. for the Underground Storage Tanks Replacement at the Municipal Garage.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

N. *Approve Land Gift – 8 Mechanic Street*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-023 that authorized the gift of property identified in the memorandum dated December 10, 2020 for 8 Mechanic Street. Administration officials are authorized to accept delivery of the deed for this property.

Voting AYE: Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, Mr. Callahan, and Mr. Waldron, 6. The Resolution passed.

11. NEW BUSINESS

Finance Committee Meeting

Chairman Reynolds announced a Finance Committee Meeting will meet on Tuesday, January 26, 2021 at 6:00 PM in Town Hall. The agenda items will be budget year-end adjustments. Due to Covid this will be a virtual meeting and instructions for public comment over the phone will be posted online on the City Council Meeting calendar page.

Public Works Committee Meeting

Chairwoman Crampsie Smith announced a Public Works Meeting will meet on Thursday, March 4, 2021 at 5:30 PM in Town Hall. The agenda items will be discussion of the Responsible Contracting Bill; Gift of Land to the City; and Stormwater and Management Fee. Due to Covid this will be a virtual meeting and instructions for public comment over the phone will be posted online on the City Council Meeting calendar page.

12. ADJOURNMENT

The meeting was adjourned at 8:22 pm.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk