

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, July 19, 2022 – 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

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

*Honoring Sergeant Kevin Conrad and Officer Michael Manfredo*

President Colón read citations honoring Sergeant Kevin Conrad and Officer Michael Manfredo upon their retirement from the Bethlehem Police Department. Neither was present, but the citations thanking them for their years of service will be mailed to each.

*Executive Session*

President Colón announced City Council held an Executive Session this evening on Tuesday, July 19, 2022 at 5:00 pm for an update on personnel matters.

PUBLIC HEARINGS

President Colón stated prior to the consideration of the regular Agenda items; City Council will conduct two Public Hearings, as follows:

Public Hearing No. 1

The First Public Hearing is to accept public comment on (3) three Zoning Text Amendments from Darlene Heller, Director of Planning and Zoning, 1. Amending the Zoning Ordinance of the City of Bethlehem at Part 13 of the Codified Ordinances – Article 1302 – Definitions. 2. Amending the Zoning Ordinance of the City of Bethlehem at Part 13 of the Codified Ordinances – Articles 1305 and 1308 – Industrial Redevelopment and Industrial Redevelopment-Residential Zoning District, and 3. Amending the Zoning Ordinance of the City of Bethlehem at Part 13 of the Codified Ordinances – Article 1315 – Industrial-Overlay District. The Community Development Committee reviewed the proposed zoning amendments at its May 24, 2022 meeting and voted 3-0 to recommend that the amendments be forwarded to the full Council and be the subject of a Public Hearing.

Public Hearing No. 2

The Second Public Hearing is to receive public comment on the proposed Ordinance Amending Article 1501 to adopt the 2018 version of the International Fire Code. Pursuant to the Pennsylvania Construction Code Act, this proposed ordinance was required to be transmitted to the Pennsylvania Department of Labor & Industry for review at least 30 days prior to the holding of a required public hearing by City Council. At the time of the transmission of the proposed ordinance, which was done on June 8, 2022, the City was also obligated to provide to the Department a proposed date for the

holding of the public hearing, and the Council Meeting on July 19, 2022 provided sufficient time for the Department's review to be concluded. Accordingly, it is requested that this proposed ordinance be placed on Council's agenda for July 19, 2022, for a public hearing.

*Communication 6A – City Planning Commission*

The Acting Clerk read a memorandum dated July 8, 2022 from Steve Neratko, Chief Community and Regional Planner, stating the Lehigh Valley Planning Commission Comprehensive Planning Committee reviewed the proposed zoning ordinance amendments. These amendments simplify the Zoning Ordinance and demonstrate evolution and adaptability of government and support an efficient development process. A copy of the adopted ordinances are required to be sent to the Lehigh Valley Planning Commission per the Pennsylvania Municipal Planning Code.

*Public Hearing No. 1*

President Colón called the First Public Hearing to order concerning the (3) three Zoning Text Amendments from Darlene Heller, Director of Planning and Zoning.

Ms. Heller noted as was said these were reviewed at a Community Development Committee Meeting. We had proposed (5) five amendments and (3) were forwarded. The first amendment is to revise just three definitions. We have a definition for Bed and Breakfast and we proposed to tweak that a little bit to note that Bed and Breakfast must take place only in a single-family detached dwelling, and also that the owner must reside in the dwelling, right now that is not clarified at this point. We also did allow a manager to take care of a Bed and Breakfast but we propose to revise that. The second is to revise the definition of a property line. Right now, it is straightforward, a line forming the front, rear or sides of lots or parcels of property as described in the recorded title. Sometimes we find that an actual title includes parts of the right-of-way. We propose to add that we are excluding any part of a street or alley dedicated as a public right-of-way and accept it as such by the city. The third definition is that we do not currently define right-of-way in the ordinance so we propose to add a definition of that for clarification. Those are the three modifications to the definitions section.

Ms. Heller explained the second amendment is to propose some revisions to the zoning district IR, Industrial Redevelopment and IRR which is Industrial Redevelopment/Residential. Those zoning districts were created when the Bethlehem Steel site was closing down. It was created in a way that it would be flexible to be open for a variety of uses and the city at the time wanted to streamline the review process. At that time, it was proposed that any relief from the district provisions would go to the Planning Commission and the relief was termed to be modifications. With some consultation with the current Solicitor's Office, we note that the MPC only allows revisions to a zoning ordinance through special exception variance or an interpretation. All relief needs to be approved by the Zoning Hearing Board, not the Planning Commission. We are really cleaning up legal provisions of this district and then another one. Modifications are not permitted in the MPC and the Planning Commission is not permitted to provide relief through the Zoning Ordinance. What you see here is some deletion of the sections that refer to modifications and/or refer to relief by the Planning Commission. Some provisions still remain but we have provisions in other sections of the Zoning Ordinance that address parking requirements and parking relief, tree requirement and tree relief. Those things are universal throughout the city, they do not need to be called out in this zoning district specifically.

Ms. Heller continued with the third amendment which is to address the Industrial Overlay District. This is a district that follows the boundaries of the land that Majestic Development owns. The goal here is to do the same types of modifications. We are removing any provision related to modifications and removing any reference to relief through the Planning Commission. That sends all relief to the Zoning Hearing Board, and it would require either special exception variance or interpretation through the Zoning Hearing Board.

Ms. Heller pointed out that they did forward (5) five amendments originally, (3) three were forwarded to you for tonight. At some point we would like to have some further discussion as well about the other (2) two amendments that are hanging out there and we can talk about next steps to either modify those amendments or move those forward as well.

*Public Comment*

None.

President Colón adjourned the First Public Hearing at 7:15 PM.

*Public Hearing No. 2*

President Colón called the Second Public Hearing to order concerning the proposed ordinance amending Article 1501 to adopt the 2018 version of the International Fire Code.

Craig Baer, Deputy Fire Chief explained this is a state requirement for them to update the International Fire Code from the 2015 to the 2018 version. The majority of the changes are similar language, most just address numbering changes and section changes that were changed in the 2018 code. He did want to call out a few of the sections where they are not just numbering changes and bring those to your attention. On page 2 of the appendices of the 2018 code were re-lettered, the same text was adopted, just different letters. The same thing for a few of the required operational permits, we removed some from the Fire Code, these are just addressing the numbering changes. On page 12 the 2015 modifications to the code that we made; Section 403.12 addressed outdoor events. There was a lot of language that we had modified in 2015 and that whole Section was stricken from our modifications in 2018, that whole chapter was almost completely rewritten and it addressed a lot of concerns we had. Deputy Chief Baer mentioned on page 14 we inserted language in Section 901.6 which indicates "Records shall be provided to the City of Bethlehem per Resolution 2018-214 and 2018-212." This was something that was not in the 2015 code. The Council had adopted those Resolutions, this cleaned it up a little to note that those Resolutions were adopted and that officially put those into the Fire Code. The next Section below that we added language to require the companies that were uploading reports on Fire Protection Systems into our complaint software that was adopted through the city. We found that companies were dragging their feet and delaying so we wanted to put a 30-day time limit on that. On page 15 the language in the 2018 code changed as it relates to hose valve locations mainly in high-rise buildings. We had enforced the location of those hose valves on the intermediate landings, the language changed, we felt it was best moving forward with the old hose valve locations and modified the language in that Section to reflect that. In Section 1103, there was a change in the 2018 code that would require retroactive addition of sprinkler systems in certain assembly buildings where alcohol sales were permitted. We modified that language to delay that retroactive requirement until there was a change of occupancy, that way current occupants would be able to continue without the sprinkler system until there was a

change of occupancy. There is another retroactive requirement we changed requiring opening protectives for around fire escapes. There are very few fire escapes in Bethlehem, we were just deleting that retroactive language that would require extra protection and it would still be required on all new buildings. The last change was to address the new Fireworks Article that Council adopted, Article 746, just to align the language in that Ordinance with the language in the Fire Code.

President Colón thanked Deputy Chief Baer and noted those changes are rather technical in nature, he appreciates his time and everyone's time that worked on this.

Ms. Kwiatek mentioned on page 10 in Section 307.4.3, portable outdoor fireplaces, she is curious what is the definition of that. It says approved is being added and it was her understanding that there is no place in Bethlehem where these are approved.

Deputy Chief Baer explained the reason that language was changed, and it was also changed in prior codes was that we have a few instances where there are Cub Scout groups and Girl Scout groups where we allow them if they apply for a permit and meet all the requirements. It is a supervised area we go out and we inspect. He did not feel it was fair to those groups that had adequate supervision so we still allow them to have this. We get very few of them, but the Cub Scouts, Boy Scouts, and some of the Girl Scout troops are some of the regulars that ask if they could do something.

Ms. Kwiatek remarked that means this is not a change in any way to the policy.

Deputy Chief Baer noted the only change was the number in the code section, it is the same language as in prior years, we just needed to note the change in the number in the section.

President Colón referenced at the beginning of the meeting that these changes have to be submitted to the Department of Labor and Industry. He asked if they give any feedback to these changes.

Deputy Chief Baer explained what will happen is that after the Second Reading and if this is passed, a final copy of the adopted Ordinances goes to them and there is a 35-day appeal window for anybody to appeal. Once that appeal happens they give notification that there were no appeals and it passes. There is an outside review to this, it is not just us.

*Public Comment*

None.

President Colón adjourned the Second Public Hearing at 7:25 PM.

2. APPROVAL OF MINUTES

July 5, 2022

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

*Truck traffic on Route 378*

Resident Jonathan Weppel noted he is curious as to why the traffic is not enforced on Route 378 where it no longer is a freeway. We have big trucks carrying tons and tons barreling at 70 MPH approaching a bridge and an intersection. He queried why there are no brake arrest prohibitors, the Jake brake. He explained you hear the banging noise from the Jake brake constantly.

*Noise/Garbage/Street Light*

Resident Angela Mitchell stated she is at this meeting because she is concerned about issues that are happening currently on the 400 block of Cherokee Street. We need to have more pickup dates for garbage collection other than Monday and Tuesday. We live in row homes and there is a retainer wall so there is no pathway in the back to bring the garbage to the back of your house. Last year we had an infestation of mice, but she called and that was straightened out. She is also concerned about street cleaning. She has since April called and came to City Hall to inquire about when they can come and clean the street. There is a lot of debris on the street from the storms we had this year. But this still has not been done yet. Ms. Mitchell is also concerned about a neighbor who lives across the street who has 5 vehicles, he has a motorcycle and 2 race cars and at 1:00 am he idles and it is so loud it wakes the whole neighborhood up. During the day he is outside with music blasting. She called the Police and they came out and gave him a warning and if they came back again, he would be cited. They left and he turned the music down but then he started revving the engines on his cars. She does not know what to do. She has another neighbor who is a renter and she has reported to the Police, he wakes the neighborhood up around 8:30 am, so even if you want to sleep late in the morning you cannot, because they are revving their cars also. Our street is dark at night and she has asked before about a light being put on the street.

President Colón referred her to any Members of the Administration who are here tonight for discussion.

*Communication 6 E/EAC vacant position*

Resident and Environmental Advisory Council (EAC) Chair Lynn Rothman informed she is speaking on behalf of the EAC. She thanked Council for the consideration of the amendments to the Zoning Ordinance/Solar Energy under Communication 6 E this evening. The EAC has worked with Deputy Fire Chief Baer, Chief Building Inspector Mike Simonson, Director of Planning and Zoning Darlene Heller, and Assistant Director of Planning and Zoning Tracy Samuelson in developing these recommendations. These individuals were extremely generous with their time. We appreciate their assistance and willingness to update the ordinance, especially knowing that they are then responsible for the implementation. By encouraging solar energy, we believe these proposed amendments will further the goals of the Climate Action Plan to increase sustainability, utilize alternative energy sources, and reduce our overall carbon footprint. On an unrelated note, the EAC also has one vacant position and we are taking application through August 6<sup>th</sup>. If you are interested you can go to our website, [bethlehemeac.org](http://bethlehemeac.org) for details.

*Compost Center*

Resident Maryanne West stated she was concerned about the individuals working at the Compost Center and that they have no shelter to get out of the sun. She has been given some responses in asking about this. She was told if they put a tent there it might fly away, there is no place to put it and if the workers need to take a break they can go to the trailer. She hopes something can be done about this.

*Festival/Eliminate Violence*

Resident Artie Curatola remarked that he is the host for the Lehigh Valley stage for Wake-Up Rise-Up Live for Peace which is linked to the United Nations' International Day of Peace held on September 21. Mr. Curatola also suggested initiating a festival supporting "love and peace" in Bethlehem. He said that he is working to start similar festivals in cities in Pennsylvania and New Jersey, and suggested that Bethlehem, with its many festivals, should be among the locations. We also need to eliminate violence and work on that.

*Hotel Bethlehem Historic Hotel nomination*

Resident Bruce Haines stated he is at this meeting to solicit support to vote the Historic Hotel Bethlehem the number 1 best historic hotel in the United States. The voting started yesterday. In 2019 we were nominated, one of 20 hotels nominated by a panel of travel editors from USA Today as one of the top 20 hotels to be voted on which occurs over a 4-week period in July every year. In 2019 with the help of the Bethlehem community and the Lehigh Valley we finished 3<sup>rd</sup>. We and the Hershey Hotel were the only 2 in Pennsylvania and the Hershey Hotel did not make the top 10. Mr. Haines continued to say in 2020 with support again, we moved to number 2 and in 2021 we were number 1 and were the only hotel from Bethlehem and we beat the perennial Peabody Hotel in Memphis, Tennessee. Getting that national recognition was great, not just for the hotel but for Bethlehem and the State of Pennsylvania. We are nominated this year and voting started so you can go to [votehotelb.com](http://votehotelb.com) and it takes you to the USA Today website and you can place your vote, once a day. Also, you can vote on every device you have, your laptop, cellphone or whatever. So please vote for us to retain our number 1 status.

*Moravians*

Resident Stephen Antalics noted that some of you might be asked by visitors a question and how would you answer and what history would you choose. Where was the first house in Bethlehem? It was built in 1774 at the site where the Hotel Bethlehem now stands. But that would be different history. He mentioned a man from Holland built his first unfinished cabin but it was swept away by the Lehigh, next to the Monocacy Creek. He then built a bigger house away from the stream. This house the Moravians passed by in 1740 and later they found shelter while building their first house in Bethlehem. They may ask who are the Moravian? You might say they are a group of people from Germany who came to Bethlehem with County Zinzendorf and founded the city. But there was another group of people who came from the area of Bohemia as the Moravians did. So be careful whose history you use.

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

*Backyard Chickens/Ordinance Proposed*

Resident Lucy Lennon explained she has lived in Bethlehem quite a few years and has come to Council many times to voice her opinion on many subjects but tonight she comes about backyard chickens. One of coronavirus's most surprising consequences was the surge in the popularity of backyard birds. Many have spoken against responsible chicken ownership with somewhat silly and not true accusations, such as chickens are smelly but chickens are no smellier than other animals. With proper care and responsible ownership, they are no different than a cat or dog. As a realtor she has been in homes where allowable socially acceptable animals, cats, dogs, reptiles smell horrendous, it is not the animal, it is the pet owner. Another fallacy is that chickens are noisy but an average chicken clucking is 60 to 70 decibels and a golden retriever, the average bark is 113 decibels. According to the CDC report dated February 2, 2022 since 2003 19 countries have reported more than 860 total human infections with the bird flu to the World Health Organization with about 53% of those resulting in death. That is a total of 455 deaths since 2003 and not one in America. That is 24 deaths a year. Last year with bee stings there were 62 fatalities and 450 people die falling out of bed. With the help of City Council, our Health Department, Community and Economic Development Department, Zoning, others, and the residents we could come to some great guidelines and allow the chickens to be regulated.

Resident Kelly Allen stated he wanted to give a few of his credentials. He is a professor of Food Studies at Northampton Community College. He studies food systems and food culture. Mr. Allen informed he is an active resident of Bethlehem when it comes to issues related to food sovereignty and food justice. He is thankful that this chicken ordinance is being proposed. He also wanted to acknowledge the great work coming out of City Hall and how this ordinance is another step forward in this great anti-classist and anti-racist work. With this ordinance we will be giving people of diverse cultural and economic backgrounds the freedom to feed themselves and engage in a food system that is appropriate for who they are.

Resident Anna Zawierucha informed she also wanted to support the ordinance for chickens. She agrees that we live in dire times on many different levels and one of them is also the poverty of food. We have been given factory food and the outcome is that we are a sicker population, we are obese, we are unhealthy, we pay more in health than any country in the world and our results are less than any country in the world. She does have a few concerns with the ordinance. In Section 4 paragraph C as written the language is vague where it says that "The animal control officer and police officer should be given the right to enter a premises without prior notification." It just says that the health inspector and police can come in. She thinks that is inappropriate, they should have prior notification. In Section 5.6 it says "The animal control officer shall also have the power with the consent of the City Council to make such rules and regulations as they deem necessary to carry out the purposes of this ordinance." That is too liberal and if changes must be made to the ordinance it should be through a public hearing once an ordinance is written. The other point she finds limiting are the setbacks. There is a 25-foot setback, but with that where are you going to put your coop? That also disadvantages people with smaller properties. If you have 4,000 square feet, chickens only need a 4 x 4, 16 square feet. So even a small property owner could have 2 or 4 chickens but when you have a 25-foot setback where do you want them to put their chicken coop or chicken run. She pointed out that with noise, there are people who purposely make a lot of noise with their cars and trucks. When she is bicycling or walking, they just seem to be extra loud. Chickens are peaceful and are a positive contribution to our city.

Resident Thomas O'Connor explained he mentioned there is also the quality of life of the chicken itself. These factories may say these chickens are cage free but that does not mean they are in a dark building their entire life. A happy animal provides better food and better for everyone.

Resident Eric Flowers informed that all the speakers have spoken well. He added that his family has had chickens since he was a small child, he grew up around them. They are not that much maintenance and taking care of chickens was a fun thing to do and also there is the idea that they provide eggs.

Resident Samantha Randall echoed what most people have said already about the backyard chickens. When she lived in Denver where they do allow backyard chickens, if you did not know the person had them for the most part you did not even know they were there. They are very quiet and the noise they do make is nice. The quality of life for the chickens and the people who get to keep them is vastly improved.

#### *LERTA*

Resident Bill Scheirer, mentioned with the LERTA ordinance he was told that if the developer provides affordable units, the developer gets to decide what is affordable. He does not know if this is true. So, he is going to concentrate on the in lieu of option which stands right now as \$26,350 which comes out to almost exactly \$220 a month over a 10-year period. It does seem low to him so he has a few thoughts. It is only for projects that have 10 units total so one change we could make is to make it so much per unit so the \$26,350 would become \$2,635 per unit. That would be kind of a sneaky way and because that seems smaller, we could raise it to \$3,000 per unit. His second thought is that why not stop the restriction that applies to projects with 10 or more units. So, if someone builds 5 units and \$3,000 per unit, \$15,000 so that is another \$15,000 in the mix. Finally, why not have a payment for the whole city, this would be a new ordinance, maybe \$2,000 anywhere in the city if you build an apartment, you contribute \$2,000 to the trust fund. Mr. Scheirer noted those are a few thoughts about how we could increase the amount of money.

Resident Stephen Antalics, stated he is recommending tabling Ordinance Bill 14-2022. State College has 42,000 people, Penn State Undergraduate has 8,500, Radner Township has 43,000 residents, 7 schools with Villanova enrollment, 7,500. In Philadelphia, the University of Pennsylvania, Temple, Drexel and 16 other colleges. Bethlehem with Lehigh and Moravian is unique, the only community he has mentioned that has a problem with student housing. Mr. Antalics believes that student housing has decimated the south side of Bethlehem. This is because Bethlehem does not get it. The other communities he mentioned it the definition of family speak of related and non-related limit to 3. So, when you can only put 3 students in a house, real estate developers do not buy the house because they would not get the rent. Bethlehem has it at 5 which make it a big-time profit and these people are flocking to Bethlehem because they are making money and destroying the south side way of life. If you look at Bill 14-2022 it is saying in definitions that 5 unrelated people can live in a house as a family. In the Overlay District for student housing that is very confusing. In one area you can have 5 students and in another area 3 students and in another area only 2 students.

#### 5. OLD BUSINESS



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

6. COMMUNICATIONS

- B. *Assistant City Solicitor – Proposed Amendments Rules and Regulations of the Civil Service Board*

The Acting Clerk read a communication dated June 24, 2022 from Matthew Deschler, Esq., Assistant City Solicitor with an attached proposed resolution and exhibit. The resolution would approve amendments to the City's Civil Service Board Rules and Regulations that were adopted by the Civil Service Board on December 1, 2021 and June 21, 2022.

President Colón stated Resolution 10 A is on the agenda.

- C. *Housing and Community Development Administrator – CDBG/HOME Annual Action Plan*

The Acting Clerk read a memorandum dated July 12, 2022 from Robert Vidoni, Housing and Community Development Administrator with an attached resolution approving the City's 2022 annual CDBG/HOME Action Plan.

President Colón stated Resolution 10 F is on the agenda.

- D. *Director of Planning and Zoning – Multimodal Grant Submission – PA DCED – Broad Street Active Transportation Plan Implementation*

The Acting Clerk read a memorandum dated July 13, 2022 from Darlene Heller, Director of Planning and Zoning with an attached resolution authorizing application for a PA DCED Multimodal Grant of \$985,500 to be used for the Broad Street Active Transportation Plan – Phase 1.

President Colón stated Resolution 10 G is on the agenda.

- E. *Environmental Advisory Council – Amend Zoning Ordinance – Update Solar*

The Acting Clerk read a memorandum dated July 11, 2022 from Lynn Rothman, Chair of the Environmental Advisory Council recommending that the attached amendments to the Solar regulations of the Zoning Ordinance be forwarded to City Council for consideration.

President Colón stated he will refer this to the Human Resources and Environment Committee.

7. REPORTS

- A. *President of Council*
- C. *Mayor*

*Roundtable/Bernie Fritz Night*

Mayor Reynolds wanted to thank Ms. Satullo, Ms. Santoro, Ms. Collins, and Mr. Vidoni. Yesterday with our homelessness consultant Michael Baker we had a roundtable with a lot of the institutions and a lot of work went into that between the Bethlehem Area School District, our Health Network and some of our non-profits, this was a beginning. There is going to be a lot of community engagement and outreach as we continue to move forward with potential sites. We want to get all of the different partners in the room to start to talk about his kind of continuity of services. On behalf of the institutions, they did want to pass along our thanks to Council as well for supporting this effort. The institutions were thankful that the city is taking the lead on this. Mayor Reynolds added there was a lot of conversation about this being an issue that needs to be tackled regionally and we had partners also from both counties, our non-profit communities, people that provide homeless services. One of the common themes was how happy they were that we were making this concerted effort and they did want to pass along their thanks to City Council for supporting the effort. He noted that tomorrow night is Bernie Fritz night, which is 6:00 to 8:00 pm and is something we are looking forward to with different tables out there and different things going on. Many of our emergency services will be there, a DJ and it will be fun for the whole family.

#### *Six Month Financial Status*

Business Administrator Eric Evans noted that we are experiencing some strange national economic conditions. He wanted to talk a bit about what we see on television and what we are experiencing in our lives and how does it impact the financial status of the city. It is also a good time because it is midpoint. The numbers he talks about are as of 6/30/2022. As for revenues, real estate taxes are the largest revenue, that is one-third of our revenue which is on pace. The discount base payments have been received as well as those who have chosen to make installments, February, April and June have been received. At this time, we are running at a 95% collection rate with the final installment so we do anticipate to reach 100% of the budgeted number for real estate taxes. Another large item is the Casino and that is also right on budget. The two quarterly payments have been received; the Casino Host fee is at 49.96% of expected budget. The Act 511 taxes which make up 16% of our budgeted revenues is running ahead of pace. EIT is 59% of the budget and due to more jobs in the city, the rising wages and lower unemployment rates. Deed Transfer Tax is well above the budget amount. We expect it to be about \$780,000 at this point in the year, it is over \$1 million dollars. Deed Transfer is a function of higher home prices and the heavy volume of real estate transactions. With regard to expenses, Medical, our large line item is a little over 50% after a couple of years being underbudget for reasons we spoke of in the past. Salaries, our largest line item is below budget due to a number of open positions. Police is running at 146 positions filled now versus a budget of 154. They did just hire 3 recruits, 2 will attend the Academy for 6 months and are not able to join the force yet. The Public Works Department is down the most in terms of number with a number of open positions in our Grounds, Streets, and Facilities Department. The open positions do save money so from a budgetary perspective it is a good thing but it is extremely difficult to keep up with the daily functions required around the city with grass cutting and maintenance on projects and properties across the entire city. As for temporary help, the part time and seasonal positions are also below budget, there are a number of unfilled part time and seasonal positions. Labor shortage is a national trend. Mr. Evans pointed out another major national concern is inflation and that is having a small impact on our budget, there is an impact but it is not major. That is due to the fact that 75% of our budget is somewhat fixed and locked in. Personnel, which is salaries, medical, and pension is set. Salaries are set with contracts, and with pensions we know a year ahead what

that payment will be and medical is running close enough. The next 10% is Debt Service and we do not have any floating debt; all of those payments are known and will not change. So now we are at 85% of our budget which is protected against inflationary pressures. But the remaining 15% does have some exposure to inflation, that is utilities, materials, supplies, and equipment. We are experiencing this with gasoline, as we talked about at our Finance Committee Meeting. We need our police cars, EMS, Fire, and Public Works, they attend to the daily services so we do burn through a significant amount of gasoline. Those transfers were voted on at the Finance Committee Meeting and are on the agenda this evening. Public Works and Water and Sewer have seen pricing jumps in materials, and construction contracts that may come out more in the capital, not so much the operating budget but we are also seeing energy prices going up. With regard to overtime, we are keeping a close eye on it, that is running just a little over budget in the larger overtime accounts which is Police and Fire. That had a lot to do with the January spike in Covid, with the Omicron Variant there were a number of people out sick during that time and we had to backfill those positions. Mr. Evans remarked with regards to staffing is that the labor shortage in general is taking a toll on our staff. When we first launched our new website in 2019, he does remember checking the career opportunities quick link and there were two or three and they were part time and seasonal positions. Now if you take a look at our career opportunities offered through the city there are a number of full time and some quite critical positions. Paramedics, Zoning Officer, GIS Manager, Housing Inspector, Purchasing Specialist, Engineering Assistant, Superintendents in Water and Sewer, a number of maintenance workers in Streets, Grounds and Utilities. Those jobs are full time positions we are hoping to be able to fill. We do understand it is a national trend that is involved in most industries but it is placing a stress on the existing personnel to keep up on the daily needs to the city. Mr. Evans continued with a few pieces of good news. The first is our credit rating. In connection with the Water Bond that was discussed last month S & P Global ratings conducted a credit review on the City of Bethlehem, this is a standard step that they do as part of due-diligence as with any bond issuance. Based on the review, S & P did raise the City of Bethlehem's credit rating from A plus to AA minus. He would like to point out there has been 10 credit reviews since 2014, each and every one has either been a reaffirm, and existing rating and that is 5 times or it has been resulted in an upgrade of our rating the other 5 times. For this particular one it has been 4 consecutive reaffirms of our A plus rating. This is our first upgrade since February of 2017 so we are proud of that. We thank the entire workforce as well as the Administration and Council. We will not rest, challenges do persist. The next one is something we are proud to announce, our labor contracts. We have now reached agreements with all 3 of our bargaining units, these are our large contracts and are time consuming and now they are in a good place. SEIU is the first, Fraternal Order of Police is the second, and the IAFF is the third labor contract. The 3-year contract with SEIU, that is our non-uniform workforce was set to expire last year but in December of last year we did reach an agreement for a 3-year contract that will run from 2022 through 2023 and 2024. The Police contract, the FOP, the last one expired in 2018 and unfortunately it did go to arbitration, it was not settled through negotiations, the arbitration lasted 2 years and in 2020 the arbitrator issued a 5-year settlement that retroactively addressed 2018 and 2019 and set terms from 2020 to 2022. That settlement was set to expire at the end of this year; however, we are happy to announce that we have reached terms with the FOP on a 4-year contract that will run from 2023 through 2026. As for the Fire Contract, the last IAFF went down that same path, the contract expired in 2018 and unfortunately also went to arbitration with an entirely different set of hearings with a different independent arbitrator, the same settlement in the end was delivered. The Fire settlement was set to expire the end of this year but we are also happy to announce that terms have been reached on a 4 years contract with the IAFF that will run 2023 through 2026. Mr. Evans noted they would

like to thank each of those labor groups in working hard and in good faith to reach terms that we believe are fair to the city and the employees.

Mayor Reynolds added that we talk about this a lot, but the overall financial picture of the City of Bethlehem as far as our municipal services and what goes on at City Hall is strong and as strong as any city that you will find in Pennsylvania. What Mr. Evans also talked about with our Credit Rating, which has consistently improved over the past 8 years, that is a credit not just having to do with us but previous Administrations and previous City Council's. They were willing to make tough decisions. It is a big deal the fact that we had the ability of Mayor's and City Council's and Unions to work in harmony and set up our 5, 10, 15, 20-year financial plans. Without stability it is hard to do all the things we want to do. The fact that we are able to set all 3 of these contracts early and in his 15 years of doing this, that is a big deal. It is a big deal as far as productivity, as far as our workers are concerned with asking our workforce to do more with less has been a common theme for several years around here. Mayor Reynolds pointed out that over the last 10 years we have eliminated 80-90 positions but yet at the same time when you look at the level of service our employee provides to the citizens of Bethlehem, it is even higher than it was 12 years ago. So, settling these contracts saves a lot of time for internal staff, and it saves a lot of money. As we come out of this pandemic and look at all of the high priorities we have, including affordable housing and homelessness and investing in our neighborhoods with the current labor shortage we have the fact that we can focus on the big things is a big deal. Mayor Reynolds thanked everyone here who has been a part of that. When you look at other cities, they talk about terms that we do not even know about like Act 47, selling off water and sewer systems, selling parking garages, those are things that the people of the City of Bethlehem do not even know are things. He thanked Mr. Evans and all of the Department Heads that are here. We budget conservatively to come in below on what we are counting on for EIT and Deed Transfer and other things knowing or guessing that things will come up. With this year it was over time because of Covid. We talked about earlier in the year that the majority of our workforce is vaccinated, we were happy with that but there are people who are not and when they get Covid they are out for a particularly long time and that has affected our bottom line as well. Thankfully as the year has gone on that has improved but there are always things you cannot plan for and gasoline is one of those situations as well. As the year goes on and we get close to the budget we will talk more about that.

President Colón thanked Mayor Reynolds and Mr. Evans for that, we do appreciate getting those operational updates as to where we are.

C. *Committee of the Whole Meeting*

President Colón announced the Committee of the Whole met on Wednesday, July 6, 2022 at 6:00 PM, in Town Hall. Council discussed the Conflict-of-Interest Ordinance and voted to schedule another Committee of the Whole Meeting in the future to discuss this further. That meeting will be announced when it is scheduled.

D. *Finance Committee Meeting*

Chairwoman Enix announced the Finance Committee met on Tuesday, July 19, 2022 at 6:00 PM in Town Hall. The Committee discussed 5 agenda items. The first agenda item was to review proposed adjustments to the General Fund Budget. The second agenda item was to

review a proposed transfer of funds to the Golf Fund. The third agenda item was to review a proposed transfer of funds to the Sewer Capital Budget. The fourth agenda item was to review a proposed transfer of funds to the Non-Utility Capital Budget. The fifth agenda item was to review a proposed transfer of funds to the General Fund. Committee votes were taken on all (5) give agenda items, and for each item, the Finance Committee voted to recommend placement of appropriate legislation on tonight's Council agenda.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

A. *Bill No. 14-2022 - Enacting Article 343 - Southside II Local Economic Revitalization Tax Assistance (LERTA) Program - postponed from July 5, 2022 Council Meeting*

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

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

President Colón mentioned he will give a recap of the past few weeks as it relates to LERTA. We had a Committee Meeting to review this and it was on the agenda for First Reading at the last meeting. At that time, it was postponed until tonight's meeting for the First Reading. We did have a few amendments for this come through in within the last 24 hours that were proposed by a few members of Council. One of the things that was discussed on the floor of Council at the last meeting as it related to LERTA was some of the legality as it relates to advertising. If we do any amendments and they are significant changes, essentially any amendments that really change the ordinance significantly we would have to advertise for 10 days before the vote.

Council Solicitor Brian Panella explained we would have to advertise within 10 days of enactment.

President Colón noted that we would have to advertise 10 days before the Second Reading. Like any ordinance here in the City of Bethlehem there is always 2 readings. Tonight, on the agenda for this ordinance is the First Reading. We have some amendments that were proposed and he would give the opportunity for every Member of Council to speak before any one was to make any motions, if that is the will of Council. One of the things that we can do is have the First Reading of the ordinance as it is because he believes there are potentially more amendments coming. Our Council Solicitor and our City Clerk will prepare the legal ads that are needed to run for the amendments that were proposed so as long as they are advertised within

that time-line we satisfy that requirement. So even if we do not even vote on those amendments tonight, if Council choses to vote on all amendments at one time at the Second Reading and have more time to read through all the amendments and ask questions that is within Council's right and we satisfy that timeline. One of the other things that has been discussed is that once this is passed by Council, whenever we had that Second Reading this would then go on to the School District and then Northampton County because they are the other two taxing bodies. So, there is some element of timeliness to this as we are in our second meeting in July so there are 10 City Council Meetings left in the year after today. We would try to be considerate of that. If Council elects to have the First Reading tonight, which is something he encourages, have the First Reading to satisfy that requirement and have until the next Council Meeting to review the amendments that have come forward in the last 24 hours. Those amendments will be advertised by our Clerk's Office and then LERTA could be amended prior to the second vote if that is the will of Council.

Ms. Crampsie Smith remarked that at our last meeting we talked a lot about the LERTA and she spoke about the fact that it was her belief that we needed to increase the fee in lieu of which is currently \$26,350. She unfortunately was only able to get the amendment for the fee in lieu of out today due to unforeseen circumstances. She wanted to review her amendment for the fee in lieu. She took a calculation of the average of rentals for two-bedroom apartments in 5 peer residential developments over the past 10 years in the City of Bethlehem. She took what the rent range was for the two bedrooms and what the average rental cost is for a two-bedroom in each of the 5 developments. She took the average of those 5 developments what the rental would be which is \$2,068 a month. She took that and subtracted the fair market rent which is \$1,196 dollars which brings us to \$872 and times 12 months which is \$10,464. When we multiply that by 10 year's we get a fee of \$104,640 dollars. There has been a lot of discussion even though that could be a somewhat fair rate for a fee in lieu, we realize that we do not want to dissuade developers from taking advantage of the fee in lieu and there also may be additional cost with development of a brown field. Given that, she is willing to cut that fee in half to make it \$52,320. She thinks that is a somewhat fair fee. In-addition the LERTA applicants choosing the fee in lieu of option will have a 5-year period to pay the fee in full. The fee can be paid in full at the beginning of the LERTA period where the annual fee will be the total fee divided by 5. Failure to pay the fee in a timely manner will exclude recipients from continuing tax exemptions. Ms. Crampsie Smith noted the reason she feels it is important to give them the 5-year period is because some developers may be just starting out and may not have as much capital as other developers and it may not be fair to ask certain developers to put the total fee in lieu up front so we will give them a 5-year time period. Also, she thinks it is important that the LERTA fee in lieu of is recalculated every year, possibly January to reflect the fluctuations in rental fees and apply this to the new applicants within that calendar year. That means the fee in lieu could go up or it may go down depending on fluctuations in rents at that time. Ms. Crampsie Smith thinks it is important to have as fair a fee in lieu as possible. When we participated in the NYU housing solutions task force, they did state strongly that our fee was too low. Even though the fee should be from this formula, \$104,000 she is willing to make it half in fairness to the developers and the possible issues with developing brown fields. This is a somewhat fair fee in lieu of and we need to consider if we really want to promote an inclusive and equitable Bethlehem in the housing arena. As an aside she wanted to mention that the Pennsylvania House and Senate just passed House Bill 581 which basically will allow local taxing authorities to provide tax extensions to incentivize and create affordable housing. Within two months that should become law. We see it at the state level, we see it at the federal level, everyone sees the need that we have to incentivize affordable housing. She is asking everyone to support her amendment to the LERTA.

Ms. Kwiatek asked about the 5-year payback period and she thinks it needs to be explicit when that begins, she would imagine that you would not want that to begin before they actually started getting people paying rent. The idea would be that they would have income coming in from the property. Maybe that needs to be specified.

Ms. Crampsie Smith remarked that the 5-year period would start at the minute they are approved for the LERTA. Then they need to decide with the Community and Economic Development Department if they will pay the total fee up front or do they want to go with the 5-year plan and then they would divide the fee by 5 and she would say the first-year fee needs to be paid at that moment.

Ms. Kwiatek remarked that with the amendments she has that she appreciates working with Alicia Karner, Deputy Director of Economic Development and Matthew Deschler, Assistant City Solicitor on just some language to strengthen the consequences of delinquency and default. Also making sure that developers in the LERTA are current with their property taxes on any of their properties. There are a number of amendments within that which serve that purpose.

President Colón asked her to summarize the intent of those amendments.

Ms. Kwiatek stated the intent is for us to make sure that we avoid tax delinquency and default on properties in the LERTA and not reward developers who are delinquent in their taxes. There is also another piece that is just some language regarding the other taxing authorities, the School District and Northampton County and there is a definition of a delinquent property owner. Her intent was to make sure that nobody gets away with not paying their taxes and then gets a tax break.

Dr. Van Wirt asked if theoretically if we were to vote on this tonight there is an amendment from the Administration regarding a LEED certification. If we were to vote on this and we wanted to have the second vote on August 2<sup>nd</sup> would that give us 4 days to understand the data that has been put in front of us because we have to advertise 10 days before.

Solicitor Panella remarked that for our advertising purposes from date of submission the newspaper takes 3 days to then run it so we are working on that timeline as well. If we absolutely wanted to get this enacted at the next meeting, the Second Reading, we are dealing with some strict timeframes within which we have to get amendments in and then have this appropriately advertised so we could address them at the meeting properly. Also, with all due fairness to the public, we need to make those amendments available to the public so they could review it as well. We have many people who have studied the LERTA so we need to make sure we are fair to the public. Our Clerk's Office is good about submitting the advertisements right away but we are somewhat beholden to the realities of the newspaper and running ads as well. So, if it ran 9 days prior to the actual meeting, unfortunately that would mean that we could have a Second Reading and go over what was talked about but no official vote would be able to be taken at that point because we did not hit that 10-day timeframe. It would then get pushed off to the next meeting. If we are absolutely trying to pass this and he does agree with President Colón, we are dealing with a somewhat of a timeframe given that there are other government bodies that we have to satisfy. If we want to move on this with the absolute Second Reading at the next meeting then yes, the amendments and all that would have to be submitted within a quick turnaround. If it is substantially outside of that 10-day period and 9 days would qualify as substantial, then we

would not be able to officially be able to pass the LERTA at the next meeting, we could have open discussions about it but those amendments because of their advertising purposes would then have to go to the next meeting after that.

Dr. Van Wirt admits she is a little uncomfortable with the tightness of the timeframe considering the volume of changes and data we are dealing with. She really does want to understand timeframes. This LERTA ends in December and if we do not have one necessarily in place on January 1<sup>st</sup> what does that fallout look like. She wondered if that is a harm to not have a LERTA in place for a month if we do delay this because we do want to get this right. Dr. Van Wirt wants to understand this timeframe, is this something we are self-imposing on December 31<sup>st</sup> because we just do not want to have that land out there without a LERTA. What would really be the drawback if there is a gap in our enactment of it, that if it was delayed maybe until February so we were all comfortable with the volume of changes, she is not advocating that but just wants to understand this timeframe.

President Colón mentioned much of this just comes down to advertising and how long are these amendments posted in the Express-Times. In order to satisfy the 10-day posting window the amendments would have to be submitted to the Express-Times 3 days in advance to make sure they are going to print. Then that means that Solicitor Panella will work with the Clerk's Office for the amendments that were already proposed and submit them tomorrow so that then they get advertised. An amendment is just a proposed amendment, the will of Council will decide if it gets amended or does not get amended. At least then we satisfy that advertising. There could be another amendment the day before the Second Reading and then that would put us back to having to readvertise but at least taking what was already presented and putting that in an advertisement. It is 10 days of publication but there is a 3 day lead up time to go into publication. If we voted on those amendments tonight, we would still have to advertise them. That is why he had alluded to if we chose not to make any formal amendments, we take those two weeks to review them. It would have to be tomorrow that the Clerk's Office would be submitting the amendments for publication.

Solicitor Panella added when we are talking about the readvertising for amendments and clarifications we are not talking about a miss-type like you used the wrong spelling of the word "their", that is the type of stuff that does not need to be advertised. In the Chicken ordinance the word foul was used and not fowl, but that is something that can be changed simply and is not a substantial change. But any time the spirit of a section is changed, a section is added, or a section is omitted, he would always err on the side of caution and say we should advertise. So simple grammatical errors that may need to be fixed up, that is not necessarily something we have to advertise for but everything else beyond simple grammatical errors that need to be changed would qualify with an amendment in that 10-day timeframe.

Ms. Wilhelm remarked the fact that this needs to go to the School District and Northampton County has been referenced a number of times. She wanted to understand how long that would take. If we delay for two weeks is that pushing us dangerously toward the end of the year, given their timelines. We have received 2 amendments today, we are about to hear another for the first time tonight, so it does feel tight. She just wants to understand the context in which we are making this decision if we do decide to not make the vote tonight and to delay. What is the timeline in regards to the School District and the County?



Ms. Crampsie Smith noted that we have amendments tonight and we can discuss them and could advertise them tomorrow but what is there is another amendment between now and the next meeting. What happens with the advertisement with that amendment, do we have to wait for the next meeting for that amendment to be advertised or can it be advertised at the time it is submitted.

President Colón stated it would still have to be advertised. So, let's say on Monday someone sent a memo with another amendment, it would still have to satisfy that window of 10 days so it could be discussed at the next meeting but not voted on. It would need to be formally advertised for at least 10 days before the vote. The voting on it tonight, if we were to do so, just satisfies that requirement because there are two readings, then we would still have the two weeks to review the amendments before voting on them at the next meeting. To answer your question specifically, it would require a delay for a new advertisement for that new proposed amendment which would then delay the vote.

Ms. Crampsie Smith remarked that essentially if there are any more amendments, unless they are submitted by this week, they would not make the 10-day timeframe for the next meeting.

President Colón stated unless they were submitted tomorrow during the day for our Clerk's office to submit them, then they would not meet the timeline.

Mayor Reynolds added that if it passes tonight and somebody proposes a new amendment a few weeks from now and it does not pass, that does not affect anything. It would just fail if it does not have the support and it would just pass and you would not have to advertise anything because nothing passed.

President Colón stated yes, it would have to be Council making an actual change. He could propose 50 amendments the minute before we have the Second Reading and if the will of Council is not there to support them then it does not matter.

Mayor Reynolds stated he would ask Ms. Karner who has spent a lot of time on this and has talked to a lot of Council Members over the past days to speak. Every time he walked by her office, she said she was on the phone with someone from Council. He thanked those that have been very engaged working with Ms. Karner and Ms. Collins and our Legal Department in putting this together taking some of the thoughts, ideas, and concepts and turning them into actual amendments. We are going to offer to talk a lot about the concept of these and how they work. The usually process we go through is a committee meeting and then we had a public hearing for Council.

Ms. Karner added that we forwarded the correspondence to Council and then we had a committee meeting, a public hearing at the next Council Meeting and then delayed the first vote and here we are tonight.

Mayor Reynolds noted they are able to talk a lot about what the concepts are and how they work and what the different numbers are. He would turn to Ms. Karner who has a lot of experience with LERTA, both in the City of Bethlehem and in the County. She can speak comfortably to the County budget process as well as the School District budget process and how that timeline works.

Ms. Karner pointed out she is looking at the calendar to address the questions on delay. If we are talking about not seeing this vote go through for tonight and then we are pushing this to the two meetings in August. She fears when we are pushing this into August and September there are 5 Tuesdays in August and that would delay it even more. If we hit these two meetings, we can look to be at the School District who usually runs this through their Finance Committee Meeting in September. The question becomes whether or not they can act on it as a Resolution, they only have one reading, they do not make law, they have Resolutions. So that would either be a September or October vote. We would then forward it to the County who would put it on a committee meeting. They always put it on the Economic Development Committee Meeting which is usually held the first Wednesday of the month. They do not vote at a subsequent Council Meeting, they delay to a second Council Meeting, so it would be incredibly tight to get it done by the end of the year. Because it is their budget season things get a little wonky in Northampton County and many times they will punt until they get through that process. Ms. Karner feels a lot of pressure to ensure that we are looking at an ordinance or an enactment by the end of the year. If she had to project what happens, if we have a period of time, she would expect to see that projects would not pull permits, they would delay any project, any conversations that are happening now, companies would probably pause to see what would happen. When we have conversations there is a lot of curiosity among the development community on what this will produce at the end, what it will come out looking like. This makes it less predictable and it makes it harder to know what will happen. The sooner we can get through all taxing bodies and even though the School District is the largest piece of this pie they have the easiest process. It is the city and the county that have become the most volatile for us. If the county would want to make some changes, she does not know what we would do to try to come back through the process. The sooner we can get through the process the better off we are, not just as a city but the property owners, and the prospective companies locating here, that is better for everyone.

Ms. Karner stated she wanted to speak first about the affordability gap and the amendment that Ms. Crampsie Smith mentioned. She has not had the same opportunity to dive into it as she has some of the other issues. We have been talking about the tax delinquency for a while, we also talked about LEED. She feels compelled to talk about this being a tool for blight remediation and blight elimination. This is not a tool to incentivize affordable housing or sustainability or anything else that we would want to tack onto this, it is not that kind of tool. We have successfully walked that balance in Bethlehem over the last 40 years when it comes to incentives, we have not just used LERTA, we have used other incentives, but to achieve all the development that other community's envy. We have carefully created a balance so that we are offering the incentive and getting the redevelopment and job creation that we want to see, not feeling as if we have given away everything. We do not like to do that ever. We never want to feel like we have taken advantage of the citizens, residents, the taxpayers of the city. Unlike Harrisburg who has LERTA in their entire city and given 100% away on everything, we found the right balance with our historical use of LERTA. Ms. Karner realizes that was a bit of a mystery but arguably until 5 years ago when Council passed the FAIR Act and we have been reporting through the financial accountability reporting act on all of our incentives. We have proven that LERTA is a fiscally responsible tool. Last year was the first time we coupled affordable housing with our LERTA. We know that affordable housing is a priority, it is a priority for Council, for the prior Administration and for this Administration. We took the approach that we would start incorporating requirements into every opportunity that presented itself to us, not just LERTA. When appropriate we wanted to couple affordable housing with an incentive. Too often we want to make a huge splash and we want to hit the home run, but when you have been doing this as

long as she has and you know that victories come in small packages, and it is the accumulation of these small victories that result in long term success, you get a little more comfortable with tacking on small victories. Two years ago, when we started the LERTA conversation we know we had a growing multi-family housing market that might be able to absorb the impact fee when we coupled it with LERTA. After careful research on how to approach the fee, we settled on the affordability gap method, which is the method that Councilwoman Crampsie Smith cited in her memo. The difference is that we use factors like household size, and household income. We took the differences in payments between market rents and HUD rents and we came up with the figure that was presented in the memo that she shared with Council from last year. The affordability gap method is arguably the fairest method but as a formula it does not factor in those issues that Councilwoman Crampsie Smith mentioned, predevelopment costs, environmental challenges, and challenges with the site. It also does not factor in predictability. She sees there were 5 or 6 apartments that were cited that have a range that do not have that household size or household income as HUD calculates it. She is concerned about going down the path of trying to call a certain number of complexes annually to figure out what that schedule will look like. Back to what they did previously, they researched alternatives and they talked to community members and we settled on a fee we thought was appropriate. We wanted to make sure it was high enough that it made an impact but moderate enough that the investors would pay up. The Mayor has said many times, we want property owners to pay a fee, those fees are flexible funds for us, they do things like fund our housing priorities, they can leverage other dollars, we invest in non-profit housing community organizations. They give us leverage to have a greater impact on the community. It is not just about what that dollar is but what it also represents. Ms. Karner pointed out she is looking for a stable approach when it comes to that calculation and knowing what that fair market rent and how we are doing that becomes incredibly important. The volatility around adjusting that annually makes her very nervous, she does not know how we would tackle that. She is struggling with trying to work off the fly of a proposal that she thinks has merit but similarly mirrors what we did previously. The research that we did and the method that we used and how we came up with the dollars. She understands the challenge of wanting to make that a fee that changes each year over 5 years and tying it to the CPI seems a little more reflective of the community and a little bit better way as opposed to trying to get a handle from 5 different apartment complexes and understanding what the rents are.

Mayor Reynolds added that part of the reason why we are having this conversation about what are the details on affordable housing LERTA is because of what Ms. Karner did when we passed the affordable housing LERTA last year. She is to humble to talk about it but now that we are talking about this and the fact that we are even having this conversation where we have found a way to tie affordable housing LERTA is a big deal, that many municipalities do. In fact, if you look throughout the Lehigh Valley, he does not believe that anybody is trying to have the conversations we are having about how we utilize these incentives. He has learned a lot about formulas from Ms. Karner and Ms. Collins, it is not like a physics formula, there is a lot of assuming. We need to look at if we are dealing with one bedroom or two bedrooms, or two people in one bedroom or two adults and one child in two bedrooms. There are a lot of different moving parts with this to come up with a strict formula and that is difficult. He has seen formulas based on different assumptions that Ms. Karner has made where we are looking at that affordability gap of \$20,000 and he has seen other ones that are \$130,000 or \$140,000 dollars and then you walk through the formula and they make assumptions and at some point, this all has to be balanced out. He had suggested a much higher fee than the affordability and just as he does with Mr. Alkhal as an engineer and Mr. Spirk who is a lawyer and Ms. Collins who is a lawyer,

Ms. Karner just told her this not will work. It was very much that he should not be looking for some type of emotional victory as far as a practical victory. That affordability gap was \$43,000, that would be the affordability gap based on the assumptions that we were making. If City Council ends up passing \$35,000, \$45,000, he also wanted it higher but realized that was not practical or feasible. They will find a way to do the projects without it. We have not reduced the LERTA in this area 86%, so we are down to some of the more most difficult ones to redevelop. If Council decides to make the payment in lieu of at \$35,000 or \$45,000, he will be honest, it is about paying that number and the number we are most comfortable with is \$26,350. Mayor Reynolds pointed out he is not against the 5 years, we just heard about it, and we do not think it is a terrible idea either but it comes down to the bet about what we think people will pay on a small number of properties. It is about us sitting her 5 years from now and did anybody actually pay the fee. Whatever is the will of Council, we have looked at all the formulas and made the assumptions, that is how we got to our number.

Ms. Karner noted what has her most distracted is the comments about what the legislature will allow the municipalities to do. As she has moved into the Economic Development role, she has not paid attention to some of the housing issues. If you are saying that communities can establish fees or can-do different things then why are we tying this to LERTA and why risk that vulnerability. Why do we have to do it this way if in two months we will have greater control about what we can do around affordable housing.

Ms. Crampsie Smith stated her question is, why not.

Ms. Karner questioned if we are going to be able to do a city wide, why would we not want to do that.

Ms. Crampsie Smith noted in reading that bill it says that it is to do affordable housing in areas that are dilapidated and now developed also, so it is similar to the LERTA.

Ms. Karner explained that is a much greater area than just South Bethlehem. She is throwing that out for consideration. If there is greater flexibility that we know is absolutely legal, it will not piggyback on something that does not specifically authorize it, why would we not explore that.

President Colón asked Council to move this conversation forward, he believes that points were made. He asked if anyone has questions for Ms. Karner based on what she just went over.

Ms. Wilhelm asked if we do tie this to the LERTA does it prevent us from also doing it city wide.

Ms. Karner noted the question would be how do you exempt the sections that applicable and do the LERTA ordinance and what if you come up with some other approach to it. Does she then have to undo LERTA and go back to all the taxing bodies to do that.

Ms. Wilhelm wanted to clarify with this proposed LERTA, we are talking about 17 acres of the approximately 250 to which this would apply, 17 acres are set for residential.

Ms. Karner remarked that 15 acres are in the central business district or commercial district and 2 acres are in IRR, so they are eligible.

Ms. Wilhelm remarked it was mentioned about tying it to the CPI instead.

Ms. Karner related that is the Consumer Price Index and that is how we came up with the fee based from last year to this year, it was tying it to that. This is just another way on an annual basis. If the formula is set at a dollar amount like we did previously or what is proposed then if you put a CPI index accelerator in there it will automatically increase annually based on that information.

Ms. Wilhelm noted the point is that it will increase.

Ms. Crampsie Smith remarked it was brought up about the issue of re-evaluating the fee every year. She wanted to clarify that she meant not that it would change every year for the existing applicant but if there are new applicants that we make sure that the fee is relevant to what the rental is at that point. It could go down for a new applicant.

Ms. Karner stated she completely understands, it is just a question of which places are we calling, are they the most recent to come online or once it was established that the list seemed fairly random. Are we looking within the south side or the market in which these projects are being constructed? She thinks there is a difference between things that may come about on Main Street or West Broad Street versus what is being developed at 4<sup>th</sup> and Vine. The other conversation we had was regarding LERTA and LEED certification. Actually, it started out as a solar conversation. It started at the committee meeting and then there were some comments at the last meeting. She did some research and she did propose to Councilwoman Wilhelm that we would look at LEED certification as opposed to solar. LEED is a little more comprehensive, it is not just looking at solar panels, although that could be a component of LEED certification. She noted at the Nike building they are capturing the rain water and they are reusing that within the building and that points towards LEED certification. We are looking at sustainability, which is what the conversation is about, trying to give businesses the consistent framework, the established framework within the building code which is the LEED certification. That is a way to allow them to do projects that do not just become dependent on solar panels to get the LERTA certification. Ms. Karner has had a few conversations; some buildings are more conducive to solar panels than others. Our own Climate Action Plan suggests that we begin by doing feasibility analysis on buildings and not just immediately requiring the solar panels. She tried to look at what the cost increase would be associated with LEED certification. There are 4 levels of LEED, you can get certified and to Silver, Gold, or Platinum. She pointed out that Platinum is very difficult to obtain and is very expensive so it looks like it is between 5 and 20% cost increase. What would be an appropriate way of looking at this is not putting it within our confines of our existing schedule, our existing abatement schedule which is 0 % of the increase in the first year and then it accelerates 10% every year. Actually, for keeping that 0 and not requiring any payment on the increase of abatement depending on the degree of certification achieved, until you are 6, 7, 8, 9, it will throw off the amount of taxes we are abating, it will go from 50% to 70, 80, or 90 or even 100% if there is Platinum certification. That will help to offset what those costs. Between the actual construction costs and the certification program, the administrative aspect of it can be rather expensive. Ms. Karner added if we did not couple and increase in the LEED certification, we would be negating the incentive all together, it would cost more to do LEED in

some instances when she modeled different buildings, than it would be to take advantage of the LERTA.

Mayor Reynolds noted that concept is important to understand. It comes down to how much we care about LEED certification and at the bottom of Ms. Karner's memo she talks about LEED certification, what that means is that we are giving up tax revenue in exchange for that certification for that level depending on how sustainable that building is as an incentive.

Ms. Wilhelm remarked having many conversations with Ms. Karner she wants to thank her for the work she has done on this. She wanted to clarify that those 17 acres are the acres to which the in lieu of fee apply but we have these many other acres for development and what can we do as a city that values affordable housing and climate action, that this development will have an impact. Whether it be the impact that we have more employees living here and need to attach some sort of linkage fee to pay into the Affordable Housing Trust Fund to support the need for housing, or attach some sort of environmental requirement. After many conversations we talked about solar, she and Dr. Van Wirt learned a lot about solar and warehouses just trying to think about what we can do with those acres in order to address some of the impact the building will have. In our conversations Ms. Karner had brought up the LEED certification and that what you are presenting here is a thoughtful approach that will have a direct impact on the impact of what those buildings will have. Thank you for your work.

Ms. Kwiatek remarked the concept behind this amendment is that this would be more voluntary as opposed to with the affordable housing piece you either provide or you give us the payment in lieu of. Would you be requiring the LEED certification?

Ms. Karner related in all of her conversations she is under the impression that Council wants to require the sustainability path of LEED certification so the choice in that instance is that you take the LERTA and you must to LEED but you also get additional abatement. She guesses it could go either way, choose to not do the LEED certification and you get a smaller abatement. That was not something we had worked through.

Ms. Kwiatek is not sure which side of that she stands on. She would like to require it.

Ms. Karner mentioned we talk a lot about choice and the more options the better. The proposal includes what she thinks is an adequate compensation for the costs associated with the average building in the city in the industrial areas to achieve LEED certification. As far as the conversation around whether or not it is too much, she feels much more comfortable with the LEED proposal of it being appropriate and not a requirement.

Ms. Kwiatek asked about the advertising with these amendments. She asked if it is realistic that this would be drafted as an amendment tomorrow.

President Colón mentioned this could also be an amendment Council could bring forward. He does appreciate all the work done by Ms. Karner, but the question is if anyone has anything prepared that we would be able to submit for that advertising requirement.

Mayor Reynolds related it is their goal to have this particular part done, which they could not get done today because there were still conversations going on with Ms. Karner and

Councilwoman Wilhelm but our goal is to meet the deadline to keep the idea of voting on August 2<sup>nd</sup>, and tomorrow is fine. When we take a look at what type of development that is in LVIP VII that is here, if we talk about The Bowery, the quality that is there, it is not just the idea that we have warehouse after warehouse. He noted that is not what we have in Bethlehem. It is partly because of all of these years working with LVIP and working with our own departments, that is how we have gotten these high-quality employers and the state grants, to do this in a smart way. Part of the reason why we have spent so much time on this in the past few weeks is because the people we are competing against, not just in the Lehigh Valley but in other states. Who would have thought we would have an indoor farm and that would not have happened without the cooperation and the intellectual capabilities of the people that come to Bethlehem?

President Colón noted the action in front of us is if someone wanted to make a motion to make a LERTA amendment they could do so and that would require a second and then it would go to a vote. We could do what he suggested would be his preference, to simply having the first vote tonight as the ordinance reads and the two amendments that have come forward from Ms. Kwiatek and Ms. Crampsie Smith and the potential third amendment that Ms. Karner just went over in terms of LEED certification with the work of the Administration, Attorney Panella, and our Clerk's Office we would work to get those submitted tomorrow so those amendments could all be vote on before the Second Reading on August 2<sup>nd</sup>. That would satisfy the advertising requirement and then the will of Council would be executed at the next reading in two weeks barring any other amendments that could be proposed and had support. If it is the will of Council to enact the three amendments that were discussed tonight, we can still do that at the next meeting and have time. In the last 24 hours we had just received all these amendments and he has not had a chance to dive into this as much as he would want to. He will look for feedback from Council. He prefers we have the vote tonight as the ordinance stands, the First Reading, advertise the amendments, have the opportunity to have further discussion amongst ourselves and the Administration the next two weeks and then be ready to vote on incorporating the amendments into the ordinance at the Second Reading.

Ms. Leon is conflicted about the condensed timeline. She thinks we should have started talking about the LERTA back in January so we had time to dive into it. If you look at the Climate Action Plan they talk about brown sites a lot and the remediation and need to use tax incentives like the LERTA to drive sustainability there. If you look at some of the interdepartmental memorandum's they talk about using the LERTA as a way to incentivize affordable housing. She is conflicted because it seems like the vision was to use the LERTA to incentivize affordable housing and sustainability and now she feels like no one is saying this but now we are being told no one is saying that and we are being over-zealous in trying to accomplish that vision. Maybe she does not understand the middle ground of what we are actually trying to accomplish with the LERTA. It feels like we are talking about affordable housing and sustainability but talking about it too much. She needs time to sit with this, she is not saying to delay the vote but she personally is uncomfortable.

Ms. Wilhelm thanked Councilwoman Kwiatek and Councilwoman Crampsie Smith for their intensive work on this. The work of Councilwoman Crampsie Smith requires some finessing and rewording. She is curious if Councilwoman Crampsie Smith feels she has enough time given everything, to get this into a state for us to vote on before the next meeting.

Ms. Crampsie Smith would hope so but her question is if there are any more possible amendments that we are looking at before the next meeting because that plays a part in how we proceed. We are looking at a fee in lieu of and an option for developers that are doing residential and then we have the warehouses and will they get the LERTA and not have a fee in lieu of and maybe have environmental requirements. She wonders if that is fair. We do want to be equitable to all those recipients of the LERTA.

Ms. Wilhelm remarked that the framework has changed for her. The impression she had was that we needed to present options and she understands that with this suggestion of the LEED we have the capacity to say your choice is either that you build in the LERTA and become LEED certified or you do not and that is a choice. That is something she learned today. For her it was important that we attach a meaningful impact to address the impact of the development that is going to happen in those 230 remaining acres. One of the impacts we discussed is environmental and that is important to her. She pointed out that her frame has changed in that we do not have to provide an option. We had discussed the linkage fee as one of those options and that is something that would require a lot more time and conversation. If there is an interest in continuing to explore that, yes, we would need more time.

President Colón pointed out that anyone could propose anything at any time. There are certain things that need to be done which is to have a First Reading. His instance in having the First Reading tonight would be to at least satisfy that requirement so se move the ball rolling. If anyone wanted to introduce anything at any point they can. They can be introduced the minute before we would have the second vote. The question about advertising is tied to things that are passed. At the next reading if someone had an amendment prepared and was shared and it was the will of Council to make that amendment and if that passed then we would have to readvertise, but if that amendment failed then we would not have to advertise. Having the First Reading today is not saying we cannot have amendments. We need to get what we have now ready to get advertised by tomorrow. If there is something that any Member of Council would want to proposed, anyone can propose it but the question is what is the will of Council and what the votes are and what Council is willing to support. He cautions that the more we talk about other things then the conversations could be drawn out indefinitely. He advises Members of Council if there is something they feel strongly about to present it in a written form to the Clerk's Office and that can be shared with Council and then Members of Council can decide if that is something they are willing to support or not. We do have two amendments that came forward from two Members of Council and a potential third amendment and we are ready to advertise and go forward with. If we choose to postpone the vote today, we would still have to have that first vote eventually and today would satisfy that. He would suggest we take action on what we have already.

Dr. Van Wirt wanted to speak for herself and to answer Ms. Crampsie Smith's question. We started talking about how to access the impact of manufacturing and warehousing within the LERTA on the community. She did a deep dive on this and she understands why the Administration may not support the more aggressive ideas that may have come out of here but it is more that she was not able to do it, this is too complicated. There is a time frame and legal aspects to this and logistical aspects, how do you calculate the fee? It became too much for her to say yes, she can take a bite on this and figure it out. In her ideal world we would vote today on the ordinance that is in front of us and anticipate voting on the three amendments, the LEED, the



payment in lieu of, and for Ms. Kwiatek's amendments, all of which she supports and have that happen on August 2<sup>nd</sup>. She asked if she would need to make a motion to vote tonight.

President Colón stated she does not need to make a motion, the LERTA ordinance, not amended, is on the agenda for First Reading tonight already.

Ms. Kwiatek stated she agrees and that the cleanest way for them to move forward is to vote on the LERTA as it stands today, advertise our amendments, come back on August 2<sup>nd</sup> and take the next step.

Ms. Crampsie Smith has some confusion also, last year it was presented that the LERTA would be a way and it is written form that it incentivizes affordable housing, that is important. She wanted to clarify that for her it is not about emotions or victories. She wants to pass the LERTA, it is in incentive to try to develop the brown fields but also, she is an elected steward of taxpayer money and she cannot in good conscience just say it is okay to continue to give tax exemptions to developers unless we will get an equitable fee in lieu or something back. This is taxpayer money we are talking about and as a steward of the taxpayers that is why she is advocating for the increased fee in lieu because she feels it would be an equitable fee.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 7. Bill No. 14-2022 passed on First Reading.

*B. Bill No. 15-2022 – Amend Article 1501 – 2018 International Fire Code*

The Acting Clerk read Bill No. 15-2022 –Amend Article 1501 – 2018 International Fire Code, sponsored by Ms. Kwiatek and Dr. Enix and titled:

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

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 7. Bill No. 15-2022 passed on First Reading.

*C. Bill No. 16-2022 – Amend Article 1159 – Animals – Chicken Ordinance*

The Acting Clerk read Bill No. 16-2022 –Amend Article 1159 – Animals – Chicken Ordinance, sponsored by Ms. Kwiatek and Dr. Van Wirt and titled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BETHLEHEM, LEHIGH  
AND NORTHAMPTON COUNTIES, PENNSYLVANIA, AN ORDINANCE  
PERMITTING THE KEEPING OF BACKYARD CHICKENS IN RESIDENTIAL  
AREAS IN LIMITED QUANTITIES AND UNDER CERTAIN CONDITIONS BY  
AMENDING ARTICLE 1159 OF THE BETHLEHEM CITY CODE

Dr. Van Wirt remarked that much has been said tonight and better said by the residents about why they want chickens. Also, to note there are probably a whole lot of residents who feel the same way who are not the people who get up in front of City Hall and talk and make their wishes known. She started working on this when she first got on Council. She had chickens ages ago and she felt it was a viable way to provide a health source of food for people in the community. She knew it could be safe and it could be done well, without making your neighbors unhappy. But then the pandemic happened and it really changed her perspective on our reliance on systems that are fragile. She has talked before about this philosophy which she finds compelling when it comes to examining systems which is anti-fragile that as a society, we depend too much on fragile systems that can break. For example, Bethlehem was dependent on one source of income from the Steel and it broke and it took forever and a lot of work to get out of it. We are dependent on our food systems right now and they have shown that they can break. Dr. Van Wirt saw this through the pandemic and she thinks a lot of people are still experiencing it with food insecurity issues and it became more important to her to be able to help our citizens meet their own needs if they see fit or to address their own self-sufficiency. She appreciates the input from the members of the Department of Health and the Police in terms of helping make this a strong ordinance. She thinks there may still be some small changes based on their input that could be done to make this a stronger ordinance but the intent here is to allow our residents to grow their own food and to have access to a secure source of food that is immediate and right in their backyard. She does think it can be done safely and without significant impact on neighbors and that is evidenced by the fact that there is already a whole lot of chickens in Bethlehem and those people have figured out how to do it right. They are not pets, but they are valued sources of food for these homes. She feels there is a good way to allow this to happen with constraints to make sure that we are not allowing things that are going to really cause negative impact on public health and negative impact on neighbors. Dr. Van Wirt has also prepared some amendments to this ordinance that was already put out and the amendments were based on input from the Police Department in ways to help make manure management more easily done. She also wanted to introduce an amendment that is not written down here tonight that she had talked about with other Members of Council. She recognizes the concern from Members of the Administration on other citizens who may not be so enthused about this and who may have concerns about it. Because this is a new idea for Bethlehem now, doing this the right way with the right controls, she would like to propose that we consider this almost a pilot project and that we cap the number of permits at 40 for the first year. We now have a lot of ability to gather data through the call center and through the Bethlehem App where people can report problems and through the Animal Control Officer themselves. After a year we can gather that data and take a look back at what were the real problems that were encountered. Was it public health? Was it a nuisance? What actually happened and how can we better address it? That is an amendment she is proposing tonight to this ordinance that is not written yet. It is clear why she is proposing this and how many of the citizens feel about it. She wanted to give Council any options to have input on this as well.

President Colón noted it is best to have everybody weigh in on this and then we can discuss the amendments.

Ms. Kwiatek stated she and Dr. Van Wirt started talking about this before she even decided to run for office. It is something and she and Dr. Van Wirt are very much on the same save length about. Ms. Kwiatek is an avid organic gardener but she has never kept chickens before but it appeals to her as another part of her food self-sufficiency for her own family but also

throughout the community. Some of the concerns were well addressed tonight by folks with the public comments. She reminded that roosters are prohibited, they are prohibited now and will be with this ordinance also. When you talk to folks from years ago you will hear a lot about rooster fighting rings, but she wanted to be clear on that. Also, within this ordinance there is a high level of requirements in terms of safe keeping of the chickens, filing plans with the city with a permit and the manure disposal, all of those things. She added that Dr. Van Wirt did a great job of bringing together various examples of ordinances that she found to build is a tight ordinance that can allow people the freedom to do something in their own yards and their own homes that they should have the freedom to do. Ms. Kwiatek thinks if you can have a dog or a cat, you should be able to have a chicken. She supports this ordinance.

Dr. Enix is pleased to hear that we could try and have a cap on the number of permits. She has been wavering back and forth about this. She grew up on Pawnee Street and we had chickens, there was no ordinance in those days, you just had dogs, cats or chickens. She personally did not eat eggs but her family did and it was helpful. In knowing how our country has issues with food security, that is important for our people to be able to control this, have gardens and chickens. She was concerned when she read the comments from the Health Board about diseases that could cause death. But she is wavering but she may be in favor of the intent.

Ms. Leon stated like Dr. Enix she has had experience with chickens. She grew up on the south side of Bethlehem in the 1990's and when she first talked to Dr. Van Wirt about this she was not a fan at all, she does not like the idea of this. But just because it is not her passion it does not mean that it is not important to the residents of Bethlehem. Specifically, when she thinks of where this whole ordinance goes, she thinks of the south side because that is where this could go horribly wrong. She asked her neighbors and many people are happy about this. They are excited about it. She remembers growing up the fact that we did not have chickens but we had access to a farmer that very often gave us eggs and corn when things were really going south. It is important that even if not everyone can have chickens or wants them, it could help with the community. She does have concerns especially with the Police being here, we should beef up the Police Department. It is not her cup of tea but she can see why this is important for the city.

Ms. Crampsie Smith informed she was on the fence with this ordinance at first. Like everything she got input from the people in the community and she found more people were for this than against it. Also reading the ordinance, it was very thorough, it covered a lot of issues where there could be questions. She did not even realize just remembering she did not grow up with chickens but her neighbors had chickens and it was not even an issue. Other municipalities like Emmaus do allow chickens. As far as the health concerns, she did have concerns but she trusts Dr. Van Wirt because she is a doctor and she knows about health concerns. Ms. Crampsie Smith was able to speak with a few doctors herself and she got their input and they all felt that it was not an issue as far as health goes. Many animals have health issues, we do have ducks and geese at Monocacy. The most important issue will be the owner and the caretaker. She noted that her son was bit by a dog because it was a very irresponsible owner. She has had issues with a neighbor who has irresponsible tenants, we had rats and mice, they were just very irresponsible. So that is the key. She also really likes the fact that this will be a pilot and we can reevaluate and that way if we have a lot of issues, we can look at this. She will be supporting this.

Dr. Van Wirt added that the look back period is very important because this is a small number for a city of 78,000 people. If there are a lot of people who want to do this looking at what

the problems were and if there are not a lot of problems and nuisances the plan would be to increase the number of permits. That would be a good topic for discussion in the one year look back period.

Ms. Crampsie Smith remarked in where it shows violations it states that the license may be revoked at any time. She believes that is important because she would hate to see someone get one violation and then they have to get another violation and a third one. If someone is being a real nuisance it is important that we pull their permit right away.

President Colón explained he will turn this over to the Administration before we take any action or have any further discussion about proposed amendments. Ultimately, we need to remember it is the Administration that will be enforcing this ordinance.

Mayor Reynolds related there has been a lot of conversation tonight, a lot of suggestions from people in the community and City Council. He mentioned to President Colón that the Administration had asked for a committee meeting about this topic. Mayor Reynolds is curious as to the reason about why this is not being sent to committee for this new complicated thing that has a lot of different moving parts.

President Colón explained he received the memo requesting a committee meeting and then he deferred to the Council Member who proposed the ordinance and also Chairs the committee who would review the ordinance. He will defer to Dr. Van Wirt.

Dr. Van Wirt noted she first sent this ordinance to the Department of Community and Economic Development over two months ago for comment. She received some very helpful comments and she had another meeting with them and at that time the topic was not how to make this the best ordinance for our citizens, the topic was whether or not this should even be proposed. She did not hear anything after that. We got this request for a committee meeting six days prior to the vote and there was just no way to schedule it before this vote. This vote has been scheduled for a while. This is what she has been working on and what she had planned. Dr. Van Wirt remarked there was no time to fit this in. If there was a need for this type of Community Development Committee Meeting, which she actually questioned, we are having a pretty rigorous discussion about it tonight, she is not sure what a committee meeting would have brought us. But that being said, the request for the committee meeting came six days prior to this vote, so there was not enough time to schedule it.

Mayor Reynolds mentioned with all due respect, in his 15 years this is unprecedented, the idea that the Administration would ask for a committee meeting and the answer would be no. We could go back and talk about how we sent the LERTA ordinance two months ago and how we had committee meetings and talked about delaying it. Nobody here has said why didn't you come up with amendments two weeks ago. We have been dealing with homelessness, affordable housing, and many issues. Not only that but everybody here as he has made clear from the beginning of the time we got to City Hall, is that our doors are always open. Many of you call us and come in and we do not ask for appointments, just come in and have conversations. We wanted to have a conversation about this because of how many different places this touches within the department. It is not just about whether or not we want to allow this or not. It is about whether or not how it necessary affects our Animal Control Officer, how it affects our Board of Health and our Department of Health and Health Director Kristen Wenrich, who we often respect

for everything she has done during this pandemic. Ms. Wenrich could not be here tonight because of a previously scheduled event having to do with her job as well. Also with committee meetings, and he is quoting City Council, it is about letting the community know and about having the opportunity to have articles in the newspaper that this is something we are considering. Whether or not the majority of people are in favor of this or a majority of the people are not in favor of it, that is important. Mayor Reynolds stressed he will not disagree with anything we talk about as far as food access is concerned. But the process here that we are following with this ordinance is different than what we have followed in the past. He does not believe that after having chickens not being allowed for 15 years that if we had delayed the decriminalization of chickens, or the legalization of it, whatever it may be called for a few weeks and we could have had the committee meeting, also to talk about the zoning amendments that have been floating around in the ether, we would have been allowed to do it. We have been focused on all these different issues and there were things that were brought up today including the talk about setbacks, and other changes, all of those are legitimate questions when considering public policy and that is why we have committee meetings. Mayor Reynolds does not understand and his Administration does not understand about why because we keep our doors open all the time and let Council call and come in and be a part of the conversation. We did not say if we would approve or disapprove, we just wanted to have a committee meeting to have a conversation. He is disappointed and shocked that the request for a committee meeting for something that has not been allowed for 15 years that we could not have found a way to do it. There have been a lot of other things he has been working on that do not have to do with chickens. His Administration has been spending a lot of time to get ready for tonight and things would have been simpler including responding to City Council about other issues if we would have been able to agree to a committee meeting. This is a process that is always followed and it is a process that is followed to allow people to find out what is going on. We talk about how difficult it is to know what is going on. There are some people that have strong feelings about this on both sides. It is an opportunity to not rush into something. He remains surprised and shocked and we are all a little disappointed that we have to do this on the fly tonight rather than have a committee meeting, which is the process that has always been followed.

Dr. Van Wirt addressed Mayor Reynolds and stated she is open to have a committee meeting at any time you want. It does not need to be tied to this ordinance. If we want to talk about how to make this work better let's have that committee meeting.

Mayor Reynolds explained we should have the committee meeting so people can come before we pass the ordinance.

Dr. Van Wirt noted they could have come tonight to talk if they wanted to.

Mayor Reynolds remarked that they could but when we talk about process and transparency, this is the process we have followed. He is not saying anything that is not factual. They had respectfully requested a committee meeting to talk about this and to listen to City Council and to allow other people within the Administration and the public to come out and have that conversation.

Dr. Van Wirt related if it was that important, she thinks that the request would have been made a lot sooner than 6 days prior to the vote.

Mayor Reynolds pointed out that this was listed as a Communication two weeks ago.

Dr. Van Wirt remarked that she told them in February she was doing this and that this is not a secret and that she has been abundantly transparent about this.

Mayor Reynolds mentioned that Dr. Van Wirt has had Community Development Committee Meetings as well.

Dr. Van Wirt added that she never got a request from the Administration to have a committee meeting until six days prior to this vote.

Mayor Reynolds remarked it came as a Communication at the last City Council Meeting and he believes we should have that committee meeting before Council votes on this ordinance.

Dr. Van Wirt explained this is a pilot project.

Mayor Reynolds quoted President Colón in that we take everything we do seriously and we want things to work. He added that Ms. Wenrich and Ms. Collins and our Police Department all have strong feelings whether this is a pilot program or not. The right place for that is a committee meeting especially considering how often we keep all of our doors open to everybody on City Council.

Dr. Van Wirt reported she did have a communication with Police Chief Michelle Kott about this and she registered her concerns over the Animal Control Officer and that is why we decided to have this look back period of a year to see what the real issues were. This is what a pilot is about, it is testing the waters and seeing how it works. She also received this memo from Ms. Wenrich and she will note that the body of this letter from the Board of Health is about a disease process that is not transmissible to humans. Dr. Van Wirt also noted that the statistics she quotes about the number of people who contracted salmonella which says 215 across the country pales in comparison to the number of dog bites we have every year which was not brought up by the Department of Health. We have 4.5 million dog bites per year, 800,000 people have to go seek medical attention but we allow dogs. She found this memo from the Board of Health was focused on things that are not a real threat to our citizens. Dr. Van Wirt urges them to have that Community Development Committee Meeting with her and let's figure out how to make this work. She wants this to work well. There is a lot of room for input from the Administration here.

Mayor Reynolds explained that is why we requested the committee meeting. With all of your arguments, we do live in a democracy and they may be persuasive and maybe people want to listen. Going through this process this way is not the way to do it. He would respectfully disagree that the best way for us to do this is pass this now and try to figure out the details later.

Dr. Van Wirt noted she has figured out all the details.

Mayor Reynolds remarked that Dr. Van Wirt is not the only person who lives in the City of Bethlehem and he says that because we do not make determinations here saying that you have figured all the details.

President Colón interjected that Mayor Reynolds has made his points and he is asking if there is any other input that the Administration would like to share. He thinks we are spinning our wheels at this point. The point has been made and received by Council.

Mayor Reynolds stated for one last time that this is not the process that is supposed to be followed. He is a little surprised that many voices that often talk about making sure that we follow the correct process are particularly quiet right now.

Ms. Collins explained our Health Director Kristen Wenrich is out of town at a National Association of County Health Officials conference. Director Wenrich and the Board of Health, not just the Health Bureau but the Board of Health that includes 3 physicians, a veterinarian, and a dentist, those 5 professionals outside of City Hall also have spoken about this. The letter is from the Board of Health and for the benefit of the public she wanted to read this letter on Director Wenrich's behalf. Also, she noted that Director Wenrich was here and worked in the Health Bureau when chickens were previously allowed and worked personally and directly on complaints and dealt on a day in and day out basis with this. The Police Department can speak to that as well, they have the look back that they are doing already, it is to their lived experience when chickens were previously were allowed and they had to deal with those complaints. That is the perspective they have and she values their perspective. This letter is dated July 18, 2022.

"The Board of Health of the City of Bethlehem, comprised of local medical professionals specializing in a variety of fields and having decades of experience, is writing to express concern over the proposed ordinance permitting backyard chickens in residential areas by amending Article 1159. Board of Health members recognize that private poultry can have benefits, such as access to fresh eggs and opportunities for individuals to learn about food sources and animal care. Nonetheless, there are numerous valid public health and animal health concerns that the Board of Health is asking City Council to consider before passing an ordinance that would permit the keeping of backyard chickens in residential areas of Bethlehem. According to the Centers for Disease Control, backyard poultry can cause a variety of illnesses in people, ranging from minor skin infections to serious illnesses that could cause death. Young children, individuals with weakened immune systems, individuals 65 years of age and older and pregnant women are at higher risk for serious illness from poultry-borne zoonotic diseases. Zoonotic diseases that backyard poultry may spread to humans include salmonellosis, campylobacteriosis, and some avian influenza virus variants. The threat of such illnesses is not speculative. Currently, there is a new outbreak of highly pathogenic avian influenza spreading among chicken and turkey flocks across the United States. Although this variant is not zoonotic, it highlights the potential of this virus. Concerns about avian influenza prompted the Pennsylvania Department of Agriculture to recently enact a ban on all poultry exhibitions to help contain the spread of the virus to protect poultry health in the state. Along with avian influenza, more common zoonotic diseases that backyard poultry may spread to humans include salmonellosis and campylobacteriosis. Recently, several salmonella outbreaks across the United States have been linked to backyard poultry that resulted in 219 illnesses, 27 hospitalizations, and 1 death in 2022. Due to the outlined concerns above, it is in the opinion of the Board of Health that this proposed amendment is not safe to introduce at this time. We understand that City Council will be considering this proposed ordinance for a first vote on Tuesday, July 19, 2022. Historically, City Council has presented legislation concerning the keeping of backyard chickens to the Board of Health for robust and thorough consideration and analysis before City Council took any vote on the issue. The Board of Health emphasizes that it remains available to serve as a guide to City Council on this important

public health issue, and the Board of Health would be willing to participate in a Committee Meeting to discuss the issue further.”

Ms. Collins noted that the Board of Health did review this back in 2006 when the ban was initially enacted. They considered this over a two month or so period doing research and analysis in their role. The Health Board and Health and Public Safety officials had a robust conversation based on their lived experience. One of the concerns she had initially even with a pilot project is if a pilot project with a 40-permit situation were to come into place and it does not work what does happen to the chickens? She does not know if we have the capabilities here in the Police Department to handle a situation like that and what it would mean to residents. She does not know what that means to the future of that ordinance. Ms. Collins does understand from a Community and Economic Development perspective the food security issues, we could not agree more. It is one of the reasons that you will see later on the agenda, the CDBG budget that we are passing includes funding for a variety of food related programs and it has increased substantially from 2021 given the situation we are seeing across the city. We are funding the Hispanic Center of the Lehigh Valley for their food pantry renovations, the Kellyn Foundation food voucher program, New Bethany Ministries Choice Food Pantry, and the New Bethany Ministries Trinity Soup Kitchen for over \$332,000 dollars. We are proud of that work and are very focused on this issue. She will also say we are very focused on CDBG of course by regulation on serving low to moderate income communities. She wonders how exactly this ordinance serves those communities to the same degree. She notes that the ordinance itself is only permitting the keeping of backyard chickens in single family homes or twin homes she does not know if that really encompasses our low to moderate income population. Ms. Collins knows that Ms. Wenrich would be happy to speak with other Members of Council and present her concerns as well as other concerns she is hearing from her volunteer Board of Health members at a committee meeting, we would be grateful for that opportunity.

Deputy Police Chief Scott Meixell informed that he sent a memorandum to Council with his concerns. His concerns do not stem from the public health side but from the enforcement side. He understands the desire to have a pilot program but the law in what the violations or regulations that exist in the ordinance need to be ironed out first. That is because as many citizens want chickens there are as many citizens that do not want chickens and will certainly call and complain about different aspects. There needs to be clear direction to the officers in Animal Control for them to go out and enforce the ordinance as to what the expectations are. There are things that need to be dealt with on what constitutes the noise level, what constitutes odor as far as the limits. There is a conflict with another ordinance as far as the number of chickens. We need to work through some of those aspects so everything is clear for those who want to keep the chickens and those that complain about the chickens so the officers can see the right course to take.

City Solicitor John F. Spirk explained as a matter of legislative drafting if this proports to amend Article 1159, he noted that Article 1159 covers all kinds of animals and all kinds of limits and all kinds of conditions and criteria. As it is presented tonight it is just a stand-alone ordinance. He does not think you want to use this to replace the existing Article 1159 but he thinks it needs to be looked at going through line by line in the existing 1159 and doing the underlining or the strikeouts so that you would only need to amend those portions of 1159 that involve chickens. As it stands here tonight, it is just a stand-alone ordinance. If you would pass it



in its current form he would not know where you would put it. If it is adopted it would have to be blended into 1159 as well.

Mayor Reynolds informed we remain here, as with any issue, to work with and work out any details and to try to find some type of agreement here going forward. He would finish by respectfully asking for a committee meeting.

President Colón noted this was something that first came to his attention many years ago when he first came on Council in terms of a letter, we received from a school aged student who wished to have a pet chicken at the time. Prior to that he spent 2 summers working for our Health Bureau and he worked the summer of 2005 and 2006 for the Health Bureau mostly for code enforcement, cutting grass and cleaning up trash. At the time he remembers these conversations being had, although he was not listening intently when he was 19 or 20 years old to what was going on about chickens in the City of Bethlehem. He does remember one of his superiors talking about it and witnessing chickens walking around the city and there were conversations about enforcement. Back then chickens were permitted and then they were banned and now we are talking about bringing them back. Going through old Morning Call articles he was able to find an article going back to February of 2002 talking about issues surrounding chickens in the City of Bethlehem and it was October of 2006 that the actual amendment took place to ban chickens and that passed 7-0 at Council that time. He noted in those minutes at the time this revolved around enforcement a lot and nuisance complaints. There are more people who support this than came here tonight but there are many people who do not support this and none of those showed up tonight. It is hard to find that consensus so it comes back to balance, what is Council willing to adopt and what is Council willing to accept and how does that language read. We heard tonight about a pilot in limiting this and we will talk about that because it will require an amendment. We heard briefly from Deputy Police Chief Meixell and we have a memo from him that was dated today and he thinks there is some conversations we need to have about that. President Colón pointed out that Council can vote to have the First Reading, this will require two readings. Council can vote to amend it tonight but that would require specific amendments. Council can vote to take this to committee, as the Mayor has asked. Council could vote to table this. Council could propose amendments at the Second Reading. Dr. Van Wirt had requested this be on tonight's agenda and the important thing is that the conversations are being had. By the time this goes into law and if it is the will of Council to reintroduce chickens into the City of Bethlehem there is some language that needs to be looked at. Also, what Solicitor Spirk has alluded to about incorporating this into Article 1159 versus adding it to that Article. Also, there are the things that Deputy Chief Meixell referenced in his memo with different language in cleaning this up. He feels that there should be some amendments that would be appropriate and even the amendment that Dr. Van Wirt had alluded to if we want to make this a pilot program, so where does that language fit into this. He wondered how also how would we cap this, would it be first come first served or is it based on geographical location. Do we want to concentrate it on one part of the city or other parts? There are many questions to ask. This goes back to action and if we want to vote on this today and have the Second Reading in two weeks and introduce amendments then. That can delay the vote because of the advertising because any amendment to any ordinance that would be substantial would require advertising.

Dr. Van Wirt interjected unless we got it in the next day. She did talk to Solicitor Panella about adding the language of the cap of permits at 40. If we could get it in tomorrow that would be ideal. This was meant as an amendment to Article 1159 and it is not meant to be stand-alone

and if we need to do some strikeouts to the original one to accommodate the language in this, we can do that before the August 2<sup>nd</sup> vote as well with Solicitor Spirk's helpful input, she appreciates that. Her request tonight was to amend it with the increase strength of language of manure management that she had requested and vote on that and then there would be the amendment for the next vote to cap it at 40.

President Colón stated he agrees and added that the Clerk's Office would submit that and it would be written up tomorrow. Any other amendments if it relates to striking things out, those would rise to the level of readvertising.

Solicitor Panella believes it would but he will have that done by the end of tomorrow. Just as it relates to the amendments, a lot of that depends on the action taken by Council tonight. If it is Council's will to move forward with the First Reading tonight generally speaking, we would have the amendments proposed first with the votes on those amendments done first and then the First Reading would take place. If it is the will of Council to do something else with this, whatever that may be then those processes may not be necessary. Regardless he can have the knockout language and everything prepared by tomorrow. Generally speaking, the amendment would be proposed, there would be a vote on that amendment, if it passes it would become part of what would be proposed and if it fails it does not become part of it. Once any proposed amendments have either passed or failed and there is nothing left on the floor generally speaking then the actual ordinance itself and the First Reading would take place with that vote.

Dr. Van Wirt made the motion to vote on the amendment she offered in terms of strengthening the manure management. Ms. Kwiatek seconded the motion.

*Amendment to Bill No. 16-2022*

That Section 6, Limits on Chicken Keeping, subsection G, that reads as follows:

- G. Chicken coops and runs shall be maintained in a clean fashion to prevent odors and chicken manure shall be removed unless used for composting. Chicken manure can be dropped off at the compost center during open hours. Spillage and leftover feed must be removed daily.

shall be amended to read as follows:

- G. 1) Odors from chickens, chicken manure or other chicken-related substances shall not be perceptible beyond the boundaries of the permitted tract of land.
- 2) Waste and Storage removal
  - (a) all stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. Manure can be dropped off at the compost center during open hours.
  - (b) the henhouse or chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed and droppings must be removed daily.

- (c) Manure contaminated rain or wastewater may not run into public streets or neighbor's property.

Ms. Kwiatek asked Dr. Van Wirt if she feels this addresses some of the issues that were spoken about by Deputy Chief Meixell in terms of how you define odor and those kinds of things.

Dr. Van Wirt believes this helps, it defines where they are perceptible by, it sets a boundary for the perception of odor which she does think helps with that subjective quantity. This came from the Media, Pennsylvania chicken ordinance law and it was suggested by Police Chief Kott as a way to strengthen it. She appreciates her input here as much as she appreciates Deputy Chief Meixell's input. She wants to make this the best ordinance possible so she took that language she suggested and incorporated it here. Unfortunately, it was done after the first one was submitted so that is why it is coming in as an amendment tonight.

Voting AYE on the amendment: Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 7.

President Colón mentioned at this point if there are no other amendments or motions on the floor, he will ask the Clerk to call the roll.

Ms. Leon noted we will vote on the First Reading tonight and possibly schedule a meeting in between now and the Second Reading, address all the concerns in that meeting, make all the amendments and vote on those at the Second Reading.

President Colón wondered if she is asking if there could be a committee meeting.

Ms. Leon stated she is not asking if there could be a committee meeting, she is saying that is one of the scenarios of this to choose your own adventure. We can have a First Reading, Committee Meeting with all the amendments, and then Second Reading or we could do First Reading, Second Reading with no Committee Meeting or do First Reading, Second Reading and then have a Committee Meeting, all of those things are in the realm of possibility or is there something we cannot do.

President Colón informed anything can happen after the First Reading.

Ms. Leon asked if it is possible to schedule a Community Development Committee Meeting next week.

President Colón noted that would probably be unlikely and unrealistic to try to squeeze that in. But if it were the will of Council to have a Committee Meeting or postpone any votes to have a Committee Meeting, that can happen. But the likelihood of having a Committee Meeting between now and the next Council Meeting is not realistic.

Ms. Leon remarked we could do the First Reading now and the Second Reading would have to be at the next meeting.

President Colón stated the Second Reading does not have to be at the next meeting, it could be postponed if that is the will of Council.

Solicitor Panella remarked if someone at the next meeting was to propose another amendment then the Second Reading technically would not happen that night because it would need to be readvertised for those 10 days. Any time a new amendment is proposed at a meeting that 10-day ticker restarts. It is not from the time the amendment is passed. Today, we just passed an amendment that was proposed by Dr. Van Wirt and technically the ticker for that amendment has not started yet because it has not hit the advertising machine yet. Technically that timeframe starts to count down once the advertisement has run in the Express Times, which is the newspaper in regular circulation that we use.

Voting AYE on the ordinance as amended: Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 7. Bill No. 16-2022 passed on First Reading.

*D. Bill No. 17-2022 – Amend 2022 General Fund Budget*

The Acting Clerk read Bill No. 17-2022 –Amend General Fund Budget, sponsored by Ms. Kwiatek and Dr. Enix and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
THE 2022 GENERAL FUND BUDGET

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 7. Bill No. 17-2022 passed on First Reading.

10. RESOLUTIONS

*A. Approve Resolution – Amendments to Rules and Regulation of Civil Service Board*

Ms. Kwiatek and Dr. Enix sponsored Resolution No. 2022-146 that authorized to adopt the amendments to the Bethlehem Civil Service Board rules and regulations approved at their December 1, 2021 and June 21, 2022 meetings, as described in the attached resolution and exhibit.

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

*B. Approve Transfer of Funds – Golf Course Enterprise Fund Budget – Gasoline*

Ms. Kwiatek and Dr. Enix sponsored Resolution No. 2022-147 authorized \$14,000 dollars in the Golf Course Enterprise Fund Budget to be transferred as follows: \$4,000 from account 004A-42065 – Plant Maintenance and \$10,000 from account 004A-42090 – Unforeseen Contingency to Account 004A-41023-Gasoline – Due to the dramatic increase in the price of gasoline.

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

*C. Approve Transfer of Funds – Sewer Capital Budget – WWTP Collection System New/Renewal and Fixed Asset Repair*

Ms. Kwiatek and Dr. Enix sponsored Resolution No. 2022-148 that authorized \$180,000 dollars in the Sewer Capital Budget from account 88136 – Facilities Improvement to be transferred as follows: \$30,000 to Account 88002 – Collection System New/Renewal and \$150,000 to Account 88019 – Fixed Asset Repair for Collection System and Wastewater Treatment Plant Fixed asset repairs.

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

*D. Transfer of Funds – Non-Utility Capital Fund – Public Works/Streets/Dump Truck Frame Repair and Police/Service Center/Radio Console System Upgrade*

Ms. Kwiatek and Dr. Enix sponsored Resolution No. 2022-149 that authorized \$187,000 dollars in the Non-Utility Capital Fund from Account 69000-66025 – City Hall Garage Floor to be transferred as follows: \$55,000 to Account No. 69000-66201, Dump Truck Frame Repair and \$132,000 to Account No. 69000-66202 – Radio Console System Upgrade for Public Works – Dump Truck Frame Repair and Police – Radio Console System Upgrade.

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

*E. Transfer of Funds – General Fund – Northside 2027 Neighborhood Plan*

Ms. Kwiatek and Dr. Enix sponsored Resolution No. 2022-150 that authorized \$20,000 in the General Fund budget be transferred from account 0901-95013 – Civic Expense/Northside 2027 to Account 0304-40004 – Community and Economic Development Temporary Help to hire a neighborhood organizer as a contract employee to help further implementation of the Northside 2027 Neighborhood Plan.

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

*F. Approve Resolution – CDBG/HOME Annual Action Plan*

Ms. Kwiatek and Dr. Enix sponsored Resolution No. 2022-151 that approved the Annual Action Plan for PY 2022 for the City of Bethlehem for the period from January 1, 2022 to December 31, 2022 and authorized to submit the PY 2022 CDBG/HOME Annual Action Plan and the necessary assurances and certifications for HUD approval.

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

*G. Approve Resolution – Multimodal Grant Submission – Broad Street*

Ms. Kwiatek and Dr. Enix sponsored Resolution No. 2022-152 that authorized the City of Bethlehem of Northampton the Multimodal Transportation Fund Grant request of \$985,500 from the Pennsylvania Department of Community and Economic Development to be used for the Broad Street Active Transportation Plan – Phase 1.

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

11. NEW BUSINESS

*Thanks*

President Colón thanked Assistant City Clerk, Judy Kelechava for long day she put in today sitting in for the City Clerk as we have had a number of Committee Meetings today and for covering tonight's meeting as we approach 11:00 pm.

12. ADJOURNMENT

The meeting was adjourned at 10:45 PM.

ATTEST:

Judy R. Kelechava  
Acting City Clerk