

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, February 6, 2024 – 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

President Colón called the meeting to order. Present were Bryan G. Callahan, Grace Crampsie Smith, Hillary G. Kwiatek, Colleen S. Laird, Rachel Leon, Kiera L. Wilhelm, and Michael G. Colón, 7.

PUBLIC HEARINGS

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

Public Hearing No. 1

The First Public Hearing is to accept public comment on the request made by the Bethlehem Parking Authority to amend the City's Zoning Map involving the Walnut Street Parking Garage at 33 West Walnut Street. The parking garage at this address encompasses three parcels in the Central Business District and additional area zoned RT, High Density Residential District. The request is to change the area of the parking garage site that is zoned RT to CB – Central Business District – to match the existing site use and that which will be proposed.

Public Hearing No. 2

The second Public Hearing is a matter related to the first. The Bethlehem Parking Authority and West Broad Street Associates, LLC seek to vacate a portion of Walnut Street as particularly described in Exhibit "A." The street vacation request comes in conjunction with a proposal to reconstruct a 590-space public parking garage on property owned by West Broad Street Associates, LLC and the BPA.

Public Hearing No. 1

President Colón called the First Public Hearing to order concerning the proposed zoning map amendments related to 33 West Walnut Street.

Communication 6 A – City Planning Commission

The Clerk read a January 11, 2024 memorandum from Darlene Heller, Director of Planning and Zoning, advising that the City's Planning Commission voted 4-0 to recommend approval of a proposed Zoning Map Amendment. The proposal is to rezone a portion of a parcel located at 33 W. Walnut Street from RT (High Density Residential) to CB (Central Business).

Communication 6 B – Lehigh Valley Planning Commission

The Clerk read a January 16, 2024 letter from Jillian Seitz, Senior Community Planner with the Lehigh Valley Planning Commission, stating that the proposed Zoning Map Amendment aligns

with the intent of FutureLV: The Regional Plan. It further states that “[p]roviding a single consolidated parcel for a development with uniform zoning that aligns with adjacent zoning districts is also a best practice in managing land use and development.”

Petitioner’s Presentation

Attorney James Preston, Solicitor for the Bethlehem Parking Authority, outlined the Petition to rezone the property from RT to CB. Except for this parcel, surrounding land fronting on Walnut Street is designated CB. He asked that the zoning designation be changed for consistency.

Darlene Heller, Director of Planning and Zoning, agreed that this matter is pretty straightforward. She believed this would “clean up” some inconsistencies from when the garage was constructed in the 1970s. The plan also is to consolidate several lots that make up the footprint of the existing garage.

Council Comment

President Colón asked Ms. Heller for a clarification. He noted that the footprint of the garage has land in two different zoning districts. He observed that there is no change in use; it is just a garage. He asked whether the zoning designation was changed since the garage was built in the 1970s.

Ms. Heller did not believe so. She does not know why the land was in two different zoning districts, but this seems like a good time to clean up this and a few related issues.

Public Comment

Agenda Item “Presumptuous”

Resident Bruce Haines called it “presumptuous” for this matter to be on tonight’s agenda because if Council later this meeting accepts the Historic Architectural Review Board’s (HARB) recommendation to rebuild the garage in kind, there is no zoning change required because the use is grandfathered.

CB Appropriate

Resident Megan Lysowski believed that the CB designation would be appropriate with aspects including walkability. She also believes that this plan would be appropriate within the Historic District as there are certain height limitations.

Zoning Change Premature?

Resident William Scheirer said that, on the surface, making this zoning change seems like a good idea. But, he said there are implications, including the height limitations. If this parcel were to remain RT, it would be limited to 3.5 stories. However, changing the designation to CB would allow a maximum height of 150 feet, or 12-plus stories. HARB would almost certainly object to this height. He said that all of this could be avoided by retaining the RT zoning designation. Mr. Scheirer also said the rezoning is premature because the use of this portion of

land has not yet been disclosed. Rezoning would be more appropriate when the City faces a solid building proposal.

Lack of Transparency

Resident Doug Leidel echoed Mr. Haines' observation that the HARB consideration should come before rezoning. He also said the "whole business of building a new garage seems shrouded in secrecy." The final plans have not been approved. The retail tenants have not been announced. He called the rezoning a "legal work-around" in case the HARB COA is not approved, which only adds to a lack of transparency.

President Colón adjourned the First Public Hearing at 7:26 PM.

Public Hearing No. 2

President Colón called the Second Public Hearing to order concerning the proposed street vacation of a portion of West Walnut Street.

Communication 6 C – City Planning Commission

The Clerk read a January 11, 2024 memorandum from Darlene Heller, Director of Planning and Zoning, advising that the City's Planning Commission voted 4-0 to recommend approval of the Bethlehem Parking Authority's Petition to vacate a portion of Walnut Street. The recommended approval includes conditions that the City's traffic consultant provide a favorable review of the proposal and that all public utility sign-offs are finalized.

Communication 6 D – Lehigh Valley Planning Commission

The Clerk read a January 10, 2024 letter from Brian Hite, Transportation Planner with the Lehigh Valley Planning Commission, states that the proposed street vacation would not negatively affect traffic circulation. He recommends that, if approved, the City ensure adequate, safe and efficient pedestrian access including with respect to the Americans with Disabilities Act. Mr. Hite also reminds that access to nearby utilities should be maintained.

Petitioner's Presentation

Attorney Preston said this Petition is to vacate a portion of Walnut Street in front of the parking garage. He asked BPA Executive Director Steven Fernstrom to address this.

Mr. Fernstrom views the request as improving walkability and vibrancy and livability. The existing street is wide and unwelcoming. Vacation would allow the sidewalk to be extended. It would make the street easier to cross and it is expected that it will draw businesses that will create energy to the east of Main Street. Sidewalks would be widened from 5 to 14 feet encouraging outdoor dining. Trees would be planted. The created atmosphere would rectify some of the mistakes made with the original project in the 1970s.

Ms. Heller added the belief that this street vacation would be a benefit to the community. As a caution, she said that Public Works required that there be a traffic study to ensure that removal of

the left turn lanes would not create a traffic back-up at the intersections as well and that the removal of one of the ingress/egress areas would not create a problem. Ms. Heller said the City's traffic consultant reviewed these areas and did not determine a problem. She agreed that the wider sidewalks, narrower street, trees, lighting and other elements would improve the Walnut Street corridor.

Council Comment

Ms. Crampsie Smith reminded that the City's Planning Commission recommended that any utility issues be addressed.

Ms. Heller said that is a part of the land development review process. As the process continues, the BPA will address utility relocations if necessary.

Ms. Crampsie Smith asked if that includes Verizon. She recalled from a previous meeting that Verizon had a concern about nearby underground lines and wondered whether progress was being made toward resolving the utility's concerns.

Ms. Heller said that would include all of the public utilities.

Mr. Fernstrom added that BPA is collaborating with Verizon.

Ms. Crampsie Smith also noted LVPC comments about safe access for pedestrians and ADA compliance. She believes that this project "negates the spirit" of the ADA if the undefined portion of this development becomes apartments that are located closer to Main Street and the garage more distant making it harder for those with disabilities.

Ms. Heller believes the LVPC comments deal with ADA compliance within the garage and within the public improvements planned along Walnut Street rather than the placement of structures. She added that federal guidelines will need to be met. Compared to the North Street Garage, she believes the proposed location of structures is similar. The garage is located behind the other building. Typically, a garage is tucked behind and not the central object to be seen.

Ms. Crampsie Smith said she understands that, but she does not believe that this meets the spirit of the ADA law.

Ms. Laird asked who reviews the streetscape elements.

Ms. Heller said there are requirements to address this within the Subdivision and Land Development Ordinance that specify distances for trees, electricians will review the layout of the street lights, and other elements. Many departments are involved. The land development plan will be reviewed by the public Planning Commission meeting.

President Colón asked if there will be a change to the configuration of on-street parking.

Mr. Fernstrom said the number of on-street parking spaces will not change as a result of the street vacation.

Public Comment

Supports Street Vacation

Resident Megan Lysowski spoke in favor of narrowing this street to make for easier crossing. She added that the wider sidewalks should address the LVPC concern about safe pedestrian access. She supports the street vacation.

Opposed to Narrowing Street

Resident Bruce Haines was concerned that the street vacation would make it more difficult to provide a bus loading area. He said this used to be done on Main Street, but this is no longer allowed. He said that the need for a bus loading area will increase with the anticipated World Heritage designation. He also recommended that there be public restrooms for visitors in the garage. He said that narrowing this street while a bus loading zoning is needed perhaps has not been considered. Mr. Haines also predicted that eliminating the left turning lane will cause traffic back-ups at least during peak times.

Increased Traffic

Resident Margo Ging expressed concern about increased traffic with changing times. She related an incident in October in which she encountered several clogged streets while transporting a loved one to a nearby hospital. She implored Council to think about the changes being made to Bethlehem.

Cart Before the Horse

Resident William Scheirer believes that the changes from the old garage to the new one will create more space to provide an apartment building. He added that the “cart is still before the horse” in that requests are being made without Council’s action on the HARB recommendation and without knowing the full project proposal and all of its elements.

Dimensions Not Adding Up

Resident Michael Bianco said that a 25-foot-wide road is being discussed, allowing one lane in each of two directions with no parking. However, the submitted ground plan for Version 2 shows added space for parking. He is confused. He said there is no drawing or model would help to clear this up. Additionally, he said the proposed garage would widen the structure so that they can go from diagonal parking to straight-in parking. According to the National Safety Council, 20 percent of all motor vehicle accidents in this country occur in parking garages. Significantly more occur when straight-in parking is used rather than angled parking. Mr. Bianco said this process has been said to be transparent, but he believes the opposite.

Tree Concerns

Resident Mary Jo Makoul was concerned that the planned trees will reduce visibility as they grow. She asked whether there will be adequate sunlight for the trees to grow.

Why the Rush?

Resident Doug Leidel asks why these decisions must be made now. There is no final plan for the residential and retail space. He asked for the real reason for narrowing the street. He agreed there is a lack of transparency, since there seem to be missing parts to the overall plan. He also questioned the rush to destroy the old garage if there is not a final plan for redevelopment. He additionally questioned the traffic flow. Cars already back up with the existing turning lane. The problem will be worse without a turning lane.

President Colón adjourned the Second Public Hearing at 7:58 PM. He said that Ordinance 9B will be placed on tonight's agenda for First Reading.

2. APPROVAL OF MINUTES

January 2, 2024 (CORRECTED)

President Colón said despite approval of these minutes at the January 16, 2024 meeting, he has been advised that the four-year terms of newly-elected Council Members Callahan, Colón, and Laird would end in January 2028 rather than the listed 2026 under agenda Item 3A. Similarly, under agenda Item 3B, Treasurer Fox's term would end in January 2028 as well. He said he would accept a motion and a second to amend the January 2 minutes to reflect the 2028 term expirations in both instances. Ms. Wilhelm made a motion, seconded by Mr. Callahan, to amend the January 2 meeting minutes as stated.

Voting AYE: Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, and Mr. Colón, 7. The Motion passed.

January 16, 2024

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

Learn from the Past

Resident Jeffrey Zettlemoyer referred to a large exhibit from the CrossGates Study of 1966. The garage was built at its present location because of a Hinge Block Strategy as part of a study on historic elements of the downtown. The intention was not to allow buses in the Walnut Street Garage but to accommodate them at a North Street Garage. However, a row of homes was built on Guetter Street, blocking the vehicle and pedestrian flow down to the Sun Inn Courtyard. Had the plan for homes been known, it would not have been necessary to demolish an arcade and public bathrooms. He urged the City to read these previous studies and avoid another 50-year mistake.

Traffic Concerns Reinforced

Resident Margo Ging concluded earlier remarks about traffic. She said the small area of the downtown "is not made for the things that you are planning and doing." The quality of life is more important than allowing a new, shiny building.

Meeting Changes Urged

Resident Mary Jo Makoul said that last week's Committee of the Whole meeting on the Walnut Street Garage was "laboriously long", more than five hours in length. She sees a pattern in Council, Planning, and Zoning meetings in which one side takes control and monopolizes the floor. Last week, the Administration, the Parking Authority, and its architect used more than half the time. This was a deliberate attempt to shorten the time for public comment. She also said the Administration has not been transparent in its agenda with respect to the new garage project.

Apartments Location/City Could Handle More Costly Deck

Resident James Follweiler said there is no need to include apartments at the garage location. Thousands of apartments already are approved for construction as well as the alley home initiative. If an additional apartment development is desired, it could be located at the Broad and Long Streets lot. Instead, at the Committee of the Whole meeting, it was said that if more parking is needed, an additional parking garage could be built at that location. He believed the proposed apartments would be better suited at Broad and Long Streets. Mr. Follweiler also commended the City for paying down debt in the past 20 years. The City has since touted that finances are in good shape yet during the Committee of the Whole meeting, the Mayor warned of financial distress and a potential default as a reason for not supporting the concept for a larger Walnut Street Garage. He also said the BPA was confident in a meeting last night that it could handle a \$35 million debt level but not with higher debt.

Traffic and Garbage Concerns

Resident Angela Mitchell said it was great to hear the 2023 accomplishments listed during last night's SouthSide Arts District meeting; however, she asked how the Indian Hill Section can be revitalized. She repeated concerns involving numerous traffic accidents and garbage. She asked who can help with these concerns.

President Colón recommended following up with the City Clerk's Office, Department of Community and Economic Development or staying until the end of the meeting to speak with members of the Administration.

More Water Bill Discrepancies

Resident Mark Will-Weber said he continues to look for transparency and accountability from the Water Department. He has been notified through his Facebook page that 10-12 residents have similar stories of large discrepancies with their bill to that of he and his wife.

Council Policy or Oversight?

Resident Sally Will-Weber followed her husband's remarks adding she hopes that someone on Council is following this situation and that a policy will be created to address these disputes. Their research has found different ways of handling these situations in different ways. She is aware that Council is looking into "Red Flag Policies." This may be workable once all customers have Smart meters with this feature. However, some of the selling points for this practice will need to be confirmed. Bethlehem may not have this in place for 6-8 years, and she

said that Mr. Boscola has said this feature will only be available to commercial customers, not residential. She also questioned the customer contact information being used by the Water Department, stating that their information submitted in 1981 was used. The phone number was outdate, so they could not be contacted.

Solicitor's Selection Again Questioned

Resident Stephen Antalics renewed his concern for how the Council Solicitor was chosen. He said this was not a reflection on the qualifications of Stephanie Steward, the Solicitor recently chosen by Council to fill a vacancy. Mr. Antalics stated that past procedures to determine a new Solicitor included public discussion, candidates' public statements, and the public could offer opinions on the qualifications. A decision was made during an Executive Session. This procedure was abandoned this time around, he said. Mr. Antalics said he contacted a group in Harrisburg dealing with conflicts of interest. He was told that the circumstances did not look well.

Ice and Garbage

Resident Melis Carroll said she lives adjacent to the Walnut Street Garage. She reported that water cleaning dust and debris from demolition was freezing on a crosswalk posing a hazard for motorists and pedestrians. She also reported a garbage problem within the Sun Inn Courtyard. Garbage is picked up twice a week, but something more must be done.

Traffic Flow/Apartments Questioned

Resident Doug Leidel reported some problems along Guetter Street since the garage demolition began. Portions of Guetter Street are closed at times and the traffic flow from Guetter to Walnut Street has been greatly modified. The parking situation on Guetter Street, especially on weekends, is like "the Wild Wild West." People are double parking and doing whatever they want. He asked for more police presence to try to cut down on these actions. He also asked why the BPA, charged with parking issues, is suggesting a partial use of the land as apartments. It does not seem to be their role. He said that several of the controversial issues, size and secrecy, come about because of the apartments component.

Keep as Open Space

Resident Paige Van Wirt talked about the "unprogrammed space" component of this proposal. She believes this should remain open space. She said that the BPA belongs to the residents of Bethlehem and this land used by the BPA is land belonging to the people. She urged leaving the unprogrammed space as open space because, while it would be tempting to get a large amount of income from the proceeds of a sale, this is land that we can never get back once it is developed. She added that a park actually can drive development. She thinks of Central Park in New York and Boston Common as prime examples.

Homeless/Rental Inspection Fees

Resident Anthony Spagnola noted the many homeless people who shelter under the trestle. He suggested having some regulation to have understandings with the homeless to try to keep order and things such as garbage in check. He also spoke about rental fees, including

inspection fees. He said it does not seem equitable that he must pay \$150 for three rental units while a landlord with more than 50 units pays a flat \$600 fee.

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

Apartments Make Sense

Resident Neville Gardner offered his respect for the work that HARB does. He owns two businesses in the area of the garage. He believes the area of Main and Broad Streets needs more retail space. Adding the right retail choices would enhance the City. He favors changing the zoning to mixed use. He believes that high-end retail would enhance downtown business. He also believes that if you are going to put retail and restaurants on the ground floor, it is necessary to put income-generating space above it such as apartments or offices. He added that the business community needs customers with disposable incomes living here.

Does Not Meet Historic Standards

Resident Diana Hodgson identified herself as a HARB board member. This is a legacy decision. She said all agree there is a need for a new garage, “but it cannot be built at the expense of the Historic District.” The proposed design is too massive. The height is not acceptable to national historic standards. HARB is asking for a new design so that it stays within the same footprint and does not exceed the mass or height of the current facility. She urged Council not to approve the COA.

Unfair to Neighbors

Resident Joe McGavin is the real estate representative to HARB. He disagreed with what was said at the January 29 Committee of the Whole meeting about HARB seeking a replacement garage that is of the same length as the existing garage. At least he does not. He agreed, however, that HARB members want to know what is planned for the “white box.” He said he wants answered why the number of parking spaces cannot be planned within a facility of the existing height. The only answer that he has heard is that such a design would be too expensive. Mr. McGavin also referred to Mayor Reynolds’ comments about the injustice of 40 low-income families being displaced when the original garage was built. Mr. McGavin asked Council to consider the financial damage, and loss of privacy, that would be inflicted on existing neighbors who whose property values would be affected if a taller structure were built.

BPA’s Funding Important

Resident Karen Widrick is a business owner and board member of the BPA. She said the funds the Downtown Business Authority receives from the BPA, and she would not want to see those go away if the Authority were to have to build a needlessly large garage or cause the delay of redevelopment.

Parking Figures Questioned

Resident James Follweiler believes that parking projections justifying a smaller parking garage are not valid because they are based on the period during the pandemic. He added that several businesses in one or more petitions have objected to building a smaller garage. Furthermore, those who receive money from the BPA, such as the Downtown Business Administration, are going to have a bias because of that financial support. He urged Council not to support a project that appears to promote apartments at a prime location at the expense of the Historic District.

Does Not Meet Historic Guidelines

Resident Mary Jo Makoul does not believe that the garage proposals submitted fall within City or federal historic guidelines and should not be approved.

Important Re-investment

Resident Erin Zebertavage is the SouthSide Arts District manager. The BPA funding is critical to their programs. She pointed to data provided by the BPA of parking space that would often go unused in a larger garage and said that the money that community groups receive from the BPA are important reinvestments in the community.

Hub of Activity and Vibrancy

Resident Peter Schneck supported a mixed-use development for the garage site. This is an opportunity to transform this area into a hub of activity and vibrancy while adding more walkability to the community.

Supports Smaller Garage

Resident Anthony Bronico supported the smaller garage proposal with 527 spaces. Based on the presentation at the Committee meeting, he believes that the original garage was overbuilt and that this smaller number of spaces would be adequate while saving the City a considerable amount of money. He also supports a mixed-use development or green space for the remainder of the property.

Time for Change

Resident George Hrab read unflattering words that were written about New York's Twin Towers when they were built. Over time, those structures became beloved by many. His point was that change can be hard, but it is necessary. He believes that the BPA has gathered data needed for this decision and supports it.

Trust Your Experts

Resident Barbara Diamond read an email that she sent to Council Members regarding the garage. She supported HARB's recommendation to reject both garage proposals. She said they are the experts in historical preservation and their recommendations should carry weight.

Specialists vs. Generalists

Resident Steve Diamond identified himself as a physician. He used the analogy of the inappropriateness of a general practitioner overruling a specialist's diagnosis and cancelling that medical order as it relates to Council potentially overruling the recommendations of HARB. HARB members are the experts in this area and know what the law demands. He also said it was never explained during the Committee meeting whether it is not possible to simply rebuild the garage over its original length and maintain the existing height.

Show Backbone

Resident Brian Carnahan told of moving back to the area and settling in the Historic District. He noted that he was required to go before HARB when he wanted to make upgrades to his home. The parking garage also had to go through HARB review, but now Council can disregard its recommendation. Mr. Carnahan said the Administration is "trampling on" the Historic District with what is being proposed for the garage. He challenged Council to show the same "backbone" demonstrated by HARB by rejecting the COAs.

Denial Urged

Attorney Christopher Spadoni, representing the Hotel Bethlehem, made it clear that Council tonight is not voting on the garage project or a subdivision but on the COAs. He read his January 15, 2024 letter that he addressed to Council and sent to the City Clerk for distribution. He pointed out that 40 percent of the site is not delineated but is instead just shown as the white box that has been referenced. Attorney Spadoni said that Council should deny the COAs because review is guided by federal principles involving historic properties. Such principles are to include consideration of the entire property, he said, and details about intentions for 40 percent of that property have not been provided.

Parking Data Incomplete

Craig Adamson, representing the Buxmont Academy and the IIRP Graduate School, urged Council to collect more useful data before making a decision. He is concerned about the lack of future parking, misinformed data used to create the total parking spots needed, and the idea that parking needs to be convenient, easy, and friendly. Dr. Anderson said that he is one of the five top employers in town yet no one has asked him for his input or projections for what he is proposing in coming years. Like some others, he points out that data culled for 2022 and 2023 was during a time of the pandemic and recovery. This period did not include when his institution was at the height of its training during 2016 through 2018. They averaged 151.5 registrations per month for four-day training periods. In-person training days will start again this March. These parking needs have not been taken into consideration in the 2022 or 2023 data. He currently has 27 parking garage spots used by employees who are not happy about walking to the Spring Street lot during demolition and reconstruction. As a growing business owner, he needs a commitment that there will be enough garage spots for staff and event visitors.

Petition in Support

Resident Megan Lysowski offered a 130-signature petition of those supporting a mixed-use development of the “small garage”, option 1B. This proposal will meet the parking demands, vibrancy of the City, walkability, and increase the housing supply.

Scale and Impact

Resident Rocco Damato said that he must come before HARB when he wants to make changes to his home in the Historic District. Residents who live there understand change but also want restrictions that will keep all within historic parameters. The opposition by these residents involves scale and impact. The intensity of the opposition should say something as well.

Don't Jeopardize World Heritage Status

Resident Bruce Haines noted concerns for tall walls that might be built and perhaps hundreds of windows from the new construction looking down onto the existing homes in the Historic District ruining existing residents' privacy. He repeated concerns about a big wall that would be 150 feet from God's Acre, which has been nominated as a World Heritage site. Mr. Haines believes that this could jeopardize World Heritage consideration. He also disputed the number of parking spaces. Using the 590-space plan, he began deducting anticipated spaces that will be taken by proposed development. He estimated that, using BPA parking figures, the garage would be filled and turn away business on 125 days of the year. This does not include more people returning to work at Buxmont Academy, National Kitchen and Bath Association, and the bank building's re-use. The “small garage proposal” would be even worse than the proposed 590-space facility

Business Owners' Petition

Resident Kelly Reynolds is a manager at the Hotel Bethlehem. She referred to a petition circulated by a resident of the Historic District. Out of 51 Downtown Bethlehem Association members, 27 said they oppose the garage proposal. She presented a publication with the DBA members listed and circled the business names in opposition. She urged Council to vote against the COA.

Council Should Be Informed

Resident Dana Grubb said the garage project has been suspect from the beginning. He said there has been a lack of discernable public input even before plans became public. Many questions, concerns, and objections raised at the HARB meeting could have been addressed sooner rather than later had there been community participation from the start. Mr. Grubb said that if there are proposals for developing the white box, then Council should be made aware even if this must be done in Executive Session to protect certain confidential elements at this stage. He said elected officials should be aware of these details when making decisions like this.

Decision Premature

Resident Bud Hackett said project approval would be premature. He said the Council's role is to provide checks and balances, and he suggested that Council should ask tough questions to determine whether this project is right for Bethlehem.

General Obligation Bonds Suggested

Resident William Scheirer referred to the Committee of the Whole meeting where it was said that if the garage were to be rebuilt in kind with 770 spaces, the City would have to guarantee the bond payments which would be undesirable. He disagreed. General obligation bonds guaranteed by the City would bring a lower interest rate. He next discussed the smaller deck option of 527 spaces. Mr. Scheirer asked what is it about this apartment building, the so-called white box, that makes it so important that it must be built here and at a cost of sacrificing parking spaces in the new garage?

Be a Watchdog

Resident Stephen Antalics said all taxpayers are joint owners of the City. They elect a Mayor and Council Members to represent their interests. Both should act independently. He believes the residents have been quite clear that they do not want the proposed garage plans. Mr. Antalics asked if Council, serving as public watchdogs, will oppose these garage proposals.

Collaboration the Key

Resident Jill Ammerman said she has developed successful toys. One of the ways to develop successful products is to listen to people. This also was done as a group. She said she moved to Bethlehem and found 10 blocks of close-knit neighbors. There are three strong organizations in this community: the Bethlehem Historical District Association, the Historical Society, and the merchant association. These three groups were not consulted about the garage. She likened this participation and input to the success products that came about because of collaboration.

Listen to HARB

Resident Electra Damato said she moved here from Tribeca, N.Y., also a preservation district. This district also had restrictions, similar to those in place in Bethlehem including height and sight-line requirements. She urged City Council to abide by the recommendations of HARB. She believes the height of the planned wall will "destroy the integrity of the Historic District."

More Parking Will Be Needed

Resident Gina Kelechava said she is confused by the proposal to build a garage with fewer parking spaces. She recognizes that statistics show that other than events such as Musikfest, Celtic Classic, and the Christmas season, the Walnut Street Garage is often about 40 percent vacant. But, she believes, that if the World Heritage Designation is bestowed, one would have to assume that additional parking would be needed to accommodate more visitors. She opposes the project as now proposed.

Financing Explained

Scott Shearer with PFM Financial Advisors is a consultant to the BPA and the City as well when it comes to debt-related matters. He has worked with both groups on financing for two other parking garages. His firm recommended getting away from using general obligation bond issues to guaranteed revenue bonds. For the Polk Street Garage, a revenue note was used without the need for a City guarantee. A revenue note is the goal for the transaction to finance the new Walnut Street Garage. This strategy has helped to improve the City's financial strength and credit rating. PFM ran models of issuing bonds at various project cost levels. When \$8 million was added to the price, a substantial cost was added – about \$700,000 a year of additional interest, which translates to an additional \$20 million over the life of the debt. This does not meet the debt covenants, so the bank will not finance this loan without substantial rate increases or the City guaranteeing the debt. As the largest financial advisor of this type, PFM has seen many instances where the financial guarantee has been required and problems occur. One aspect of the decision comes down to affordability and at what level the financing can be gotten.

Differing Visions

Resident Paige Van Wirt urged everyone to have more respect for this process. She said she has faith in the Administration and that it is working in the best interests of the City, but different visions are in place. She said that an apartment building if built at the highest allowable density would result in needing 200 or more parking spots for new residents. She believed a 527-space deck would be appropriate but questioned the location of an apartment building like this that would put more pressure on parking in the new garage. As a former Council Member, she recalled two other projects in which Council overrode HARB and the HCC. Dr. Van Wirt said these boards' missions are very narrow and dictated by law. Council has a broader mandate, including the health of the City as a whole. She hoped that some of HARB's suggestions for the BPA to tell its architects to reflect Bethlehem.

5. OLD BUSINESS

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

6. COMMUNICATIONS

E. Deputy Controller – memo – Records Destruction Resolution

The Clerk read a January 23, 2024 memorandum with a proposed Resolution from Deputy Controller Michele Liberto, requesting the Destruction of Records from her department. Ms. Liberto has reviewed the Municipal Records Retention Act, and the records listed on the exhibit accompanying the memo fall within the categories where destruction is permitted.

President Colón stated a Resolution will be placed on the February 20, 2024 City Council agenda.

F. Police Chief – Memo – Records Destruction Resolution

The Clerk read a January 23, 2024 memorandum with an attached Resolution from Police Chief Michelle Kott. Chief Kott has reviewed the Municipal Records Retention Act, and the records listed on the exhibit accompanying the memo fall within the categories where destruction is permitted.

President Colón stated a Resolution will be placed on the February 20, 2024 City Council agenda.

G. Police Chief – Memo – Records Destruction Resolution

The Clerk read a January 30, 2024 memorandum with an attached Resolution from Police Chief Michelle Kott seeking to destroy a second set of department records. Chief Kott has reviewed the Municipal Records Retention Act, and the records listed on the exhibit accompanying the memo fall within the categories where destruction is permitted.

President Colón stated a Resolution will be placed on the February 20, 2024 City Council agenda.

H. Director of Water and Sewer Resources – Contract – Water Filtration and Wastewater Treatment Plants Risk Management Plan Update

The Clerk read a January 29, 2024 memorandum with an attached Resolution from Edward Boscola, Director of Water and Sewer Resources. Mr. Boscola recommends a contract with AECOM of Conshohocken to update and implement the EPA-required risk management plan for both the City's Water Filtration and Wastewater Treatment plants. An update is required every five years for facilities handling gaseous chlorine. The contract will run from the Notice to Proceed until June 17, 2024. The cost will be \$35,200. There are no renewals.

President Colón stated Resolution 10 C is on the agenda.

I. Director of Public Works – Contract – Johnston Drive Detention Basin Change Order

The Clerk read a January 19, 2024 memorandum with an attached Resolution from Michael Alkhal, Director of Public Works. Mr. Alkhal recommends a change order to a contract with Western Lehigh Services, Inc. of Allentown to modify work being done to repair the Johnston Drive Detention Basin. This change order would add a cost of \$51,807 to the original contract price of \$89,457.90 for a total cost of \$141,264.90. Mr. Alkhal explains that the additional work is necessary for exploratory digging and related measures in response to sinkholes. Construction is to be completed by June 30, 2024. There are no renewals.

President Colón stated Resolution 10 D is on the agenda.

J. President of Council – Rules of Council Amendments -- 2024

The Clerk read a January 31, 2024 memorandum with two attached Resolutions from Council President Michael G. Colón. President Colón recommends that Council consider rule changes to the Rules of Council. He proposes that Rule 3A eliminate the invocation and move up "New Business" on the agenda between unfinished business and communications. President

Colón also recommends changing Rule 4 to amend the meeting submission deadline to 4 PM on the Wednesday preceding Council meetings.

President Colón stated the Resolutions will be placed on the February 20, 2024 City Council agenda.

K. City solicitor – Use Permit Agreement – Touchstone Theatre – Parham Park

The Clerk read a January 31, 2024 memorandum with an attached Resolution and associated Use Permit Agreement from City Solicitor John F. Spirk, Jr. The Permittee is Touchstone Theatre and the purpose of the Agreement is to cover Theatre and creative art events, productions, performances, rehearsals, student and community lectures, workshops, and related activities. The agreement covers various times and dates January 1 through December 31, 2024 at Parham Park.

President Colón stated Resolution 10 E is on the agenda.

Ms. Leon asked for a 5-minute recess for a break.

President Colón said a motion and a second would be required followed by a vote.

Ms. Leon made a motion, seconded by Mr. Callahan, to have a 5-minute recess.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, and Mr. Colón, 6; NAY: Ms. Crampsie Smith, 1. The Motion passed.

The meeting resumed at 10:50 PM.

7. REPORTS

A. President of Council

President Colón said that liaisons and committees have been assigned as follows:

Bethlehem Authority:	Mr. Callahan
Bethlehem Housing Authority:	Ms. Kwiatek
Environmental Advisory Council:	Ms. Laird
Lehigh Valley Planning Commission:	Ms. Crampsie Smith
Library Board:	Ms. Leon
Parking Authority:	Ms. Wilhelm
Redevelopment, Blighted Review Committee:	Ms. Leon

Community Development Committee:

Ms. Kwiatek, Chair; Ms. Crampsie Smith; Ms. Wilhelm

Finance Committee:

Ms. Crampsie Smith, Chair; Ms. Kwiatek; Ms. Leon

Human Resources and Environment Committee:

Ms. Wilhelm, Chair; Ms. Leon; Ms. Laird

Parks and Recreation Committee:

Ms. Laird, Chair; Mr. Callahan; Ms. Wilhelm

Public Safety Committee:

Ms. Leon, Chair; Mr. Callahan; Ms. Crampsie Smith

Public Works Committee:

Mr. Callahan, Chair; Ms. Kwiatek; Ms. Laird

B. *Mayor*

1. *Administrative Order – Barry A. Cohen – Codes Board of Appeals*

Mayor Reynolds re-appointed Barry A. Cohen to the Codes Board of Appeals, effective through December, 2026. Ms. Leon and Mr. Colón sponsored Resolution No. 2024-014 to confirm the appointment.

Voting AYE: Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, and Mr. Colón, 7. The Resolution passed.

2. *Administrative Order – A. Flexer Illick – Codes Board of Appeals*

Mayor Reynolds re-appointed A. Flexer Illick to the Codes Board of Appeals, effective through December 2026. Ms. Leon and Mr. Colón sponsored Resolution No. 2024-015 to confirm the appointment.

Voting AYE: Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, and Mr. Colón, 7. The Resolution passed.

Public Services Updates

Mayor Reynolds said that all of the four positions added to the paramedic roster have been hired. He commended the Human Resources Department and Fire Chief Warren Achey for their efforts. He reminded that adding these positions at budget time was intended to reduce call times and the need for fewer mutual aid responses. Mayor Reynolds said he and Police Chief Michelle Kott went to Harrisburg yesterday for a forum attended by mayors and police chiefs to improve retention and attraction of police officers. He believes that Bethlehem is doing better than surrounding departments in this area. Four new officers were sworn in 10 days ago. Several are attending the academy now, and the hiring process continues for more who will attend the academy in July. The City is, for the most part, keeping up with retirements.

SouthSide Arts District

The SouthSide Arts District annual meeting was yesterday. There were several compliments for Council-supported efforts.

State Budget

Gov. Shapiro released his budget today. The Mayor said there are a lot of exciting elements proposed including funding for economic development, housing, and investing in the commercial corridors.

West Broad Street Planning

Mayor Reynolds met today with Director of Public Works Michael Alkhal concerning language for the Request for Proposals for the West Broad Street involving the Safe Streets for All money.

Open Doors Housing Meeting

Another Open Doors Housing meeting was held last week. This is an opportunity to talk about the housing crisis in the City. These meetings will become quarterly. The intention is to update partners and residents. This was a great turnout.

Community Center Public Input

Within the next few days, the first steps of the public process will be announced for engagement involving the South Bethlehem Community Center. A community meeting will be announced and there will be opportunities for the public to offer its vision for the community center. This has been a deliberate process to gain public input.

C. *Committee of the Whole Meeting*

President Colón stated that the Committee met on Monday, January 29, 2024 at 6:00 PM to discuss the Walnut Street Parking Garage Project. The Administration provided a presentation on plans to redevelop the Walnut Street Parking Garage property. Comments were received from Council Members and the public. The committee meeting was for informational purposes. No votes were taken. He thanked Vice President Leon for presiding over this meeting as he had sick family members and could only attend virtually.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. New Ordinances

A. *Bill No. 01-2024 – Walnut Street Garage – Ordinance for Zoning Map Amendment*

The Clerk read Bill No. 01-2024 – Walnut Street Garage – Ordinance for Zoning Map Amendment, sponsored by Ms. Leon and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND
NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING PART 13
OF THE CODIFIED ORDINANCE OF THE CITY OF BETHLEHEM, AS AMENDED,

KNOWN AS THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, BY
AMENDING THE CITY ZONING MAP.

Ms. Crampsie Smith said she will be voting no because she believes she cannot approve the rezoning of an area for which she does not have detailed plans for the entire area to be rezoned.

Mr. Callahan also will be voting no. He pointed out that the property is not subdivided. The exact height is not known nor the number of units planned for the residential component. He said it is not yet decided whether garage Plan A or Plan B will be chosen. It is not known what the residential component will be, whether there would be 40 or 107 units. Mr. Callahan said he had asked to see the RFPs and believes that the Administration could have provided perhaps redacted versions to Council.

Ms. Kwiatek said that while this is at the land development stage, it makes sense to have cohesive zoning. The rest of the block is designated CB, so it seems that this parcel should be as well.

Ms. Kwiatek raised a point of order. She said that a Council Member has a conflict of interest. She asked what the procedure is if someone does not does not disclose their conflict on their own.

President Colón said he would defer to Council Solicitor Stephanie Steward momentarily, but he believes there is no process to that. By memory, he believed that this was an honor system based on good faith. There is not a mechanism or penalty listed in the ordinance if there is a financial conflict. He added context to Ms. Kwiatek's question noting that in 2022, Council passed the ordinance whereby Council Members are to disclose any financial interest or conflicts related to agenda items being voted on including ownership of land or businesses benefiting from such a vote or a threshold for campaign donations received by Council Members.

Solicitor Steward said in reviewing the ordinance and statutes, the definition of a conflict is very narrow. Absent benefitting in some way from a vote for a project, a conflict does not exist. She agreed that it would be up to an individual to disclose a conflict rather than a mechanism for another member alleging a conflict.

Ms. Kwiatek asked if the conflict also involves relatives.

Solicitor Steward said not under the statute. As to the ordinance, she believed that it was narrow and does not include relatives, but she said she would review the ordinance and report.

Ms. Laird said since the parcel is not yet separated, she will vote to support the rezoning to promote consistency for the block.

Mr. Callahan said he was trying to figure out who Ms. Kwiatek was talking about who would have a conflict of interest. When she said a relative, he began to think that it was him. He said his brother John is with Prone Development and he believes they submitted an RFP for this project.

Mayor Reynolds said he believes that this information was provided by Director of Community and Economic Development Laura Collins in an email to Council.

Mr. Callahan said his brother works for this firm that made campaign contributions. Mr. Callahan said he has not spoken to his brother in 2 ½ years and noted that he has said he will vote against this matter. In no way is he doing something nefarious if that was the suggestion. He believes this is an attempt to silence him, but he said he will be voting on this matter.

President Colón thanked Mr. Callahan for the clarification and reminded all Council Members to refrain from assigning motive to discussions of this nature.

President Colón asked whether the parcels would have to have identical zoning if they were to be subdivided.

Ms. Heller said the City recently approved a lot consolidation plan for the five parcels. For whatever the reason, this was never “cleaned up” when the garage was first constructed. She said it is not a requirement that the lot be uniformly zoned for subdivision but it is much more difficult to review a project when a parcel has two different zoning districts involved. The lot had been used commercially as a parking garage, and that is the way that it should be zoned, she said.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5; NAY: Ms. Crampsie Smith and Mr. Callahan, 2. Bill No. 01-2024 was passed on First Reading.

B. Bill No. 02-2024 – Walnut Street Garage – Ordinance for Street Vacation

The Clerk read Bill No. 02-2024 – Walnut Street Garage – Ordinance for Street Vacation, sponsored by Ms. Leon and Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE VACATION, DISCONTINUANCE AND STRIKING FROM THE CITY’S GENERAL PLAN OF STREETS OF PORTIONS OF WEST WALNUT STREET IN THE 7TH WARD OF THE CITY OF BETHLEHEM, COUNTY OF NORTHAMPTON PENNSYLVANIA

Ms. Crampsie Smith said she does not necessary oppose the street vacation and rezoning but believes she cannot support these actions for a project for which she does not have specific details.

Mr. Callahan agreed. He asked Ms. Heller if, in her years with the City, a major project has come before HARB, Planning, Zoning, or City Council and a large piece of information is missing. He asked whether developers are permitted to come in and show just portions of it. Could a resident present a plan for an addition to their house and now only three sides of the addition and not the fourth?

Ms. Heller believed that to be a far-fetched example. But she said there are times when development is phased.

Mr. Callahan said this is not phased; it is attached.

Ms. Heller said there are times when a developer phases a development. It is not unheard of.

Mr. Callahan cited the proposed Martin Tower site redevelopment. He understands when there are different phases on grounds where buildings are separated. He asked whether she has ever encountered a project like the garage where there are attached buildings involved where there is little or no information given on one of them.

Ms. Heller said that would just be an expansion of an ongoing project. There are examples of this in LVIP VII. Every project is reviewed on its own merit. She was not with the City for the North Street Garage, but she believes there may be similarities. There was a garage component and a commercial component.

Mr. Callahan said if a resident wanted to build an addition to their house, they could submit a design and neglect to show a side of the building because they may want to add on in the future.

Ms. Heller does not believe that is what is happening here. She cited the RFP sent to developers contemplating future development.

Mr. Callhan countered that he is not sure whether the result will be the building of 40, 70, 100 units, etc. He does not know how high it will be. He said there is a lack of transparency in what was received by Council.

Ms. Heller said that when the proposal is selected, it will be publicly reviewed just like every other project.

President Colón asked about what the traffic study showed as it relates to the street vacation request. He also asked what follow-up measures will be taken to be sure that recommendations were appropriate.

Ms. Heller said the traffic study was received, and the City's traffic consultant concurred with the findings. It showed there would be no negative impact to traffic. She did not believe there would be a follow-up unless problems occur that two independent traffic consultants did not anticipate.

Voting AYE: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5; NAY: Ms. Crampsie Smith and Mr. Callahan, 2. Bill No. 02-2024 was passed on First Reading.

10. RESOLUTIONS

A. *Approve Resolution – Police Department – 2023 Edward Byrne Memorial Justice Assistance Grant (JAG)*

Ms. Leon and Mr. Colón sponsored Resolution No. 2024-016 authorized to execute the grant award documents for funds to be received under the 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of up to \$39,617.00 that will be used by the Bethlehem Police Department to continue improvements in computer hardware and software.

Voting AYE: Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, and Mr. Colón, 7. The Resolution passed.

B. Approve Resolution – Records Destruction – Fire Department

Ms. Leon and Mr. Colón sponsored Resolution No. 2024-017 that authorized the disposal of public records in the Fire Department, as set forth in a memorandum dated December 18, 2023 from Fire Chief Warren Achey.

Voting AYE: Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, and Mr. Colón, 7. The Resolution passed.

C. Approve Resolution – Contract – Water Filtration Plant and Wastewater Plant Risk Management Plan Update

Ms. Leon and Mr. Colón sponsored Resolution No. 2024-018 authorized to execute all documents and agreements with AECOM to produce and implement an updated risk management plan at the Water Filtration and Wastewater Treatment plants.

Voting AYE: Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, and Mr. Colón, 7. The Resolution passed.

D. Approve Resolution – Contract – Johnston Drive Detention Basin Change Order

Ms. Leon and Mr. Colón sponsored Resolution No. 2024-019 authorized to execute all documents and agreements with Western Lehigh Services, Inc. for a change order to perform additional work associated with the Johnston Drive Detention Basin.

Voting AYE: Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, and Mr. Colón, 7. The Resolution passed.

E. Approve Use Permit Agreement – Touchstone Theatre – Parham Park

Ms. Leon and Mr. Colón sponsored Resolution No. 2024-020 authorized to execute a Use Permit Agreement with Touchstone Theatre for 2024 activities in Parham Park.

Ms. Wilhelm stated that an employee of Touchstone she would be recusing herself from this vote.

Voting AYE: Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, Ms. Leon, Mr. Callahan, and Mr. Colón, 6; RECUSAL: Ms. Wilhelm. The Resolution passed.

F. Certificate of Appropriateness – HARB – 33 West Walnut Street 1A Jan 2024 – (Denial)

Ms. Leon and Mr. Colón sponsored Resolution 2024-021 that denied a Certificate of Appropriateness to replace the existing Walnut Street Parking Garage at 33 W. Walnut Street with a new parking garage.

President Colón asked Solicitor Steward to explain Council's responsibility as it relates to the COA.

Solicitor Steward reminded that she has advised Council that its consideration as to whether to grant a Certificate of Appropriateness is subject to both Commonwealth statute and City Ordinance. The relevant Commonwealth statute is Section 4(b) of the Municipal Historic Districts Law: "Any governing body in determining whether or not to certify to the appropriateness of the erection, reconstruction, alteration, restoration, demolition or razing of a building, in whole or in part, shall consider the effect which the imposed change will have on the general historic and architectural nature of the district. The governing body shall pass upon the appropriateness of exterior architectural features which can be seen from the public street or way only and shall consider the general design, arrangement, texture material, and color of the building or structure and the relation of such factors to similar features of buildings and structures in the district. The governing body shall not consider any matters not pertinent to the preservation of the historic aspect and nature of the district." She next read relevant portions of City Article 1713 - Historic Bethlehem. Article 1713.14 - Council Approval or Disapproval Procedure: "In determining whether or not to certify to the appropriateness of a proposed erection, reconstruction, alteration, restoration, demolition or razing of all or part of any building within the Historic District, Council shall consider the same factors as the Board of Historical Architectural Review set forth in §1713.11 and the report of the Board." She referred back to §1713.11 which reflects the same requirements set forth in the statute.

President Colón noted that the applicant, Mr. Fernstrom, is still present. He added that because these two COA applications come to Council as denials, the voting is reversed. So, voting aye would be to vote in favor of denial. Voting nay would be to overturn the denial or approve the application. He offered this explanation for clarification.

Mr. Callahan summarized that his concern is for the vibrancy of the downtown. We have a top downtown that is highly leveraged based on stores and restaurant that need parking. He supports HARB's denial for several reasons. First, we do not know what will be built in the white box. Not knowing the number of units has a drastic effect on the number of parking spaces that will be needed for these eventual residents. It also is not known at this time whether the 590-spot garage will be approved or one with about 530 spots. The height of the garage also is not known because it is unknown which will be chosen. Mr. Callahan agrees there the Walnut Street Garage has adequate daytime parking. His concern is from the 4:14-7:15 PM time range. This is a period of overlap for when employees leave work, residents return home, and visitors come to shop or eat. Mr. Callahan added concern that subtracting parking spaces from the 590-space deck for the proposed new apartment dwellers, additional proposed residential uses, additional downtown employees, and more visitors if Bethlehem is named a World Heritage Site later this year. He believes the 590 spaces are accounted for before the garage ever opens.

Mr. Callahan also noted that Mr. Fernstrom has said that the Long Street lot could be considered as a parking resource. He said that is currently full with a waiting list. There are also approximately 800 spots total in the North Street Garage. But excess capacity will be similarly eroded with planned redevelopment of the former Boyd Theater plus any other additional growth. Mr. Callahan predicted that within four years of a smaller garage being built at Walnut Street, the BPA will be asking Council to build a new garage at Long and Broad Streets. Instead, the answer should be to move the residential component shown as the white box to Long Street. In summary, he supports building a new garage that includes some retail space, but he does not believe in a smaller garage and residential space.

President Colón reminded that the scope of the COA decision does not encompass a residential component.

Mr. Callahan said HARB did not say that a garage and retail space should not be built. It said it should be built within the same footprint and to meet height standards. He suggested tabling this or voting it down.

Ms. Laird received wanted confirmation that comment right now is limited to the COA relating to Plan 1A with 590 spaces, the taller of the two proposals.

President Colón agreed.

Ms. Crampsie Smith recalled a meeting of several years ago regarding garage options relating to its deterioration. She said it was clear that a rebuild would be necessary. Her surprise comes because she does not recall discussion about anything but rebuilding the garage as it existed. She is disappointed in the direction this process has taken and the lack of transparency. She said RFPs went out more than a year ago, and Council had not been informed the intention of these RFPs until last week. She still does not have specifics. Common sense, to her, would be that if you want to demolish a building, you really need to know what will follow – the whole plan. She knows this building must be demolished, but she voted not to its demolition because one should know the whole plan and she does not. Many constituents she has spoken with live outside the Historic District and oppose the project.

Ms. Crampsie Smith said some other parts of the country are “future-proofing” garages. Places such as Denver and Texas anticipate there may be a future lesser need for parking. But, instead of building decks with fewer parking space and adding mixed-use residential, they are building so that if a “carless society” arrives, these spaces will be easily convertible to alternative uses including housing or offices.

She also agreed with the assertion that if a resident brought an incomplete plan before HARB it would be denied. She asked why this project should be any different. She asked how HARB or Council should approve a plan that is 42 percent incomplete. She agreed with Dr. Van Wirt’s points that the area being considered is City-owned land, which really belongs to City residents. What is being considered is selling this land to a developer so that they can sell residential units that most people in this City could not afford to live. She called this a travesty. The height also exceeds the standard. She believes a vote against HARB’s ruling would be a vote to allow a lack of transparency, lack of comprehensive and all-inclusive planning, and a vote against the appointed body that has been established by this City to provide guidance and recommendations to City Council regarding the preservation and protection of our City’s most esteemed Historic District.

Ms. Wilhelm said that HARB is charged with reviewing exterior changes to buildings within the Historic District. As has been stated, this is a narrow mandate. Council must look at projects from multiple perspectives. She disagreed that this is not a complete project. She believes this is a project with garage and retail space. The same scrutiny would be applied to an apartment project, whatever it may be. She also believes that just looking at the Walnut Street Garage is not appropriate. Instead, the more than 2,000 North Side spaces of this garage, the North Street Garage and many on-street parking spaces – all within a 5-minute walk of Main Street. These

spaces also do not take into account about 100 parking spaces for tourists in the deck at the Hotel Bethlehem. She also believes that the sizing of this parking garage was determined using a thorough and data-driven approach. She said that future development has been taken into account. She also disagreed that these plans were not transparent, noting several BPA meetings and sessions sought by some present tonight.

Mr. Callahan asked at what point did the residential component become a part of this project.

Mayor Reynolds said the January 29 presentation during the Committee of the Whole meeting explained the progression of the project. A condition survey in 2018 noted the poor condition of the garage and suggested how redevelopment might be accomplished. The potential was considered for use of the whole property since the parking demand had declined.

Mr. Callahan recalled that it has been said that the financial picture for the BPA would not support replacement of a garage on the scale of the existing 770-space facility. But he said he assumed the Authority is solid enough that because the plan for a smaller garage does not ask the City to support the bond, that the BPA has the money to build a new garage.

Mayor Reynolds clarified that the existing Walnut Street Garage is paid for, but BPA will need to borrow money to replace it. The conversation has been what is BPA's ability to get financing on its own. Banks look at revenues and what projections are. This was done for the New and Polk Street garages. He added that those projects also were phased. This is a cost analysis for what BPA would be able to pay. The garage brings in about \$900,000 in revenue annually. The payment in the first year for a new garage would be about \$1.5 million. You would need \$600,000 in other parking revenues to pay the balance, whether that comes from meters, fines, off-street lots, etc. Also, revenues must be considered throughout the entire parking system because it is one system. The picture would just get worse for a 770-space replacement.

Mr. Callahan said he assumed that the banks already have been asked whether they would lend this money and under what conditions.

Mayor Reynolds said that is Mr. Shearer's job. He has done that.

Mr. Callahan said that he assumes that financing would be obtainable for the two smaller deck options being discussed. Is there any discussion to raise parking meter or garage rates to increase revenue to fund the garage? He assumed not, since the banks appear amenable to lending the money.

Mayor Reynolds said the City constantly needs to look at parking fees. There needs to be a turnover of on-street parking for customer convenience. If this turnover does not occur, the fees may be too low. Technology is an additional key to the parking solution. Sensors may tell drivers where parking exists alleviating frustration or the misperception that there is no parking.

Mr. Callahan asked if there has been any discussion as to what will be done with the Long Street lot.

The Mayor said he has not had any discussion about that. He does not know if BPA members have had discussions. For now, it is a parking lot. He added that the debt that will come with the Walnut Street Garage will restrict borrowing for some time toward any additional parking garage.

President Colón reminded that a vote of aye means Council Members support denial of a COA. Voting nay means support to overturn the HARB recommendation and support granting the COA.

Voting AYE: Ms. Crampsie Smith, Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, and Mr. Colón, 7. The Resolution passed, denying granting the COA.

G. Certificate of Appropriateness – HARB – 33 West Walnut Street 1B Jan 2024 – (Denial)

Ms. Leon and Mr. Colón sponsored Resolution 2024-022 that denied a Certificate of Appropriateness to replace the existing Walnut Street Parking Garage at 33 W. Walnut Street with a new parking garage with an alternative/second design that removes 63 spaces from the upper deck and lowers the height of the rear/south façade of the overall garage. All other aspects of the original garage proposal remain the same.

Ms. Kwiatek said this may not be particularly satisfying for her or many, but Council must stay within the bounds of what may be considered when making this decision regarding a COA. Subdivision is not required at this time, so the plan is not incomplete in a legal sense. She also disagreed with a HARB member's previous statement that Council has to take into account Historic District residents' potential loss of financial investment. Ms. Kwiatek cited the Municipal Code that states "the governing body shall not consider any matters not pertinent to the preservation of the historic aspect and nature of the district." She said the member's statement provides a window that one or more HARB members may have considered matters they should not have in rendering their decision. Additionally, this HARB member mentioned the unplanned mixed-use development, but that matter was not to be considered by HARB, only the garage. She added that parking garages are not historic structures, but since one exists and replacement is necessary, the goal would be to be sensitively designed to fit in the Historic District with features that refer to or echo the historic elements of the district's architecture. She believes that the proposed structure will be more appealing and economical than the first.

Mr. Callahan asked that Council consider all comments made tonight. He suggested tabling this or upholding HARB's decision. He suggested the BPA take another look at its submission, adding his appreciation that at least Plan B, a smaller compromise, was offered. He suggested the new design should be no higher than the existing garage and that the replacement be built in the same footprint. He also seeks more character be added to the facades so that it would be more aesthetic within the Historic District. If 530 parking spaces is the maximum, then he suggested the number of apartments should be limited. Mr. Callahan made a motion to table this matter and give the Parking Authority additional time to submit an Option C meeting the parameters he just stated. The motion to table died for a lack of a second.

Ms. Laird noted that a member of the public Council Members for their reasoning for their eventual vote. She has an appreciation for history but also values community growth and development. She also believed that HARB's guidance was lacking. Replacement in kind would

not have benefitted the Historic District nor would it have provided a fiscally responsible future for City taxpayers. As a designer, she also is disappointed in what she views as a lack of creativity or diverse options in the architectural design. She supports the data-driven smaller garage option. This vote is not about the unprogrammed space. It is about the garage. That scrutiny should come later under the circumstances of timing.

Ms. Leon agreed with what Ms. Laird said about the unprogrammed space. As to the garage itself, she asked Mr. Fernstrom if the south-facing wall could be redesigned to be more visually appealing.

Mr. Fernstrom said that “some reasonable adjustments” could be considered.

Ms. Leon said that was good to hear, and she was hoping that comments made by resident Marsha Fritz during the January 29 Committee of the Whole meeting would be taken to heart as well.

President Colón said he looks at COAs with a view that applications either meet a standard or they do not. He believes that to meet the standard, the application does not have to be within the existing footprint or height profile. He would question what standard was applied when the existing garage was built 50 years ago. Five decades ago, there was no existing parking garage to be considered. Today, a parking garage exists, so changing what exists is not out of character to what has been there. He believes the standard has been met to approve this COA. He restated that voting aye would uphold the HARB-recommended denial and voting nay would approve the application.

Voting AYE: Ms. Crampsie Smith and Mr. Callahan; NAY: Ms. Kwiatek, Ms. Laird, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. The Resolution fails, meaning the application for the COA is approved.

11. NEW BUSINESS

12. ADJOURNMENT

The meeting was adjourned at 12:38 AM.

ATTEST:

Tad J. Miller
City Clerk