

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, April 2, 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.

2. APPROVAL OF MINUTES

March 19, 2024

Mr. Callahan appreciated the efforts to rework the draft minutes to capture additional detail.

President Colón said minutes historically have been a narrative of Council meetings. Minutes as outlined under the Sunshine Act and Robert's Rules of Order are more intended to be a summary of official actions. We will have some internal discussions about this going forward but feedback is appreciated.

Mr. Callahan said 99 percent of the time, he believes what is being done is fine. He added that in his first terms on Council, minutes were almost verbatim. He does not know when that changed. Mr. Callahan believes that when there is a controversy the minutes should be more specific so that what was said is on record.

President Colón said he understands, but he believes there needs to be a standard of what is being captured. These are conversations that can be had moving forward.

President Colón checked to see that the minutes were approved. All nodded in agreement.

3.

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

Wanted Ceasefire Resolution

Moe Khaku implored Council to divest interests it may have in Israeli bonds. He does not understand how Council could not pass a Resolution urging a ceasefire in the Middle East. He said Council members should resign for not doing so. Mr. Khaku offered a summation of 75 years of history of occupations by the Zionist regime.

Legal Ruling Expected

Resident Mary Jo Makoul stated that a legal ruling is expected on April 23 in Lehigh County Courthouse concerning an appeal of a granted use variance for the proposed 317-unit Hanover Apartments project. This project will be the subject of a Curative Amendment Hearing that is scheduled for April 30 before City Council.

This is a Local Issue

Resident Ruby Khallouf asked Council to pass a Resolution calling for a ceasefire in the Middle East. Deaths continue as time passes. She contended that this is a local issue because everyone in the room is touched by what is going on. She said silence is tacit approval.

Residential Permit Parking Appeal

Part-time resident Alex Hirsch renewed his plea to participate in the Residential Permit Parking program. He reminded that he pays taxes on a Bethlehem home he owns, but because he lives part-time in Rhode Island and his driver's license is from there, he does not qualify for Bethlehem's RPP program. He has proposed amending the ordinance that governs the RPP program but so far without success.

Cautionary Tale

Resident Harry Faber read from "Scrolling through Genocide" by Steven Salaita as he further supports that Council should provide a Resolution calling for a ceasefire in the Middle East. He said the Zionist entity needs to be a cautionary tale or else the future on this planet will be history.

Crime Mapping

Resident Robert Virgilio has asked about crime mapping at past Council meetings. He was told that the link on the City's Police Department website leads to the state's dashboard. The crime mapping gets more confusing as the year goes on and crimes are added. Bethlehem is doing well in most areas including that it has not had any homicides so far this year. However, he did note that there were 27 aggravated assault cases reported in January and February of 2024. This compares to 71 aggravated assaults for all of 2023. He knows of one in his neighborhood on February 15 of this year. Mr. Virgilio recommended that the City develop some mechanism to let residents know on what block incidents like this are occurring. He believes the City is generally safe, but it would let people know where serious crime is happening.

Grant Opportunity

Resident Megan Lysowski applauded the City and Council for changes made to improve the bicycle infrastructure. She noted the West Broad Street bike lane and money approved for the Greenway land acquisition. She advised Council of a new grant opportunity from the Federal Highway Administration. The grant is called the Active Transportation Infrastructure Investment Program. She encouraged the City to apply for it for more Greenway expansion or to add to the

plan presented for a bike lane on the Fahy Bridge and converting Center or New Street to include a bike lane.

Street Cleaning Unnecessary

Resident Arthur Curatola disagrees with providing street cleaning, particularly associated fines that the Bethlehem Parking Authority assesses when vehicles are not moved on designated days. Mr. Curatola noted that littering is a problem and he encouraged enforcement.

Meeting Suggestions

Resident Bud Hackett agrees that public input at Council meetings needs some “fine tuning.” He suggested studying other municipalities’ regulations for best practices. The situation at the March 5 meeting got “way out of hand.” There were too many speakers, speaking for too long on “a topic not relevant to Council business.” In addition to this situation, he believes the Public Comment process is flawed. People seem to state their business and often receive no response. He first suggested that the City website should explain the Public Comment process. He does not believe that telling a person to wait until the end of a meeting to speak to a department head is good effective government. Mr. Hackett also believes that Council does not appear to be listening to residents. He said that two members during the recent discussions on the Walnut Street Garage read prepared statements supporting their views. Were they listening if they had their remarks prepared prior to the meeting? He offered several suggestions: 1. work to limit the length of meetings, 2. provide guidance for those who want to speak, 3. encourage speakers to submit their comments in writing, 4. give the President more authority to use the gavel to maintain control of the meetings, 5. consider limiting Public Comment to 3 minutes, 6. demonstrate that Council is listening, and 7. provide responses to those who are genuine. He said it is clear to observers that “political goodies are being doled out to Council members for their votes and for their actions.” He urged Council to return good government to Bethlehem.

Mistakes Made

Resident William Scheirer is in favor of a ceasefire in the Middle East but disagrees with the methods. Israel must be “reigned in.” He believes it is the United States’ responsibility to do so. That being said, he reflected on the actions of protesters on March 5 in Town Hall and offered why he believes they were wrong. Their call for a ceasefire fell on deaf ears, as many similar efforts have, because of Israeli leader Benjamin Netanyahu. Protesters also were mistaken when they believed that City Council could have any measurable influence on the foreign policy of the United States. Protesters also were wrong to assume that Council had no right to change its mind and simply sign a letter instead. He said it is not lying to change your mind if you get a better idea. It also was a mistake not to argue why a Resolution would have been better but instead to repeat cries of lying. Protesters also did not realize that Council’s letter was superior to a Resolution. He believes the individual signatures were more powerful. It also was a mistake for the protesters not to be arrested if they wanted to engage in civil disobedience. All that was accomplished was to shut down the business of City Council. This was not completely unlike what happened at the U.S. Capitol on January 6, 2021.

Inappropriate Comments Alleged

Raya Abdelaal said a City Council staff member has been mocking constituents and making racist comments in his Northampton Community College classroom. She has received emails from students saying that they are “disappointed and upset” by these comments. She said she would not release the name publicly but all of Council will be receiving emails with the name of the staff member. Students will send in what he has been saying. Her intention was to notify Council and the public as well.

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

Disrespectful Actions

Resident Mary Jo Makoul has been attending Council meetings for more than a year and has never witnessed such disrespect for rules as what she saw at the recent Council meeting. She empathizes with the cause but believes the request to provide a ceasefire Resolution was out of place. She likened the disruption of the meeting to a toddler throwing a temper tantrum. She also disagreed with the request for Bethlehem to divest from doing business with Jewish entities.

Opposes Cutting Back on Public Comment

Resident Gazul Jab cited several recent quotes by Council members and the Mayor that encouraged public participation through the use of Public Comment. Ms. Jab noted that Council has on its agenda tonight a Resolution that proposes cutting back on Public Comment.

This is a Council Issue

Muhlenberg College student Shajnin Howlader described herself as a leader of protests and rallies. She said that she has had positive results, and Council can too, in making a change. She said it was students who pushed schools to divest. Council has a voice to state representatives. It has a responsibility to represent constituents and can make their wishes known to these representatives. She also appealed to them as human beings and encouraged them to act on their moral obligations to defend the innocent. She encouraged Council not to listen to those who are told their voices are irrelevant. Limiting speech would hinder progress.

Challenges Proposed Resolution

Resident Ruby Khallouf believes the Resolution adopting the amendment may be too broad and in violation of First Amendment free speech because it does not clearly define a citizen, resident or taxpayer. A subsection of the Sunshine Act affords residents and taxpayers the right to address Council before matters being voted on. This Resolution uses the term “citizen.” She believes this is ambiguous and is concerned that terms may be discriminatorily applied. She also cited Marshall v. Amuso which determined that it was improper for a school board to require speakers to provide their name, address, and group affiliation, if applicable, was unconstitutional. The Court ruled that the school board could limit speech to students, employees and district residents, it could not require disclosure of their specific home address. This could intimidate speakers who fear reprisal for controversial views. She added that while Council may be on solid

legal footing to limit speakers to residents and taxpayers, passing this Resolution would send a message that Council does not want to hear all.

Turn of Events

Drew Swedberg is a recent Moravian University instructor. He is here on behalf of Lehigh Valley Artists for a Free Palestine. He said he is uncertain of the exact motivation for this Resolution. What began with Council not approving a publicly requested Resolution calling for a ceasefire in the Middle East has become Council wanting to pass a Resolution limiting who may speak at meetings.

Don't Break Public Trust

Resident Raya Addelaal said the Public Comment Resolution represents a breach of trust. She agreed with Mr. Swedberg that this is in direct opposition to what was requested by some speakers several weeks ago. It also appears to be retaliatory for the free speech that has taken place at recent Council meetings. This is an abuse of authority and breaks the public trust. Ms. Addelaal said that it has not been suggested that Council not support Jewish businesses but that Council should not invest in businesses that have a working relationship with Israel. Bethlehem protesters also should not be compared to the January 6, 2021 Capitol rioters. They were not violent and were upset over a broken promise. She believes that if Council passes the Public Comment Resolution, it will show the public a very clear stance on democracy.

Council Must Realize Its Power

Resident Harry Faber contended that Council should realize the power it has and use it. He believes the Council letter was not effective and that a ceasefire Resolution was what was asked for and should have been granted. Inaction leads to more deaths. He encouraged other protesters to continue to speak up.

Short-sighted Solution

Resident Valerie Noonan questioned whether the proposed Public Comment Resolution is legal but, either way, she does not believe that Council would enjoy the public opinion that it may bring if passed. She also noted the Council encouragement weeks ago for public participation but now the intention to silence that participation when some who were participating got a little too loud and flexed their muscles. Ms. Noonan also cited an example of a proposed warehouse in Hanover Township that would affect the Monocacy Creek in Bethlehem. She asked how Bethlehem would like it if it were given no chance to comment to Hanover officials on the affects that this would have on its residents. That is what it would be like if Council passes this Resolution. She called this a short-sighted solution because of events at one meeting.

Continue Public Comment Policy

Suzanna McGee of Bethlehem Township related her experience and appreciation last year when, as a non-resident, she was permitted to speak before Council about a matter in Bethlehem. She encouraged Council to continue this policy.

Non-resident Customers Could Not Speak

A woman who identified herself only as Quincy and a Salisbury Township resident said that her sewer service is provided through a contract with Bethlehem. The Resolution proposal is of concern to her and those in her household. Two weeks ago, Council heard claims of some exorbitant water bills. If something like this would happen to her as a City customer, this Resolution would forbid her from speaking at a Council meeting and seeking help in resolving the matter.

Safety Issue

A resident who identified herself only as Samantha said the federal representatives will not listen to their pleas to stop spending tax money to support Israel. She added that asking people to prove residency in order to speak is problematic. Some people fear for their safety if they must disclose their specific address. She added that some of those who live outside of Bethlehem are affected by the actions of City Council and should have a say about decisions being made. Samantha also disagreed with those who say that things that happen in Gaza do not affect us. Sending tax money to pay for weapons for Israel does affect us.

Resolution is Reactionary

A Bethlehem resident who did not want to disclose her address for safety reasons said that limiting Public Comment is anti-democratic. Many who work and volunteer here are not required to be residents. Further, artists and students are not required to be residents. Why would we restrict any of these from making public comment? She believes this Resolution is reactionary and would penalize many who had nothing to do with the events of March 5.

Options Offered for Action

Resident William Scheirer still has mixed feelings about the Public Comment Resolution. He does not forget the events of March 5 and understands where the proposal is coming from. Still, he likes that Bethlehem is more open than other municipalities, and it is something that makes Bethlehem a little more special. At the least, the Resolution would need work before it should be passed. More exceptions for those who could speak should be defined and considered. Perhaps the Resolution should be referred to a committee for revision. Alternatively, the Resolution could allow that "somebody who had a valid connection to Bethlehem" also could speak. Ultimately, he recommended that the Resolution could be tabled and put on a back burner "to be in position to be brought to life again if necessary." He believed the Resolution could be tabled indefinitely.

Keep Discussion Relevant to Bethlehem

Resident Terry Kloiber would not want to see her opportunity to speak for 5 minutes but believes that topics should be relevant to City business.

Something Must Change

Resident Mike Stauffer said that for the last three or four meetings, the business of the City has been taken off the table. There has been little discussion about potholes, buildings, housing, traffic and parking – real City business that has been overshadowed. This should not continue. He added that he is a fierce advocate of free speech but there are creative ways to do it. He suggested that Public Comment might take place on a night separate from action items. He strongly supports the Public Comment Resolution. He agreed there could be more waivers and exceptions. The Resolution could be passed to get something in place and amended as situations arise. But, he said, Council has to regain control of meetings to not be dealing with real City issues at midnight and beyond.

4. OLD BUSINESS

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

5. NEW BUSINESS

Setting the Record Straight

Ms. Wilhelm corrected a public comment that was made. A quote read was attributed to Ms. Leon. Ms. Wilhelm said that she said those words and still agrees with them. On another matter, she noted that Mr. Hackett left, but she wanted to address his comment about Council members reading prepared remarks. As many speakers before Council do, she prepares her comments. However, she said it is insulting for some to think that she would not amend those comments based on new information she hears and agrees with. She will continue that practice.

Council/Public Discourse

Mr. Callahan said he was watching an Easton City Council meeting. Their Council interacts with residents during the meeting. He asked Solicitor Steward if Bethlehem is prohibited from doing that.

Ms. Steward said there is nothing in state statutes that would prohibit the interaction. Public Comment is designed to be comment on City topics, but there is nothing that legally prohibits discourse.

Mr. Callahan said he saw a lot of this interaction during the Easton meeting.

Help with Permit Parking Issue?

Mr. Callahan also commented about the parking situation involving Mr. Hirsch. Mr. Callahan suggested that Mayor Reynolds might pass along the concern to Parking Authority Executive Director Steve Fernstrom.

Mayor Reynolds said this matter has come up before. He believed that every member of Council has discussed this with Mr. Hirsch and tried to help. Mr. Hirsch is a sympathetic person. He changed his residency and license to Rhode Island. Mr. Fernstrom is following the Ordinance that is in place. The RPP program is designed to not have college students or those who do not live in those neighborhoods to take parking spaces away from the residents of neighborhoods. There has not been a change that has been able to be made that does not throw into doubt the enforcement of the whole RPP.

Mr. Callahan asked whether this is a Parking Authority Board matter or one for Council.

Mayor Reynolds believes this is an Ordinance that was set by Council. He knows that Mr. Hirsch has spoken many times with Mr. Fernstrom.

Mr. Callahan hoped there was some way in which a homeowner who is paying taxes would be able to park near their home. He said he would contact Mr. Fernstrom and Parking Authority Solicitor James Broughal.

What About Crime Mapping?

Mr. Callahan also asked Police Chief Kott about Mr. Virgilio's plea to include on the City's website a mapping component that would show serious crime locations.

Chief Kott mentioned the link that now directs users to the State Police Uniform Crime Reporting dashboard displaying City data. This shows the general vicinity of where crime occurs. The City cannot give identifying graphics including specific names and addresses. She was going to speak with Mr. Virgilio, who is no longer here. She noted there is robust crime reporting software available but these programs are very costly. At least for now, the UCR dashboard is being used. This is available on the Department's web page.

Visitor Parking Signs

Mr. Callahan knows there was a lot of confusion involving parking for the Parade of Shamrocks especially with the razing of the Walnut Street Garage. With summer events coming up, Mr. Callahan hoped that more signs could be added to direct visitors to park.

Mayor Reynolds said that Mr. Fernstrom works closely with ArtsQuest. It was not known that that many people would come to view the Parade of Shamrocks. Still, at its peak, the North Street Garage had spaces available. This was a learning experience. It is likely that events like this would be handled as an event day in which one price would be charged a flat fee when vehicles enter the garage. This would alleviate the crush of exiting vehicles having to pay on the way out taking extra time and causing back-up. One good sign was that Mr. Fernstrom was able to direct vehicles to other lots to cut down on the demand at North Street.

Christmas Lights

Mr. Callahan also congratulated Mayor Reynolds for the new lighting on the Christmas trees. He believes the lighting on the trunks was attractive and was easier to maintain. He suggested that these lights be lit year-round as they used to be.

Mayor Reynolds said the Christmas City Committee came up with the lighting changes. He will ask them about the reason that the lighting period has been limited to the holiday season.

Follow-up to RPP Situation

Ms. Leon said she has had a few meetings with Messrs. Fernstrom and Hirsch about the RPP program. Much of what is behind the permit program is because of difficult parking on the South Side. She is confident that a resolution can be found.

Meeting Structure/Prepared Remarks/RPP/Hanover Apartments

Ms. Laird said she appreciates the public input as to Council's meeting structure. She expects this will be further discussed later in the meeting. She also agreed with Ms. Wilhelm that prepared remarks do not necessarily equate to having a rigid mindset. Her research on the Walnut Street Garage, for example, made it necessary for her to summarize her remarks while facts were fresh. She prepares notes and ad libs as appropriate. She also would like to follow up with Mr. Hirsch and wants to take Ms. Makoul up on her offer to walk the neighborhood to better learn the potential impact of the proposed Hanover Apartments project.

President's Reaction

President Colón responded to remarks about Council engagement at Council meetings. Council does not just work during its two monthly meetings. There is a fair amount of time spent outside of meetings responding to inquiries from constituents or on self-initiated matters. Council members' email addresses are on the City's website. People can contact the City Clerk's Office with concerns to be passed along to Council members. As for Easton's method of Public Comment, President Colón said he has been on Council for 9 years and Bethlehem's Public Comment has been conducted the way it is. He invites people to stay to discuss matters after a meeting and directs their inquiries appropriately. President Colón added that when you open up a back-and-forth dialogue, you do not know where a conversation will go or how long it will last. He believes the current format maintains better order and still gives the opportunity to get answers even if it is at the end of a meeting or through follow-up.

6. COMMUNICATIONS

A. *Director of Water and Sewer Resources – Memo Records Destruction*

The Clerk read a March 26, 2024 memorandum with a proposed Resolution from Edward Boscola, Director of Water & Sewer Resources, requesting the Destruction of Records from his department. Mr. Boscola 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 that a Resolution will be placed on the April 16 agenda.

B. *Director of Community and Economic Development – DCNR Grant for Trail Gap Acquisition*

The Clerk read a March 26, 2024 memorandum and proposed Resolution from Laura Collins, Director of Community and Economic Development. The memorandum seeks permission to apply for a \$1.3 million grant from the Pennsylvania Department of Conservation and Natural Resources requesting funds for Greenway Trail Gap acquisition.

President Colón stated that Resolution 10 B is on the agenda.

C. *City Solicitor – Use Permit Agreement – Christmas City Spirits, LLC – 2024 Blossom Fest*

The Clerk read a March 26, 2024 memorandum with an attached Resolution and associated Use Permit Agreement from City Solicitor John F. Spirk, Jr. The Permittee is Christmas City Spirits, LLC and the event is 2024 Blossom Fest. The event time and date are noon to 5:00 PM on April 27, 2024. The agreement coverage area is the Nevin Place right-of-way and a specified West Walnut Street parcel, both adjacent to the Sun Inn Courtyard. The duration is 10:00 AM to 7:00 PM on April 27.

President Colón stated that Resolution 10 C is on the agenda.

D. *Director of Public Works – 2024 11 Contract – ADA Curb Ramps – G&B Construction*

The Clerk read a March 26, 2024 memorandum with an attached Resolution from Michael Alkhal, Director of Public Works. Ms. Alkhal recommends a contract with T&M Consulting Engineers of Bethlehem to provide improvements to the Monocacy Way Trail. This project was rebid after the previously awarded firm filed for bankruptcy. T&M Associates was the lowest of three bidders at \$88,802. Work is to be completed by December 31, 2025. There are no renewals.

President Colón stated Resolution 10 D is on the agenda.

7. REPORTS

A. *President of Council*

7A1. *Councilmanic Appointment – Anne Felker – Bethlehem Area Public Library.*

President Colón re-appointed Anne P. Felker to the Bethlehem Area Public Library Board effective through January of 2027. Ms. Wilhelm and Ms. Laird sponsored Resolution No. 2024-062 to confirm the appointment.

President Colón thanked Ms. Felker for her continued volunteerism and support of the library.

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

7A2. *Committee of the Whole Report*

President Colón reported that the Committee of the Whole met on March 26 in Town Hall for Council members and department heads to receive ethics training conducted by the state

Ethics Commission. This training is required under City Ordinance Article 104. There were no votes taken. This session was for information only.

B. *Mayor*

7B1. *Administrative Order – 2024-15 – Lucienne De Biase Dooley*

Mayor Reynolds appointed Lucienne De Biase Dooley to the Codes Board of Appeals effective April 2, 2024 through December of 2026. Ms. Wilhelm and Ms. Laird sponsored Resolution No. 2024-063 to confirm the appointment.

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

Arrest Update

Mayor Reynolds asked Chief Kott to update an issue that was raised during the March 19 meeting.

Chief Kott announced that an arrest was made for the attempted homicide in the 500 block of Cherokee Street. A man was arrested by U.S. Marshals in New York and is awaiting extradition back to the Lehigh Valley to face trial.

Mayor Reynolds said concern over this incident was raised by a resident at the last meeting. Nothing could be shared at that time, but he was pleased to announce this update. He appreciated the efforts of City police as well as the inter-agency cooperation.

New Body Cameras Arrive

The Mayor announced that the new body cameras have arrived. This was discussed during last year's budget deliberations. The technology only lasts for several years, so it was time for an upgrade.

Joyful Celebration

Mayor Reynolds said the City last Thursday held its third-annual Transgender Day of Visibility on Payrow Plaza. This was a day of celebration and joy in our community.

Streetscape Grant Announced

The Mayor also recounted this morning's announcement at the Banana Factory. State Representative Steve Samuelson and state Senator Lisa Boscola coordinated successful efforts to receive about \$900,000 to provide streetscape improvements between New Street and Brodhead Avenue. This will include streetscape and enhanced crosswalks in the area. He thanked the representatives for their efforts as well as those in City Hall who made it happen.

Next Opening Doors Meeting

The next Opening Doors public meeting will be at 5:30 PM on May 15 in NCC's Fowler Center. Deputy Director of Community Development Sara Satullo will provide updates on the planning stages of efforts toward affordable housing and homelessness.

Park Improvement Funding to be Announced

The Mayor said there will be an announcement next week on funding for improving one of the parks. This will again be with the assistance of our local representatives.

C. *Finance Committee Meeting*

Chairwoman Crampsie Smith announced that there will be a Finance Committee meeting at 6:00 PM on Tuesday, April 16 in Town Hall. The agenda will include budget adjustments.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Resolution – Amended Rules of Council – Public Comment*

Ms. Wilhelm and Ms. Laird sponsored a Resolution that authorized to amend Rule 3 Subsections (B),(C), and (D) of Council Rules outlining Public Comment at Council meetings.

Ms. Crampsie Smith said proposing this Resolution took a lot of thought and consideration. She did not just "do this off the cuff in reaction to the March 5 meeting." She consulted with Solicitor Steward as to the legality. Ms. Crampsie Smith asked the Solicitor to address this because some questions about the legality have been raised this evening.

Ms. Steward pointed out that § 710.1 of the Sunshine Act sets forth the requirements for Public Comment at meetings and that it be open to residents and taxpayers of a municipality. These are undefined terms. The proposed Resolution does not impose a requirement that a speaker identify themselves other than a taxpayer or a resident. There is no requirement to give a specific address. She agrees with an earlier speaker that the case of Marshall v. Amuso provides controlling law on this subject. No municipality may require a speaker to give their address despite the fact that many did so years ago. This would essentially be an honor system.

Ms. Crampsie Smith believes that the criticism for this Resolution is aimed at her because she proposed it. She said she does not have control over foreign affairs. She is elected to deal with the issues of running Bethlehem. The Sunshine Act requires that residents and taxpayers be heard on matters that come before City Council. This amendment is not meant to interfere with the First Amendment or to punish free speech, but is to be consistent with the state's Sunshine Act and allow Council to conduct City operations as necessary. Certain City business is very time-

sensitive. Excessive Public Comment, such as the 5 hours on March 5, can result in City operations being delayed when precluded from attending to agenda items. She has heard from many constituents who were very upset because of the protest that caused Council to adjourn its March 5 meeting before dealing with most agenda items. These constituents were concerned that Council could not get to City business. Several were here that night and, even before the sudden adjournment, had to leave early without a chance to speak because of the many people speaking on the Middle East issue. Ms. Crampsie Smith said the Council Rule 3(c) states that "public comment is for problems and issues of relevance to the operation of City government." Other Third Class cities, such as Allentown, have similar rules. Easton is considering a similar measure. She also addressed the question of whether those who work but do not live in the City should be able to comment. She was not eager to preclude people from Public Comment but, in drafting this Resolution with Solicitor Steward, it was decided not to clearly define who may speak. They believe that because workers pay the Local Services Tax, they could speak because they are taxpayers.

Ms. Steward pointed out that the proposed Resolution does not put forth procedures for checking residency or taxpayer status. Again, this is essentially on the honor system.

Ms. Crampsie Smith said that is how municipalities handle the residency or taxpayer requirement. If someone's status is questioned, it will have to be dealt with at the time. She added that in all of her years on Council, the President would ask speakers to provide their name and address. That seemed to stop in February. She is not sure why. Now, legally, it appears that Council cannot ask for all of this information. It can just ask whether they are a taxpayer or resident.

Ms. Crampsie Smith summarized her reason for this proposal: "We cannot have what happened at the March 5 meeting happen again." She said she has participated in marches and has been an advocate for the oppressed. But, "The March 5 meeting was disturbing. There were people at this table that decided they needed to have police escort out of this building because they were fearful of retaliation by the group that, for all intents and purposes, created a mini-riot. I mean, people took over this Town Hall and we were precluded from adhering to City business."

Ms. Wilhelm said four out of seven meetings since January 1 have been 4 ½- to 5 ½-hour meetings, all with heated Public Comment. Two of those meetings were on the Walnut Street Garage and consisted of Public Comment all by City residents. She said her point was that it does not necessarily take nonresidents to create a long and contentious meeting. It also is not a given that nonresidents' perspectives are irrelevant or that their presentations will be overly lengthy, disrespectful or disruptive. She believes that, generally, the City benefits from the current model. In 2023, there were two sets of meetings where both residents and nonresidents spoke regarding the leachate flow from the landfill along Applebutter Road in Lower Saucon Township. Another topic last year that received helpful input from nonresidents included the disposal of the City's sewage sludge that gets spread on farm fields in Carbon County. She added that a hot-button issue right now is an apartment complex proposal that spans the Bethlehem/Allentown border and is of interest to residents of both cities. There are other examples in which nonresidents have interest and offer perspectives concerning Bethlehem. She believes this proposed Resolution feels reactionary.

Mr. Callahan said that everyone still has the right to email their comments whether they live inside or outside of the City. These would be sent to the City Clerk who forwards all comments to Council members. Nonresidents still have the right to voice their concerns before their own municipal boards. He added that some have said that no one at the federal level was listening to their pleas for a ceasefire, but he assured them they were heard. Mr. Callahan said he received a phone call the next day from Congresswoman Wild. Within four or five days, she had about 160 Congress people sign on to a letter urging action by President Biden. Mr. Callahan believes that President Biden has been vocal in seeking a ceasefire. He emphasized that the protesters have been heard. Additionally, Mr. Callahan said he will be supporting this Resolution because Council often has agenda items that are time sensitive.

Ms. Kwiatek said that Ms. Wilhelm covered most of her concerns. She agreed there have been important concerns raised by nonresidents in the past. She added that there were nonresidents in groups for and against the ceasefire on March 5. If we want to be a welcoming and inclusive City, this Resolution would go against that. Ms. Kwiatek also said that one of the whereas clauses in the proposed Resolution states that the existing Rules of Council are not consistent with the Sunshine Act and that just is not correct. The requirement is that we allow comment from residents and taxpayers. We do allow that. The Sunshine Act does not prohibit a municipality from being more expansive, and that is what Bethlehem currently allows. Ms. Kwiatek addressed that some have said that Council has not lived up to its promise to draft and pass a ceasefire Resolution. She believes Council has the right to change its mind. That is just something the voters will have to decide at election time.

Ms. Leon asked Ms. Steward if there was a reason that the language extends Public Comment to citizens and taxpayers instead of residents and taxpayers.

Ms. Steward said no.

Ms. Leon asked if it would be alright to read "resident" instead of "citizen."

Ms. Steward said resident would be appropriate.

Ms. Leon said we have talked about nonresidents who might want to speak about library or water issues, but affordable housing and a homeless shelter may be other areas of mutual interest. These are regional issues and a regional approach is needed. If we are going to have a regional conversation, it is responsible to have nonresidents' voices heard. She believes other rule changes might be explored instead. A 3-minute time limit might be one option. This would allow more people to talk.

Ms. Laird believes it is important to separate this Resolution from the Palestine-Israel conflict. She respects Ms. Crampsie Smith's efforts toward Council being able to efficiently conduct its business. Ms. Laird said she signed up to serve the community, and that did not have a time limit on it. She has concerns about limiting those classes of people who may speak, including noting the population from multiple college campuses within the City. Ms. Laird added that environmental issues do not stop at the City's borders, so input may be valuable from nonresidents on related matters. The homeless also would have no status to speak, but might have very relevant comments. She also does not believe that just giving nonresidents the opportunity to submit emails to Council is the same opportunity of allowing public speech at a

Council meeting. Still, there appears to be a need to make some adjustment to meetings. She would favor reducing speakers' time limit to 3 minutes and remaining flexible to shift comment on non-agenda items to the end of meetings. If this Resolution were to be considered, she would suggest tabling it to allow for more time in between the recent heated conversations and when a decision on the Resolution is made in order to be sure that this is not just a reaction.

President Colón mentioned that Council's previous Solicitor advised there was recent case law advising that people do not have to give their name and address. He said, consciously or subconsciously, he just got away from requiring it. Addressing the honor system relating to residents or taxpayers, President Colón noted that some people confuse their Bethlehem mailing address with actual residency in cases that may extend into some of the townships. As to March 5, he along with others were very unhappy. He believes that not getting to City business was unprecedented. He began thinking of how this could be corrected. President Colón believe it was a rational step to re-order the agenda to be sure that City business came before Public Comment. That worked and he would like to reserve that right in the future. President Colón believes that "City business" is broad and will continue to be. He noted a speaker tonight who suggested that the President be given more authority. President Colón believes he has the necessary authority but his style is to be loose with the gavel. He would like to consider other options of controlling a meeting before not permitting nonresidents to speak.

Ms. Leon agreed that tabling the Resolution would be preferable to voting on it.

Ms. Crampsie Smith said she considered being broader in allowing those who may speak, but that seemed to complicate things. She also believes that Council is not sticking to the Council Rule that states that Public Comment should be limited to matters of relevance to City issues. She said there were many rules that were not followed on March 5. This included audience members not silenced from yelling out and disrupting the meeting. She believed the gavel should have been used at these times. Ms. Crampsie Smith pointed to Rule 3(d) that says that Public Comment shall not be used for personal insults or attacks including name calling. Council during several meetings that have included the Middle East conflict has been accused of being killers of babies, oppressors, having blood on their hands. She takes these as personal insults and requests that President Colón use the gavel if those words are used again. The March 5 meeting also was a fire and safety hazard with people sitting on the steps and blocking entranceways. Someone almost fell trying to walk over people. When things got out of hand at that meeting, she had to prompt President Colón to use the gavel, and she was the one who made the motion for adjournment. Consequently, she requested that the Council President abide by Council Rules, Robert's Rules, and the Sunshine Act in an effort to avert another scene like March 5. Ms. Crampsie Smith said she would be open to changes.

Ms. Kwiatek appreciated some of the points made by Ms. Crampsie Smith about the poor conduct at the March 5 meeting, but the proposed Resolution does not address those matters.

President Colón acknowledged certain criticisms tonight. He said he sometimes consults with the Solicitor during meetings to determine appropriateness of comment. There is a delicate balance of free speech, Robert's Rules, and more. There has been thought given to these points of criticism.

Mr. Callahan asked Ms. Crampsie Smith to repeat the wording of Council Rule 3(c).

Ms. Crampsie Smith said, "Public Comment is extended to individuals to address through the chair of City officials our problems and issues of relevance to the operation of City government."

Mr. Callahan made a motion, seconded by Ms. Leon, to table the Resolution to work on additional language and to see how future meetings are proceeding and to encourage the President to gavel some who is not staying on City topics.

Voting AYE: Mr. Callahan, Ms. Laird, Ms. Leon, and Mr. Colón, 4; NAYS: Ms. Crampsie Smith, Ms. Kwiatek, and Ms. Wilhelm, 3. The Motion passed to table.

B. Approve Resolution – Department of Conservation and Natural Resources (DCNR) – Grant for Trail Gap Acquisition

Ms. Wilhelm and Ms. Laird sponsored Resolution No. 2024-064 that authorized and directed to execute all application forms necessary to apply for a DCNR grant for the Greenway Trail Gap acquisition and that the Mayor and Controller are authorized to execute such other agreements and documents as are deemed to be necessary and/or related thereto.

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

C. Approve Use Permit Agreement – Christmas City Spirits, LLC – 2024 Blossom Fest

Ms. Wilhelm and Ms. Laird sponsored Resolution No. 2024-065 that authorized to execute a Use Permit Agreement with Christmas City Spirits for the 2024 Blossom Fest.

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

D. Approve Resolution 2023 10 Monocacy Way Trail Phase II Design – T&M Associates Consulting Engineers

Ms. Wilhelm and Ms. Laird sponsored Resolution No. 2024-066 that authorized to execute all documents and agreements with T&M Associates Consulting Engineers for the Monocacy Way Phase II Design.

Ms. Kwiatek asked Public Works Director Alkhal about the dollar figures noted in his memo. Two listed funding sources total \$882,000, but the contract calls for a total of \$88,802. She wanted to confirm the actual cost stated.

Mr. Alkhal said the \$88,802 is just for the project's design work. The higher figure shown in the memo is the entire project budget including construction.

Ms. Kwiatek also noted that this project was rebid. She wondered how the original bid compared to this price.

Mr. Alkhal said both bid prices were the same.

Mayor Reynolds added that the construction money is in hand. This includes half in grant funding and half from recreation fees.

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

E. Certificate of Appropriateness – HCC 204.03#831 – 307-311 East Third Street

Ms. Wilhelm and Ms. Laird sponsored Resolution No. 2024-078 that authorized 307-311 East Third Street to install two new wall signs comprised of pin-mounted and backlit aluminum lettering within the sign bands at two facades as well as various new vinyl graphics installed on select storefront windows and entrance doors.

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

12. ADJOURNMENT

The meeting was adjourned 9:57 PM.

ATTEST:

Tad J. Miller
City Clerk