

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, March 2, 2021 - 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

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

CITATIONS

Honoring Sue Madeja

President Waldron read the Citation for Sue Madeja on the occasion of her retirement from the Health Bureau after over 20 years of service and stated the Citation will be mailed to her.

Honoring Richard Ford

President Waldron read the Citation for Richard Ford on the occasion of his retirement from the Public Works Department after over 20 years of service and stated the Citation will be mailed to him.

Honoring Jeff Andrews

President Waldron read the Citation for Jeff Andrews on the occasion of his retirement from the Water and Sewer Resources Department after over 40 years of service and stated the Citation will be mailed to him.

Honoring Michael Brichta

President Waldron read the Citation for Michael Brichta on the occasion of his retirement from the Information Services Department after over 20 years of service and stated the Citation will be mailed to him.

2. APPROVAL OF MINUTES

February 2, 2021

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

Snow on the Streets/Snow Plow Accident

Bryan McCrickerd, 1940 Aripine Avenue, informed he would like to talk about the way the street crews have been handling the snow this season. It is a disgrace that every single year he has to call and talk to Mike Alkhal's office about getting streets cleaned on the west end of Bethlehem. It is also a bigger disgrace that he has to go around babysitting these people, driving around and checking the streets after they come supposedly through the area and do their job that we are paying for. He does not agree with this and this has been going on for 20 years, something needs to be done. If Mr. Alkhal and the Director of the Street Department cannot control their people, then they should replace them. Why are we paying these people, it is not right. Mr. McCrickerd added that he is a disabled veteran in a wheelchair. You have intersections where they are supposed to be cleaning up the ramps heading up to the next sidewalk and they are not doing it. It is sad that he can only go around his city block which is Aripine Avenue, Hilltop, back up to the top of Aripine Avenue in his wheelchair and he cannot get across the intersections to the other sides. There is something called the Americans with Disabilities Act that was created back in 1990. He is a third rate citizen even though he served in the U. S. Military because he cannot get around. He thought we were giving tax breaks to these people who have the ramps on their property. If we are giving them a tax break someone should be out there giving them fines rather than letting them get the tax breaks because they are not doing their jobs. That is all he has to talk about as far as what is going on with the City of Bethlehem and the Streets Department. Mr. McCrickerd added that there was a vehicle hit out here on Aripine Avenue during the last snowstorm by one of the snow plows. He thought with a CDL license the first thing that was supposed to happen after an accident, the person driving that vehicle was supposed to be taken for a drug and alcohol test. The police officer came out here and did not take the person for a drug and alcohol test and gave Mr. McCrickerd a hard time when he started asking questions. The reason he knows that is because he had a CDL license up until last year and every time somebody in the company where he worked had gotten into an accident they were taken for a drug and alcohol test. He has a nephew that works for the city and he does not care if it was him at all, whoever, they should have been taken for a drug and alcohol test, that is procedure. The guy in charge of the Streets Department said the policies are different for them.

Parking

Elizmarie Lopez, 540 Thomas Street, remarked she wanted to see how we can go about maybe reviewing the ordinance for the 2 hour parking restrictions until 12 midnight. She has several older people who live around her and they have a problem because sometimes they are in bed by 10:00pm and they have to stay up until at least 11:00pm so they can move their cars so they do not get a ticket. She does not know if this is the proper meeting to bring this up, this is something she wanted to speak about.

President Waldron stated he understands and added that the Bethlehem Parking Authority is the enforcer of the ordinances that are set within the city regarding parking. City Council is able to pass or change ordinances based on input. This is not something that was brought up before to City Council, the issue of the 2 hour parking starting at midnight. There might be a different zone where that starts later. He would encourage Ms. Lopez to reach out to the Parking Authority and talk to Steve Fernstrom, the Director of the Parking Authority. He can give her more information and maybe the zone in her neighborhood could be changed to more appropriately fit the needs of the residents there.

Ms. Lopez thinks that midnight is a little excessive considering some people are in bed by 9:00 pm because they have to go to work.

President Waldron explained she should reach out to Mr. Fernstrom at the Parking Authority; he might be able to help with a few different options.

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

None.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Director of Public Works - Recommendation of Award - ACM Associates, Inc. - Asbestosis Removal in City Hall*

The Clerk read a memorandum dated February 12, 2021 from Michael Alkhal, Director of Public Works recommending a contract with ACM Associates, Inc. for asbestos removal services. The anticipated completion date is 120 days. The cost is \$45,480. There are no renewals.

President Waldron stated resolution 10 B is on the agenda.

B. *Director of Planning and Zoning - Zoning Text Amendment - Multi-Family Development in the CB and CL Zoning Districts*

The Clerk read a memorandum dated February 8, 2021 from Darlene Heller, Director of Planning and Zoning, with an attached proposed zoning text amendment bill. The proposed bill would modify the Zoning Ordinance to apply the provisions of Section 1322.03 (II), Multi-Family Dwellings, in the CB (Central Business) and CL (Limited Commercial) Zoning Districts as they are applied in the IR-R (Industrial Redevelopment-Residential) District. Specifically, the amendment would apply to the possible length of a multi-family building, the distance between the building and parking spaces, the size of the off-street parking lot, the number of total units in a building, side and rear yard setbacks and the allowance of retail in the first floor.

Scheduling Public Hearing

President Waldron stated he will accept a motion and a second to schedule a Public Hearing on the proposed zoning amendment for Tuesday, April 6, 2021 at 7:00 PM in Town Hall.

Mr. Colón and Mr. Callahan moved to schedule a Public Hearing on Tuesday, April 6, 2021 at 7:00 PM in Town Hall.

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

President Waldron stated a remote public hearing has been scheduled for Tuesday, April 6, 2021 at 7:00 PM in Town Hall. This will be referred to the Lehigh Valley Planning Commission beforehand.

C. *RMLP-MT, LP – Petition for Zoning Ordinance Text Amendment – Martin Tower Property – 1170 8th Avenue - OMU Zoning District*

The Clerk read a memorandum dated February 15, 2021 on behalf of petitioners SWB LR, LTD., 8th & Eaton Holdings, LP, HMLP-MT Limited Partnership and RMLP-MT, LP petitioning City Council to enact a zoning text amendment related to the former Martin Tower site. The proposed amendment would amend:

- Section 1311.08 (a) to permit additional parking to be placed between a principal building and the curb line of an arterial street in the OMU district;
- Section 1311.08 (b) to permit a new driveway entering/exiting onto an arterial street in the OMU district; and
- Section 1314.02 (b) (5) to reduce the rear yard setback from 30 feet to 20 feet in the OMU district.

Scheduling Public Hearing

President Waldron stated he will accept a motion and a second to schedule a Public Hearing on the proposed zoning amendment for Tuesday, April 20, 2021 at 7:00 PM in Town Hall.

Mr. Colón and Ms. Crampsie Smith moved to schedule a Public Hearing on Tuesday, April 20, 2021 at 7:00 PM in Town Hall.

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

President Waldron stated a remote public hearing has been scheduled for Tuesday, April 20, 2021 at 7:00 PM in Town Hall. This will also be referred to the Lehigh Valley Planning Commission and the City Planning Commission before that time.

D. *Director of Public Works – Resolution to Authorize the Signing of Highway Occupancy Permit Applications*

The Clerk read a memorandum dated February 18, 2021 from Michael Alkhal, Director of Public Works requesting Council to adopt a resolution authorizing the Director of Public Works and Chief Engineer to sign and submit applications for Highway Occupancy Permits (HOP) to the PA Department of Transportation.

President Waldron stated Resolution 10 C is on the agenda.

E. *Chief of Police – Firearm Purchase - Horvath*

The Clerk read a memorandum dated February 23, 2021 from Police Chief Michelle Kott with an attached resolution and agreement for the purchase of a duty weapon by a retired Officer of the Bethlehem Police Department. Pursuant to the Third Class City Code, retired officers may purchase their duty firearms at fair market value.

President Waldron stated Resolution 10 D is on the agenda.

- F. *Kolb, Vasiliadis, Florenz, & Recchiuti, LLC - Zoning Map Adjustment - 1852 W. Market Street/1843 W. Broad Street*

The Clerk read a memorandum dated February 24, 2021, a proposed zoning map petition on behalf of petitioner Tavarez Real Estate Investments LLC requesting rezoning of a portion of 1852 W. Market Street from CL-Limited Commercial to LI-Light Industrial.

Scheduling Public Hearing

President Waldron stated he will accept a motion and a second to schedule a Public Hearing on the proposed zoning amendment for Tuesday, April 20, 2021 at 7:00 PM in Town Hall.

Mr. Colón and Ms. Crampsie Smith moved to schedule a Public Hearing on Tuesday, April 20, 2021 at 7:00 PM in Town Hall.

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

President Waldron stated a public hearing has been scheduled for Tuesday, April 20, 2021 at 7:00 PM in Town Hall. This will be referred to the Lehigh Valley Planning Commission as well as the City Planning Commission.

7. REPORTS

A. *President of Council*

B. *Mayor*

COVID update

Mayor Donchez stated he has an update from our Health Director, Kristen Wenrich. As of February 28, 2021 the City of Bethlehem has seen 6,705 cases. The total number of deaths in the City of Bethlehem as of February 28, 2021 is 99. The Health Bureau is working with Dr. Roy of the Bethlehem School District on the reopening plans for the school district. They hope to begin phasing students back on a full time basis in the near future. We continue to work closely with Wind Creek in vaccinating. As of yesterday we have vaccinated 14,637 individuals to date. Mayor Donchez informed the Health Bureau led by Kristen Wenrich, Robert Novatnack, and Sherri Penschishen have done an excellent job. The Health Bureau is working through a vaccine shortage, the Department of Health has provided the Health Bureau with the Pfizer vaccine for the first doses, the second doses may need to be postponed because of the Moderna shortage, we

probably will know more tomorrow morning. Appointments continue to be released every Friday based on vaccine supply and individuals can register online and through the phone. We are working now with the Department of Aging; they are assisting us in scheduling appointments for seniors over the phone. It is important to note that our supply still does not meet the demand. Mayor Donchez added the Health Bureau is working closely with Northeast Ministries, the vaccine clinic for residents in the Marvine/Pembroke area who are eligible to be vaccinated. Also, the Health Bureau has vaccinated in health clinics at the 10 senior living facilities in Bethlehem during the month of February, the second doses will be provided for these residents during the month of March. That was a big accomplishment with the high rises throughout the city.

C. *Public Safety Committee Meeting*

Chairman Colón stated the Public Safety Committee met earlier, Tuesday, March 2, 2021 here in Town Hall. The Committee received a presentation from our Police Chief Michelle Kott on a proposed reorganization of the Bethlehem Police Department. The meeting was for informational purposes only. There were no votes taken at the meeting.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 07-2021 – Zoning Text and Map Amendment – Create a Student Overlay District*

The Clerk read Bill No. 07-2021 – Zoning Text and Map Amendment – Create a Student Overlay District, sponsored by Mr. Colón and Mr. Waldron on Final Reading and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
PENNSYLVANIA, AMENDING THE ZONING ORDINANCE IN
SECTIONS 1302, 1303, 1306, AND 1327 TO HEREBY ESTABLISH A STUDENT
HOME OVERLAY ZONING DISTRICT, TO REVISE CERTAIN DIMENSIONAL
REQUIREMENTS FOR THE RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL
DISTRICTS, TO AMEND ACCESSORY STRUCTURES REGULATIONS, AND TO AMEND THE
DEFINITIONS SECTION

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, and Mr. Waldron, 7. Bill No. 07-2021 now known as Ordinance No. 2021-07 was passed on Final Reading.

9. NEW ORDINANCES

Bill No. 08-2021 – Zoning Ordinance Amendment and Overlay request to expand the Institutional-Overlay to the Institutional Zone at Center Street and Dewberry Avenue – Petition submitted by Bethlehem Manor Village LLC

The Clerk read Bill No. 08-2021 – Zoning Ordinance Amendment and Overlay request to expand the Institutional-Overlay to the Institutional Zone at Center Street and Dewberry Avenue – Petition submitted by Bethlehem Manor Village LLC sponsored by Mr. Colón and Mr. Waldron and titled:

AN ORDINANCE AMENDING PART 13 OF THE CODIFIED
ORDINANCES OF THE CITY OF BETHLEHEM, PENNSYLVANIA,
AS AMENDED, KNOWN AS THE ZONING ORDINANCE OF THE
CITY OF BETHLEHEM, PENNSYLVANIA, BY AMENDING
THE CITY ZONING MAP RELATED TO 1838 CENTER STREET,
BETHLEHEM, PA

President Waldron noted this ordinance change was requested by the property owner in a petition to change the zoning at the corner of Center Street and Dewberry Avenue in the hopes to allow a commercial grocery chain to be put at that property. It was referred to the City Planning Commission and received a negative recommendation. We had the opportunity to hear from the developer two weeks ago at our public hearing on the topic and heard his proposal as well as our City Planning Director, Darlene Heller and her comments regarding the development. The City Planning Commission as well as Ms. Heller both recommended that the ordinance be denied as a change because they felt it did not meet the requirements within the neighborhood. He asked if there were any additional comments this evening from Council before we take a vote on this. He added this is the second go around we have had, a different approach to the same project.

Voting NAY: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, and Mr. Waldron, 7. The ordinance failed 0-7.

10. RESOLUTIONS

A. *Approve Use Permit Agreement – North Bethlehem Little League*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-044 that authorized to execute a Use Permit Agreement with the North Bethlehem Little League for the use of Sell Fields, Northdale Fields, Bernie Fritz Fields, and Annex Field at the Monocacy Complex.

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

B. *Approve Contract – ACM Associates, Inc. – Asbestosis Removal in City Hall*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-045 that authorized to execute a contract or amendment with ACM Associates, Inc. for Asbestosis removal in City Hall.

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

C. *Approve Resolution – Authorize the Signing of Highway Occupancy Permit Applications (HOP).*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-046 that authorized the Director of Public Works and Chief Engineer of the City of Bethlehem to sign and submit applications for Highway Occupancy Permits (HOP) to the Department of Transportation.

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

D. Approve BPD – Firearm Purchase - Horvath

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-047 that authorized an agreement to effectuate the transfer of the City issued handgun assigned to David Horvath a Retired City Police Officer.

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

Motion – Considering Resolutions 10 E through 10 G as a group – Certificates of Appropriateness

Mr. Callahan moved to consider Resolutions 10 E through 10 G as a group.

Ms. Crampsie Smith stated she has a question about one of the Certificates of Appropriateness.

Mr. Callahan removed his motion.

E. Certificate of Appropriateness – 11 East Third Street

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-048 that granted a Certificate of Appropriateness to replace the sign face of an existing sign above the storefront windows at 11 East Third Street.

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

F. Certificate of Appropriateness – 327 Broadway

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-049 that granted a Certificate of Appropriateness to construct a rooftop addition at the West Fourth Street façade at 327 Broadway.

Ms. Crampsie Smith asked what they mean by a rooftop addition and what name is the property under.

President Waldron remarked that within that resolution 10 F there are two pages and the owner/applicant is Sycamore Hill Farm Development and this is the Seven Sirens Brewing.

Ms. Crampsie Smith asked if we are looking at a rooftop bar or is this a place where people can go or is this just an addition onto the room. She just wants a clarification.

President Waldron would imagine the purpose would be to serve food and alcohol.

Ms. Crampsie Smith remarked it would probably be a rooftop bar to our knowledge.

President Waldron related in their application because it is in the Historic Conservation Commission District the purposes that the Commission are looking at is not part of the application; they are strictly focused on the aesthetic. We are not getting into usage or timeline or other ordinance that would apply to that such as noise, in that regard. The HCC is specifically looking at the architectural aspect of the project.

Ms. Crampsie Smith stated she will be voting no on this because her concern is that she is not sure exactly what they are putting there. Her concern is that this is one business that blatantly was defying of the Governor's orders regarding COVID. She thinks putting our community at risk, she has concerns with that. She has further concerns that if they were blatantly defying safety orders during the pandemic, she feels uncomfortable with them having a rooftop bar even though she would love a rooftop bar in Bethlehem. That is her position and that is why she wanted this one specifically to be addressed.

President Waldron reiterated that we are being asked to vote on the historical appropriateness, a Certificate of Appropriateness based on the recommendation of the HCC and that did pass 5-2. The 2 people who voted against it commented on the height and also that it is not being set back far enough.

Ms. Crampsie Smith added those are her concerns also, she will still be voting no.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Negrón, and Mr. Waldron, 6. Voting NAY: Ms. Crampsie Smith, 1.

G. *Certificate of Appropriateness – 306 South New Street (ZEST Bar & Grill)*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2021-050 that granted a Certificate of Appropriateness to amend the allowed timeframe for the rooftop terrace seasonal awning at 306 South New Street (ZEST Bar & Grille).

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

11. NEW BUSINESS

Community Development Committee Meeting

Chairwoman Van Wirt announced the Community Development Committee will meet on Tuesday, March 23, 2021 at 6:00 pm in Town Hall. There is one agenda item, the discussion of Affordable Housing. The meeting will be for informational purposes only. Due to Covid this will be a virtual meeting and instructions for public comment over the phone will be posted online on the City Council Meeting calendar page.

Public Works Committee Meeting

Chairwoman Crampsie Smith announced a Public Works Meeting will meet on Thursday, March 4, 2021 at 5:30 PM in Town Hall. The agenda items will be Gift of Land to the City by Lehigh Valley Industrial Park; and Stormwater and Management Fee Ordinance, Determination of Stormwater user fee and appealing Stormwater fee determinations; and the Responsible Contracting Ordinance.

Community Development Committee Meeting/Affordable Housing

Mr. Reynolds wanted to add to Dr. Van Wirt's announcement of the Community Development Committee Meeting. He and Councilwoman Crampsie Smith have been working with Alicia Karner, Director of Community and Economic Development and the Administration

and several others on the Affordable Housing Taskforce. We will talk about this issue at that meeting. He would encourage everyone on City Council to attend virtually to listen in because this is a very complicated issue and Councilwoman Crampsie Smith has been working hard taking a look at what other communities are doing. This is not a black and white issue, there are many potential tools that can be used but the more we talk about and review them we will understand which ones we will use a lot and maybe some we maybe cannot use too much and how they are used in different areas, whether or not it is big or mid-sized cities. This will be a very informative meeting talking about this issue that everyone has been hearing about and this will be important going forward. Mr. Reynolds thanked Dr. Van Wirt for holding this meeting and also Councilwoman Crampsie Smith for all her hard work on the Affordable Housing Taskforce as well as the Administration. This is a conversation we need to have but it will take a while with the details and moving parts about what we are allowed to do and what we are not allowed to do. That will be a good night to talk about all these pieces of information.

12. ADJOURNMENT

The meeting was adjourned at 7:35 pm.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk