

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, July 18, 2023 – 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

President Colón called the meeting to order. Present were Wandalyn J. Enix, Hillary G. Kwiatek, Rachel Leon, Kiera L. Wilhelm, and Michael G. Colón, 5.; absent, Grace Crampsie Smith, and Paige Van Wirt, 2.

PUBLIC HEARING

- President Colón stated that prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to accept public comment concerning a proposed Zoning Text Amendment to clarify the definition and parameters for Environmental Education centers, Community Recreation Centers and Nature Preserves. This includes Article 1302-Definitions, 1304-Allowed Uses in Primarily Residential Districts, 1305-Allowed Uses in Primarily Non-Residential Zoning Districts, and Article 1322-Additional Requirements for Specific Uses.

*Communication 6A – City Planning Commission – Zoning Text Amendment – to clarify the definition and parameters for Environmental Education centers, Community Recreation Centers and Nature Preserves. This includes Article 1302-Definitions, 1304-Allowed Uses in Primarily Residential Districts, 1305-Allowed Uses in Primarily Non-Residential Zoning Districts, and Article 1322-Additional Requirements for Specific Uses.*

The Clerk read a May 4, 2023 memorandum from Darlene Heller, Director of Planning and Zoning, recommending approval of zoning text amendments related to Environmental Education Centers and similar uses. The City's Planning Commission voted 5-0 on April 13, 2023 to recommend approval of the amendments.

*Communication 6B – Lehigh Valley Planning Commission – Zoning Text Amendment – to clarify the definition and parameters for Environmental Education centers, Community Recreation Centers and Nature Preserves. This includes Article 1302-Definitions, 1304-Allowed Uses in Primarily Residential Districts, 1305-Allowed Uses in Primarily Non-Residential Zoning Districts, and Article 1322-Additional Requirements for Specific Uses.*

The Clerk read a June 23, 2023 correspondence from Jillian Seitz, Senior Community Planner with the Lehigh Valley Planning Commission. Ms. Seitz states that the application proposes to amend the City's Zoning Ordinance by adding definitions for Community Recreation Center, Environmental Education Center and Nature Preserve, and allows Day Care Centers as an accessory use to Environmental Education Centers. This proposal supports numerous actions on FutureLV: The Regional Plan. The amendment also aligns with actions and recommendations of the City's Climate Action Plan, Ms. Seitz asserts.

President Colón called the Public Hearing to order and stated he will now recognize a representative from the Administration to address this matter.

Planning and Zoning Director Darlene Heller noted that both the City Planning Commission and Lehigh Valley Planning Commission support the proposed amendments. These amendments are to clarify definitions for Community Recreation Center, Environmental Education Center and Nature Preserve. The definitions are not now in the Zoning Ordinance. The use chart shown in Article 1304 also is being amended. In Chapter 1322, Specific Uses, where a day care is permitted as accessory use for a place of worship, it should also be included as accessory use in an environmental education center. Also in Chapter 1322, some basic provisions are added for an environmental educational center. One notes what accessory uses might be included, such as playscapes, plant nurseries to mention a few. A second provision deals with parking. Also, if a day care is included, the day care should adhere to all requirements for a day care use in the city. Ms. Heller said these amendments are offered to try to support the existing uses in the City and those that might be attracted to the City. This also would be in accordance with the City's Climate Action Plan.

*Council Comment*

Ms. Kwiatek observed that a definition is being added for a community recreation center, but this did not add the accessory use of a day care center in this instance. She asked if this already falls within the use of a community center or whether there was some other reason.

Ms. Heller said she believe this would be included in the range of uses that would be included within a community recreation center. This would be similar to the Boys' and Girls' Clubs.

Ms. Kwiatek asked if the definition was just being added to clarify what a community recreation center is but we already have acceptable uses for a community center within the rest of the Zoning Ordinance. Is this a correct statement?

Ms. Heller said there are similar uses in the City; but, these have not really been clarified as a listed permitted use in the ordinance itself.

Ms. Kwiatek asked if that would be worth doing. The accessory uses for a day care center now adds environmental education center and lawful places of worship. This appears to be the only places that can have a day care center as an accessory use.

Ms. Heller said a day care could be added as a permitted accessory use for clarification if that is desired.

President Colón asked Ms. Heller whether adding this clarification would be significant enough to return this proposed Ordinance to the Planning Commission for review.

Council Solicitor Brian Panella believed it would not. He viewed this as clarification rather than a significant change.

City Solicitor John F. Spirk, Jr. asked Ms. Heller if City staff would have interpreted that when the topic of community recreation center would have arisen, it could have included a day care operation without specific noted permission in the Zoning Ordinance.

Ms. Heller said, yes. Sometimes the intent can be obvious, but she admitted that clarifying this in the Ordinance may avoid a different interpretation by others. She agreed that there is no harm in avoiding ambiguity.

Solicitor Spirk agreed this added amendment would not require Planning Commission review.

President Colón also asked Ms. Heller to explain accessory uses.

Ms. Heller said that allowable uses can be rather broad. In this case, day care or nature education could be spelled out as accessory uses because they would be natural extensions of an environmental education center.

President Colón asked whether listing these as accessory uses would require additional actions in the application process, such as review by the Zoning Hearing Board.

Ms. Heller said, no.

Ms. Wilhelm said she had the same question as Ms. Kwiatek. The fact that at least two Council Members raised the issue might make it best to clarify. She also wanted to better understand the meaning of “accessory use.” She asked if it essentially means “something outside of the typical realm of what you would expect” for such a use. In the case of a community recreation center, the primary use is not a day care, but an accessory use means that a day care is something that is rolled into it naturally.

Ms. Heller said that is correct, but since some ambiguity has been anticipated, the clarification of listing it could only help. She said she would forward an amended version to include this in the ordinance in time for Council’s August 1 meeting.

#### *Public Comment*

#### *Clarifies Day Care Requirements*

Victoria Bastidas is the President of Camel’s Hump Farm, a nature education center and community garden. She said she represented several young families in attendance. She thanked Council for its support of environmental education, open space, and the community center. She clarified day care requirements. In order for Camel’s Hump to provide environmental education for children attending without their parents being present, then they must be regulated by the state Department of Human Services.

#### *Supports Camel’s Hump Farm*

Resident Liz Doyle recounted a positive experience with Camel's Hump Farm in teaching her grandson about nature and other education basics. She considers the educational offerings tremendous and encouraged Council to support efforts to formally allow this to continue.

*"Amazing Experience"*

Resident Heather Irvine said her son had "an amazing experience" in the two years in which he attended preschool at Camel's Hump. She spoke in strong support of allowing the program.

*Fun and Educational*

Crystal Venegas described her experience at Camel's Hump, saying that she has fun and learns a lot while exploring nature at Camel's Hump.

President Colón announced that a proposed Ordinance will be placed on the August 1, 2023 agenda for First Reading.

President Colón adjourned the Public Hearing at 7:23 PM.

2. APPROVAL OF MINUTES

July 5, 2023

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

*Neighborhood Concerns*

Resident Erin Monie spoke along with her husband, Raul Gomez, to advocate for the residents of the 1200 block of Center Street as well as other residents who reside in duplex homes. She pointed out that any effort to remediate issues of a duplex home requires two owners to work together. There has been a demonstrated history in Bethlehem of demolishing both sides of a duplex when significant problems exist in at least one. She pointed to the recent experience of their neighbors, Bernard and Diane Wilson. Last August, one of the Wilsons' walls failed. They were given two weeks to vacate. The duplex has since been demolished. The City did attempt to assist in remediation, but a willing contractor could not be found to fix the damage. The Wilsons are left with an outstanding mortgage and a lien for the demolition costs. Ms. Monie is fearful that something similar will happen to others. She said that she and her husband last week received a request from the City for a structural report for their home. They have provided this. However, the landlords of the other half of their double do not live in the home. They have never seen anyone at the premises. She fears that the owners of the other half of the duplex will not make repairs, if necessary, which may adversely affect the future of both homes.

Ms. Monie said a news article written about the Wilsons' home suggested that soil problems may affect the integrity of the homes in the area. She appealed to Council saying that

she and her husband need their help with this problem and that other neighbors may need help in the future. She asked Council to “find a more effective way to handle joint remediation.”

President Colón invited Ms. Monie to discuss the matter after the Council meeting.

*Free Speech*

Resident Arthur Curatola referred to his comments that have drawn some negative reaction at several recent Council meetings. He defended his right to free speech and said that running a city is a business, not personal.

*Skate Park Suggested/Encourage Restaurant Development/Traffic Offenses*

Resident Eddie Rodriguez asked whether the City could investigate developing private property behind a check cashing business along Stefko Boulevard into a skate park similar to the one along 3<sup>rd</sup> Street. He believed this would provide a safer place to skate and offer youths a diversion. Mr. Rodriguez also asked the City to encourage an entrepreneur to develop a restaurant with affordable prices in the Westgate area. He again urged police enforcement of unregistered vehicles and those with loud exhaust systems. He additionally complained about speeding and littering. Mr. Rodriguez also updated his recent complaint about dumping in the Stefko Shopping Center. He said the owner has arranged for clean-up. Still, the dumping of household items remains a problem. He has spoken to Police Chief Michelle Kott about this.

*Conflict of Interest Alleged*

Resident Stephen Antalics referred to Administrative Order 7 B7 on tonight’s agenda involving the appointment of DCED Director Laura Collins to the Bethlehem Revitalization and Improvement Authority (BRIA). He asked whether a City employee may be appointed to a board or authority. Mr. Antalics also asked if a conflict of interest exists because that employee is the head of DCED. He additionally said this position is appointed by the Mayor and approved by Council but is intended to be independent of both. He added that the City’s official organization chart shows all boards, authorities and commissions as being connected with the lines connecting the Administration, suggesting they are equal partners. He said this intends for these boards to be independent of Council and the Administration. Mr. Antalics suggested that if Ms. Collins were to be appointed to BRIA that she should resign as DCED director to avoid a conflict of interest. He additionally asked whether there is no one else willing to serve who is qualified. He again raised the issue of the Mayor not appointing an applicant to one of the historic boards. Mr. Antalics suggested that Ms. Collins’ appointment should not even come to a vote because it vote.

*Treatment Questioned*

Resident Bernard Wilson outlined the loss of 1220 Center Street after his home was razed, the issue previously discussed by Ms. Monie. He asked why he did not get assistance from any Council Members as this situation was happening. He complained that the City did not give him money toward alternate lodging when he was told by the City that he would have to vacate because of structural damage to his home. The City additionally told his insurance company of the situation, leading to the insurer to drop his coverage. Mr. Wilson asked how his home could be condemned without the City “offering him anything.” He was first notified in 2018 of

problems with the house, heard nothing for a long period, and then was told that he had seven days to move from the property, which has since been razed. He asked why no one from the City, other than those from Code Enforcement advising him of actions being taken, came to offer help or talk about options.

President Colón made the same offer as he had to Ms. Monie to discuss this after the meeting.

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

*Request to Reconsider Police Duty Weapon Sale Position*

Resident Stephen Antalics spoke to Agenda Item 10 A Firearm Purchase. He referred to Ms. Kwiatek's previously stated stance to oppose the sale of duty weapons to retiring officers. He said we are all free as private citizens to have personal opinions, but a citizen voted into office becomes a public servant and should not vote on their private opinions. Mr. Antalics said the six votes favoring the duty weapons sales, as is usually the case for this type of vote, represents the will of the people. He asked if the lone voter, Ms. Kwiatek, would reconsider her stance.

5. OLD BUSINESS

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

6. COMMUNICATIONS

C. *Chief of Police – Resolution – Firearm Purchase – Sergeant Conley*

The Clerk read a July 5, 2023 memorandum 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 Colón stated Resolution 10 A is on the agenda.

D. *Health Director – Resolution – Records Destruction – Health Bureau*

The Clerk read a July 6, 2023 memorandum with an attached Resolution and exhibit from Health Director Kristen Wenrich requesting the Destruction of Records from the Health Bureau. Ms. Wenrich has reviewed the Municipal Records Retention Act, and the records listed on the exhibit fall within the categories where destruction is permitted.

President Colón stated a Resolution will be placed on the August 1 City Council agenda.

E. *Director of Water and Sewer Resources – Recommendation of Award – Great Western Services, Inc. – 33R Trench Restoration Project Phase 2*

The Clerk read a July 7, 2023 memorandum with a proposed Resolution from Edward Boscola, Director of Water and Sewer Resources, recommending an agreement with Great Western Services, Inc. of Allentown. The cost is \$194,448.75 to provide materials and labor to restore water and sewer utility trenches at various locations within the City. The contract shall run for up to 60 days from the Notice to Proceed. There are no renewals.

President Colón stated Resolution 10 B is on the agenda.

*F. Chief of Police – Resolution – Records Destruction – Police Department*

The Clerk read a July 12, 2023 memorandum with an attached Resolution from Police Chief Michell Kott requesting the Destruction of Records form the Police Department. The Chief has reviewed the Municipal Records Retention Act, and the records listed on the exhibit fall within the categories where destruction is permitted.

President Colón stated a Resolution will be placed on the August 1 City Council agenda.

*G. Director of Public Works – Non-Utility Capital Fund Budget – Adjustments – Street Overlays*

The Clerk read a July 12, 2023 memorandum and proposed Ordinance from Michael Alkhal, Director of Public Works, requesting a budget transfer of \$252,502 in the 2023 Capital Budget for Non-Utilities. The amount reflects paving reimbursement received from UGI for street overlay work that will be completed in 2023 using in-house resources for portions of East Wall, West Broad, West Market and Main Streets.

President Colón stated Ordinance 9 A is on the agenda for First Reading.

*H. City Solicitor – Special Event Permit Agreement for Handwerkplatz and Liderplatz – ArtsQuest and AKM Entertainment*

The Clerk read a July 13, 2023 memorandum with a proposed Resolution and associated Amendment No. 2 Special Event Permit Agreement from City Solicitor John F. Spirk, Jr. for Handwerkplatz and Liederplatz. The Permittees are ArtsQuest and AKM Entertainment, LLC. The agreement is for August 4 through 13 of 2023 and August 2 through 11 of 2024 for use of certain City and Redevelopment Authority property for carnival ride and inflatable bounce attractions, and use of other Redevelopment Authority property located in the Sun Inn Courtyard during Musikfest 2023 and 2024.

President Colón stated Resolution 10 C is on the agenda.

*I. Director of Community and Economic Development – Multimodal Grant Submission – PA DCED*

The Clerk read a July 13, 2023 memorandum and proposed Resolution from Laura Collins, Director of Community and Economic Development. The memorandum seeks permission to apply for a \$2 million Multimodal Transportation Fund grant from the Pennsylvania Department of Community and Economic Development to address safety and connectivity concerns along

West Third Street between Northampton Street and Brodhead Avenue. This grant has an application deadline of July 31.

President Colón stated Resolution 10 D is on the agenda.

7. REPORTS

A. *President of Council*

1. *Councilmanic Appointment – Marilyn Kelly-Cavotta – Human Relations Commission*

President Colón reappointed Marilyn Kelly-Cavotta to the City's Human Relations Commission effective through March, 2025. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-139 to confirm the reappointment.

President Colón, who also has served on the Human Relations Commission for several years, said that Ms. Kelly has served on the HRC for more than six years, most recently as Chair. She has been "a great volunteer in serving." He said he was glad to hear her interest in continuing in this position.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

B. *Mayor (Solicitor John F. Spirk, Jr. serving as Acting Mayor)*

1. *Administrative Order – Stacie Elyse Brennan – Fine Arts Commission*

Mayor J. William Reynolds reappointed Stacie Elyse Brennan to the Fine Arts Commission effective through November, 2026. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-140 to confirm the reappointment.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

2. *Administrative Order – Sandra Batt Gillen – Fine Arts Commission*

Mayor J. William Reynolds reappointed Sandra Batt Gillen to the Fine Arts Commission effective through December, 2026. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-141 to confirm the reappointment.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

3. *Administrative Order – Janet B. Pressler – Fine Arts Commission*

Mayor J. William Reynolds reappointed Janet B. Pressler to the Fine Arts Commission effective through November, 2026. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-142 to confirm the reappointment.



Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

4. *Administrative Order – Missy Hartney – Fine Arts Commission*

Mayor J. William Reynolds appointed Missy Hartney to the Fine Arts Commission effective through October, 2024. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-143 to confirm the appointment.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

5. *Administrative Order – Ian Panyko – Fine Arts Commission*

Mayor J. William Reynolds appointed Ian Panyko to the Fine Arts Commission effective through September, 2026. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-144 to confirm the appointment.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

6. *Administrative Order – Jill Sperandio – Fine Arts Commission*

Mayor J. William Reynolds appointed Jill Sperandio to the Fine Arts Commission effective through April, 2026. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-145 to confirm the appointment.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

7. *Administrative Order – Laura Collins – Bethlehem Revitalization and Improvement Authority*

Mayor J. William Reynolds appointed Laura Collins to the Bethlehem Revitalization and Improvement Authority effective through October, 2027. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-146 to confirm the appointment.

President Colón referred to remarks under Public Comment questioning whether the appointment of Ms. Collins would pose a conflict of interest and other related concerns. He asked Solicitor Panella to offer opinions whether it would be appropriate for Council to vote on this matter.

Solicitor Panella said he reviewed the Third Class City Code and the Optional Third Class City Charter. “There is no technical prohibition of a City employee serving on this authority. Beyond that, looking back on it, there is a little of a historical precedent of that happening in Bethlehem,” he said. Joe Kelly, while serving in Ms. Collins’ present position as DCED Director, served on the BRIA board when it was created. The appropriateness, he said, is Council’s

decision, “but I will say confidently that there is no legal prohibition against her serving on this board if Council is to vote for that.”

President Colón said he will support this tonight for the reasons stated by Solicitor Panella. He specifically pointed out that Ms. Collins would be serving the role that her predecessor (Mr. Kelly) filled on the BRIA board. He also noted that BRIA has a five-member board, so this is not an autonomous position.

Ms. Wilhelm said she also will be supporting this appointment, but she wanted to be sure she was understanding certain facts. She asked whose term this appointment would fill.

Deputy Director of Economic Development Alicia Miller Karner said that Mr. Kelly previously held this seat, which has been vacant. Mr. Kelly was appointed to the BRIA board in 2013.

Ms. Wilhelm confirmed that Mr. Kelly served as DCED Director while holding the BRIA seat, the same circumstances as Ms. Collins. When it was learned that Ms. Karner joined the City soon after Mr. Kelly began serving on the BRIA board, Ms. Wilhelm asked why it would be of value that the Director of DCED sit on the BRIA board.

Ms. Karner said the City needed a municipal authority to be able to apply for the City Revitalization and Improvement Zone (CRIZ) opportunity that was presented to Third Class Cities of certain sizes. CRIZ and other programs need to be coordinated. In an effort to “manage them comprehensively so that we can maximize our economic development efforts”, she believes this is appropriate to provide the necessary continuity.

Ms. Wilhelm said that made sense to her.

Ms. Leon said that those answers cleared up most of the questions she had. She also clarified that the position is vacant. She also asked whether anyone else from the Administration is serving on the BRIA Board of Directors and was told no.

Dr. Enix wanted to better understand BRIA’s structure.

Ms. Karner said this is a board member position. A board member has voting rights and participates in all conversations. They are the officers of the Authority. She made clear this is not a liaison position.

Dr. Enix understands that this is a board position, but since the board member is on the Administration, does that not make it a conflict of interest?

Ms. Karner said that Solicitor Panella has answered that and the question is not hers to answer. What she could say is that there has been a history here. Not only is the City’s DCED Director on the board, but the DCED Director of the City of Easton was on this same board at one time. “There is a long history of needing technical expertise on this authority,” she said. “There is an importance placed on qualifications, understanding of public finance, understanding the specific requirements of the CRIZ authority. There is a role that this authority plays that you don’t

see on a water authority or some of the others.” She said this is a position that needs to be held, whenever possible, by the Director of DCED.

Ms. Kwiatek said our authorities, boards, and commissions are unique to one another. They have their own bylaws and organizational structure and practices.

Ms. Karner agreed and added that some are governed by different laws which means that regulations governing them are not always the same.

President Colón said that, until a few days ago, he thought it was a requirement to have the DCED Director serve on the board, just as the Chief Building Inspector is on certain authority boards. To him, it makes sense that this expertise is included.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 27-2023 – General Fund Adjustments – 2023*

The Clerk read Bill No. 27-2023 – General Fund Adjustments – 2023 – sponsored by Dr. Enix and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH  
AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA,  
AMENDING THE 2023 GENERAL FUND

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. Bill No. 27-2023, now known as Ordinance No. 2023-26, passed on Final Reading.

B. *Bill No. 28-2023 – Non-Utility Capital Budget – Adjustments – Vehicle*

The Clerk read Bill No. 28-2023 – Non-Utility Capital Budget – Adjustments – Vehicle sponsored by Dr. Enix and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH  
AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA,  
AMENDING THE 2023 CAPITAL BUDGET FOR NON-UTILITIES

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. Bill No. 28-2023, now known as Ordinance No. 2023-27, passed on Final Reading.

C. *Bill No. 29-2023 – Non-Utility Capital Budget – Adjustments – East Broad Street Corridor*

The Clerk read Bill No. 29-2023 – Non-Utility Capital Budget – Adjustments – East Broad Street Corridor sponsored by Dr. Enix and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH  
AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA,  
AMENDING THE 2023 CAPITAL BUDGET FOR NON-UTILITIES

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT:  
Dr. Van Wirt and Ms. Crampsie Smith, 2. Bill No. 29-2023, now known as Ordinance No. 2023-28,  
passed on Final Reading.

D. *Bill No. 30-2023 – Non-Utility Capital Budget – Adjustments – Greenway Rail Line*

The Clerk read Bill No. 30-2023 – Non-Utility Capital Budget – Adjustments – Greenway  
Rail Line sponsored by Dr. Enix and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH  
AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA,  
AMENDING THE 2023 CAPITAL BUDGET FOR NON-UTILITIES

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT:  
Dr. Van Wirt and Ms. Crampsie Smith, 2. Bill No. 30-2023, now known as Ordinance No. 2023-29,  
passed on Final Reading.

E. *Bill No. 31-2023 – Community Development Block Grant (CDBG-HOME) Budget Adjustments*

The Clerk read Bill No. 31-2023 – Community Development Block Grant (CDBG-HOME)  
Budget Adjustments sponsored by Dr. Enix and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH  
AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA,  
AMENDING THE 2023 COMMUNITY DEVELOPMENT BLOCK GRANT  
BUDGET

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5. ABSENT:  
Dr. Van Wirt and Ms. Crampsie Smith, 2. Bill No. 31-2023, now known as Ordinance No. 2023-30,  
passed on final reading.

9. NEW ORDINANCES

A. *Bill No. 32 – 2023 – Non-Utility Capital Fund Budget – Adjustments – Street Overlays*

The Clerk read Bill No. 32-2023 – Non-Utility Capital Fund Budget – Adjustments – Street  
Overlays sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
THE 2023 CAPITAL BUDGET FOR NON-UTILITIES

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5; ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. Bill No. 32-2023 was passed on First Reading.

10. RESOLUTIONS

A. *Approve Resolution – Firearm Purchase – Sergeant Conley – Disposition of Police Firearm*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-147 that authorized to execute an Agreement to effectuate the transfer of the city-issued handgun to Sergeant Sean Conley, a retired City Police Officer.

Ms. Kwiatek said she wanted to offer some facts on this subject. She said that guns are the leading cause of death for U.S. children and teens since surpassing car accidents in 2020. Firearms accounted for nearly 19 percent of childhood death for ages 1 through 18 in 2021, according to the Centers for Disease Control and Prevention database. Nearly 3,600 children died in gun-related incidents that year. That is about 5 children lost for every 100,000 children in the United States. In no other comparable country are firearms within the top four causes of mortality among children, according to a Kaiser Family Foundation analysis. She said it is also a fact that Council Members vote on the sale of firearms to retiring police officers. She said opinions have been offered whether it is safer to sell these guns to retired officers than the general public, but she does not believe statistics exist to back this up. One area in which she has some control is her vote on firearms purchase by officers. She does not wish to see these sales occur in light of the statistics involving the firearms deaths involving children. For this reason, she will continue to vote no when related votes arise.

Ms. Leon said she respects Ms. Kwiatek's opinion, but she also wanted to give voice to the fact that first responders and prior military members see these sidearms very differently. They tend to be very cautious and careful with them. Ms. Leon said, not that this is a good fact, but deaths arising from these weapons are most often the result of suicide because of the experiences that they have endured during their service. She said she was not "negating what you're saying" but there are reasons why they view these as protection.

Ms. Kwiatek thanked Ms. Leon for her words but said that death by suicide is "a very big problem" for former first responders and military service personnel. The fact that the firearm would be in their home, means that the likelihood is greater that they would turn to suicide rather than live to work things out. Suicide is also a concern. She used the statistic involving the deaths of children because it is so shocking, but the suicide concern should be added to the rationale for not selling these firearms.

Ms. Wilhelm said the implication is that this handgun will not wind up in someone else's hands. Leading up to a prior similar vote, Ms. Wilhelm said she did a lot of inquiring as to what happens to a gun if Council does not approve its sale to a retiring police officer. Ms. Wilhelm has been told that the gun would be sold. She said the opposite of not allowing an officer to purchase their weapon is not that the weapon is never to be used again. "We're not voting to keep this gun active versus having it to be locked in a closet somewhere never to be used again," she said. As matters stand, the gun would be resold if not sold to the retiring officer.

Ms. Kwiatek asked fellow Council Members whether there is a way, if legally allowable, to change the policy of selling guns on the open market not purchased by retiring officers. She said she would welcome future discussion on this possibility.

Ms. Wilhelm said she would also but added that it is a different vote.

President Colón noted that this matter comes up from time to time. He will support the sale again tonight. But he referred to the earlier public comment “this almost polling or representation of what the will is.” He does not believe there has been a public mandate. Instead, votes like this one tonight are a good example of democracy. There will be split votes at times. He added that none of these votes has ever failed to pass, but they have brought to light surrounding issues on the topic. President Colón added that he does not believe that anytime there is not a unanimous vote that somehow those dissenting provides a disservice to the electorate.

Voting AYE: Dr. Enix, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 4; NAY: Ms. Kwiatek, 1; ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

*B. Approve Resolution – Water and Sewer Resources – Resolution – Authorization for Contract – Great Western Services, Inc. – 33R Trench Restoration Project Phase 2*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-148 that authorized to execute an Agreement with Great Western Services, Inc. to restore water and sewer utility trenches at various locations within the City of Bethlehem.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5; ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

*C. Approve Resolution – Special Event Permit Agreement for Handwerkplatz and Liederplatz – ArtsQuest and AKM Entertainment*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-149 that authorized to execute an amendment to a Special Event Permit Agreement with ArtsQuest and AKM Entertainment, LLC for activities at Handwerkplatz and Liederplatz during Musikfest 2023 and Musikfest 2024.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5; ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

*D. Approve Resolution – Multimodal Grant Submission – PA DCED*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-150 that authorized to execute all documents and agreements between the City of Bethlehem and the Pennsylvania Department of Community and Economic Development to assist in obtaining a Multimodal Transportation Fund grant to be used for the West Third Street Corridor.

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5; ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolution passed.

President Colón said he would accept a motion to group consideration of three Certificates of Appropriateness, 10 E through 10 G. Ms. Kwiatek made a motion, seconded by Ms. Leon, to consider the COAs as a group

Voting AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5; ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Motion passed.

*E. Certificate of Appropriateness – 515 Main Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-151 that granted a Certificate of Appropriateness to replace a restaurant sign, install a double-sided blade sign, and repaint certain building façade elements.

*F. Certificate of Appropriateness – 46 East Church Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-152 that granted a Certificate of Appropriateness to add a screen door to the front entrance of the house.

*G. Certificate of Appropriateness – 418-420 Main Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-153 that granted a Certificate of Appropriateness to remove slate tile roofing and replace it with GAF Slateline designer shingles, as well as replace the copper gutters and downspouts.

Voting on 10 E through 10 G AYE: Dr. Enix, Ms. Kwiatek, Ms. Leon, Ms. Wilhelm, and Mr. Colón, 5; ABSENT: Dr. Van Wirt and Ms. Crampsie Smith, 2. The Resolutions passed.

11. NEW BUSINESS

*Interest in Revisiting Task Force Participation*

Ms. Leon returned to the proposed Memorandum of Understanding to join a task force being organized by the Northampton County District Attorney's office to combat human trafficking. The MOU was rejected a few weeks ago. She reminded that, at the time, she said she felt she had not done her due diligence on this subject and voted no. She has since gained additional knowledge on this matter and will continue to gain more information. She hoped that the MOU could be reconsidered in the near future for further discussion.

*Upcoming West Side Town Hall Meeting*

Ms. Kwiatek reminded that there will be a West Side Town Hall at 7:00 on Thursday at the D.A.R. House. She said that she and President Colón will be on hand to provide Council updates and answer resident questions.

President Colón confirmed that he will be there and wanted to thank the Administration for providing some answers to questions that he raised in anticipation of resident queries.

12. ADJOURNMENT

The meeting was adjourned 8:38 PM.

ATTEST:

Tad J. Miller  
City Clerk