

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, November 1, 2022 - 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

President Colón called the meeting to order. Present were Grace Crampsie Smith, Hillary G. Kwiatek, Rachel Leon, Paige Van Wirt, Kiera L. Wilhelm, and Michael G. Colón, 6. Absent was Wandalyn J. Enix, 1.

PUBLIC HEARINGS

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

Public Hearing No. 1

The First Public Hearing is to accept public comment on amendments to the Zoning Ordinance regarding Solar Energy Devices.

Public Hearing No. 2

The Second Public Hearing is to receive public comment to discuss and consider the Allocation Plan associated with the Strategic Plan to Address Homelessness. This plan was the subject of the joint Public Safety and Community Development Committee Meeting held earlier at which time plan recommendations and implementation were presented. The plan is part of a comprehensive approach to provide necessary sheltering and services to those who are homeless in Bethlehem and the greater Lehigh Valley region. It involves funding from the Department of Housing and Urban Development and the American Rescue Plan program.

Communication 6 A - City Planning Commission

The Clerk read a memorandum dated October 26, 2022 from Darlene Heller, Director of Planning and Zoning. She advised that the City Planning Commission voted unanimously to recommend that City Council support the Zoning Text Amendment, Article 1318.29 - Solar Energy Collection Systems with several edits: to clarify the definition of "historic", to clarify the maximum permitted height, to add setback or screening conditions to Ground-mounted Solar Energy Systems as well as minor editing throughout.

Communication 6 B - Lehigh Valley Planning Commission

The Clerk read a correspondence dated October 12, 2022 from Jillian Seitz, Senior Community Planner of the Lehigh Valley Planning Commission. The LVPC Comprehensive Planning Committee reviewed the proposed zoning ordinance amendments to Solar Energy Devices. These amendments support renewable energy and diversification of sources to reduce climate change impacts. The Lehigh Valley Planning Commission supports the City of Bethlehem's goal of a sustainable and climate resilient community and thanks the City for

continuing to demonstrate evolution and adaptability of government through zoning ordinance amendments.

Public Hearing No. 1

President Colón called the First Public Hearing to order concerning the amendments to the Zoning Ordinance regarding Solar Energy Devices.

Darlene Heller, Director of Planning and Zoning, provided background. She said the impetus for the changes began with a requirement that solar devices must have a 3-foot setback from each edge of a roof. Many of the residents who wanted roof-mounted solar panels were struggling to meet this requirement in an efficient way. The Fire Bureau was consulted, and some changes have been suggested to eliminate that requirement. While this was being considered, the Environmental Advisory Council also reviewed the entire Solar Energy Devices section and suggested some other amendments.

Ms. Heller noted that these proposed changes were reviewed during a Human Resources and Environmental Committee meeting in August as well as by the City's Planning Commission and the Lehigh Valley Planning Commission. The LVPC supported the changes. The City's Planning Commission also supported the changes, but offered some minor changes as well. She added that the draft copy of the City's Planning Commission correspondence in Council's packet this evening is not the final draft. She suggested highlighting the changes, but would provide a final version prior to Council's First Reading.

A definitions section was added by the EAC, but the Planning Commission removed one of those definitions because it does not appear anywhere in the ordinance. Another section dealt with trees. While it was noted that trees hanging over a roof would not enhance solar energy efforts, it was encouraged to retain trees whenever possible and only removed if necessary. The EAC also suggested encouraging residents to obtain easements from their neighbors to prevent the creation of shade over solar panels in the future. An additional provision adds a review by the Fire Bureau to the requirement of compliance with the most recently amended and adopted Pennsylvania Uniform Construction Code. Ms. Heller noted that this also allows for the removal of the 3-foot setback requirement on each edge of a roof. The Fire Bureau has some flexibility as to how it can review the installation of solar panels, she said. She said specificity was added as to when historic review is required. The attempt is to minimize the intrusion of solar panels in the historic districts, but that they are permitted.

The Planning Commission also added a provision for buffer requirements if someone wants to put in ground-mounted solar panels. Buffer requirements already exist in the Zoning Ordinance. This makes clear that they should be used in such instances. It also is suggested that a section on abandonment and removal be removed. It was felt that language in the Property Maintenance Code already defines what is a nuisance and whether it should apply. A concern was raised as to whether solar panels that are not being used should be required to be removed. However, it was felt that circumstances could change in which a homeowner could elect to use solar panels that were not being used but that were still operable. The removal requirement would only be used if these panels became a nuisance.

Ms. Kwiatek asked why subsection (b)(11) still shows a 3-foot setback requirement.

Ms. Heller said this was the formatting issue that she was talking about in the beginning. The intention is to remove this requirement. She said this proposed change is reflected later in the document. This should be clearer when she provides a different version of the proposed ordinance in time for First Reading.

Dr. Van Wirt thanked Ms. Heller and the EAC for their good work.

President Colón echoed the sentiments and thanked Ms. Heller for her explanation.

Public Comment

EAC Comments

Lynn Rothman, Chairwoman of the City's Environmental Advisory Council, thanked the City departments for working with the EAC. She also thanked Council for its consideration of the changes. She wanted to make clear that the reason for the 3-foot setback in the first place was for fire safety to gain access to the roof. However, in consulting with the Fire Bureau, it is not always necessary to have this setback on all sides. This can be reviewed on a case-by-case basis. She also noted another change regarding the visibility of panels on different slopes of roofs. This is only applicable within a historic district. She encouraged passage.

Consult Your Historic Boards

Alan Lowcher, resident and President of the Bethlehem Historic District Association, said he recognizes the benefits of solar energy. But he said the visibility of solar panels and related equipment are a concern in that no guidelines are provided in the ordinance spelling out matching the architectural elements in terms of color, size, and texture and they should be. Glare is recognized as a concern, but there is no methodology as to how that will be addressed. He said that height could be a concern to be considered in the historic district. He also had concerns regarding possibilities of tree removal. Mr. Lowcher noted that the ordinance calls for the HCC or HARB to be consulted where applicable, but he suggested they should be consulted as a resource even for applications outside of the historic districts. He cited recent installation of natural gas meters within the historic district saying that some homeowners cared where these meters were placed and some did not. He said HARB and the HCC should be given an opportunity to devise guidelines that make sense for solar systems in historic districts before the ordinance is amended.

President Colón said amendments to the Zoning Ordinance involving Solar Energy Devices will be placed on the November 15, 2022 City Council agenda for First Reading. The Second Reading and anticipated Enactment will be on December 6, 2022.

President Colón adjourned the First Public Hearing at 7:22 PM.

Public Hearing No. 2

President Colón called the Second Public Hearing to order concerning consideration of the Allocation Plan associated with the Strategic Plan to Address Homelessness.

Laura Collins, Director of the Department of Community and Economic Development, outlined the purpose of tonight's Public Hearing. Several programs exist to assist low- to moderate-income residents, but the money being discussed tonight is the allocation of the pandemic-specific \$1.4 million that will be provided to the City through the American Recovery Plan. HUD requires an Allocation Plan to show how the money will be spent. Ms. Collins said that Bethlehem is in a good position at this time because it is working on its Strategic Plan to Address Homelessness. One of the acceptable ways to use the money is for purchase and development of non-congregant sheltering. This is being developed through the Strategic Plan. The intention is to use the \$1.4 million grant toward the acquisition, construction or rehabilitation of structures to serve as non-congregant shelters.

Ms. Kwiatek said this is an appropriate use of the funds. There is a defined need and is very much within the guidelines.

Ms. Crampsie Smith agreed that this is a real need to meet. She wanted to clarify the role of the consultant on this project, Michael Baker International.

Ms. Collins said there are a couple of plans being discussed related to homelessness. A final version of the Strategic Plan to Address Homelessness has not yet been submitted. This deals with the more specific details about property assessment, cost assessment and more. That is what Michael Baker was hired to do. The Allocation Plan instead has to set out engagement on community needs and an assessment of needs and the intended use of the funds.

Ms. Crampsie Smith referred to a presentation during the October 18 joint Public Safety and Community Development Committee meeting, which included participation from a Michael Baker representative. She believed they were going to participate through the acquisition of a property and building a structure.

Ms. Collins said they have not finished their work on the project. The City is still working with them on property-specific elements.

Ms. Crampsie Smith also noted a regional roundtable discussion on July 18. She said she did not see any council members listed among the panel or participants. She also said she did not recall hearing about the opportunity.

Ms. Collins said that "legislative" representatives were not invited from any of the cities or counties. The mayors and county executives were among those invited, but not council members.

Ms. Crampsie Smith wondered why not council members, particularly those from Bethlehem, since the homelessness initiative being considered is planned for this city.

Ms. Collins said that Council has been involved in other ways including when Michael Baker was being considered for hire as a consultant. But she said she understood her point and would push to include them going forward.

Dr. Van Wirt sought confirmation that these were to be funds intended for capital acquisition and construction management. She also believed that she recalled there would be an annual operational cost of about \$700,000 and asked what the intended sources are for this money.

Ms. Collins said these sources have not yet been identified. Michael Baker has helped the Administration to narrow the available federal funding options. One of which is Community Development Block Grant money. But she pointed out that the HOME/ARP dollars are not for operational costs. She believed there were a number of funding possibilities.

Dr. Van Wirt asked if the funding of operational costs options will be presented to Council.

Ms. Collins said yes, at some point.

President Colón summarized that tonight is just one step in the process, but he, too, said that Council hopes to be informed and “invited to the table in certain circumstances” when appropriate.

Public Comment

Help Offered

Jeffrey Zettlemoyer, President of the Housing Opportunities Movement Board, said his group is a resource for Bethlehem’s Strategic Plan as well as low- to moderate-income housing. He said it has been able to acquire several residential units in the City and turn them around as low-cost housing units. The group was started in 1981 when the City and HUD sold land in the Park Ridge Housing Development. There is the board that was formed by the Bethlehem Housing Authority. He said they stand ready to assist and hopes that someone from the City will call him to discuss how they can help. Mr. Zettlemoyer wanted to provide his personal information for anyone wanting to contact him: zettldr@gmail.com, 610-585-1111. He also asked where developers’ funds toward affordable housing will go.

President Colón said this forum is not usually the place for a public dialog like this, but he encouraged anyone who wanted to stay until the end of the meeting to further discuss it or if anyone wanted to discuss anything with Mr. Zettlemoyer.

Consider Affordable Housing When You Discuss Homelessness

Resident Anna Zawierucha said that she was glad to hear that homelessness and affordable housing are being discussed. She is hopeful for progress, but she also urged providing some green space to go along with housing to avoid being disingenuous and just offering “a little box to live in.” Participants should have accessible garden space. “We don’t want to be patronizing,” she added. Ms. Zawierucha also offered that she does not believe that the City is doing enough to have low-income, entry-level housing. She cited several recently approved developments and said these are living spaces that are “out of reach” for low- to moderate-income residents. “Where are the people who are from Bethlehem supposed to live?” she wondered. She complained that these residential buildings are not attractive, are cheap and are not helping the residents of Bethlehem. “When we address homeless, you also have to address affordability in Bethlehem; otherwise, we’re going to have more homelessness,” she concluded.

Support and Words of Encouragement

Lindsey Altvater Clifton, an associate pastor at First Presbyterian Church in Bethlehem, encouraged Council to continue its efforts toward assisting the homeless. She said these funds are critical to meeting the needs of “our most vulnerable neighbors.” She agrees that there are many issues related to the homeless, but providing transitional housing and emergency sheltering needs is a critical piece in addition to affordable housing. She encouraged continued collaborative efforts with organizations such as New Bethany Ministries.

Multi-faceted Approach Needed

John Marc Rittle, Executive Director of New Bethany Ministries and a Bethlehem Housing commissioner, thanked City Council for its involvement in this effort. He emphasized that these are funds for an emergency shelter. He said that at the committee meeting, the strategy of “housing first” was mentioned. He agreed that this is the best strategy to address homelessness. He explained that it identifies the problem of lack of a house and addressing the problem by providing a person or family with an apartment or house. Organizations are tasked with trying to help a subject remain in their home or helping them find another home. The strategy works best when mixed with case management in assisting the subject with employment, child care, etc. to try to make the whole situation work. Mr. Rittle said that housing first would work perfectly if there were enough affordable housing stock available. So, some other interventions are necessary including temporary supportive housing (often called transitional housing) or an overnight shelter if a person has no place to stay on a given night, which is what this proposal is about. He said that he would venture to say that every major city couples housing first with emergency shelter and probably temporary supporting housing as well. He credited the City, Council and Michael Baker for identifying the right solution and putting dollars toward that solution.

Family Appeal

Kathleen Caceres and her son Liam spoke. Ms. Caceres was encouraged to hear that Council is addressing homelessness. She said she is a medical social worker and encounters patients every week who are having housing problems. She noted that several former housing agencies have closed and there just is not enough affordable housing available. She made a connection with patients’ homelessness and medical issues, adding that they cannot heal the medical conditions until the homeless issues are addressed. Ms. Caceres is hopeful that help is on the way.

Liam Caceres, as an Eagle Scout, worked on the emergency shelter project and is invested in the issue as well. He said that some school-age children are living outside and do not know how to get help. He implored Council to do something.

President Colón adjourned the Second Public Hearing at 7:56 PM.

2. APPROVAL OF MINUTES

October 18, 2022

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

Traffic Safety Concerns

Neighbors Karen Doll and Robin Morrison expressed safety worries involving motor vehicle and pedestrian safety issues along East Goepp Street near Liberty High School. The two said there have been many motor vehicle accidents over the years, including several in recent weeks. They added concerns for pedestrian safety particularly with Liberty High School and Northeast Middle School students walking in this area. Ms. Morrison said there are bus stops in the area without nearby crosswalks. She also reported poor sight distance, twisted signs that are not easily seen, speeding, and other safety concerns. She asked for short-term, more immediate answers as well as long-term solutions. Ms. Doll also reported that several large trucks park within this area reducing sight distance visibility. She asked if this is permitted or should be prohibited to improve safety.

President Colón said that no one was present tonight from the Traffic Bureau, but Public Works Director Michael Alkhal is present and perhaps could speak with him after the meeting if they chose.

Still No Parking Permit

Alex Hirsch said it is now 109 days since he has been told that he no longer qualifies for the BPA's Residential Parking Program. He is a part-time resident who was disqualified from participation in the program because he no longer holds a Pennsylvania driver's license or vehicle registration. He asked Council if they have received any additional information since last meeting.

Ms. Crampsie Smith suggested speaking with him after the meeting.

Mr. Hirsch agreed. He continued that a month or so ago, he proposed changing the ordinance to allow participation for those who work within either county. He said concerns were raised as to why that might not work. He also suggested allowing participation by homeowners who can demonstrate residency by producing records of personal income tax, property tax, utility bills, etc. He has heard of no action in that regard.

Supports Chicken Ordinance

Resident Anna Zawierucha spoke in favor of the Backyard Chicken Ordinance that was proposed several months ago and remains under consideration. She believes that the Administration's remarks in opposition of passage were well-intended but heavy-handed. She noted that 240 chickens (a maximum of six chickens per 40 permits) would be allowed as a trial in the first year compared to Bethlehem's approximate population of 75,000 residents. She estimated that 240 chickens would compare to an estimated 12,000 dogs that are maintained in the City. Ms. Zawierucha does not believe that allowing 240 chickens would be a drain on City resources. She also does not believe that the spread of avian flu is a valid concern. She said the concern for rabies should be far higher than that of avian flu. She closed by saying that she believed the Administration's comments have been "disingenuous and patronizing" on this matter. She urged Council to pass the ordinance to at least test allowing backyard chickens.

Choosing Qualified Board Members

Resident Stephen Antalics noted that there are several appointments on tonight's agenda to the Fine Arts Commission. He also observed that there are no listed appointments to the Historic Conservation Commission. Mr. Antalics alluded to Marsha Fritz addressing Council on October 18 to express interest in serving on the HCC. He noted that she was not re-appointed last winter to her position on the Historical and Architectural Review Board. When a person serves on a board, is highly qualified but is not re-appointed, that raises a red flag. He added that a Council Member has said as much on two different occasions. Mr. Antalics further stated that a different candidate's name appeared on a recent Council agenda for appointment to the HCC, but that appointment was not acted upon. He believed that "behind-the-scenes politics" took place and it was realized that a majority of Council would not support appointment. He said this should have been discussed openly for transparency. Mr. Antalics concluded by saying that Council is a part of the check-and-balance system of city government. He called on someone from Council to publicly ask why the best residents are not being appointed to City boards and commissions.

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

C. *Director of Public Works – Recommendation of Award – The Gordian Group, Inc. – Gordian Job Order Contracting (JOC)*

The Clerk read a memorandum dated October 26, 2022 from Michael Alkhal, Director of Public Works, recommending a contract with The Gordian Group, Inc. in order to implement Job Order Contracting (JOC) solutions to be utilized on an as-needed basis. The City will work with Gordian to develop a Job Order Contracting program, which will be competitively bid and awarded to contractors based on lowest unit pricing.

President Colón stated Resolution 10 A is on the agenda.

D. *Director of Public Works – Recommendation of Award – Quinn Construction, Inc. – City Hall Structural Repair*

The Clerk read a memorandum dated October 26, 2022 from Michael Alkhal, Director of Public Works, recommending a contract with Quinn Construction, Inc. to repair structural deficiencies to the City Hall Garage including repair of the reinforced concrete beam/wall beneath the library and the reinforced concrete columns. The original contract price was \$183,430.00, the sum of all change orders is \$58,182.00, and the updated total is \$241,612.00. The estimated completion date, subject to standard extensions, is October 5, 2022. There are no renewals.

President Colón stated Resolution 10 B is on the agenda.

- E. *Director of Public Works – Recommendation of Award – Aquatic Facility Design, Inc. – Stark Pool Design Services*

The Clerk read a memorandum dated October 26, 2022 from Michael Alkhal, Director of Public Works, recommending a contract change with Aquatic Facility Design, Inc. to provide concept and feasibility design services for structural repairs and/or renovations for Stark Pool. The amount of the contract is \$33,900.00 and the estimated completion date is May 31, 2023. There are no renewals.

President Colón stated Resolution 10 C is on the agenda.

- F. *City Solicitor – Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce, by and through its Downtown Bethlehem Association – 2022 Christmas City Village*

The Clerk read a memorandum dated October 26, 2022 from City Solicitor John F. Spirk, Jr. with an attached Resolution and Associated Use Permit Agreement. The Permittee is The Greater Lehigh Valley Chamber of Commerce, by and through its Downtown Bethlehem Association and the event is the 2022 Christmas City Village – Christmas Huts on Main. The agreement is from 11:00 AM to 8:00 PM on November 10, 12, 17, 18, 19, 25, 26, and December 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23, and 24, 2022. And from 11:00 AM to 5:00 PM on Sunday, November 13, 20, 27, and December 4, 11, and 18, 2022. The premises is Main Street and West Broad Street sidewalk right-of-way locations and City property along Main Street adjacent to the Moravian Blacksmith Shop.

President Colón stated Resolution 10 D is on the agenda.

- G. *City Solicitor – Use Permit Agreement – ArtsQuest – Ice Rink at SteelStacks*

The Clerk read a memorandum dated October 27, 2022 from City Solicitor John F. Spirk, Jr. with an attached Resolution and Associated Use Permit Agreement. The Permittee is ArtsQuest and the event is the Ice Rink at SteelStacks. The agreement is from November 22, 2022 through January 2, 2023, Fridays, Saturdays and Sundays only 12:00 Noon to 12:00 midnight. The premises is 1st Street from Founders Way to the Eastern Terminus.

President Colón stated Resolution 10 E is on the agenda.

- H. *City Solicitor – Use Permit Agreement – ArtsQuest – 2022 Peepsfest*

The Clerk read a memorandum dated October 26, 2022 from City Solicitor John F. Spirk, Jr. with an attached Resolution and Associated Use Permit Agreement. The Permittee is ArtsQuest and the event is the 2022 Peepsfest with Fun Run/Walk and Fireworks. The agreement is December 30, 2022 and December 31, 2022 from 3:00 PM to 6:00 PM and December 30, and 31, 2022 at 5:30 PM for projected fireworks time. The premises is 1st Street from Founders Way to the Eastern Terminus.

President Colón stated Resolution 10 F is on the agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

We Build Bethlehem/Halloween Parade

Business Administrator Eric Evans substituted for Mayor Reynolds in providing reports. He announced that on October 26, Mayor Reynolds and his administration presented We Build Bethlehem at the Fowler Center. He said the event was well attended, adding that the presentation is available on the American Rescue Plan quick link on the City's homepage.

Mr. Evans also announced that the City's 101st Halloween Parade was held on Sunday. He reported fantastic participation. He said an awards ceremony will be announced in the coming days, but winners already have been posted on the City's website.

1. *Administrative Order – Susan E. Berkenstock – Fine Arts Commission*

Mayor Reynolds appointed Susan E. Berkenstock to the Bethlehem Fine Arts Commission, effective through December, 2025. Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-218 to confirm the appointment.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

2. *Administrative Order – Adam D. Ercolani – Fine Arts Commission*

Mayor Reynolds appointed Adam D. Ercolani to the Bethlehem Fine Arts Commission, effective through May, 2025. Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-219 to confirm the appointment.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

3. *Administrative Order – Elizabeth Saraceno – Fine Arts Commission*

Mayor Reynolds appointed Elizabeth Saraceno to the Bethlehem Fine Arts Commission, effective through April, 2023. Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-220 to confirm the appointment.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

4. *Administrative Order – Stephanie Powell Watts – Fine Arts Commission*

Mayor Reynolds appointed Stephanie Powell Watts to the Bethlehem Fine Arts Commission, effective through March, 2024. Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-221 to confirm the appointment.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

5. *Administrative Order – Katherine Wirth – Fine Arts Commission*

Mayor Reynolds appointed Katherine Wirth to the Bethlehem Fine Arts Commission, effective through February, 2025. Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-222 to confirm the appointment.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

Comprehensive Housing Strategy Update

Ms. Collins appreciated the public comments earlier this evening during the Public Hearing on the homelessness plan and the ways in which this touches on the affordable housing issue. She added that this has been an ongoing conversation and was discussed at the October 26 We Build Bethlehem presentation. This is part of the community engagement phase of efforts associated with the American Reinvestment Program. She provided Council earlier in the day with a memo updating the process. A series of pop-up engagement events is planned to gain insights. Focus groups will be held as well and will include service providers, developers, realtors, etc. A large community workshop is anticipated perhaps by the end of this year to gain insights from community partners and the public to gauge needs and potential solutions. She then anticipates a series of committee meetings with Council to discuss all of this.

City Recycling – Curbside Service

Ms. Collins stated bids were opened October 13 for curbside recycling services. As stated, several weeks ago, the current contract ends this year and was not renewed by the hauler. The lowest bid received was for single-stream recycling. If approved, it would reflect a 53.5% increase over the existing \$1.17 million for an approximate \$600,000 increase. This was to be expected and is what other communities have been experiencing. She believed that the fee had not been raised in six or seven years. The City will have to increase the recycling fee to residents, likely commensurate with the 53.5% increase. The recommendation for the award of the contract and a proposed ordinance change increasing the fee will be considered at Council's November 15 meeting.

C. *Community Development Committee Meeting*

Dr. Van Wirt reported that the Community Development Committee met on October 19 to hold the annual Financial Accountability Incentive Reporting hearing and reviewed economic

development incentive reports submitted by the administrative. The meeting was for informational purposes only and no action was taken.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 25-2022 – Conflict of Interest Ordinance*

The Clerk read Bill No. 25-2022 – Conflict of Interest Ordinance, sponsored by Dr. Van Wirt and Dr. Enix and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, REQUIRING THE MANDATORY RECUSAL OF PUBLIC OFFICIALS IN MATTERS THAT THEY HOLD A FINANCIAL INTEREST

Dr. Van Wirt, who authored the legislation, said that Council's system of voting was set up to be "self-correcting" as it relates to conflict of interest. That includes campaign finance disclosure forms, state ethics laws, personal financial interest statements, and the City's personal Code of Ethics. The theory is that voters can be aware and determine if there is a conflict of interest and perhaps vote that person out of office if it is believed that they have violated the tenant. But she believes this was not working. Voters generally do not read finance campaign disclosure forms nor are those forms monitored very carefully. She asserted that local politicians have voted on matters in which they have had a financial interest and did not recuse themselves, not this Council but in the past. She believed that more vigorous rules were needed in order to maintain the public's trust and to assure voters that the vote is for them and not the politician. She added that even the appearance of a conflict of interest can be an issue. She admitted that this ordinance may only be a start, but she did not want complexities to bog down passage. She said she was willing to start small and said she had faith that changes could be made in the coming years if the need arises.

Ms. Wilhelm thanked Dr. Van Wirt for her efforts. She believed that this was a way of holding Council and others affected by it to a "more transparent accountability level" than the public reporting requirements.

Ms. Leon encouraged the public to watch the recorded meetings related to this topic. She said there were many proposed amendments, some that are now a part of the ordinance and some that failed. She encouraged watching the meetings in order to gain full insights.

President Colón thanked everyone for their efforts in bringing this ordinance to fruition, particularly Dr. Van Wirt who brought it forward. He alluded to a prior failed effort several years ago to pass an ethics ordinance and some discussions this time that at times made the task seem daunting. In the end, he recognized that perhaps "good is better than perfect."

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. Bill No. 25-2022, now known as Ordinance No. 2022-24, was passed on Final Reading.

9. New Ordinances

None.

10. RESOLUTIONS

A. *Approve Contract – The Gordian Group, Inc. – Gordian Job Order Contracting (JOC)*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-223 authorized to execute an Agreement with The Gordian Group for Gordian Job Order Contracting.

Ms. Kwiatek wanted to confirm with Mr. Alkhal that there is no cost to the City associated with contracting with The Gordian Group. Mr. Alkhal agreed, prompting Ms. Kwiatek to ask how The Gordian Group makes its money.

Mr. Alkhal said the City will solicit bids from contractors on typical items that the City uses on a regular basis, such as concrete or blacktop. The Gordian Group would select the lowest responsible bidder and when, and if, work arises, that contractor is selected. This is a government-sponsored process. This expedites the process in that the bidding is done before the service is needed. Gordian gets a percentage of the cost of the contract from the contractor.

Ms. Kwiatek said she wanted to be sure that this was not a “kickback” arrangement.

Mr. Alkhal said there are competitive bids and the lowest responsible bidder is chosen. The City still would determine the selected bidder.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

B. *Approve Contract – Quinn Construction, Inc. – City Hall Structural Repair*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-224 authorized to execute an Agreement with Quinn Construction, Inc. for City Hall Structural Repair.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

C. *Approve Contract – Aquatic Facility Design, Inc. – Stark Pool Design Services*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-225 authorized to execute an Agreement with Aquatic Facility Design, Inc. for Stark Pool Design Services.

President Colón asked if this work was necessary because of the age of the pool or just an upgrade.

Mr. Alkhal said that when the pool was drained for the season, a leaking joint was found in the center of the pool from a void underneath. This contract would pay for test borings to confirm the scope of the void and damage under the decking and bottom of the pool as well as make repairs.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

D. Approve Use Permit Agreement – Downtown Bethlehem Association – 2022 Christmas City Village

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-226 authorized to execute a Use Permit Agreement with the Greater Lehigh Valley Chamber of Commerce, by and through its Downtown Bethlehem Association for the 2022 Christmas City Village – Christmas Huts on Main.

Ms. Crampsie Smith believed that this would include the huts by the Hotel Bethlehem as well as the kiosks on Main Street. She wondered how vendor locations for these are assigned, believing that some locations might be better than others. She wanted this to be done equitably.

Ms. Collins said she believed that this program is managed by the Downtown Business Association rather than something the City controls.

Ms. Crampsie Smith said she believed there were some complaints in years past about equitable assignment.

Ms. Collins said she did not believe that requirement could be written into a Use Permit Agreement.

City Solicitor Spirk said the Chamber of Commerce applies for the permit, but the City does not control vendor locations.

Ms. Crampsie Smith said she would speak to the Chamber of Commerce about her concerns.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

E. Approve Use Permit Agreement – ArtsQuest -- Ice Rink at SteelStacks

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-227 authorized to execute a Use Permit Agreement with ArtsQuest for the Ice Rink at SteelStacks.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

F. Approve Use Permit Agreement – ArtsQuest – 2022 Peepsfest

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2022-228 authorized to execute a Use Permit Agreement with ArtsQuest for the 2022 Peepsfest with Fun Run/Walk and Fireworks.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Resolution passed.

11. NEW BUSINESS

President Colón said he would accept a motion for setting the adoption date of the 2023 Budget for December 20, 2022 at 7:00 PM in Town Hall. Ms. Kwiatek made a motion, seconded by Dr. Van Wirt, to do so.

Ms. Crampsie Smith asked when the budget books would be released.

Mr. Evans said on November 11.

Voting AYE: Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, and Mr. Colón, 6. The Motion passed.

President Colón announced the following budget schedule:

Tuesday, November 22 – 6:00 PM

First Budget Meeting

1. Public Works Department
2. Liquid Fuels Fund
3. Storm Water Fund
4. Non-Utility Capital Fund
5. Water Fund Revenue and Expenses
6. Water Capital Budget
7. Sewer Fund Revenue and Expenses
8. Sewer Capital Budget

Tuesday, November 29 – 6:00 PM

Second Budget Meeting

1. Golf Course Enterprise Fund
2. Administration
3. Council, Mayor, Treasurer, Controller, Law Bureau
4. General Fund Revenue
5. General Expenses
6. Civic Expenses
7. Debt Service

Wednesday, November 30 – 6:00 PM

Third Budget Meeting

1. Fire Department
2. Police Department
3. Community and Economic Development Department
4. Community Development Block Grant Fund

December 5 - 6:00 PM

Final Budget Meeting

(This meeting will only occur if necessary)

President Colón said these meetings may not be the most exciting or entertaining, but they are some of the most important discussions that Council will ever have because they deal with how the City is spending taxpayers' money and where that money comes from. He encouraged participation from residents who want to know how their tax dollars are spent.

Resident Participation/Administrative Outreach

Ms. Wilhelm thanked residents who participated this evening. She thanked them for their concern and for sharing their thoughts.

She also thanked the Administration for seeking community input with We Build Bethlehem and other efforts. She said the response numbers may be small compared to the City's population, but the numbers are still considerable. She appreciates this effort to communicate and solicit input.

Ms. Kwiatek echoed the sentiments. She said this is an incredible period. Homelessness and affordable housing are receiving attention. She urged those interested to read Ms. Collins' portion of the presentation on funding streams, noting that ARP funds are a one-time source, so their use needs to last and be impactful.

12. ADJOURNMENT

The meeting was adjourned at 8:58 PM.

ATTEST:

Tad J. Miller
City Clerk