

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street – Town Hall
Bethlehem, Pennsylvania
Tuesday, June 21, 2011 – 7:00 PM

1. INVOCATION
2. PLEDGE TO THE FLAG
3. ROLL CALL

President Robert J. Donchez called the meeting to order. Pastor Dwight Mikesell, of Calvary Wesleyan Church, offered the invocation which was followed by the pledge to the flag. Present were Jean Belinski, David T. DiGiacinto, Karen Dolan, Eric R. Evans, Gordon B. Mowrer, J. William Reynolds, and Robert J. Donchez, 7.

4. APPROVAL OF MINUTES

The Minutes of June 7, 2011 were approved.

5. COURTESY OF THE FLOOR

Bill No. 12 – 2011 – Establishing Article 145 – Bethlehem Human Relations Commission

Reverend Elizabeth Goudy, a resident of Schnecksville, stated that she is the pastor of the Metropolitan Community Church of the Lehigh Valley in Allentown. The church has several members who live and work in Bethlehem and these church members would be directly affected by the Human Relations legislation. She thanked Council for considering this important legislation. She added that Council will make a positive difference in people's lives in passing this. Reverend Goudy observed that, on the religious issue, there is a diversity of religious voices as well as non-religious voices in Bethlehem. She noted that one religious group's interpretation of religious writings can be different than another group. Reverend Goudy added that religious groups do not run the government and the government does not run religious groups. She pointed out that Council's public service for the people of Bethlehem is much appreciated.

Corey Horvath, 931 Moravia Street, said he has been to many of these meeting since the Human Relations Commission was first introduced and has seen the passage of this in Allentown and the passing of the same sex partner benefits legislation. Mayor Panto of Easton recently signed same sex partner benefits for the City employees of Easton. He stated now is the time for the City of Bethlehem to have a non-discrimination ordinance in place that protects its residents. Now is also the time for Bethlehem City Council to pass this and do the right thing to ensure that all residents, business owners, employees and visitors to the City are protected from discrimination of any kind.

Gertrude Reit, 1321 Pennsylvania Avenue, remarked that she grew up in the 1960's, during the civil rights movement. She saw many positive changes in society because of the end of discrimination based on race, color, age and gender. Ms. Reit, noting that Article 145 has included a number of categories for the end of discrimination, said she is troubled by some of the categories. Ms. Reit, stressing she is totally against bullying, expressed concern about her first amendment rights to exercise her faith without hindrance. Ms. Reit commented she does not want to hurt anyone but wants to stand for what she believes in without penalty. Ms. Reit wanted to be able to conduct her affairs with discretion according to the dictates of her conscience. Ms. Reit, advising she does not have a business, stated she is concerned about the provision about businesses and that they would be subject to penalty if they are accused of discrimination. Ms. Reit communicated this could hurt some Christian businesses who do not agree with certain categories. She felt it is also important for her rights to be protected, not just within the Church building but outside.

Adrian Shanker, 1020 West Chew Street, Allentown, thanked Council for taking the time to consider this legislation. He also thanked the community at large for standing strong and showing their support for this legislation. Mr. Shanker informed the assembly that on Friday the Valley Youth House formally endorsed the Human Relations ordinance for the City of Bethlehem. They did this because it is fully in line with their mission. Mr. Shanker advised there are more than 25 faith leaders in the City of Bethlehem including the Bishop of the Episcopal Dioceses, the Jewish Federation of the Lehigh Valley, Interfaith Alliance of Pennsylvania, and many independent clergy that support this legislation. He added that the amendment that Ms. Dolan is

scheduled to introduce does more to protect people of faith than what was previously introduced. This amendment stated that if a religious organization says it is in their mission to discriminate they are free to do so but if a member of that church owns a business they would still have to follow the same law. Mr. Shanker exemplified that if he does not pay his taxes because of his religious beliefs on the issue of the war in Iraq he would go to jail. He does not have the option to say that his religion tells him not to follow the law. Mr. Shanker added that this is also an issue for labor unions, and added there are 13 labor unions including the Lehigh Valley Labor Council that endorse this Ordinance. Mr. Shanker noted that, given the lack of State law, this legislation would be the only way for people who are not in the union to get any recourse from discrimination unless they join the union. Mr. Shanker advised that Michael Fegley of the Bethlehem Brew Works told Mr. Shanker to state for him that the Bethlehem Brew Works would support legislation like this because this is the ethical thing to do, and that they do not discriminate against their employees. Mr. Shanker strongly encouraged the passage of the Bill tonight, the passage of Ms. Dolan's amendment to fix the religious exemption, and the support of what Solicitor Spadoni suggested about the compromise on the expanded powers. Mr. Shanker said he looks forward to being an equal when he visits the City of Bethlehem.

Liz Bradbury, 427½ North Ninth Street, Allentown, mentioned that at the last meeting when this ordinance was discussed a person suggested that this Commission would cost Bethlehem a great deal of money. She pointed out that the legislation being considered is for a volunteer Commission. Ms. Bradbury advised she is an Allentown Human Relations Commissioner and has served for over 13 years. The City of Allentown has no cost for its volunteer Human Relations Commission. The Commission itself does all of the work as volunteers and the small amount of staff work is done by existing staff with no increased cost to the City. Ms. Bradbury added that the Allentown Human Relations Commission's awards celebration actually makes the City a few thousand dollars a year which goes into the General Fund. She said the Commission for the City of Bethlehem will be at no cost to the City. Regarding the wording of the religious exemption, Ms. Bradbury stated it does not remove churches from protections; it affirms the rights of churches and other religious organizations to choose to not follow the Ordinance if it conflicts with the organization's requirements. Ms. Bradbury remarked that at the last meeting a few speakers made it clear that there are those who would discriminate against minorities particularly the GLBT community in Bethlehem. She recalled that a speaker from another State at the last Meeting suggested that a business should be able to do whatever it wanted to its workers regardless of their ability to do their job. They could be fired because of the color of their skin, or their age, or if they are gay. Ms. Bradbury stressed this is not the way Bethlehem should operate. Pointing out that progressive ordinances like this encourage affluent, young, creative people to open businesses, Ms. Bradbury noted Bethlehem is far behind but this can be changed tonight by passing this Ordinance.

Ted Martin, 221 North Irving Street, Harrisburg, stated he is the Executive Director of Equality Pennsylvania that is the State-wide Gay, Lesbian, Bi-Sexual and Transgender political advocacy organization. He affirmed tonight is his third trip to Bethlehem and he has come from Harrisburg each time to be a part of this discussion. Mr. Martin informed the assembly that each time he has gone to downtown Bethlehem he has eaten and shopped, and looks forward to the passage of this Ordinance. Mr. Martin expressed the hope that tonight City Council unanimously chooses to move on this Ordinance so that Bethlehem will become the 21st city in Pennsylvania to have it because it is the right thing to do. Mr. Martin communicated that Bethlehem will be the city that he will want to tell the rest of the State about because he wants the vote this evening to send a message that this type of inequality is not tolerated here, and should not be tolerated by law makers in Harrisburg who continue to ignore this issue. Mr. Martin thanked Council for all the work they have done and for having the courtesy of the floor each time he has come to these meetings.

Mark Albright, 533 Magnolia Road, Hellertown, remarked that he was just elected President of the Unitarian Universalist Church of the Lehigh Valley located at 424 Center Street. He observed there are 18 different categories of people protected from discrimination under this Ordinance. They are for things as varied as race, color, sex, religion, and ancestry. Mr. Albright said many of those voices that need protection have not been heard at these meetings but they are out there. Mr. Albright, advising he is on hemodialysis and is a kidney patient, pointed out it would not be impossible that he could face disability discrimination. Stressing that true equality in the City of Bethlehem is very important, Mr. Albright commented this evening it is even closer and he urged Council to do the right thing.

Jim Palmquist, 5618 Fresh Meadow Drive, Macungie, the AARP regional leader in the local four county area of Pennsylvania with 100,000 members, advised that AARP has supported

the passing of this Ordinance. Mr. Palmquist denoted that AARP nationally and in the State of Pennsylvania has a very progressive diversity policy for its employees and for its members. They are quite concerned about age discrimination in employment that their members face in the workplace. Many seniors are finding it difficult to find work and some of that is related to discrimination. Mr. Palmquist stated the Ordinance would remind the employers in Bethlehem that age discrimination is inappropriate and illegal. He advised that AARP encourages Council to give the final approval with the adoption of this Ordinance.

Julie Vitale, 621 West Broad Street, said she is an employee of Communities in Schools of the Lehigh Valley, one of the many agencies in support of this Ordinance. She is the 2011 recipient of the Human Relations award from the Allentown Human Relations Commission. Many students are referred to their program because they were bullied or harassed, were acting out in school, or stopped attending school all together. These students encompass many of the protected classes mentioned in this Ordinance. Some of the students they see are homeless, some live in homes with domestic violence, substance abuse, mental illness, and poverty. Some were forced out of their homes because their families would not accept them as GLBT, pregnant, or because they have mental, emotional and physical disabilities that their families were unable to cope with. Ms. Vitale mentioned that as a career counselor she has the opportunity to work closely with students and to set realistic goals toward achieving their dreams. She explained to her students that the best thing she ever did was to leave the tiny town she grew up in, go to Moravian College, and move to an apartment in Bethlehem. She got a job creating and coordinating the South Side Arts Collaborative, Touchstone Theatre, Banana Factory, Spanish Council, United Way and the Boys and Girls Club. As a teenager she never thought anyone would trust her to have the skills, creativity and leadership to accomplish such an endeavor. She told her students that if she can find a place for herself in this world given how she felt at their age, anything is possible. She was shocked when she found out that Bethlehem did not have an anti-discrimination Ordinance because Bethlehem was the road to her new life. Ms. Vitale had considered moving to Allentown because they have an anti-discrimination ordinance, it is where she works and where many of her students and co-workers live, but she is happy in Bethlehem. Observing this Ordinance will never be passed in a way that will make everyone happy, Ms. Vitale hoped that every person who has spoken against this Ordinance has only succeeded in proving how necessary such an Ordinance is. She said this is the chance for Bethlehem City Council to make history by doing right by all of its citizens by ensuring that every Bethlehem resident is protected from discrimination.

Nancy Tate, 313 West Fourth Street, noting she works for LEPOCO Peace Center, said in December of 1977 LEPOCO passed a brief statement urging the City of Allentown to expand its Human Relations Ordinance to include protection for sexual preferences. She noted that she mentions this long ago action because it shows how overdue this Bethlehem Human Relations Ordinance is. Ms. Tate urged Council to strengthen this law because Bethlehem citizens should be free from discrimination in every area.

Don Kohn, 4220 Mountain Road, a representative of PFLAG (Parents, Families and Friends of Lesbians and Gays), advised they have many members and family members in the City of Bethlehem. The group's mission is to support, educate, and advocate GLBT. Stating he is not an expert on religion and will not debate the bible, Mr. Kohn said it is interesting to note that there are two groups in this country. One is called the heartland clergy that represents 13 mid-western States and the other is the no longer silent, which are clergy in Arizona. Each has about 150 signatures of Christian Clergy. Some of the mission statements state that they advocate justice for all especially the GLBT. This clergy represent a cross-section of Christian denominations and they seem to be accepting the blame for anti-gay religious views and they did not want their message to lose credibility or be dismissed as not truly Christian. Mr. Kohn mentioned that they are clearly on a different side of Christian interpretation. Mr. Kohn stated this Ordinance will send a message that all people are safe and free to enjoy life in Bethlehem, and Bethlehem should send the message that all are welcome.

Ilse Stoll, 220 West Langhorne Avenue, stated that she has been a long time resident of Bethlehem and has raised her children here. She hoped that this Ordinance will be passed tonight. The one item she is still unclear about is the exception of 145.04 and she would like the endorsement of Amendment 20 that was forwarded by Councilwoman Karen Dolan. Ms. Stoll expressed that she is worried about anything short of that with a broader religious exemption which would represent that she as a church member could do whatever she wanted to do because she is active in her church.

Dr. Bill Pottenger, a resident of Hellertown, said he is a business owner in Bethlehem. He commented that the argument often raised is the issue of inclusive and one will hear this from the homosexual community. Dr. Pottenger communicated that he disagrees with his sister who is a homosexual but loves her. Dr. Pottenger stressed that the Ordinance would not exist if people practiced Christian faith properly. Focusing on the argument of equality, Dr. Pottenger said human life does not operate on the principle of equality, and a child is not equal to a parent. Dr. Pottenger commented that, if this Council chooses to pass this Ordinance he would like to offer his services to be on the Commission.

Rob Hopkins, 726 West Market Street, pointed out that a few weeks ago a petition was started that has over 500 signatures and wanted to submit it for the record. He remarked that it is not easy to be a repressed minority and he is happy that Council has taken the steps to eliminate discrimination in the City of Bethlehem. Mr. Hopkins noted that violence against minorities is very real and underscores the need to address discrimination at a local level. Many years ago after Mr. Hopkins was quoted in a newspaper article about issues affecting the gay community he received a letter detailing how the sender would kill him. Mr. Hopkins reported this death threat to the Bethlehem Police but they did nothing to help. Mr. Hopkins communicated that he trusts that the Commission will help our fine Police Officers understand how they can help various minority communities better. Mr. Hopkins related that it was difficult growing up a young gay man in Bethlehem, but he had a good support system to help him get past this difficult time. Mr. Hopkins stressed this legislation will send a clear message to young people that the City of Bethlehem is a welcoming community regardless of what makes someone different.

Leslie and Brian Altieri, 4120 Douglas Drive, Bethlehem Township, expressed they firmly believe that this law should be passed this evening without any further delay. They said one should not discriminate against neighbors because they may be different than we are and we should be able to live in a community that treats all people equally. Ms. Altieri said she and her husband fully support this legislation, feel that it is long overdue, and asked that Council vote in favor of passing the anti-discrimination law in Bethlehem.

Christopher Snyder, 1115 Old Course Lane, Easton, advised he is with the United Food and Commercial Workers Union Local 1776 that represents several workers within the City of Bethlehem and who also reside in Bethlehem. Mr. Snyder said he is at this Meeting to extend the Union's support of this legislation. He stated that to protect everyone is the right thing to do and that is why people form and join unions in America because they provide a voice in the workplace. Mr. Snyder commented that by passing this tonight much will be done to ensure there is equality and he hoped that Council will do the right thing.

Jane Buscemi, 915 Wood Street, pointed out that she is a mother as well as an educator and business owner. Observing there is much weighing on this Ordinance, Ms. Buscemi stated she just wants Council to know that she opposes this Ordinance.

Lease Agreement - ArtsQuest and Bethlehem Redevelopment Authority - South Bethlehem Historic Society

Bill Scheirer, 1890 Eaton Avenue, referring to Resolution 11 A and the Town Square Lease, said he has read the option agreement where the Redevelopment Authority can acquire the property for one dollar from Sands BethWorks. Mr. Scheirer, a newly elected board member of the South Bethlehem Historic Society, stressed that he finds it astonishing that on page 2 it is not mentioned that they could have a kiosk in the visitor's center as a matter of right but the Historic Bethlehem Partnership is mentioned. Remarking that in talking about history there is no mention of the South Bethlehem Historic Society, Mr. Scheirer highlighted the fact that nothing has come from the Historic Bethlehem Partnership about South Bethlehem. Mr. Scheirer had no objection to the Historic Bethlehem Partnership, but thought that the omission of the South Bethlehem Historic Society is egregious. Mr. Scheirer continued to say that the Sands BethWorks retail retains much control and it is shown in four or five places in the option agreement. Mr. Scheirer pointed out that on page 4, paragraph 3 refers to the fact that if the Redevelopment Authority gets the idea in their construction about how to make something more convenient or historical, they are forbidden to call someone at the Pennsylvania Historical Museum Commission to get their take on it. Mr. Scheirer, commenting he finds this silly, thought it needs to be changed. He remarked that once again this Council gets things and has to rush them through and does not have the time to get it right.

Jill Schennum, resident of Hope, New Jersey, said she is a member of the Board of Directors of the Steelworkers Archives. She supported the statements made by the South Bethlehem Historical Society today around some of their concerns about the lease agreement. She noted she has not seen the deed so does not know how the language is being changed. Ms. Schennum was also concerned, as referenced on page 2, about the lack of inclusion of the Steelworkers Archives in the list of organizations that will be represented at the Stockhouse and the Visitors Center. She was heartened to hear Tony Hanna state that this will be more inclusive, and that organizations that have a major role to play in representing the history of Bethlehem, particularly the history of the Bethlehem Works site, will be represented. Ms. Schennum was concerned about the language on page 2, 1D, subsection 7 where it appears that Sands BethWorks Retail has an enormous amount of power in terms of approving or not approving organizations that are going to be represented and that are going to tell the history of Bethlehem. She urged City Council to examine this language.

Bill No. 12 – 2011 – Establishing Article 145 – Bethlehem Human Relations Commission

Dwight Mikesell, 4043 Maria Lane, Hanover Township, said he is pastor of Calvary Wesleyan Church at 1414 Pennsylvania Avenue. Pastor Mikesell said he would like to speak in favor of an exemption to the Human Relations Commission in the broadest sense to the religious community. Focusing on civil rights and the rights of groups, he believed that those who practice a variety of religions fall within those guidelines, and added the Constitution of the United States has protected those rights. Pastor Mikesell did not believe that any governing body should be the determining factor in who is hired or not hired in a religious body. Noting he is not standing opposed to the Commission or protecting people's rights, Pastor Mikesell said he is standing in favor of the broadest term of exemption for religious bodies.

Joel Peitzer, campus resident at Northampton Community College, remarked that the real issue is that there are so many GLBT who could lose their jobs, housing and lives because of discrimination, and stated this kind of bill will stop that. Remarking that one should not take into consideration silly arguments, Mr. Peitzer said this is a serious issue about humans. He pointed out that everyone took an oath tonight, the pledge of allegiance, and that oath ends with Liberty and Justice for All. He stressed this means all people and that is why people are here today.

Craig Weidman, 460 Carlton Avenue, pastor of Hope Alliance Church, remarked he is pleased with the amendment that has been brought forward by Councilwoman Dolan. He said it makes the language for the religious exemption cleaner and clearer. Commenting on how much of the debate centers around one area of protected class, Pastor Weidman observed people need to go back and look at what the bill says and not what the demagogues are saying it will mean. Pastor Weidman did not find some of the organizations that claim to represent Evangelicals to represent him very well. Pastor Weidman pointed out there is nothing in this bill that prohibits the free practice of religious faith, and added that the religious exemption is good and strong.

*Bill No. 12 – 2011 – Establishing Article 145 – Bethlehem Human Relations Commission;
Lease Agreement – ArtsQuest and Bethlehem Redevelopment Authority -*

Peter Crownfield, 407 Delaware Avenue, remarked this ordinance is a no-brainer and he fully supported the ordinance with the revised religious exemption language. Turning to civil liberties, Mr. Crownfield said the right to practice religion is one of them and this exemption takes care of that. Mr. Crownfield thought people want to stand for inclusion and equality in Bethlehem, so that every person is subject to equal treatment under the law. Focusing on the town square and visitor's center at SteelStacks, Mr. Crownfield asserted it has been an egregious failure of inclusion in this process to date. Remarking there have been backroom dealings, Mr. Crownfield stressed that to not include some of the organizations of the South Bethlehem Historical Society or Save our Steel is a silly failure. Mr. Crownfield urged Council to do what it can to make sure that these things are attended to better in the future.

Bill No. 12 – 2011 – Establishing Article 145 – Bethlehem Human Relations Commission

Stephen Antalics, 737 Ridge Street, informing the assembly that he has been keeping a tally on what were the specific issues, said he saw those issues being gender, religion, and age, and very few were about disabilities. Mr. Antalics, advising he was born and raised on the South Side, moved away, and came back to the South Side, explained what existed then is still alive and well but it is not spoken about publicly. Mr. Antalics stated he is speaking of ethnicity that is a pernicious kind of discrimination. Stressing there still exists in Bethlehem a very clear ethnic discrimination, Mr. Antalics hoped that people will speak out against this.

Allyson Diane Hamm, resident of Allentown, advised she is a Human Relations Commissioner for Allentown, but she also works in Bethlehem. Through her work on the Human Relations Commission a few years ago she was involved in putting together a workshop about what to do if hate groups come into town. Her photo appeared in that story in the Morning Call newspaper with her talking to a Latino, and from that she received religious hate mail saying she might be harmed. Ms. Hamm noted that religion can be anything and can give a person any reason to do something, and just because they felt they were religiously valid they thought she should be harmed. Ms. Hamm pointed out she does not understand what Christian love value would deny someone the right to a home. Ms. Hamm, who also volunteers with a local GLBT youth group, said some have been kicked out of their homes because their family could not handle it. They were going to homeless shelters and some were denied housing in a homeless shelter because of their sexual orientation. Advising this happened in Bethlehem, Ms. Hamm highlighted the fact that a law like this would prevent that from happening. Ms. Hamm asserted this is the reason that there should not be a religious exemption for a homeless shelter to provide housing. Ms. Hamm, stating this is not a religious debate, stressed exemptions are being given to religions, and this is a debate about legality. Ms. Hamm, observing that religions are given special rights and that is being allowed and encouraged, communicated that these special rights of exemption should not cross over into hurting other people who need basic human rights such as housing.

Monica Chibber, Whitehall Township, said she is a member of the Indian American Community of the Lehigh Valley and this organization has endorsed the proposed Human Relations Ordinance. Noting that discrimination has been defined as the unfair treatment of a person or action based on prejudice, she stressed the need to learn to tolerate in society. She continued on to say the fact that much debate has gone into this is actually a sad reflection on the state of humanity. Ms. Chibber denoted that all have the basic right to love whom they choose and to express themselves without being judged. Pointing out that people are being discriminated against with no voice to be heard, Ms. Chibber urged Council to please give those people a voice and pass this ordinance tonight. She commented that Council must keep in mind that the Human Relations Commission must be granted expanded powers to be effective.

Dina Hall, 1602 Monocacy Street, stated that she is proud to be a professional graphic designer and the company she works for in Allentown has anti-discrimination benefits in their corporate policy. Ms. Hall noted she is also a professional musician and does not worry about discrimination. Ms. Hall stated that she and her partner own the Back Door Bake Shop on Center Street in Bethlehem, and are a small business and do not have any employees. Ms. Hall expressed her support for a Human Relations Commission and legislation that would protect them and anyone else who would be subject to discrimination.

Cathy Burgi, 1728 Butztown Road, said she is at the Meeting with her partner of 14 years. She is happy living in Bethlehem and recently started enjoying the new ArtsQuest Center on the South Side. She communicated that Bethlehem has a fabulous number of opportunities for the people who live here and for visitors. Ms. Burgi stressed that everyone deserves to be equal in Bethlehem, to be able to shop and live where they want. Ms. Burgi mentioned that it troubles her that people even have to come to speak before Council about this. Ms. Burgi asserted this Human Relations Ordinance is needed, not just for the GLBT community, but for every single class or group that is in this Ordinance.

Mary Pongracz, 321 West Fourth Street, commenting that no one is opposed to the Human Relations Commission, said what people are opposed to is the fact that in the second proposed amendment to the amendment there is a statement about tightening up the religious exemption. If one religious group can talk against another religious group it shows that the first group is not truly religious. Ms. Pongracz explained that all should go around town treating everyone the way they want to be treated. Pointing out she does not need anyone coming in from Harrisburg to tell her that there should be no discrimination, Ms. Pongracz highlighted the fact that this was taught at home. She stressed that people do not educate their children then people lose the battle and this is what everyone should be concerned with. She affirmed there is the Bill of Rights that says thou shall not interfere with anyone's religion. Ms. Pongracz, communicating that one cannot legislate morality or anti-discrimination, said the only thing one can do is to treat everyone else as they would like to be treated.

6. OLD BUSINESS.

A. *Old Business – Members of Council*

None.

B. *Tabled Items*

None.

C. *Unfinished Business*

1. Establishing Article 1716 – Landmarks and Properties of Historical Interest (Assigned to Preservation Plan Task Force)

7. COMMUNICATIONS

A. *Director of Planning and Zoning – Final Draft – New Zoning Ordinance*

The Clerk read a memorandum dated June 9, 2011 from Darlene Heller, Director of Planning and Zoning, stating that at the May 26, 2011 meeting the Planning Commission voted 4 to 0 to recommend approval of the final draft of the Zoning Ordinance last revised May 23, 2011 along with the four provisions noted in the May 23 memorandum from the Planning Bureau. Also attached was the summary of comments from the May 4, 2011 public meeting.

President Donchez stated that a Committee of the Whole Meeting will be scheduled on the matter.

B. *City Solicitor – Records Destruction Resolution – Controller’s Office*

The Clerk read a memorandum dated June 6, 2011 from John F. Spirk, Jr., Esq., City Solicitor, requesting a Resolution for the destruction of records from the Controller’s Office. The Law Bureau reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Donchez stated that the Resolution will be placed on the July 5 Agenda.

C. *City Solicitor – Records Destruction Resolution – Fire Department*

The Clerk read a memorandum dated June 6, 2011 from John F. Spirk, Jr., Esq., City Solicitor, requesting a Resolution for the destruction of records from the Fire Department. The Law Bureau reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Donchez stated that the Resolution will be placed on the July 5 Agenda.

D. *City Solicitor – Records Destruction Resolution – Health Bureau*

The Clerk read a memorandum dated June 6, 2011 from John F. Spirk, Jr., Esq., City Solicitor, requesting a Resolution for the destruction of records from the Health Bureau. The Law Bureau reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Donchez stated that the Resolution will be placed on the July 5 Agenda.

E. *City Solicitor – Records Destruction Resolution – Tax Bureau*

The Clerk read a memorandum dated June 6, 2011 from John F. Spirk, Jr., Esq., City Solicitor, requesting a Resolution for the destruction of records from the Tax Bureau. The Law Bureau reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Donchez stated that the Resolution will be placed on the July 5 Agenda.

F. *Mayor Callahan – Appointing Police Commissioner and Deputy Police Commissioner*

The Clerk read a memorandum dated June 17, 2011 from Mayor Callahan appointing Jason D. Schiffer, Esq. as Police Commissioner and Craig S. Finnerty as Deputy Police Commissioner, effective as of July 8, 2011, and requesting that these appointments be listed on the City Council Agenda for July 5, 2011.

President Donchez stated that the Resolutions will be placed on the July 5 Agenda.

8. *Reports.*

A. *President of Council*

None.

B. *Mayor*

None.

C. *Community Development Committee*

Chairwoman Dolan presented an oral report of the Community Development Committee meeting of June 21 held at 6:00 PM prior to this evening's City Council Meeting. The Committee recommended that City Council adopt a Resolution for the Lease Agreement between ArtsQuest and the Bethlehem Redevelopment Authority – Bethlehem Landing, Visitors Center, Levitt Pavilion, and SteelStacks public plazas. Resolution 11 A is listed on the Agenda for consideration.

9. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 12 – 2011 – Establishing Article 145 – Bethlehem Human Relations Commission*

The Clerk read Bill No. 12 – 2011 – Establishing Article 145 – Bethlehem Human Relations Commission, sponsored by Ms. Dolan and Mr. Evans, on Final Reading.

President Donchez noted that 100 copies of the Bill and Amendments were provided for the public this evening.

President Donchez pointed out that Amendments 12, 13, and 14 were Tabled at the City Council Meeting on May 18, 2011 on First Reading.

Removing Amendments 12, 13, and 14 from the Table

Ms. Dolan moved to take Amendments 12, 13, and 14 from the Table. Mrs. Belinski seconded the motion. Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The motion passed.

Amendment 12

That paragraphs E and F in Section 145.06 that read as follows, be deleted:

145.06 Procedures; Expanded Procedures.

~~E. Option of the Commission to elect for expanded procedures. The Commission shall have the authority to elect to adopt expanded procedures as set forth in Subsection F of this section subject to approval by City Council and appropriation of funding for such procedures. A majority of Commission members must vote in favor of adopting expanded procedures in order for such procedures to be adopted. In the event that such procedures are adopted, they must, while in effect, be applied to all complaints that are not resolved through a fact finding conference. If the Commission has adopted expanded procedures, it may also, by majority vote and in its sole discretion, eliminate such procedures.~~

~~F. If the fact finding conference was not successful in resolving the complaint and the Commission has adopted the Expanded Procedures set forth below, the Commission shall undertake the procedures set out in Subsections 1 through 6 of this section.~~

~~1. Investigation. The Commission shall, in a timely fashion, investigate the allegations of discrimination set forth in the complaint. The Commission may, in the conduct of such investigation, issue subpoenas to any person charged with an unlawful practice to furnish information, records or other documents, or to give sworn testimony, as necessary to assist in its investigation.~~

~~2. Finding of no cause. If it shall be determined after the Commission's investigation that there is no basis for the allegations of the complaint, the Commission shall cause to be issued and served upon the parties written notice of such determination. This notice shall inform the person aggrieved that he/she has the right to pursue the matter in court by filing a lawsuit.~~

~~3. Conciliation. If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful practice complained of by persuasion, conference and conciliation.~~

~~4. Public hearing.~~

~~a. If the Commission, in its discretion, finds it is not possible to eliminate the unlawful practices by persuasion, conference or conciliation, the Commission shall cause to be issued and served a written notice, together with a copy of the complaint, which informs the respondent that the respondent must answer the charges of such complaint at a hearing before the Commission at a time and place to be specified in such notice.~~

~~b. The Commission may designate one or more of its members to preside at such a hearing or it may, at its election, conduct such hearing en banc.~~

~~c. At the public hearing, the case in support of the complaint shall be presented to the Commission by pro bono counsel, by Commission staff or by the City Solicitor's office. The case in support of the complaint may instead be presented by the complainant's attorney, if the complainant is represented. Both the complainant and the respondent may appear at the hearing with or without counsel and provide testimony. In addition, both the complainant and the respondent may introduce the testimony of additional witnesses and may submit documentary evidence. The Commission and the parties shall not be bound by the strict rules of evidence at the hearing.~~

~~5. Findings. If upon all the evidence at the hearing the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this chapter, the Commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such additional action as the Commission deems appropriate. The Commission shall have the authority to order any remedies available to the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.~~

~~6. Finding of No Discrimination. If upon all the evidence the Commission shall find that a respondent has not engaged in any unlawful discriminatory practice, the Commission shall state its findings of fact and shall issue and cause to be served on the parties an order dismissing the complaint as to such respondent.~~

Amendment 13

That “; Expanded Procedures” in the title of Section 145.06 be deleted:

145.06 Procedures ; Expanded Procedures .

Amendment 14

That Paragraph D in Section 145.06 that reads as follows:

D. Disposition of the complaint. Provided the Commission has not elected under Subsection E of this section to use expanded procedures, and if the complaint is not resolved through the fact finding conference, the Commission shall, at the second Commission meeting following the fact finding conference, consider the findings prepared by the Commissioner who conducted the fact finding conference. The Commission shall accept or reject the findings by public vote. The Commission shall provide the parties with the findings of fact and conclusion,

shall notify the parties of the outcome of the vote, and this notice shall also indicate that the person aggrieved has a right to pursue the matter in court by filing a lawsuit.

Shall be amended to read as follows:

D. Disposition of the complaint. ~~Provided the Commission has not elected under Subsection E of this section to use expanded procedures, and i~~ If the complaint is not resolved through the fact finding conference, the Commission shall, at the second Commission meeting following the fact finding conference, consider the findings prepared by the Commissioner who conducted the fact finding conference. The Commission shall accept or reject the findings by public vote. The Commission shall provide the parties with the findings of fact and conclusion, shall notify the parties of the outcome of the vote, and this notice shall also indicate that the person aggrieved has a right to pursue the matter in court by filing a lawsuit.

President Donchez stated that the Members of Council could vote on Amendments 12, 13, and 14 individually, or could vote Amendments 12, 13, and 14 down, and consider Attorney Spadoni's revision that is Amendment 19.

Mr. Reynolds asked Christopher Spadoni, City Council Solicitor, to explain the difference between Amendments 12, 13, and 14, and Amendment 19 that he drafted.

Amendment 19

President Donchez stated he would accept a motion to bring Amendment 19 before the Members for discussion along with Amendments 12, 13, and 14. Mr. Reynolds so moved, and Ms. Dolan seconded the motion. Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The motion passed.

Mr. Evans and Mr. DiGiacinto sponsored Amendment 19, as follows:

Amendment 19

That Section 145.06 that reads as follows:

145.06 Procedures; Expanded Procedures.

A. Filing a complaint.

1. Any person(s) claiming to be aggrieved by an unlawful practice may make, sign and file a verified complaint alleging violations of this chapter, which shall include the following information:
 - a. The name and address of the aggrieved person(s);
 - b. The name and address of the person(s) alleged to have committed the prohibited practice;
 - c. A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory practice;
 - d. If applicable, the address and a description of the dwelling unit which is involved; and
 - e. Such other information as may be required by the City.
2. Complaints may be filed in person at the City Clerk's office or by mailing such complaints to the City Clerk's office or to the Chairperson of the Human Relations Commission. All complaints must be received by the City Clerk's office or by the Human Relations Commission within 180 ~~90~~ days of the alleged act of discrimination to be considered timely.
3. The City Clerk's office shall convey all original complaints received by that office to the Chairperson of the Human Relations Commission within 10 days of the office's receipt of such complaints.

B. Notification and answer.

1. Within 30 days of its receipt of a complaint, the Human Relations Commission shall:
 - a. Send a copy of the complaint to the person(s) charged with a discriminatory practice [the “respondent(s)”]; and
 - b. Send a notice to the person(s) aggrieved, informing them that the complaint has been received. If the complaint alleges discrimination on a basis prescribed under federal or state law, the notice sent to the person(s) aggrieved shall also inform them of the right to file with the state Human Relations Commission and/or with the federal Equal Employment Opportunity Commission.
2. The respondent(s) shall file a written verified answer to the complaint within 60 days of receipt of the complaint. An answer to a complaint may be filed in the same manner as an original complaint. If the answer is filed with the City Clerk’s office, it shall be conveyed by the City Clerk to the Chairperson of the Human Relations Commission within 10 days of the City Clerk’s office’s receipt thereof. The Commission shall promptly send a copy of the answer to the person(s) aggrieved.

C. Fact finding conference.

1. After the answer has been received, the Commission shall, within 60 days, invite the parties to voluntarily participate in a fact finding conference concerning the dispute. The parties shall respond to the invitation to participate in a fact finding conference within 30 days of being invited to participate.
2. If the parties agree to participate in a fact finding conference, the parties shall meet with a Commission member at a location mutually agreeable to the parties within 30 days of the agreement to participate. Each party will be invited at the fact finding conference to present evidence and documents relevant to the complaint. The fact finding conference will not be a public event, and no record of the conference will be created, excepting the findings of fact detailed in Subsection C.3 of this Section.
3. The parties shall notify the Commission of whether the fact finding conference resulted in a resolution of the complaint. In the event the complaint is resolved, the Commission shall notify the parties that the complaint has been dismissed. In the event the complaint is not resolved through the fact finding conference, then the Commissioner, within 30 days, shall prepare findings of fact and a conclusion as to whether the Commissioner finds probable cause that an unlawful practice has occurred.

D. Disposition of the complaint. Provided the Commission has not elected under Subsection E of this section to use expanded procedures, and if the complaint is not resolved through the fact finding conference, the Commission shall, at the second Commission meeting following the fact finding conference, consider the findings prepared by the Commissioner who conducted the fact finding conference. The Commission shall accept or reject the findings by public vote. The Commission shall provide the parties with the findings of fact and conclusion, shall notify the parties of the outcome of the vote, and this notice shall also indicate that the person aggrieved has a right to pursue the matter in court by filing a lawsuit.

E. Option of the Commission to elect for expanded procedures. The Commission shall have the authority to elect to adopt expanded procedures as set forth in Subsection F of this section subject to approval by City Council and appropriation of funding for such procedures. A majority of Commission members must vote in favor of adopting expanded procedures in order for such procedures to be adopted. In the event that such procedures are adopted, they must, while in effect, be applied to all complaints that are not resolved through a fact finding conference. If the Commission has adopted expanded procedures, it may also, by majority vote and in its sole discretion, eliminate such procedures.

F. If the fact finding conference was not successful in resolving the complaint and the Commission has adopted the Expanded Procedures set forth below, the Commission shall undertake the procedures set out in Subsections 1 through 6 of this section.

1. Investigation. The Commission shall, in a timely fashion, investigate the allegations of discrimination set forth in the complaint. The Commission may, in the conduct of such investigation, issue subpoenas to any person charged with an unlawful practice to furnish information, records or other documents, or to give sworn testimony, as necessary to assist in its investigation.
2. Finding of no cause. If it shall be determined after the Commission's investigation that there is no basis for the allegations of the complaint, the Commission shall cause to be issued and served upon the parties written notice of such determination. This notice shall inform the person aggrieved that he/she has the right to pursue the matter in court by filing a lawsuit.
3. Conciliation. If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful practice complained of by persuasion, conference and conciliation.
4. Public hearing.
 - a. If the Commission, in its discretion, finds it is not possible to eliminate the unlawful practices by persuasion, conference or conciliation, the Commission shall cause to be issued and served a written notice, together with a copy of the complaint, which informs the respondent that the respondent must answer the charges of such complaint at a hearing before the Commission at a time and place to be specified in such notice.
 - b. The Commission may designate one or more of its members to preside at such a hearing or it may, at its election, conduct such hearing ~~en banc~~ **with a panel of either 2 or 3 Commissioners.**
 - c. At the public hearing, the case in support of the complaint shall be presented to the Commission by pro bono counsel, by Commission staff or by the City Solicitor's office. The case in support of the complaint may instead be presented by the complainant's attorney, if the complainant is represented. Both the complainant and the respondent may appear at the hearing with or without counsel and provide testimony. In addition, both the complainant and the respondent may introduce the testimony of additional witnesses and may submit documentary evidence. The Commission and the parties shall not be bound by the strict rules of evidence at the hearing.
5. Findings. If upon all the evidence at the hearing the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this chapter, the Commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such additional action as the Commission deems appropriate. The Commission shall have the authority to order any remedies available to the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.
6. Finding of No Discrimination. If upon all the evidence the Commission shall find that a respondent has not engaged in any unlawful discriminatory practice, the Commission shall state its findings of fact and shall issue and cause to be served on the parties an order dismissing the complaint as to such respondent.

Shall be amended to read as follows:

145.06 Procedures; Expanded Procedures.

A. Filing a complaint.

1. Any person(s) claiming to be aggrieved by an unlawful practice may make, sign and file a verified complaint alleging violations of this chapter, which shall include the following information:
 - a. The name and address of the aggrieved person(s);

- b. The name and address of the person(s) alleged to have committed the prohibited practice;
 - c. A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory practice;
 - d. If applicable, the address and a description of the dwelling unit which is involved; and
 - e. Such other information as may be required by the City/Human Relations Commission.
 2. Complaints may be filed in person at the City Clerk's office or by mailing such complaints to the City Clerk's office or to the Chairperson of the Human Relations Commission. All complaints must be received by the City Clerk's office or by the Human Relations Commission within 180 days of the alleged act of discrimination to be considered timely.
 3. The City Clerk's office shall convey all original complaints received by that office to the Chairperson of the Human Relations Commission within 10 days of the office's receipt of such complaints.
- B. Notification and answer.
 1. Within 30 days of its receipt of a complaint, the Human Relations Commission shall:
 - a. Send a copy of the complaint to the person(s) charged with a discriminatory practice [the "respondent(s)"]; and
 - b. Send a notice to the person(s) aggrieved, informing them that the complaint has been received. If the complaint alleges discrimination on a basis prescribed under federal or state law, the notice sent to the person(s) aggrieved shall also inform them of the right to file with the state Human Relations Commission and/or with the federal Equal Employment Opportunity Commission.
 2. The respondent(s) shall file a written verified answer to the complaint within 60 days of receipt of the complaint. An answer to a complaint may be filed in the same manner as an original complaint. If the answer is filed with the City Clerk's office, it shall be conveyed by the City Clerk to the Chairperson of the Human Relations Commission within 10 days of the City Clerk's office's receipt thereof. The Commission shall promptly send a copy of the answer to the person(s) aggrieved.
- C. Fact finding conference.
 1. After the answer has been received, the Commission shall, within 60 days, invite the parties to voluntarily participate in a fact finding conference concerning the dispute. The parties shall respond to the invitation to participate in a fact finding conference within 30 days of being invited to participate.
 2. If the parties agree to participate in a fact finding conference, the parties shall meet with a Commission member at a location mutually agreeable to the parties within 30 days of the agreement to participate. Each party will be invited at the fact finding conference to present evidence and documents relevant to the complaint. The fact finding conference will not be a public event, and no record of the conference will be created, excepting the findings of fact detailed in Subsection C.3 of this Section.
 3. The parties shall notify the Commission of whether the fact finding conference resulted in a resolution of the complaint. In the event the complaint is resolved, the Commission shall notify the parties that the complaint has been dismissed. In the event the complaint is not resolved through the fact finding conference, then the Commissioner, within 30 days, shall prepare findings of fact and a conclusion as to whether the Commissioner finds probable cause that an unlawful practice has occurred.

D. Disposition of the complaint. Provided the Commission has not elected under Subsection E of this section to use expanded procedures, and if the complaint is not resolved through the fact finding conference, the Commission shall, at the second Commission meeting following the fact finding conference, consider the findings prepared by the Commissioner who conducted the fact finding conference. The Commission shall accept or reject the findings by public vote. The Commission shall provide the parties with the findings of fact and conclusion, shall notify the parties of the outcome of the vote, and this notice shall also indicate that the person aggrieved has a right to pursue the matter in court by filing a lawsuit.

E. Option of the Commission to elect for expanded procedures. The Commission shall have the authority to elect to adopt expanded procedures as set forth in Subsection F of this section subject to approval by City Council and appropriation of funding by City Council for such procedures. A majority of Commission members must vote in favor of adopting expanded procedures in order for such procedures to be adopted. In the event that such procedures are adopted, they must, while in effect, be applied to all complaints that are not resolved through a fact finding conference. If the Commission has adopted expanded procedures, it may also, by majority vote and in its sole discretion, eliminate such procedures.

F. Expanded procedures:

1. Dismissal or nondismissal of the complaint. If the fact finding conference was ~~not~~ successful in resolving the complaint, ~~and the Commission has adopted the Expanded Procedures set forth below, the Commission shall undertake~~ follow the procedures set ~~out~~ forth in Subsection ~~s 1 through 6~~ C 3 of this section.

2. Investigation. The Commission shall, in a timely fashion, investigate the allegations of discrimination set forth in the complaint. The Commission may, in the conduct of such investigation, issue subpoenas to any person charged with an unlawful practice to furnish information, records or other documents, or to give sworn testimony, as necessary to assist in its investigation. The Commission may seek enforcement of its subpoena by Petition to the Court of Common Pleas of Northampton and/or Lehigh County as appropriate.

3. Finding of no cause. If it shall be determined after the Commission's investigation that there is no basis for the allegations of the complaint, the Commission shall cause to be issued and served upon the parties written notice of such determination. This notice shall inform the person aggrieved that he/she has the right to pursue the matter in court by filing a lawsuit.

4. Conciliation. If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful practice complained of by persuasion, conference and conciliation.

5. Public hearing.

a. If the Commission, in its discretion, finds it is not possible to eliminate the unlawful practices by persuasion, conference or conciliation, the Commission shall cause to be issued and served a written notice, together with a copy of the complaint, which informs the respondent that the respondent must answer the charges of such complaint at a hearing before the Commission at a time and place to be specified in such notice.

b. The Commission may designate one or more of its members to preside at such a hearing or it may, at its election, conduct such hearing with a panel of either 2 or 3 Commissioners.

c. At the public hearing, the case in support of the complaint shall be presented to the Commission by pro bono counsel, ~~by Commission staff~~ or by the City Solicitor's office. The case in support of the complaint may instead be presented by the complainant's attorney, if the complainant is represented. Both the complainant and the respondent may appear at the hearing with or without counsel and provide testimony. In addition, both the complainant and the respondent may introduce the testimony of additional witnesses and may submit documentary evidence. The Commission and the parties shall not be bound by the strict rules of evidence at the hearing.

5 6. Findings. If upon all the evidence at the hearing the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this chapter, the Commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful

discriminatory practice and to take such additional action as the Commission deems appropriate. The Commission shall have the authority to order any remedies available to the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.

67. Finding of No Discrimination. If upon all the evidence the Commission shall find that a respondent has not engaged in any unlawful discriminatory practice, the Commission shall state its findings of fact and shall issue and cause to be served on the parties an order dismissing the complaint as to such respondent.

Mr. Reynolds restated his question to Attorney Spadoni to explain the difference between Amendments 12, 13, and 14, and Amendment 19 that he drafted.

Attorney Spadoni noted a lot of people had input into the Amendment and some of them are here tonight. Attorney Spadoni commented that the Amendment was sensitized from the last Meeting where there were concerns about the expanded powers of the Commission as well as the subpoena issue that was discussed immediately before the last Council Meeting. Attorney Spadoni affirmed that he previously forwarded the Amendment to the Members of Council, he also shared it with some people who had e-mailed him, and noted it was an improvement and more comprehensive. Attorney Spadoni reported that he met with Mr. Evans yesterday, reviewed the Expanded Procedures, and there was some concern about the Expanded Powers in the Ordinance. Attorney Spadoni commented the revision he made that is Amendment 19 is the best shot, he received input from about 20 people, and no one objected to any of the provisions.

Mr. DiGiacinto pointed out that Amendments 12, 13, and 14 have been taken off the Table that took out a lot of language pertaining to expanded powers. President Donchez added that Amendments 12, 13, and 14, and Amendment 19, pertain to the concept of Expanded Powers of the Commission.

Ms. Dolan noted that Attorney Spadoni, in Amendment 19, clarified and laid out procedures for how the Commission would proceed, and reviewed it for its legality. Ms. Dolan thought that who is responsible for what and the process are now clear. Pointing out that nothing can happen without approval first, Ms. Dolan highlighted the fact that City Council is the first step in the Expanded Procedures process. President Donchez observed it addresses the matter of subpoena power and Attorney Spadoni revised the language dealing with that matter.

Mr. Reynolds stated that he would be supporting the idea of expanded powers. He noted what has come up at the various Meetings on the proposal is the necessity of creating an Ordinance that has some teeth to it and some enforcement rather than an Ordinance that might not take it to the level that is wanted. Mr. Reynolds confirmed he will support Amendment 19.

Mr. Evans explained that he brought Amendments 12, 13, and 14 before the Members previously, and Amendment 19 keeps everything and keeps it in order, but does not pull out the expanded powers language that he has pulled out in Amendments 12, 13, and 14.

President Donchez commented that Amendment 19 puts the Expanded Powers in a better framework and a more organized fashion.

Mr. Evans thanked all the speakers for their comments. Mr. Evans expressed that hopefully the outcome will yield something that will be productive in the City, but may not be exactly what everyone wants. Mr. Evans said he wants to restate that the Human Relations Commission and the Ordinance is a very good idea, and will support the Ordinance. Mr. Evans observed that the most important powers of the Human Relations Commission is to resolve disputes, and reduce discrimination. Noting that Amendments 12, 13, and 14 deal with expanded powers, Mr. Evans stated he has three concerns that are subpoenas, sworn testimony, and public hearings that are powerful tools. Mr. Evans explained his concern was about issuing those powers to a part-time group of volunteers. Continuing on to explain another concern is the separation of powers, Mr. Evans pointed out the Expanded Powers Section of the Ordinance allows the Commission to do all three functions of the executive branch that enforces the law, the legislative branch that writes it, and the judicial branch that interprets the law. Mr. Evans continued on to say the Commission would have the power to investigate, issue subpoenas, and require sworn testimony. Turning to judicial power, Mr. Evans denoted the Commission would be able to have public hearing. Mr. Evans highlighted the fact that none of the other City Boards and Commissions do that. Mr. Evans, focusing on funding, acknowledged the Commission is comprised of volunteers. However, Mr. Evans stressed that under Expanded Powers, there are costs involved that could involve court stenographers, etc., and it would be hard to have a line

item of zero dollars. Mr. Evans, commenting that Bethlehem like other cities is struggling for dollars, said he has a high concern that it would be hard for the Expanded Powers section to be run effectively without any funding. He enumerated costs involved with Human Relations Commissions in several other cities. Mr. Evans stated that the teeth of the Ordinance is the courts. Mr. Evans continued on to say if the Human Relations Commission decides with the aggrieved party that the matter is something that needs to be taken to the courts, then the Commission can notify the person being complained about that they should appear before the Commission or the matter will go to court. Highlighting the fact that those resources of the court are already there, Mr. Evans thought it was a redundancy to say the Commission can subpoena people and bring them to a hearing when ultimately it would probably need to go to the courts in any event. Mr. Evans stated the charge of the Commission needs to be to resolve the disputes, and to educate people. Mr. Evans advised that Amendments 12, 13, and 14 remove the Expanded Powers Section.

Ms. Dolan, turning to the issue of money, explained that when the Environmental Advisory Council (EAC) was being considered by City Council, a major concern was that it would cost a lot of money. Mr. Dolan affirmed that the EAC has been operating for five years, meet monthly, are loyal, dedicated, have done a lot of good work, and there has been no money requested and no money allocated. Ms. Dolan, addressing the issue of Expanded Powers, pointed out that multiple people involved in their Human Relations Commissions have said that expanded powers have never been used and is just there to send a signal to the community. Ms. Dolan communicated that to pass the Ordinance but not give the Human Relations Commission the full power to enforce it does not make sense to her. Ms. Dolan highlighted the fact that City Council recently had to use the powers and legal avenues about which Mr. Evans expressed concern to hold court in Town Hall regarding two Police Officers. Ms. Dolan pointed out that City Council was given expanded powers in those two situations that is not something Council does normally but under those circumstances those powers exist. Ms. Dolan stressed that if Council is going to pass laws they should put the full strength of the institutions that support Council and give them their right to operate behind them. Ms. Dolan pointed out that in Attorney Spadoni's memo it was explained that expanded powers are needed if Council wants to have an Ordinance that stands by what is said to be legal or illegal. Ms. Dolan remarked she does not like passing symbolic legislation. Ms. Dolan asserted that members of the community who are trained, appointed, and who can be removed from an authority, board, or commission ought to be given the powers they need through City Council to enforce the law. Ms. Dolan stated she supports fully the Expanded Powers.

President Donchez suggested that Amendments, 12, 13, and 14 could be voted on separately, then Amendment 19, and he would ask Mr. Evans if he wants to submit his Amendment 19 A.

President Donchez stated that a vote of Nay would be to defeat Amendments 12, 13, and 14, a vote of Aye would be to support Amendments 12, 13, and 14, and Council could review Attorney Spadoni's Amendment 19.

Mr. Reynolds observed that, essentially, Amendment 19 replaces Amendments 12, 13, and 14. President Donchez noted that is correct.

Amendment 12

Voting AYE: Mr. Evans, 1. NAY: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 6. Amendment 12 failed.

Amendment 13

Voting AYE: Mr. Evans, 1. NAY: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 6. Amendment 13 failed.

Amendment 14

Voting AYE: Mr. Evans, 1. NAY: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 6. Amendment 14 failed.

Amendment 19 A

President Donchez, affirming that Amendment 19 has been placed before the Members, noted that Mr. Evans would like to propose Amendment 19 A that would change Amendment 19.

Mr. Evans and Mr. DiGiacinto moved to offer Amendment 19 A, as follows:

1. That the title of Section 145.06 that reads as follows:

145.06 Procedures; Expanded Procedures.

Shall be amended to read as follows:

145.06 Procedures

2. That Paragraph D which reads as follows:

D. Disposition of the complaint. ~~Provided the Commission has not elected under Subsection E of this section to use expanded procedures, and if the complaint is not resolved through the fact finding conference, the Commission shall, at the second Commission meeting following the fact finding conference, consider the findings prepared by the Commissioner who conducted the fact finding conference. The Commission shall accept or reject the findings by public vote. The Commission shall provide the parties with the findings of fact and conclusion, shall notify the parties of the outcome of the vote, and this notice shall also indicate that the person aggrieved has a right to pursue the matter in court by filing a lawsuit.~~

Shall be amended to read as follows:

D. If the complaint is not resolved through the fact finding conference, the Commission shall, at the second Commission meeting following the fact finding conference, consider the findings prepared by the Commissioner who conducted the fact finding conference. The Commission shall accept or reject the findings by public vote. The Commission shall provide the parties with the findings of fact and conclusion, shall notify the parties of the outcome of the vote, and this notice shall also indicate that the person aggrieved has a right to pursue the matter in court by filing a lawsuit.

3. That Paragraphs E and F which read as follows are hereby deleted:

E. Option of the Commission to elect for expanded procedures. The Commission shall have the authority to elect to adopt expanded procedures as set forth in Subsection F of this section subject to approval by City Council and appropriation of funding by City Council for such procedures. A majority of Commission members must vote in favor of adopting expanded procedures in order for such procedures to be adopted. In the event that such procedures are adopted, they must, while in effect, be applied to all complaints that are not resolved through a fact finding conference. If the Commission has adopted expanded procedures, it may also, by majority vote and in its sole discretion, eliminate such procedures.

F. Expanded procedures:

1. Dismissal or nondismissal of the complaint. ~~If the fact finding conference was not successful in resolving the complaint, and the Commission has adopted the Expanded Procedures set forth below, the Commission shall undertake~~ follow the procedures set ~~out~~ forth in Subsection ~~s 1 through 6~~ C 3 of this section.

2. Investigation. The Commission shall, in a timely fashion, investigate the allegations of discrimination set forth in the complaint. The Commission may, in the conduct of such investigation, issue subpoenas to any person charged with an unlawful practice to furnish information, records or other documents, or to give sworn testimony, as necessary to assist in its investigation. The Commission may seek enforcement of its subpoena by Petition to the Court of Common Pleas of Northampton and/or Lehigh County as appropriate.

3. Finding of no cause. If it shall be determined after the Commission's investigation that there is no basis for the allegations of the complaint, the Commission shall cause to be issued and served upon the parties written notice of such determination. This notice shall inform the person aggrieved that he/she has the right to pursue the matter in court by filing a lawsuit.

4. Conciliation. If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful practice complained of by persuasion, conference and conciliation.

5. Public hearing.

a. If the Commission, in its discretion, finds it is not possible to eliminate the unlawful practices by persuasion, conference or conciliation, the Commission shall cause to be issued and served a written notice, together with a copy of the complaint, which informs the respondent that the respondent must answer the charges of such complaint at a hearing before the Commission at a time and place to be specified in such notice.

b. The Commission may designate one or more of its members to preside at such a hearing or it may, at its election, conduct such hearing with a panel of either 2 or 3 Commissioners.

c. At the public hearing, the case in support of the complaint shall be presented to the Commission by pro bono counsel, ~~by Commission staff~~ or by the City Solicitor's office. The case in support of the complaint may instead be presented by the complainant's attorney, if the complainant is represented. Both the complainant and the respondent may appear at the hearing with or without counsel and provide testimony. In addition, both the complainant and the respondent may introduce the testimony of additional witnesses and may submit documentary evidence. The Commission and the parties shall not be bound by the strict rules of evidence at the hearing.

5 6. Findings. If upon all the evidence at the hearing the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this chapter, the Commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such additional action as the Commission deems appropriate. The Commission shall have the authority to order any remedies available to the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.

6 7. Finding of No Discrimination. If upon all the evidence the Commission shall find that a respondent has not engaged in any unlawful discriminatory practice, the Commission shall state its findings of fact and shall issue and cause to be served on the parties an order dismissing the complaint as to such respondent.

Mr. Evans explained that Amendment 19 A is the same idea as Amendments 12, 13, and 14 that are Amendments to Amendment 19. Mr. Evans stated it is to remove Expanded Powers and for the reasons he listed earlier. Mr. Evans, commenting this is different than the EAC, communicated that the Human Relations Commission is much different, and has different and more powers than other Commissions. Mr. Evans, reemphasizing that after a public hearing if the direction is still not followed then it has to go to the courts, said the teeth are there. Pointing out that if the Ordinance is adopted it will be illegal to discriminate, Mr. Evans continued on to say the courts will decide that and it will be upheld. Mr. Evans said it is not getting rid of any teeth it is just removing the extra bureaucracy that is in the Bill under Expanded Powers. Mr. Evans restated he thinks the Ordinance can be enforced by a group that has bigger teeth than Council and that is the courts. Mr. Evans added he thought the Commission will be very clear to let the people know that the courts will hear the issue.

Mr. Reynolds observed that Mr. Evans' Amendment 19 A deletes the Expanded Procedures, as Mr. Evans had previously proposed under his Amendments 12, 13, and 14. President Donchez said that is correct. Mr. Reynolds commented that if Council were to vote for Amendment 19 A it would essentially be going against what six Members of Council had just voted against. President Donchez noted that is correct.

President Donchez stated that a vote of Nay will be a vote to defeat Mr. Evans' Amendment 19 A.

In response to Mrs. Belinski, Attorney Spadoni stated that Mr. Evans has an Amendment 19 A. If a Member of Council votes to turn the Amendment down then they would affirm their vote of removing Amendments 12, 13, and 14. It is basically a removal of the Expanded Powers.

Ms. Dolan asked for clarification on what a vote of Aye means and what a vote of Nay means.

Attorney Spadoni responded that a vote of Nay would be to defeat Amendment 19 A and a vote of Aye would be to approve it.

In response to Ms. Dolan's comment that a vote should be clear and she thought there is still some confusion, President Donchez stated that a vote of Nay is a vote to defeat Mr. Evans' Amendment and a vote of Aye is to support Mr. Evans' Amendment.

Ms. Dolan asked if she is correct in saying a vote of Aye supports removing the Expanded Procedures. President Donchez said yes.

Voting AYE on Amendment 19 A: Mrs. Belinski, Mr. DiGiacinto, Mr. Evans, and Mr. Mowrer, 4. Voting NAY: Ms. Dolan, Mr. Reynolds, and Mr. Donchez, 3. Amendment 19 A passed.

Ms. Dolan noting there is a provision in Roberts Rules for reconsideration of a vote especially in situations where there is confusion. Ms. Dolan commented there were some Members who voted against their own wishes because it was still confusing.

Mr. DiGiacinto commented he understood that what Attorney Spadoni said was that Amendment 19 A takes the matter back to Amendments 12, 13, and 14, and he does not necessarily agree with Attorney Spadoni's comments. President Donchez stated that he tried to be clear by saying a vote of no would defeat Mr. Evans Amendment 19 A that means the matter would go to Amendment 19 that is Attorney Spadoni's Amendment.

Attorney Spadoni, referring to Roberts Rules of Order, pages 313 and 314, stated there needs to be a motion and a second and a vote of Council for reconsideration. Attorney Spadoni advised the motion for reconsideration must be made by one of the four Members who voted Aye as the prevailing parties.

Mr. Mowrer moved to reconsider the Vote on Amendment 19 A. Ms. Dolan seconded the motion.

Ms. Dolan stated if a Member votes Aye for what is before them now they are essentially voting to gut Amendment 19, and if the vote is against the motion then there will be the chance to vote on what Attorney Spadoni drafted as Amendment 19 and recommended that Council do.

President Donchez advised that a vote of Nay is to keep Expanded Powers, and a vote of Aye is to weaken the Ordinance and weaken Expanded Powers.

Voting AYE: Mr. Evans, 1. Voting NAY: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 6. Amendment 19 A passed.

Amendment 19

President Donchez noted that a vote of Aye is to support Amendment 19 drafted by Attorney Spadoni.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 6. Voting NAY: Mr. Evans, 1. Amendment 19 passed.

Amendment 20

Ms. Dolan and Mr. Reynolds moved to bring Amendment 20 before the Members, as follows:

That Section 145.04 that reads as follows:

145.04 Exception.

Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for a religious corporation or association, not supported in whole or in part

by governmental appropriations, to refuse to hire or employ an individual on the basis of religion.

Nothing in this chapter shall be interpreted to prohibit a church, synagogue, mosque, temple or other house of religious worship, religion, religious denomination, ~~or association of churches~~ or an association of the foregoing, and any bona fide private or fraternal organization that is exempt from Federal taxation under Section 501(c)(3) of the Internal Revenue Code, or any entity affiliated with that church, synagogue, mosque, temple or other house of religious worship, religion, religious denomination, ~~or association of churches~~ or an association of the foregoing, and any bona fide private or fraternal organization from engaging in any conduct or activity that is required by, or that implements or expresses its religious beliefs or tenets of faith. Nor shall anything in this chapter be interpreted to require any such church, synagogue, mosque, temple or other house of religious worship, religion, religious denomination, ~~or association of churches~~ or an association of the foregoing, and any bona fide private or fraternal organization or any entity affiliated with that church, synagogue, mosque, temple or other house of religious worship, religion, religious denomination, ~~or association of churches~~ or an association of the foregoing, and any bona fide private or fraternal organization to engage in any conduct or activity that is prohibited by its religious beliefs or tenets of faith. Nor shall any such church, synagogue, mosque, temple or other house of religious worship, religion, religious denomination, ~~or association of churches~~ or an association of the foregoing, and any bona fide private or fraternal organization be required to engage in any conduct or activity that would violate its religious beliefs or tenets, as a condition of entering into any contract with any agency of this City.

Shall be amended to read as follows:

Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for a religious corporation or association, not supported in whole or in part by governmental appropriations, to refuse to hire or employ an individual on the basis of religion.

Nothing in this chapter shall be interpreted to prohibit a religious organization, religious denomination, or association of religious organizations or denominations that is exempt from Federal taxation under Section 501(c)(3) of the Internal Revenue Code, or any organization affiliated with that religious organization, religious denomination, or association of religious organizations or denominations, from engaging in any conduct or activity that is required by, or that implements or expresses its religious beliefs or tenets of faith. Nor shall anything in this chapter be interpreted to require any such religious organization, religious denomination, or association of religious organizations or denominations, or any organization affiliated with that religious organization, religious denomination, or association of religious organizations or denominations to engage in any conduct or activity that is prohibited by its religious beliefs or tenets of faith. Nor shall any such religious organization, religious denomination, or association of religious organizations or denominations be required to engage in any conduct or activity that would violate its religious beliefs or tenets, as a condition of entering into any contract with any agency of this City.

Ms. Dolan observed that when the Invocation was given tonight the assembly heard the beliefs of the pastor's religion expressed and in a sense he was doing his job. Ms. Dolan, explaining the Amendment she is proposing would protect his right to do his job, exemplified it would protect his right to not allow her to teach in a school that is affiliated with his church, and he could discriminate based on his religious beliefs about righteous people. Ms. Dolan continued on to say that the religious exemption she is proposing in Amendment 20 gives him the right to discriminate against Jews, Catholics, atheists, and many Christians, and so on. Ms. Dolan restated that the religious exemption she is proposing in Amendment 20 protects his religious right to discriminate, and to make choices as a leader in his church.

Mr. DiGiacinto commented that those who have been at all the meetings since the Committee meeting know he has stated that he was for this from the outset. Mr. DiGiacinto continued on to say he was the Committee member who submitted about six or seven amendments. He noted that at the First Reading of the Ordinance the amendments were considered quickly because of some homework done with Mr. Glassman and Attorney Spadoni, and most people were happy with those changes. Mr. DiGiacinto recalled the second version of the Ordinance came from the Administration that was in the Friday, April 22, 2011 packets that were received by Council Members that day, and the Ordinance came with an amended religious exemption paragraph written into it. Mr. DiGiacinto observed that amended paragraph was

written in by the Administration who originally supported and promoted this Commission and this Ordinance. Mr. DiGiacinto stated he had no problems with that particular amended language. Mr. DiGiacinto recalled that on First Reading of the Ordinance, at the May 18, 2011 City Council Meeting, he voted against the language currently in the Ordinance, that was contained in Amendment 16 proposed and passed at the May 18 Council Meeting. Mr. DiGiacinto, expressing that he thought the first wording by the Administration was plain and simple, acknowledged that several people in the room do not agree with that amendment the way it was written. Mr. DiGiacinto said he is willing to accept at this time what is in the Ordinance now as far as an amendment that is addressing this issue.

Mr. Reynolds noted that the religious exemption paragraph, as amended, made the religious exemption more broad. Mr. Reynolds affirmed that, as Mr. DiGiacinto referenced, City Council received the Ordinance from the Administration at one level and then City Council amended it, at the May 18 Council Meeting, to make it broader which is the language that is there now. Mr. Reynolds queried whether Ms. Dolan's Amendment 20 would do some narrowing of that exemption, or would it be classified a different way.

Attorney Spadoni, acknowledging that he represents Council Members in drafting ordinances that they propose, advised he reviewed Ms. Dolan's Amendment 20 and indicated to her that it was acceptable under the Pennsylvania Human Relations Act. Attorney Spadoni continued on to say the Ordinance as drafted that is before the Members presently with the religious exemption phraseology is also acceptable. Attorney Spadoni pointed out it is a legislative determination by Council as to which one they would like to have.

Ms. Dolan clarified that the change between what is currently in the Bill and what she is suggesting as Amendment 20 would accomplish the following. It would remove references to buildings. In the current religious exception it states nothing in this chapter should be interpreted to prohibit a church, synagogue, mosque, temple, or other house of religious worship. Ms. Dolan noted that, as an English teacher, she would probably write a question asking if someone really wants to check the building because that is not what she thinks Council really wants to do. Ms. Dolan explained what she thinks Council wants to protect is religious freedom. Ms. Dolan advised she is proposing that the words church, synagogue, mosque, etc., be removed and instead say religious organization, religious denomination, or association of religious organizations, foundations, etc. that is everything connected to a religion and would extend to schools. Ms. Dolan, communicating there are fears that somehow this exemption is going to do the opposite of what it would do, pointed out it would exempt all of those religious organizations all the way down to schools. She thought it would also exempt a bible book store because it is affiliated with a religion, or a kosher butcher working under the authority of a Rabbi. Ms. Dolan asserted that the word entity is ambiguous, it could be a stick or a single person, and said she does not think that is what Council wants. Ms. Dolan noted that buildings are replaced with religious organizations, and anything related to the religious organization and all the things associated with it but not to any entity that is associated with a religion. Ms. Dolan did not think Amendment 20 narrows it but it takes out sloppy and ambiguous language. Ms. Dolan expressed what she thought Council wants to do is to make sure that religious freedom is protected in the City while at the same time the civil rights of individuals are protected as well.

President Donchez stated that Amendment 20 offered by Ms. Dolan is to replace what was approved by City Council on the First Reading of the Bill at the May 18 Council Meeting, pertaining to Section 145.04 Exception. President Donchez said a vote of Nay is to defeat Ms. Dolan's Amendment 20 and to keep what is in the Ordinance as it now reads. President Donchez said a vote of Aye would support Ms. Dolan's Amendment 20.

Voting AYE: Mrs. Belinski, Ms. Dolan, Mr. Mowrer, and Mr. Reynolds, 4. Voting NAY: Mr. DiGiacinto, Mr. Evans, and Mr. Donchez, 3. Amendment 20 passed.

Amendment 21

Mr. Evans and Mr. Mowrer moved the following Amendment:

That Section 145.09 which reads as follows:

145.09 [Term of Ordinance and] Review

~~This Ordinance shall be in effect for three years from the date of its enactment. Ninety (90) days prior to the end of the three year term, a review shall be conducted by City Council~~

retains the right to review the provisions of this Ordinance of the work of the Bethlehem Human Relations Commission and a determination shall be made concerning renewal or non-renewal of the Bethlehem Human Relations Commission.

Shall be amended to read as follows:

145.09 Term of Ordinance and Review of Ordinance

This Ordinance shall be in effect for three years from the date of its enactment. Ninety (90) days prior to the end of the three year term, a review shall be conducted by City Council retains the right to review the provisions of this Ordinance of the work of the Bethlehem Human Relations Commission and a determination shall be made concerning renewal or non-renewal of the Bethlehem Human Relations Commission.

Attorney Spadoni stated the Amendment is purely editorial. Since the sunset provision was removed, the title of Section 145.09 is changed.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. Amendment 21 passed.

Bill No. 12 - 2011, As Amended

Mr. Reynolds thanked those who came to the Meeting this evening, as well as to previous meetings. Mr. Reynolds stated that, as he has said throughout the process, he will support the Ordinance because it is the right thing to do. It was the right thing to do two months ago, it was the right thing to do two weeks ago, it is the right thing to do today, and going forward. Mr. Reynolds observed there were two issues that many people were passionate about having to do with expanded powers and the religious exemption language. Mr. Reynolds communicated when he hears people who come to these meetings speak about how important the Ordinance is it makes him feel proud to be a City of Bethlehem resident. Mr. Reynolds, while commenting this is something that Bethlehem should have done a long time ago, highlighted the fact that at this juncture Council is able to be a part of it. Mr. Reynolds denoted that people agree about far more regarding the Ordinance than disagree. Mr. Reynolds commented he is happy and proud that the six other Members of Council by and large share his feelings and that of the majority of the speakers about what this Ordinance will mean for the City. Mr. Reynolds said he would be hard pressed to find a vote that he is more proud of supporting than this one tonight.

Mr. Evans stated he is somewhat concerned over certain Sections of the Ordinance but overall he thinks it will improve the City, he will support the Bill as a whole, and the positives certainly outweigh the items of his concern. Mr. Evans pointed out the next important step is the appointment of the Commission members, and the Commission will drive the success of the Ordinance. Mr. Evans stated he would expect that the Commission can begin and operate in a successful, productive manner.

Mr. Mowrer, commenting that his views have changed somewhat off and on as the matter has been discussed, said there are certain aspects of his life that have impacted him a great deal. One of them is the fact that he is a Moravian minister which impacted his vote and he voted against gaming. Mr. Mowrer, communicating that his daughter has had a lesbian relationship and one of his grandchildren has two mothers, pointed out he saw how she was discriminated against and how it impacted her life. Mr. Mowrer referred to a movie called I Am at ArtsQuest and noted the bottom line is everyone has the same DNA and are one, and people are to love one another. Mr. Mowrer said he is happy to vote for the Ordinance tonight. Mr. Mowrer thanked everyone for coming to the Meeting.

President Donchez, advising that 119 people spoke on this issue over the course of about two months, expressed this was a very open process. Amendments were presented, more amendments were made, wording was changed, and the process worked. President Donchez, stating he will support the Ordinance, said he always viewed it as an anti-discrimination ordinance and felt it needed some teeth and that is why he supported the Expanded Powers. President Donchez added that he had a different view on the religious exemption language and favored a broad interpretation. President Donchez observed that the process has worked, the Members debated and have a sense of professionalism, and respect those who come to address City Council. President Donchez affirmed this is an important piece of legislation, it is very encompassing, and there is a lot of information in the Ordinance.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. Bill No. 12 - 2011, as Amended, hereafter to be known as Ordinance No. 2011-13, was declared adopted.

B. Bill No. 13 - 2011 - Amending the General Fund Budget - Health Bureau Adjustments

The Clerk read Bill No. 13 - 2011 - Amending the General Fund Budget - Health Bureau Adjustments on Final Reading, on Final Reading.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. Bill No. 13 - 2011, hereafter to be known as Ordinance 2011-14, was declared adopted.

C. Bill No. 14 - 2011 - Amending the Liquid Fuels Fund Budget - 2011 Allocation

The Clerk read Bill No. 14 - 2011 - Amending the Liquid Fuels Fund Budget - 2011 Allocation, on Final Reading.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. Bill No. 14 - 2011, hereafter to be known as Ordinance 2011-15, was declared adopted.

D. Bill No. 15 - 2011 - Amending the Non-Utility Capital Budget - Street Paver - BEDCO Funds

The Clerk read Bill No. 15 - 2011 - Amending the Non-Utility Capital Budget - Street Paver - BEDCO Funds, on Final Reading.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. Bill No. 15 - 2011, hereafter to be known as Ordinance 2011-16, was declared adopted.

E. Bill No. 16 - 2011 - Amending the Sewer Capital Budget - Account Adjustments

The Clerk read Bill No. 16 - 2011 - Amending the Sewer Capital Budget - Account Adjustments, on Final Reading.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. Bill No. 16 - 2011, hereafter to be known as Ordinance 2011-17, was declared adopted.

10. NEW ORDINANCES

None.

11. RESOLUTIONS

A. Lease Agreement - ArtsQuest and Bethlehem Redevelopment Authority - Bethlehem Landing Building - Visitors Center, Levitt Pavilion, and SteelStacks Public Plazas

Mr. Evans and Mr. Mowrer sponsored Resolution 2011-98 that authorized the execution of a Lease Agreement between ArtsQuest and the Bethlehem Redevelopment Authority for lease by ArtsQuest of property situate within the Bethlehem Works Redevelopment Area/Tax Incremental Financing (TIF) District, according to the terms and conditions of the Lease Agreement. Bethlehem City Council is advised by the Redevelopment Authority that the lease will not be prejudicial to the sale or lease of other parts of the Bethlehem Works Redevelopment Area nor will the lease be, in any way, prejudicial to the realization of the redevelopment proposal approved by the City of Bethlehem.

Ms. Dolan asked if there is an issue with the title of the Resolution since the Agreement does not encompass all of the SteelStacks public plazas. Attorney Spadoni responded that the Resolution as listed is appropriate, the Lease speaks for itself, and there has been a revision by Joseph Kelly, Director of Community and Economic Development, that was circulated as to the leased area that is attached to the lease.

Mr. Evans commented that when the TIF was approved months ago one of his concerns was the certain areas in the TIF and how that would be funded, especially the Visitors Center. Observing it was known there was funding for the infrastructure, or the capital asset, Mr. Evans pointed out that the operations are a large cost, and added he thinks this is a very fair lease. Pointing out this is definitely a partnership, and the City is giving something, Mr. Evans said the various things that ArtsQuest is producing, such as the Q Book and programs, the City cannot do but by having a top premier organization like ArtsQuest do it will help the City. Mr. Evans commented that the ArtsQuest site will bring three-quarters of a million visitors to the City every year. Communicating that Mayors always talk about bringing in tourism dollars, Mr. Evans said he cannot think of a better way than to do it this way. He continued on to comment on the fact that the Sands Casino has been a great civic partner, and has combined with ArtsQuest and the opening their hotel a couple of weeks ago. Highlighting the fact that 10 years ago it was all brownfield, Mr. Evans pointed out that although a TIF plan was put together at the time no one knew what it would look like. Mr. Evans said one can only be happy considering what was there 10 years ago versus what stands there today during this economy, and people should be pleased. Reiterating that he thinks the lease itself is fair, Mr. Evans observed it is covering everything. Mr. Evans shared the concerns of some of the historic groups that wanted to make sure the pledge made to keep everyone involved in the Visitors Center is followed through. Mr. Evans expressed the City should make sure it is done right, kept transparent, and those groups are involved. Mr. Evans stated he is very pleased with the Lease overall and wished the project great success.

Ms. Dolan stated she concurs with everything stated by Councilman Evans and clarified that the Visitor's Center would be run and operated by Discover Lehigh Valley whose mission is to support tourism across the Lehigh Valley. Ms. Dolan did not think there needs to be worry about inclusion because, although it should be watched, that is what the organization does, and they want to highlight this. Ms. Dolan said Discover Lehigh Valley is going to be there to make sure that people who visit that section of Bethlehem do not just stay in Bethlehem visiting SteelStacks. They are going to be there encouraging people to go to the Ice House, to go to Allentown, to go to the ball field. Their goal is to get tourists to stay for a long weekend, instead of a single day. Ms. Dolan encouraged any organization that wants to assist in their ability to manage that mission to step forward and get involved, and added that is what is going to make that happen. Ms. Dolan, commenting that this is the most vetted Lease Agreement in Bethlehem history, said that everything is handled in this Lease.

President Donchez said he also concurred with Councilman Evans' comments and would hope that the historic organizations would be involved including the South Bethlehem Historical Society and others. President Donchez thought it is a good public partnership in which ArtsQuest is picking up quite a bit for the City and the City has its responsibilities as far as streets and snow removal, for example. President Donchez, affirming this is for City Council's vote and it is an approval of the Lease, highlighted the fact that the Lease is between the Redevelopment Authority and ArtsQuest.

Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The Resolution passed.

Motion – Considering Resolutions 11 B through 11 I as a Group

Mr. Evans and Ms. Dolan moved to consider Resolutions 11 B through 11 I as a group. Voting AYE: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The motion passed.

B. Certificate of Appropriateness – 456 North New Street

Mr. DiGiacinto and Mr. Evans sponsored Resolution 2011-99 that granted a Certificate of Appropriateness to repaint the exterior trim, shutter and doors at 456 North New Street.

C. Certificate of Appropriateness – 36 East Wall Street

Mr. DiGiacinto and Mr. Evans sponsored Resolution 2011-100 that granted a Certificate of Appropriateness to replace the transom over the front door at 36 East Wall Street.

D. *Certificate of Appropriateness – 45 East Wall Street*

Mr. DiGiacinto and Mr. Evans sponsored Resolution 2011-101 that granted a Certificate of Appropriateness to re-roof the East, West and North roofs to match the South roof at 45 East Wall Street.

E. *Certificate of Appropriateness – 99 West Church Street*

Mr. DiGiacinto and Mr. Evans sponsored Resolution 2011-102 that granted a Certificate of Appropriateness to install two outdoor sculptures on the lawn in front of the Payne Gallery at 99 West Church Street.

F. *Certificate of Appropriateness – 452-460 Main Street*

Mr. DiGiacinto and Mr. Evans sponsored Resolution 2011-103 that granted a Certificate of Appropriateness to replace a wooden fence at the rear of the property at 452 to 460 Main Street with a wrought iron fence.

G. *Certificate of Appropriateness – 29 East Wall Street*

Mr. DiGiacinto and Mr. Evans sponsored Resolution 2011-104 that granted a Certificate of Appropriateness to install a handrail at the outdoor basement stairwell at 29 East Wall Street.

H. *Certificate of Appropriateness – 437 Main Street*

Mr. DiGiacinto and Mr. Evans sponsored Resolution 2011-105 that granted a Certificate of Appropriateness to provide tables and chairs for outdoor dining at 437 Main Street.

I. *Certificate of Appropriateness – 81 West Broad Street*

Mr. DiGiacinto and Mr. Evans sponsored Resolution 2011-106 that granted a Certificate of Appropriateness to install two awnings with embedded light emitting outlines of letters at 81 West Broad Street.

Voting AYE on Resolutions 11 B through 11 I: Mrs. Belinski, Mr. DiGiacinto, Ms. Dolan, Mr. Evans, Mr. Mowrer, Mr. Reynolds, and Mr. Donchez, 7. The Resolutions passed.

12. NEW BUSINESS.

Chairman Reynolds announced a Finance Committee meeting scheduled for Monday, June 27, 2011 at 7:00 PM in the Mayor's Conference Room. (The Planning Commission is meeting in Town Hall that evening.)

Chairwoman Dolan announced a Community Development Committee Meeting scheduled for Tuesday, June 28, 2011 at 7:00 in Town Hall on the Historic Preservation Plan.

13. COURTESY OF THE FLOOR

Human Relations Commission; Proposed Water Rate Increase

Esther Lee, 627 Cherokee Street, expressed it needs to be emphasized somewhere that citizens ought to always have the right of freedom of expression. She wanted to ensure that as Council looks at the document, things do not slip through as with the historical piece, and pointed out there are two historical societies. She said that, as Negroes, they are putting together Negro history, so that is yet to come forward. Ms. Lee thanked Council for passing the Human Relations Commission for Bethlehem, and said it was long needed. Mr. Lee remarked that she is going to sent out a cable to all the Negroes who had to leave Bethlehem to find employment back in the early 1900's, and stressed it has been very difficult. Observing there is not much talk about this group, Ms. Lee wanted the Members to know that there is a group out there, you can apologize for, everybody can say you love, and some of them are still alive, so they would be happy to hear the Ordinance was passed. Turning to the 17.5% projected increase in water rates, Ms. Lee said she would like to know where that is going, stressed that people are on fixed incomes and there should be more consideration of that and others who may be on limited incomes. Ms. Lee, expressing appreciation for all that has been done, noted that Bethlehem is moving forward and said she prays that things will improve if everyone ensures that it does.

Various

Dixie White, 529 Ontario Street, commented on the traffic congestion on the South Side and hoped that it gets fixed soon. Ms. White thanked Council for passing the Human Relations Commission ordinance. Ms. White, recounting that she opposed the casinos, noted that time she was speaking on behalf of the Council of Churches and she differed from some of her Labor brothers and sisters, as she is also a member of the Lehigh Valley Labor Counsel. She said they are anti-labor, anti-union and she said she was right, they are still there. Ms. White stated she is concerned about free speech in the so-called Town Square. Ms. White said she is pleased with the curbside recycling program, and stated she is a champion recycler, putting out one bag of garbage every three weeks as compared with her neighbors' six bags of garbage every week. Ms. White was upset to hear that the City may go to a municipal garbage collection. Ms. White pays \$3.50 per bag every three weeks and said she is on a fixed income. Ms. White stressed she does not want to have to support her neighbors' inability to recycle. On a related issue, Ms. White advised she is thrilled with the City's composting center. However, she was disturbed with the fact that commercial operators are able to pull in and load up their trucks with mulch and compost that she as a taxpayer helped to pay for. She pointed out that the commercial operators then sell it to their customers, which is what happened to a church in the area. Ms. White asked that these issues be taken into consideration.

Discrimination; Parking Authority

Chuck Nyul, 1966 Pinehurst Road, said with regard to discrimination that back in Roman Times a man was crucified outside of Jerusalem, on the left was a thief, on the right was a thief, on the left was a man crucifying our Lord cursing him, asking him to bring angels down to save him because he was afraid of his sin, on the right the man was asking for mercy and pleading with God to save his soul, and God said to him on the right, from this day forward you will be with me in eternity. Mr. Nyul questioned the salary of \$90,000 for the new Parking Authority Director who had formerly worked at Walt Disney World, and highlighted the fact that there are many parking lots there. Mr. Nyul wondered why the job was not given to the understudy of the former Director who he said knows more about the job. Referring to the Human Relations Commission, Mr. Nyul remarked bad things happen to good people and in this City there are many thousands of good people, but thought that Council is creating a bad situation.

Lease Agreement - ArtsQuest and Bethlehem Redevelopment Authority; Human Relations Commission

Robert Pfenning, 2830 Linden Street, with regard to the freedom of speech issue, said the deed restrictions were already there in Parcels 10B, 10A, 26, 26A that are owned by ArtsQuest and PBS. Mr. Pfenning stated the only governmental parcel is 2-2 which is the leased parcel, so Council and the Redevelopment Authority has no ax to grind other than behind the scenes. Mr. Pfenning remarked if people do not like it they should talk to ArtsQuest who signed off on the deeds in October 2009. He added it is not a City issue or an Redevelopment Authority issue. Mr. Pfenning pointed out that Sands Casino is responsible for about 15% of the City's revenue in the General Fund, owns a lot of land there, and gave a lot of the land away so the SteelStacks project could be built. Mr. Pfenning did not see anything wrong with the Sands position regarding activities on the property that could affect their business, or people meddling in their employee relations. With regard to ArtsQuest and SteelStacks, Mr. Pfenning remarked he does not like the backroom dealings that have gone on since March of 2009, first when Feinberg was hired by BEDCO to start the project. He asserted that until the School Board and the County started commenting on the Agreement, the issues did not surface, the plans were top secret, and the public was kept out of it until as late as August or September of 2010. Mr. Pfenning stressed that is not good government. Mr. Pfenning said he does not think government has a core function of providing citizens with entertainment. Mr. Pfenning noted if the Lease Agreement for ArtsQuest would have been tabled for two weeks, they would have lost their beer license for Musikfest, so it is entertainment, not arts and culture. Mr. Pfenning, communicating that is not good especially in times of economic difficulty, pointed out that City workers were laid off, the police force is dropping in numbers, the City cannot afford a police dog, yet the City already gave ArtsQuest \$40,000 in the service agreement. He further highlighted the fact that the Controller said something against the matter. Mr. Pfenning expressed his opinion that basically the public-private partnership is a big free ride. While admitting the community will be better off for it, and it is a well run organization, Mr. Pfenning did not think government has anything to do with it. Turning to the Human Relations Commission Ordinance that was passed, Mr. Pfenning pointed out that in May of 2009 the Sands Casino opened, and there were no discussions from anybody about whether the LGBT visitors would be discriminated against. Mr. Pfenning recalled that last

fall at a Congressional campaign the idea of a Human Relations Commission surfaced. In the spring, ArtsQuest opened. Mr. Pfenning continued on to say that now there has to be a protection to protect against discrimination the LGBT visitors to the City. Mr. Pfenning stated it is a well known fact in the tourism business that the LGBT community has a lot of discretionary income, and it is a worthy group to market to. He informed the assembly that Harrah's Casino in Atlantic City has a gay weekend once a year, and Resorts Casino just opened the gay bar that is the first one in a major casino in Atlantic City. Mr. Pfenning, saying thank you for listening to him over the years, stated he will not waste Council's or his own time any more.

Various

Dana Grubb, 2420 Henderson Place, focusing on the final draft of the new Zoning Ordinance, pointed out that it was forwarded by the Planning Commission unanimously without any questions or any comments. Mr. Grubb thought that raises a red flag and that Council has a lot of work to do in the months ahead. Turning to the new EMS center, Mr. Grubb said Council saw fit to increase taxes to provide the funding to build a new EMS center, but it has been six months and there has not been a shovel in the ground. Mr. Grubb remarked that City Council traditionally operates in a very open fashion and there are some members of Council who take the lead on that issue. Mr. Grubb thought that City Council handled the Human Relations Commission discussion and public discourse very well and openly, but said tonight Council also approved the SteelStacks Lease. Mr. Grubb asserted the process was one of the most closed processes the City has ever seen, although it involved public investment of over \$27 million. Mr. Grubb did not think that served the people of Bethlehem well. Remarking that Council was backed into the corner by the City Administration and the Redevelopment Authority, Mr. Grubb thought that City Council needs to work harder to ensure that when those kinds of issues come before Council for support that they come before Council in time for the Members to operate in an open fashion.

Parking – South Side

Dina Hall, 1602 Monocacy Street, noted she is Vice President of the Board of Directors of Godfrey Daniels, East Fourth Street. She advised that at their last Board meeting there were discussions about new parking meters and related matters on the South Side. Ms. Hall stated they are already feeling some strong negative effects with the extended parking meter hours until 9:00 PM. Ms. Hall explained that Godfrey Daniels has been at the location since 1976, and produce shows on Friday and Saturday nights. Their patrons come at about 7:30 to 8:00 PM and do not leave until the show is over at about 10:00 PM, and are not able to go out and feed a meter. Ms. Hall explained she has learned about the new meter process by which people will not be able to feed the machines because of pay stations. Pointing out that the facility is struggling, Ms. Hall explained the meter hours have become a very negative effect and a solution is needed. Ms. Hall mentioned that a parking garage would be wonderful but she does not know what that would cost.

Human Relations Commission Ordinance

Timothy Gardner, 715 North New Street, stated he has been at all four of the meetings with regard to the non-discrimination ordinance and said he is very appreciative that it was passed tonight, not only for himself as someone who has looked at moving out of town and perhaps moving to a town that had a ordinance, but also now knowing that living here he is protected as a member of the LGBT community. Mr. Gardner said he is very appreciative that, while he works at Lehigh and the University has supported the Bill, his fellow members that work side by side with him on campus who were not protected because they are outsourced employees now will be protected under the same policies that he receives as a member of this community and also as a member of Lehigh. Mr. Gardner said if there are things that happen in the future such as events that support the LGBT community he hopes that happens.

Public Notices In Newspapers and On Internet

Louise Valeriano, 3114 East Boulevard, noted it was reported in the newspaper recently that all City and County announcements of all meetings, bids, and all such announcements must be put on the Internet only and not in the newspaper. She said this has been proposed in House Bill 633, Senate Bill 802, 804 and 805 and the newspaper published it in a full-page notice. Ms. Valeriano pointed out that, if notices will only be on the Internet in the future and not in the newspaper, there are many senior citizens who do not have access to a computer and would not be able to find out about meetings that are to be held. She noted many of them are interested and

come to these meetings as well. Ms. Valeriano said she is not a computer user and relies on the newspaper to tell her what meetings are being held and at what time, such as Zoning, Planning, etc. Ms. Valeriano stressed that she and others would be deprived of this information. Ms. Valeriano stated she would consider this age discrimination and resents it. She asked if Council knew anything about the Bill. President Donchez, responding that he would check the status, did not think it was voted on yet, but noted there had been discussions on it in the past four to six weeks.

The meeting was adjourned at 10:20 PM.

ATTEST:

City Clerk