

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street – Town Hall  
Bethlehem, Pennsylvania  
Tuesday, September 1, 2015 – 7:00 PM

INVOCATION

Pastor David C. Geyer, of College Hill Moravian Church, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Reynolds called the meeting to order. Present were Bryan G. Callahan, Eric R. Evans, Michael D. Recchiuti, Cathy Reuscher, Louis N. Stellato, Adam R. Waldron, and J. William Reynolds, 7.

President Reynolds announced that City Council met in Executive Session this evening, Tuesday, September 1, 2015 at 5:30 p.m. in the Mayor's Conference Room. The purpose of the Executive Session was for the Law Bureau to update Council on City litigation.

PUBLIC HEARINGS

President Reynolds stated that prior to the consideration of the regular Agenda items, City Council will conduct two Public Hearings. The First Public Hearing is to consider a Revision of the Zoning Map petition from Moravian College to rezone a city block bound by Durham Street, Main Street, West Laurel Street, and Orchard Street from High Density Residential (RT) to Institutional (I) District. The Second Public Hearing is to consider a Street Vacation petition from Moravian College to vacate Durham Street, from its intersection with Orchard Street, to Main Street, and Orchard Street from its intersection with Durham Street to West Laurel Street.

*Public Hearing No. 1*

President Reynolds called to order the First Public Hearing to review and accept public comment to consider a Revision of the Zoning Map petition from Moravian College to rezone a city block bound by Durham Street, Main Street, West Laurel Street, and Orchard Street from High Density Residential (RT) to Institutional (I) District.

*Communication 5 A – City Planning Commission – Rezoning RT Residential to I Institutional*

The Clerk read a memorandum from Darlene Heller, Director of Planning and Zoning regarding rezoning 1103 through 1117 Main Street and 1116 and 1118 Orchard Street from (RT) High Density Residential to (I) Institutional. The City Planning Commission recommended approval of the rezoning request. The parcels shall then be consolidated into the Institutionally zoned parcels.

*Communication 5 B – Lehigh Valley Planning Commission – Zoning Map Revision*

The Clerk read a memorandum from the Lehigh Valley Planning Commission regarding the zoning map revision, rezoning High Density Residential (RT) to Institutional (I) District. The rezoning of this block of properties owned by Moravian College from RT to I does not conflict with the County Comprehensive Plan. Since the three parcels to the block for the proposed rezoning already belong to the College, this rezoning is the logical next step for integrating this block fully into Moravian College's Campus site. Although the area in question for this rezoning is not part of an historic district, the LVPC's responsibility is to inform the counties and municipalities of historic features that may be worth preserving, and many homes in the neighborhood surrounding Moravian College date from the early decades of the 20<sup>th</sup> century. If these homes can serve Moravian College effectively as student residences, department offices or some other institutional use, LVPC encourages the college to preserve them whenever possible.

Darlene Heller, Director of Planning and Zoning informed the City Planning Commission looked at this at a meeting a few months ago and noted this proposal is very

straight forward, and that the proposed area to be rezoned is already owned by Moravian College. The uses on the parcels are uses that agree with the Institutional Zoning, including student housing and Administrative Offices for the College. Ms. Heller noted the seven parcels as stated by the City Clerk are by public streets and abutted to the north and to the west by an Institutional Zoning district and the Moravian Campus. They are abutted to the east and south by Residential Zoning districts and residential development. Ms. Heller informed in relation to the letter received by the Lehigh Valley Planning Commission they note the question about whether or not these are historic resources. Ms. Heller advised they did want to clarify within their comments that when we did the historic preservation plan a few years ago, the consultants did work with us to do a survey of all of the properties within the City to determine what is and is not historically eligible. She noted these neighborhoods were determined not to be historic resources at that point in time. Ms. Heller continued to say they did note that the Institutional zone requires a five acre minimum lot size, which none of these lots meet. We feel that the recommendation for the Institutional rezoning should occur with the condition that as this progresses, the parcel should be consolidated with the abutting properties to the north and west that are already be owned and utilized by Moravian College. Ms. Heller reported the recommendation from their office and also from the Planning Commission is that the rezoning proposal should move forward with that one condition.

Attorney Paul A. Florenz informed he wanted the record to reflect that the required placards were posted for the zoning change the first week in August. The City's zoning office provided the placards and they were posted that first week in August. Attorney Florenz stated he would like to call on Mark Reed, Moravian's Vice President for Finance and Administration to explain to Council the project that Moravian College is undertaking.

Mr. Reed informed he had a few handouts to share with Council. Mr. Reed noted he is at this meeting tonight to show a few renderings of what they plan to do on this parcel of property. The first illustration is a boundary map of the campus. Mr. Reed mentioned that the purple square on the map outlines the site plan of the proposed building construction. He continued, this is already part of what we are calling our existing campus boundary and it is just a modest extension of it. Mr. Reed continued with the second visual and noted they have been responding to the market and student interest in terms of the Allied Health Sciences. The rendering is of a Health and Science building, approximately 50,000 square feet that would sit on that particular site and serve the needs of our existing student population. Mr. Reed then queried if there were any questions, specifically on what they have outlined tonight.

President Reynolds noted that he will recognize Members of Council for comment but tonight it is just a public hearing. The Ordinance will be placed on the September 15, 2015 Council Agenda for First Reading and the Second Reading would be October 6, 2015. He continued we are not voting on anything tonight. This evening is just for information gathering and any questions that may come up from either Council or any feedback from the public that are here this evening.

*Public Comment*

Martha Popichak, 1032 Main Street, queried about the footprint of the building and wondered if it would be right up against the sidewalk. She asked if the architectural drawing had been finalized.

Mr. Reed stated yes, at this stage the renderings do take into account all of the appropriate setbacks that are required and he believes the setback is 20 feet. It is part of the civil engineering that has been done to design the building, and the appropriate setbacks have been contemplated.

Ms. Popichak noted that it appears from the drawing that it is right up to the sidewalk.

Mr. Reed pointed out that particular rendering is the elevation coming from the west and looking out towards Main Street. Mr. Reed mentioned on another picture it shows frontage visible of at least 20 feet.

Ms. Popichak asked if this is similar to the Collier Science Building.

Mr. Reed replied yes, and mentioned that was part of the architectural design to keep the façades in line.

Ms. Popichak remarked there will probably be more questions in terms of the actual project at some point.

President Reynolds noted as a follow up on that point, even if the zoning was granted, the project would go through the regular planning process.

Joe Golden, 1124 Main Street, stated he is directly across from the existing Science Center and curious as to when the demolition would begin.

Mr. Reed remarked the site is scheduled to be cleared as soon as the weather breaks in 2016. They anticipate the February or March timeframe to begin to clear the properties and clear the site.

Mr. Golden asked if there are any steps being taken to protect the neighborhood from noise and the whole construction site. He mentioned they went through the renovation of the existing science building a few summers ago, and it completely disrupted the whole area during that process. He is concerned about the construction noise, and also inquired when the demolition of these buildings would take place.

Mr. Reed noted there are noise Ordinances that all of our contractors are very mindful and respectful of to the extent of ending at 10 p.m. He added they will follow the respective noise Ordinance, and will try to do their best with the contractors to be respectful of the community.

Mr. Golden noted that they do start at 6 a.m. when the trucks roll in and then the cranes start up with the backup beeping noises and it is disruptive.

Mr. Reed informed they will do the best they can to manage that situation.

Mr. Golden then asked how many cars they will be adding to the immediate area and where will they park.

Mr. Reed advised this is our existing population right now. This is not a growth model that will require more students and more people.

Mr. Golden queried if there are plans for where the construction workers will be parking.

Mr. Reed noted every construction plan does have a lay down area that deals with those matters. We do require our contractors to park in legal parking. In other words we do not want them parking in fire zones or handicapped zones.

Mr. Golden stated that is fine, but right now he cannot park in front of his house because of all of the students when the College is open. He inquired where all of the pickup trucks that the contractors drive will be parking during this process.

Mr. Reed informed we have had construction projects in the past, and we do not create designated parking for them. They are left to find their own parking.

Mr. Golden asked how long the project will take.

Mr. Reed responded that construction is scheduled to begin shortly after the commencement of 2016 and we plan to occupy the building for the following fall semester. So it is a very aggressive construction schedule that will last approximately twelve months.

Grace Kelleher, 117 West Laurel Street, mentioned from the rendering it appears they will extend the floral median down the center of the street. Ms. Kelleher inquired if that means there will be no parking in that block, similar to between Locust Street and Elizabeth Avenue.

Mr. Reed noted that is not part of the current project. Sometimes the architect adds certain elements, but that is not the part of the proposed project.

President Reynolds related the appropriate Ordinance will be placed on the September 15, 2015 Council Agenda for First Reading.

The First Public Hearing was adjourned at 7:18 p.m.

*Public Hearing No. 2*

President Reynolds called to order the Second Public Hearing to review and accept public comment to consider a Street Vacation petition from Moravian College to vacate Durham Street, from its intersection with Orchard Street, to Main Street, and Orchard Street from its intersection with Durham Street to West Laurel Street.

*Communication 5 C – City Planning Commission – Petition to Vacate Portions of Durham and Orchard Street*

The Clerk read a memorandum from Darlene Heller, Director of Planning and Zoning regarding a petition to vacate Durham Street from its intersection with Orchard Street to Main Street and to vacate Orchard Street from Durham Street to West Laurel Street. The City Planning Commission recommended approval of the street vacations with the condition that all necessary utility easements are offered to and accepted by the City.

*Communication 5 D – Lehigh Valley Planning Commission – Vacation of Durham and Orchard Streets*

The Clerk read a communication from the Lehigh Valley Planning Commission regarding the vacation of Durham and Orchard Streets. The LVPC offers no comment on this proposal because it has no regional significance and does not conflict with any transportation improvement plans.

Ms. Heller expressed these are clearly interrelated proposals. The two blocks that are requested to be vacated abut the block that was just requested to be rezoned. They abut it to the north and to the west so Moravian College owns all of the property abutting both sides of these alleys. Ms. Heller stated they are currently open and if you drive on them they appear to be part of the campus. Ms. Heller noted they are 20 foot wide alleys and Council has a memo in their packets from the Public Works Director noting that we do have sewer and water lines within those alleys and that this would require easements for the utilities. Ms. Heller believes there is also a memo from Verizon and she believes that they will address that in part of their proposal. We recommend that the street vacations move forward with the condition that any necessary utility easements would be taken care of prior to finalization of the vacation.

Attorney Florenz mentioned as Ms. Heller pointed out this is the vacation of Orchard Street and Durham Street as part of the project. We recognize that there are water and sewer lines under the streets and we will grant all required easements to the City for maintenance of those facilities. Attorney Florenz added it has never been Moravian's intent that these streets be built over. They will remain as alleys or streets so that the access to the utilities will always be available. We have received communication from Pennsylvania Power and Light noting that they have no easement interest in these streets. He continued, we have received communication from UGI stating that they have no easement interest in these streets. Attorney Florenz advised they have also received communication from Verizon. There is a utility pole in about the middle of Orchard Street. It serves nothing, but Verizon wants an easement for it to remain there. He has spoken to Ms. Heller and to the City Engineering Department, and no one thinks it makes any sense for Verizon to be granted an easement for a pole that serves nobody and nothing. So we are in the process of talking to Verizon regarding that matter. We will have to deal with it and reach some resolution before finalization of the vacation Ordinance. Attorney Florenz will turn this over to Mr. Reed if there are any questions from the public or from Council.

Mr. Callahan queried as to what is currently on Verizon's pole.

Attorney Florenz informed there is an area line that goes nowhere. It must have served something at some point, but has not served anything for the last 15 years. Verizon provides almost no service to the Moravian campus. We will ask them to remove it because it does not do anything. They will probably object and we will have to deal with that.

*Public Comment*

None.

President Reynolds stated that as Council so determines Council will proceed with the consideration of an Ordinance pursuant to the street vacation petition, and he would further request that the Law Bureau draft the Ordinance.

The Second Public Hearing was adjourned at 7:24 p.m.

2. APPROVAL OF MINUTES

The Minutes of August 18, 2015 were approved.

3. PUBLIC COMMENT

*Appalachian Mountain Club Sublease Agreement*

Mark Zakutansky, 45 Jordan Road, Albrightsville, informed he works on staff for the Appalachian Mountain Club (AMC) at 520 Long Street in the City of Bethlehem. He is joined by Lennie Steinmetz who is a long time AMC volunteer. They are at this meeting to introduce themselves and to speak briefly in support of the proposed sublease between the City of Bethlehem and the Appalachian Mountain Club at Illick's Mill at Monocacy Park. Mr. Zakutansky stated they are thankful in advance for Council's consideration of this lease agreement. The agreement would allow AMC to use a portion of Illick's Mill for staff offices in exchange for both a monthly rent payment to the City, as well as providing in kind services for the public, such as offering outdoor recreation, conservation and education programs as well as improving the visitor experience at Monocacy Park through volunteer stewardship. Mr. Zakutansky noted they feel that the agreement would bring real benefits to the City of Bethlehem by creating new opportunities for the public to enjoy the natural cultural and recreational resources of Illick's Mill and Monocacy Park.

Lenore Steinmetz, 1180 Greenleaf Drive, advised she has been a member of the Appalachian Mountain Club for 35 years having served on the AMC Board of Directors nationally as well as Chapter Chair of the Delaware Valley local Chapter. She is currently the Chapter's Leadership Chair, which means she is charged with the training and supervision of volunteer activity leaders. Ms. Steinmetz informed she is also the Co-Chair of the Lehigh Valley Group, which is a sub-group of the Chapter in the Lehigh Valley area. The Delaware Valley Chapter sponsors a wide variety of outdoor activities locally such as hiking, biking, backpacking, paddling, cross-country skiing, and snow-shoeing. The volunteer leaders run over five hundred trips a year for the Chapter. We are very fortunate to have a large group of leaders who are enthusiastic about the outdoors and willing to share their knowledge and passion with others. Ms. Steinmetz pointed out in addition to sponsoring outdoor activities we also focus on conservation. We do this by informing people about issues regarding protection of the environment and by supporting meaningful action to protect the outdoors both in our region and elsewhere. We also have a family activities program that sponsors hikes and activities to bring children and their parents out into nature so they can develop an appreciation for the natural world and the importance of preserving it for future generations. Ms. Steinmetz noted in the Lehigh Valley we have a sub-group of the Delaware Valley Chapter called the Lehigh Valley Group, which runs activities to bring outdoor enthusiasts from this area together. The Group has now been in existence for 22 years and hosts monthly program meetings on outdoor related topics, and sponsoring other related activities throughout the greater Lehigh Valley area. Ms. Steinmetz explained the Delaware Valley Chapter of the AMC are excited about the possibilities for hosting activities at Illick's Mill and Monocacy Park. She continued, we feel there are some wonderful opportunities for stewardship and interpretive programs at this location. We look forward to possible future involvement there if the AMC does become a lessee at Illick's Mill.

4. OLD BUSINESS.

A. Members of Council

None.

B. Tabled Items

None.

C. Unfinished Business

None.

5. COMMUNICATIONS

E. *Mayor – Request to Fill Vacancy – Parks Maintenance Bureau Worker I*

The Clerk read a memorandum from Mayor Robert J. Donchez requesting to fill the vacancy of a Maintenance Worker I position in the Parks Maintenance Bureau. The budgeted salary is 34,574.75.

President Reynolds stated Resolution 9 E is on the agenda.

F. *Director of Parks and Public Property – Recommendation for Award – Agpoint Construction Services*

The Clerk read a memorandum from Ralph E. Carp, Director of Parks and Public Property, recommending a contract with Agpoint Construction Services for the construction of two pole buildings at the Parks' Maintenance shop located at 2307 Rodgers Street, Bethlehem, PA 18017. One building is for storage of Traffic Bureau vehicles and the other building is for storage of Parks' Maintenance vehicles. The estimated completion date is December 15, 2015. The fee for the contract is \$96,149.00.

President Reynolds stated Resolution 9 F is on the agenda.

G. *Director of Planning and Zoning- Zoning Map and Text Amendments Ordinance – Rezoning Landmark Conservation and Traditional Neighborhood Development Overlay District (CM-LTN) to Office Mixed Use District (OMU)*

The Clerk read a memorandum from Darlene Heller, Director of Planning and Zoning attached to which is a proposed Zoning Ordinance Amendment to create a new Zoning District, Office Mixed Use (OMU), for the Martin Tower site at 8<sup>th</sup> and Eaton Avenues. The site is slightly greater than 50 acres. The Tower is listed on the National Register of Historic Places and included as one of the designated CRIZ parcels and is a priority redevelopment project for Bethlehem. The site has also been vacant for many years. The Tower is blighted and obsolete; its reuse is extremely challenging. In order to be proactive in the reuse and redevelopment of this parcel, this proposed Zoning Amendment is forwarded to assist in the reuse of the site. The current Ordinance provisions for this site were originally adopted in 2006 and prior to the housing recession. The attached amendment provides for a broad mix of permitted uses while still requiring standards of design that provide quality development. The amendment proposes a new zoning district, the Office Mixed Use (OMU) district, to replace the existing Landmark and Traditional Neighborhood district. The amendment also includes a few new definitions, reference to the map change, and inclusion of the OMU district in the chapter related to Design Standards.

President Reynolds stated he would accept a motion to schedule a Public Hearing on Tuesday, October 6, 2015 at 7 p.m. in Town Hall.

Mr. Callahan and Mr. Recchiuti made the motion to schedule a Public Hearing on Tuesday, October 6, 2015 a 7 p.m. in Town Hall.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Motion passed.

H. *Business Administrator – Recommendation for Award – TD Bank*

The Clerk read a memorandum from David L. Brong, Business Administrator recommending a contract for professional service with TD Bank to establish a relationship with a banking institution that can offer the most comprehensive services at the most competitive

rates. The term of the contract is a minimum four years with an option to extend the contract. The cost of the contract is \$0.

President Reynolds stated Resolution 9 G is on the agenda.

I. *City Solicitor – Use Permit Agreement – Star Bar of Bethlehem Festival – Star Bar Pop Up Bar Event*

The Clerk read a memorandum from City Solicitor William P. Leeson, Esq., attached to which is a proposed Resolution and associated Use Permit Agreement for the Star Bar Pop Up Bar Event. The permittee is the Star of Bethlehem Festival, Inc. The duration of the agreement is September 19, 2015 and the location is Nevin Place (adjacent to the Sun Inn Courtyard).

President Reynolds stated Resolution 9 H is on the agenda.

J. *City Solicitor – Use Permit Agreement – Lead Dog Marketing – Runner’s World Half Marathon And Festival – Runner’s World Trail Run*

The Clerk read a memorandum dated August 27, 2015 from William P. Leeson, Esq., City Solicitor, to which was attached a proposed Resolution and Use Permit Agreement between the City and LeadDog Marketing Group, Inc. for use of First Street from Polk Street to City’s Terminus and Founder’s Way between Second Street and First Street, and South Mountain Park for the Runner’s World Marathon and Festival and the Runner’s World Trail Run. The duration of the agreement is October 15, 2015 through October 18, 2015.

President Reynolds stated the Resolution will be listed on the September 15 Agenda.

K. *City Solicitor – Use Permit Agreement – ArtsQuest - Oktoberfest*

The Clerk read a memorandum dated August 27, 2015 from William P. Leeson, Esq., City Solicitor, to which was attached a proposed Resolution and Use Permit Agreement between the City and ArtsQuest for use of First Street from Polk Street to City’s Terminus and Founder’s Way from Second Street to First Street for Oktoberfest 2015. The duration of the agreement is October 2-4 and October 9-11, 2015.

President Reynolds stated the Resolution will be listed on the September 15 Agenda.

L. *City Solicitor – Sublease Agreement – Appalachian Mountain Club – Illick’s Mill*

The Clerk read a memorandum from William P. Leeson, Esq., City Solicitor, to which was attached a proposed Resolution and associated Sublease Agreement with the Appalachian Mountain Club for the Illick’s Mill building at Monocacy Park. The term of the Lease shall run from the date of completed execution by the Mayor through December, 2016. The Lease may be extended one calendar year at a time for up to three additional years. The monthly rent shall be \$1,050.00 in 2015 and shall increase annually in 2016 by \$100 per month. In subsequent years, the rent may increase as provided in the agreement.

President Reynolds stated the agreement will be referred to a Finance Committee Meeting to be scheduled shortly and asked the City Clerk to inform the Appalachian Mountain Club of the date, time, and location of the meeting.

Ms. Reuscher advised she wanted to state for the record that she is an employee of the Appalachian Mountain Club, and as such she will not be participating in discussion or voting on this matter.

6. REPORTS

A. *President of Council*

1. *Councilmanic Appointment – Cathy Reuscher – Environmental Advisory Council*

President Reynolds appointed Cathy Reuscher to membership on the Environmental Advisory Council to fill the vacated seat of Karen Dolan. This appointment is effective until

January, 2017. Mr. Recchiuti and Mr. Stellato sponsored Resolution 2015-213 to confirm the appointment.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

B. *Mayor*

*Appalachian Mountain Club, Five Year Financial Plan*

Mayor Donchez reported he wanted to commend the Appalachian Mountain Club for their professionalism during the negotiations with Ralph Carp, Director of Parks and Public Property and remarked he would hope that we will have a long term relationship with the Club. He also wanted to thank the Members of Council for making themselves available to meet with Business Administrator David Brong regarding the Five-Year Financial Plan. Mayor Donchez pointed out they will be reaching out to the Council Members Elect within the next few days to schedule the meetings.

7. ORDINANCES FOR FINAL READING

None.

8. NEW ORDINANCES

A. *Bill No. 32 – 2015 – Amending General Fund*

The Clerk read Bill No. 32 – 2015 – Amending 2015 General Fund, sponsored by Mr. Recchiuti and Ms. Reuscher and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
THE GENERAL FUND BUDGET FOR 2015

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. Bill No. 32 – 2015 was passed on First Reading.

B. *Bill No. 33 – 2015 – Amending Non-Utility Capital Budget*

The Clerk read Bill No. 33 – 2015 – Amending 2015 Non-Utility Capital Budget, sponsored by Mr. Recchiuti and Ms. Reuscher and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
THE 2015 CAPITAL BUDGET FOR NON-UTILITIES

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. Bill No. 33 – 2015 was passed on First Reading.

9. RESOLUTIONS

A. *Transfer of Funds – General Fund Budget – Horse Trailer*

Mr. Recchiuti and Ms. Reuscher sponsored Resolution 2015-214 that transferred \$3,000 in the General Fund budget from Account 0601-42064, Equipment Maintenance, to Account 0601-43099, Equipment, for the purchase/contract with M.H. Eby, Inc. for one (1) Gooseneck 4 Horse Trailer or approval of equal.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.



*B. Transfer of Funds – Water Capital Budget – East Allen/Shady Lane Well*

Mr. Recchiuti and Ms. Reuscher sponsored Resolution 2015-215 that transferred \$65,000 in the Water Capital Budget from account 007A-77032, SCADA System Upgrade to Account 007A-77017, East Allen/Shady Lane Well, due to additional requirements imposed by PA DEP to build a system large enough to allow connection of an additional development at some future date.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

*C. Transfer of Funds – Sewer Capital Budget – Bar Screen-Detritus Room*

Mr. Recchiuti and Ms. Reuscher sponsored Resolution 2015-216 that transferred \$30,000 in the Sewer Capital Budget from Account 008A-88007, Act 537, to Account 008A-880024, Bar Screen-Detritus Room due to costs exceeding the budgeted amount in the Bar Screen line item.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

*D. Transfer of Fund – CDBG – Street Overlay, Curb Cuts, Public Facilities/ADA Improvements*

Mr. Recchiuti and Ms. Reuscher sponsored Resolution No. 2015-217 that transferred \$101,000 the CDBG Budget as follows:

\$30,000 from 009A-90403-Lynn Avenue Bridge project to 009A-90315-Street Overlay project; \$53,763 from 009A-90413-Lynn Avenue Bridge project to 009A-90415-2015 Curb Cuts project; \$16,237.00 from 009A-92015-Housing Rehab Project to 009A-90415 - 2015 Curb Cuts project, for street overlay and curb cuts; and \$1,000.00 from 009A-92015-Housing Rehab to 009A-91515 - Public Facilities/ADA improvements to complete the ADA compliant railing at the bottom of the stair adjacent to City Hall.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

*E. Authorizing Hiring – Parks Maintenance Bureau Worker I*

Mr. Recchiuti and Ms. Reuscher sponsored Resolution 2015-218 that approves the filling of the position of Maintenance Worker I in the Parks Maintenance Bureau.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

*F. Authorizing Contract – Agpoint Construction Services*

Mr. Recchiuti and Ms. Reuscher sponsored Resolution 2015-219 that authorized the execution of an agreement with Agpoint Construction Services to construct two pole buildings at the Parks Maintenance Shop.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

*G. Authorizing Contract – TD Bank*

Mr. Recchiuti and Ms. Reuscher sponsored Resolution 2015-220 that authorized the execution of an agreement with TD Bank for Banking Services.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

H. *Authorizing Use Permit Agreement – Star of Bethlehem Festival, Inc. – Star Bar Pop Up Bar Event*

Ms. Reuscher and Mr. Stellato sponsored Resolution 2015-221 that authorized a Use Permit Agreement with the Star of Bethlehem Festival, Inc. for the Star Bar Pop Up Bar Event on September 19, 2015 from 8:00 am to 11:00 pm.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

*Motion – Considering Resolutions 9 I through 9 N as a Group – Certificates of Appropriateness*

Mr. Waldron and Mr. Recchiuti moved to consider Resolutions 9 I through 9 N as a group.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Motion passed.

I. *Certificate of Appropriateness – 413 Vine Street*

Ms. Reuscher and Mr. Stellato sponsored Resolution 2015-222 that granted a Certificate of Appropriateness to demolish the unused chimney and the replace roof area at 413 Vine Street.

J. *Certificate of Appropriateness – 310 Taylor Street*

Ms. Reuscher and Mr. Stellato sponsored Resolution 2015-223 that granted a Certificate of Appropriateness to install signs and lighting at 310 Taylor Street.

K. *Certificate of Appropriateness – 301 Broadway*

Ms. Reuscher and Mr. Stellato sponsored Resolution 2015-224 that granted a Certificate of Appropriateness to do site improvements, replace and restore windows, new roof, and shorten the parapet wall at 301 Broadway.

L. *Certificate of Appropriateness – 308 South New Street*

Ms. Reuscher and Mr. Stellato sponsored Resolution 2015-225 that granted a Certificate of Appropriateness to install signs at 308 South New Street.

M. *Certificate of Appropriateness – 321 Adams Street*

Ms. Reuscher and Mr. Stellato sponsored Resolution 2015-226 that granted a Certificate of Appropriateness to install murals at 321 Adams Street.

N. *Certificate of Appropriateness – 313 East Third Street*

Ms. Reuscher and Mr. Stellato sponsored Resolution 2015-227 that granted a Certificate of Appropriateness to remove the rear tent and replace with pergolas at 313 East Third Street.

Voting AYE on Resolutions 9 I through 9 N: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. The Resolutions passed.

10. NEW BUSINESS

None.

11. PUBLIC COMMENT

*Martin Tower Rezoning*

Bruce Haines, 63 West Church Street stated he is at this meeting to talk about the Martin Tower Zoning amendment that will be heard at the Public Hearing on October 6, 2015. Mr. Haines expressed this is bad planning by the Administration of the City of Bethlehem. This

property is hardly blighted by any stretch of the imagination. He continued it is the best green space we have in the entire City of Bethlehem. Mr. Haines remarked there has to be almost a thousand large sycamore trees all over that property that were planted in rows years ago amidst all of the parking spaces. Mr. Haines noted this establishes the possibility, not only the possibility, but probability for the developer to establish a third downtown to siphon business from Main and Broad Street merchants. He remarked there are two key principles of smart growth that were ignored. The first one is that the City is promoting this as a smart growth development, but with smart growth one of the significant principles is that it is designed to strengthen and direct development toward the existing downtowns. Mr. Haines expressed the fact that this does not do that. It creates a competing downtown and will contribute to urban decay in the next downturn that will occur. Those of you that were not here in 1999 maybe do not recall when the Hotel Bethlehem was boarded up and closed, and the Orr's building was abandoned, and 50% of the storefronts on Main Street were vacant, he added. Mr. Haines advised our downtown is not infallible. Our downtown cannot withstand a competing third downtown. The acreage of Martin Tower exceeds the acreage of downtown. Mr. Haines pointed out a second principle that the Administration failed to consider of smart growth was including stakeholders in the participation of the development decision. For example, none of the merchants on Main Street participated in any discussion about this proposed development. In addition with the plan being proposed, they failed to comprehend the Planning Commission input as noted in the proposal. The Planning Commission directed that the property was too heavily retail and needed to be capped on retail, and not enough residential. They proposed percentages in the Planning Commission meeting to move in that direction and the City ignored those. Mr. Haines noted the zoning change proposed is a major change from the existing zoning, which is "predominately residential in nature". This is a major change. He remarked the Administration has been trying to portray this as an insignificant change, a minor change, just allowing to tear down the tower. Mr. Haines stated it is not that at all. It is allowing to tear down the tower, and allowing the property to be created as a huge, huge retail complex, larger than the Lehigh Valley Mall. Mr. Haines remarked that is what is contained in this Zoning Ordinance that will come to Council in another month. The housing recession that was used as an excuse to put forward this change has been over for several years. He continued housing demand is very high, apartment demand is very high, and residential demand is high. We are no longer in a housing recession necessitating this change. Mr. Haines commented what necessitates this change is the CRIZ. He added that 53 acres of the 130 acres of the CRIZ was awarded to this developer. The low hanging fruit in the CRIZ is capturing the State sales tax of all of the retail sold on that property. None of it goes to Harrisburg; the developer gets to keep it. Mr. Haines noted that is what is driving this decision and he urges Council not to even put this on the agenda.

*Martin Tower Rezoning/Zoning Hearing Board*

Albert Bernotas, 1004 Johnston Drive, stated he would like to second the thoughts Mr. Haines has regarding Martin Tower. He believes it is criminal to take down Martin Tower. Our country is only a couple of a hundred years old. In Europe we have buildings that are thousands of years old. He remarked he cannot believe that we would take down Martin Tower. He continued, we might as well take down the blast furnaces. Mr. Bernotas encouraged Council to make sure that Martin Tower is not taken down. He related he is sure that there are corporations that would put their entire headquarters in that building. He is sympathetic with the idea of putting too much retail in that area and does second Mr. Haines position on this subject. Mr. Bernotas continued his thoughts regarding the Zoning Hearing Board and expressed he became involved in coming to Council meetings and speaking due to his interest in zoning. The Zoning Ordinance of 2012 put five members on the Board. Before the Ordinance passed, the Council in the City passed an Ordinance to put five members on the board, but what they did not do at the time was put alternates on the Board. Mr. Bernotas believes we need one or two alternates on the Board. He added, there have been a number of times when he went to a Zoning Hearing Board Meeting and there were only four members present due to someone being sick or they just could not make the meeting. He commented, we could end up with a possibility of a 2-2 tie vote which would be deemed a denial and so people have to come back for another meeting. Mr. Bernotas encouraged Council to consider putting one or two alternates on the Board to avoid a 2-2 situation. With regard to Elias Market, they were issued a Cease and Desist order almost a year and a half ago and we have not even heard that case yet. One time there was a defect in the notice letter. Everyone showed up for the meeting, and then everyone went home. In another instance, a member was ill and everyone on the Board went home. Now we will have a third try on September 16. Mr. Bernotas expressed if you have an interest in this, come to see an interesting meeting. Mr. Bernotas pointed out he has been in law

school for six years over Elias. He continued he has not passed the bar yet but now feels he knows more about the property at 3131 Linden Street than anyone in the City, except for the Zoning Officer. Mr. Bernotas informed the property is an unlawful use. That property has never been sanctioned as a non-conforming use. They do not have that privilege. He continued, everything that has been going on since 1930 on that property is unlawful, and he plans to show documentation to that effect on September 16 at the meeting. Mr. Bernotas continued to speak about donation drop boxes and he believes there is some interest on Council about looking at this. He added, the donation boxes are showing up everywhere throughout the city. Mr. Bernotas believes he sent some pictures about newspaper vending machines, which has been bothering him for several years. He advised he will begin sending photographs of garbage dumpsters in apartment buildings that right on a main street, which looks terrible. Mr. Bernotas pointed out he sent an email a little while ago about calling Bethlehem the Singapore of the Lehigh Valley. He remarked that is his new motto. With the help of Council he would like to make Bethlehem the Singapore of the Lehigh Valley. He expressed we are going to get gum off the street. It will be a better place and will be a gem. Mr. Bernotas continued to say that in 2009 the Zoning Hearing Board ignored the will of Council, and that is why he is so irritated for six years, and will speak at the Zoning Hearing Board meeting on September 16.

*Martin Tower Rezoning/Third Street Business District*

Stephen Antalics, 737 Ridge Street, informed he did not intend to speak, but Mr. Haines has obliged him to make a comment. Mr. Antalics informed Mr. Haines comments are very pretentious and remarked heed what he has to say. Third Street was a vibrant shopping area half a century ago, but it started to deteriorate. The old municipal building on Third Street was a beautiful building that housed the Police Force, and on the first level was the market house. The building was torn down and they put in a small strip mall. Mr. Antalics noted this further harmed the Third Street business district, and as a result it went under. The City of Philadelphia had the Reading Market, a small market. A visionary in Philadelphia fought to keep that building and turned it into the Reading Terminal Market, which is now an internationally famous marketplace. Mr. Antalics remarked that the municipal building on the Third Street could have been kept as a marketplace, and could have helped Third Street to revive itself and become a marketplace like Campus Square or SteelStacks. If there had been visionaries then, they could have preserved that elegant building. Mr. Antalics mentioned the City at the time did not have any visionaries who were interested in south side Bethlehem. The emphasis then switched to the north side. Mr. Antalics advised that Broad and Main Streets were then named the central business district, because the City then was in keen competition with the north and south sides. The City turned its back on what could have been a Reading Terminal Market. He reiterated Mr. Haines words are pretentious and we need to heed his words. He is giving a vision of what might happen again in Bethlehem. Do not let history repeat itself.

*Lynn Olanoff*

President Reynolds remarked that before he adjourns he wanted to make a bittersweet announcement. He remarked this will be Lynn Olanoff's last City Council meeting as a reporter for The Express-Times. On behalf of City Council he thanked Ms. Olanoff for her service. She has been covering City Council meetings for seven years. President Reynolds noted in that time period she moved to Bethlehem, married, started a family, and we certainly wish her well in her new endeavor. Addressing Ms. Olanoff, President Reynolds stated, you have been at these meetings through many issues, and we look forward to running into you after this and asking you how you feel about how things are going in the City of Bethlehem. He added we always felt that your decision to live and raise a family here was a good sign that Bethlehem is moving in the right direction. President Reynolds reiterated on behalf of City Council we offer congratulations, we appreciate your service, and wish you good luck in all of your future endeavors.

12. ADJOURNMENT

The meeting was adjourned at 8:03 p.m.

ATTEST:

City Clerk