

SPECIAL MEETING OF BETHLEHEM CITY COUNCIL
10 East Church Street – Town Hall
Bethlehem, Pennsylvania
Tuesday, December 8, 2015 - 7:00 PM

1. INVOCATION

Councilman Louis N. Stellato offered the invocation followed by the pledge to the flag.

2. PLEDGE TO THE FLAG

3. ROLL CALL.

Present were: Bryan G. Callahan, Eric R. Evans, Michael D. Recchiuti, Cathy Reuscher, Louis N. Stellato, Adam R. Waldron, and J. William Reynolds, 7.

4. PUBLIC HEARING

President Reynolds called the Special City Council Meeting and Public Hearing to order. The purpose of the Public Hearing is regarding amendments to Bill 38-2015, a proposed Zoning Text Amendment Ordinance – Office Mixed Use District, a new Zoning District. City Council proposed amendments to Bill 38-2015 at the Tuesday, November 4, 2015 Council Meeting to amend Article 1301, Classification of Districts, Section 1303.07, Purpose of Each District – the chart in Article 1305, Allowed Uses in Primarily Non-Residential Districts, Section 1305.01 (a) – Article 1311, Design Standards in the CL, CB, and OMU Districts, Section 1311.01, Purposes – Article 1314, Additional Requirements for the OMU District, Section 1314.01, Purposes and Section 1314.02 (c).

President Reynolds noted he will recognize Mr. Evans to speak about the Amendments he brought forth and were approved by Council on November 4, 2015. The Director of Planning and Zoning will have the opportunity to provide comment, Members of Council will have the opportunity to make comments and ask questions and then he will recognize the public for comments.

Amendment No. 1 to Bill 38-2015

The Clerk read Amendment No. 1 to Bill 38-2015 – Office Mix Use District sponsored by Mr. Evans and Mr. Waldron.

Amendment No. 1 to Bill 38-2015

Office Mix Use District

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, BY DELETING THE CM-LTN LANDMARK CONSERVATION AND TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT AND REPLACING IT WITH AN OMU OFFICE MIXED USE DISTRICT; ADDING DEFINITIONS FOR FAST-CASUAL RESTAURANT, FAST-FOOD RESTAURANT AND FOR TASTING ROOM; SETTING THE PURPOSE OF THE OMU DISTRICT; AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF VARIOUS PARCELS FROM THE CM-LTN ZONING DISTRICT TO THE OMU ZONING DISTRICT; MODIFYING THE ALLOWED USES IN PRIMARILY NON-RESIDENTIAL DISTRICTS; MODIFYING THE DIMENSIONAL REQUIREMENTS IN SOME DISTRICTS; MODIFYING DESIGN STANDARDS TO CREATE NEW REQUIREMENTS FOR THE OMU DISTRICT; AND CREATING ADDITIONAL REQUIREMENTS FOR THE OMU DISTRICT.

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 2. That Article 1303, CLASSIFICATION OF DISTRICTS, Section 1303.07, Purposes of Each District, Subsection (n), OMU Office Mixed Use District, of the Zoning Ordinance, as amended, which read as follows:

1303.07 Purposes of Each District.

- (n) OMU Office Mixed Use District - In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, this District is intended to promote redevelopment of areas of the City that are currently underutilized and are only partially developed. This District also recognizes that this area of Bethlehem is unique in terms of its size and its proximity to ramps of a limited access expressway (PA. Route 378). This District is also intended to provide transitional zoning provisions adjacent to a County Park and recognized historical site, the Burnside Plantation. ~~This District also is intended to encourage ground floor retail and service uses to create connectivity between the residential and commercial buildings on the overall tract.~~

Shall be amended to read as follows:

1303.07 Purposes of Each District.

- (n) OMU Office Mixed Use District - In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, this District is intended to promote redevelopment of areas of the City that are currently underutilized and are only partially developed. This District also recognizes that this area of Bethlehem is unique in terms of its size and its proximity to ramps of a limited access expressway (PA. Route 378). This District is also intended to provide transitional zoning provisions adjacent to a County Park and recognized historical site, the Burnside Plantation. **This District also is intended to create connectivity between the residential and commercial buildings on the overall tract.**

Amendment No. 2 to Bill 38-2015

The Clerk read Amendment No. 2 to Bill 38-2015 - Office Mix Use District sponsored by Mr. Evans and Mr. Waldron.

Amendment No. 2 to Bill 38-2015

Office Mix Use District

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, BY DELETING THE CM-LTN LANDMARK CONSERVATION AND TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT AND REPLACING IT WITH AN OMU OFFICE MIXED USE DISTRICT; ADDING DEFINITIONS FOR FAST-CASUAL RESTAURANT, FAST-FOOD RESTAURANT AND FOR TASTING ROOM; SETTING THE PURPOSE OF THE OMU DISTRICT; AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF VARIOUS PARCELS FROM THE CM-LTN ZONING DISTRICT TO THE OMU ZONING DISTRICT; MODIFYING THE ALLOWED USES IN PRIMARILY NON-RESIDENTIAL DISTRICTS; MODIFYING THE DIMENSIONAL REQUIREMENTS IN SOME DISTRICTS; MODIFYING DESIGN STANDARDS TO CREATE NEW REQUIREMENTS FOR THE OMU DISTRICT; AND CREATING ADDITIONAL REQUIREMENTS FOR THE OMU DISTRICT.

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 4. That the chart in Article 1305, ALLOWED USES IN PRIMARILY NON-RESIDENTIAL ZONING DISTRICTS, Section 1305.01, Allowed Uses in Primarily Non-Residential Districts, of the Zoning Ordinance, as amended, shall be amended as follows:

- 1305.01(a) a "Group home within a lawful existing dwelling unit (S. 1322), not including a treatment center" shall be a permitted use in the OMU Zoning District.

Amendment No. 3 to Bill 38-2015

The Clerk read Amendment No. 3 to Bill 38-2015 – Office Mix Use District sponsored by Mr. Evans and Mr. Waldron.

Amendment No. 3 to Bill 38-2015

Office Mix Use District

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, BY DELETING THE CM-LTN LANDMARK CONSERVATION AND TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT AND REPLACING IT WITH AN OMU OFFICE MIXED USE DISTRICT; ADDING DEFINITIONS FOR FAST-CASUAL RESTAURANT, FAST-FOOD RESTAURANT AND FOR TASTING ROOM; SETTING THE PURPOSE OF THE OMU DISTRICT; AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF VARIOUS PARCELS FROM THE CM-LTN ZONING DISTRICT TO THE OMU ZONING DISTRICT; MODIFYING THE ALLOWED USES IN PRIMARILY NON-RESIDENTIAL DISTRICTS; MODIFYING THE DIMENSIONAL REQUIREMENTS IN SOME DISTRICTS; MODIFYING DESIGN STANDARDS TO CREATE NEW REQUIREMENTS FOR THE OMU DISTRICT; AND CREATING ADDITIONAL REQUIREMENTS FOR THE OMU DISTRICT.

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 9. That Article 1311, DESIGN STANDARDS IN THE CL, CB, AND OMU DISTRICTS, Section 1311.01, Purposes, of the Zoning Ordinance, as amended, which currently reads as follows:

1311.01 Purposes.

- (a) Encourage appropriate redevelopment and reuse of underutilized sites.
- (b) Promote a mix of appropriate light business and residential uses in the same building.
- (c) Expand use of the public transit system and pedestrian and bicycle circulation.
- (d) Create opportunities to live, shop and work in the same area.
- (e) Improve the appearance of the City's commercial corridors.
- (f) Attract new customers and new sources of employment and tax revenue.
- (g) Encourage ~~principals~~ of Smart Growth to promote compact mixed-use development.

Shall be amended to read as follows:

1311.01 Purposes.

- (a) Encourage appropriate redevelopment and reuse of underutilized sites.
- (b) Promote a mix of appropriate light business and residential uses in the same building.
- (c) Expand use of the public transit system and pedestrian and bicycle circulation.
- (d) Create opportunities to live, shop and work in the same area.
- (e) Improve the appearance of the City's commercial corridors.
- (f) Attract new customers and new sources of employment and tax revenue.
- (g) Encourage **principles** of Smart Growth to promote compact mixed-use development.

Amendment No. 4 to Bill 38-2015

The Clerk read Amendment No. 4 to Bill 38-2015 – Office Mix Use District sponsored by Mr. Evans and Mr. Waldron.

Amendment No. 4 to Bill 38-2015

Office Mix Use District

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, BY DELETING THE CM-LTN LANDMARK CONSERVATION AND TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT AND REPLACING IT WITH AN OMU OFFICE MIXED USE DISTRICT; ADDING DEFINITIONS FOR FAST-CASUAL RESTAURANT, FAST-FOOD RESTAURANT AND FOR TASTING ROOM; SETTING THE PURPOSE OF THE OMU DISTRICT; AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF VARIOUS PARCELS FROM THE CM-LTN ZONING DISTRICT TO THE OMU ZONING DISTRICT; MODIFYING THE ALLOWED USES IN PRIMARILY NON-RESIDENTIAL DISTRICTS; MODIFYING THE DIMENSIONAL REQUIREMENTS IN SOME DISTRICTS; MODIFYING DESIGN STANDARDS TO CREATE NEW REQUIREMENTS FOR THE OMU DISTRICT; AND CREATING ADDITIONAL REQUIREMENTS FOR THE OMU DISTRICT.

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 14. That Article 1314, ADDITIONAL REQUIREMENTS FOR THE OMU DISTRICT, Section 1314.01(a), Purposes, of the Zoning Ordinance, as amended, which reads as follows:

1314.01 Purposes.

- (a) In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, this District is intended to promote redevelopment of areas of the City that are currently underutilized and are only partially developed. This District also recognizes that this area of Bethlehem is unique in terms of its size (over 50 acres) and its proximity to ramps of a limited access expressway (PA. Route 378). This District is also intended to provide transitional zoning provisions adjacent to a County Park and recognized historical site, the Burnside Plantation. ~~This District also is intended to encourage ground-floor retail and service uses to create connectivity between the residential and commercial buildings on the overall tract.~~

Shall be amended to read as follows:

1314.01 Purposes.

- (a) In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, this District is intended to promote redevelopment of areas of the City that are currently underutilized and are only partially developed. This District also recognizes that this area of Bethlehem is unique in terms of its size (over 50 acres) and its proximity to ramps of a limited access expressway (PA. Route 378). This District is also intended to provide transitional zoning provisions adjacent to a County Park and recognized historical site, the Burnside Plantation. **This District is also intended to create connectivity between the residential and commercial buildings on the overall tract.**

Amendment No. 5 to Bill 38-2015

The Clerk read Amendment No. 5 to Bill 38-2015 - Office Mix Use District sponsored by Mr. Evans and Mr. Waldron.

Amendment No. 5 to Bill 38-2015

Office Mix Use District

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, BY DELETING THE CM-LTN LANDMARK CONSERVATION AND TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT AND REPLACING IT WITH AN OMU OFFICE MIXED USE DISTRICT; ADDING DEFINITIONS FOR FAST-CASUAL RESTAURANT, FAST-FOOD RESTAURANT AND FOR TASTING ROOM; SETTING THE PURPOSE OF THE OMU

DISTRICT; AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF VARIOUS PARCELS FROM THE CM-LTN ZONING DISTRICT TO THE OMU ZONING DISTRICT; MODIFYING THE ALLOWED USES IN PRIMARILY NON-RESIDENTIAL DISTRICTS; MODIFYING THE DIMENSIONAL REQUIREMENTS IN SOME DISTRICTS; MODIFYING DESIGN STANDARDS TO CREATE NEW REQUIREMENTS FOR THE OMU DISTRICT; AND CREATING ADDITIONAL REQUIREMENTS FOR THE OMU DISTRICT.

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 14. That Article 1314, ADDITIONAL REQUIREMENTS FOR THE OMU DISTRICT, Section 1314.02(c), of the Zoning Ordinance, as amended, which reads as follows:

- (c) ~~A maximum 300,000 square feet of new building footprint is permitted to be of one (1) habitable story design.~~

Shall be amended to read as follows:

- (c) **The following regulations shall apply for all retail/restaurant/entertainment uses in new buildings:**
1. **A maximum of 380,000 square feet of new building footprint is permitted for all primary retail/restaurant/entertainment uses.**
 2. **“Small-tenant” retail/restaurant/entertainment uses, or any such establishments with a tenant footprint of 3,000 square feet or less, shall not exceed 30,000 square feet of the total square footage of all primary retail/restaurant/entertainment uses.**
 3. **“Medium-tenant” retail/restaurant/entertainment uses consisting of a tenant footprint between 3,001 square feet and 8,000 square feet shall not exceed 35,000 square feet of the total square footage of all primary retail/restaurant/entertainment uses.**
 4. **Retail, restaurant and other personal service uses shall be allowed as accessory uses in an office, medical office or residential building or complex provided they are accessory to the primary use and are primarily designed to serve the users of that building or complex. Such tenants shall not be included in the calculation of maximum square feet of new building footprint for retail/restaurant/entertainment as noted above in 1314.02(c)(1).**

A. Lehigh Valley Planning Commission

The Clerk read a Communication from the Lehigh Valley Planning Commission dated November 20, 2015. The Lehigh Valley Planning Commission (LVPC) Comprehensive Planning Committee considered the subject rezoning at its November 17, 2015 meeting pursuant to the requirement of the Pennsylvania Municipalities Planning Code (MPC). The latest revisions are modest so the Lehigh Valley Planning Commission largely reaffirms the statements from the previous letter. A few of the revisions reveal a distinctive effort to modify the substance of previous proposed amendment, and the LVPC will comment on these as follows:

Section 1303.07: Purposes of Each District. The modifications here, which eliminate reference to the encouragement of “ground-floor retail and services uses” while retaining the effort “to create connectivity between the residential and commercial buildings”, is a matter of local concern.

Section 1305.01 (a): Allowed Uses in Primarily Non-Residential Zoning Districts. The modification here promotes compliance with the federal Fair Housing Act. The provision no longer subjects individuals in group homes to different treatment than the rest of the population.

Section 1314.01: Additional Requirement for the OMU District (Purposes). The modifications here echo those in §1303.07 and are a matter of local concern.

Section 1314.02 (c): Additional Requirements for the OMU District (Of the Zoning Ordinance). These modifications on the maximum square footage allowed for retail are matters of local concern.

These revisions to the Zoning Map and Zoning Ordinance do not deviate greatly from the previous proposal, and the Ordinance as a whole remains consistent with the County Comprehensive Plan. The LVPC recognizes that these revisions attempt to reconcile criticism of some of the Ordinance's provisions with a sincere effort to return a long-vacant tract of land back to economically viable use. With these modifications the OMU continues to guide the direction of development toward a mixture of uses while still allowing considerable flexibility as to exactly what that mixture will entail, including demolition of the existing structures on the tract, if necessary. Based on the magnitude of the tract and the types of uses that the OMU encourages, any subsequent development plan will most likely surpass the threshold of a Land Use of Regional Significance per the County Comprehensive Plan, which would place it under considerable scrutiny by the LVPC's Comprehensive Planning Committee.

B. City Planning Commission

President Reynolds informed that the Bethlehem City Planning Commission meeting scheduled for December 7, 2015 was cancelled, thus no comments were provided.

President Reynolds stated the City of Bethlehem Zoning Ordinance Article 1325 Section 1326.02 (a) states: "Prior to the public hearing the Planning Commission should submit to City Council a report containing the Commission's recommendations, including any additions or modifications of the original proposal. Failure of the Planning Commission to submit such report within 30 days shall not by itself delay a hearing."

Explanation of Amendments

President Reynolds then recognized Mr. Evans to speak about the amendments he brought forth and approved at the November 4, 2015 City Council Meeting.

Mr. Evans reported there were five Amendments that were presented at the last Council Meeting when we talked on this subject. Amendment one and four are same and it is to delete the sentence: "This District also is intended to encourage ground floor retail and service uses to create connectivity between the residential and commercial buildings on the overall tract." and change this to "This District also is intended to create connectivity between the residential and commercial buildings on the overall tract." Mr. Evans reminded Council the idea is to reduce the vision of creating a third downtown and reduce the obligation to build multi-story on the tract.

Mr. Evans advised that Amendments two and three came as recommendations from the Lehigh Valley Planning Commission. Amendment two is to move us into compliance with the Fair Housing Act and to allow a group home on the property, as permitted in the OMU Zoning District.

Mr. Evans remarked that Amendment three is also from the Lehigh Valley Planning Commission recommendation, which he proposed and was approved. This amendment was simply to change the spelling of the word "principals" to "principles".

Mr. Evans reported the Amendment they spent the most time with was Amendment five and that dealt with changes in limitations of what can or should be done on the tract. This Amendment came from a lot of feedback from the past Planning Commission of August, what was heard and said at that meeting, as well as what came out of our Public Hearing. Mr. Evans mentioned at the last meeting what he proposed was to institute some restrictions that moved from percentages to square feet. The idea was to limit the retail. The number we came up with was 380,000 square feet and that represented 30% of the initial 1.3 million square feet of retail that was allowed on the site. Mr. Evans informed as part of Amendment five, there is a second level of limits designed to limit smaller retail on the site. That second level included that a tenant footprint of 3,000 square feet or less would not exceed 30,000 square feet of the total square footage for all primary retail/restaurant/entertainment uses; medium tenants with a footprint from 3,001 to 8,000 square feet would not exceed 35,000 square feet footage for all primary retail/restaurant/entertainment uses. Combined that is 65,000 square feet and it represents 5% of the initial 1.3 million square feet allowable retail on the site. Mr. Evans stated he felt that provided a balance of the uses to allow retail but to drastically draw back from the initial proposal. It will push it more in the direction of creating flexibility but also pushing in the

direction of residential and office as options necessary because of the limits on retail as a result these Amendments to the Ordinance as proposed.

President Reynolds recognized Darlene Heller, Director of Planning and Zoning to provide any comments if the Administration would like to do so.

Ms. Heller stated she has no comments at this point.

President Reynolds then recognized anyone from Council for comments or questions of Ms. Heller, or Alicia Karner, Director of Community and Economic Development or anyone in the Administration.

5. PUBLIC COMMENT (Public Hearing Comment on Amendments)

Krisann Albanese, 115 East Market Street, reported she is a merchant in Downtown Bethlehem. Ms. Albanese stated she has voiced her concerns to Bethlehem City Council several times this year on this same subject. Each time she has had a different comment coming from a different point of view, as a resident or a merchant. However, as a lifelong resident of Bethlehem and a self-employed business owner in our City her comments are directed for the same reason, as to your integrity. Ms. Albanese feels that she has a concern or comment, and whether it is negative to some or positive to others, it is her voice. She thanks Council for this venue to speak. Ms. Albanese does not feel that these Council Meetings are a waste of time nor does she take these lightly. Having said that, some of her friends say that she over-analyzes situations and because of that she feels she is a very, very successful woman. She continued she will not be running for any office soon since she has too many skeletons hanging in her closet and will not leave them out soon. Ms. Albanese remarked that it seems that this developer, Mr. Ronca, made the purchase of this property in the year 2006. He either had a zoning plan in place, petitioned and had it rezoned, and asked for it to be assessed in such a way to reduce the property taxes so it will be developed his way. Ms. Albanese remarked that is what he does. He is a developer and she respects that. She may be off with her comments a bit, however, as she understands there was a Preservation Act, a CRIZ petition and it was always zoned as a mixed use property. Ms. Albanese stated as long as she has been making business deals she has asked people she trusts to get a fair evaluation so she can make a decision regarding her deal or her money. She voted for a few who are on Council and some have been appointed. She has learned a lot about her decisions through her years of observing and she is grateful for hindsight; that is the biggest thing we can always fall back on, so she can have do-overs. She mentioned that she trusts that City Council Members are her checks and balances for business deals when it comes to the City of Bethlehem. If she has been here several times speaking about her concerns for the same rezoning on the same property should you not be asking yourselves, why? Ms. Albanese queried if Council has all the facts about this developer's deal. It seems to her that we just recently received a few letters about some concerns. Ms. Albanese noted she is all about having that property developed. She remarked she is from that area of town and wants to see something done with that corner. It seems the developer is all about talking about throwing up smoke screens to confuse people and maybe just try to exhaust everyone just to have another do-over. Having said all that, she mentioned to Councilman Callahan that his brother was Mayor of Bethlehem, and to Councilman Reynolds, you do speak of being the Mayor and Mr. Donchez you are the Mayor. Ms. Albanese added that she is happy for all of you because she would not want to be sitting in those seats right now. She is asking to table this discussion and investigate what she just said. Ms. Albanese is pleading Council to find out all the facts before you vote and at the very least if you have any doubts, recuse yourself of voting unless you feel positive about your decision and then place your vote.

Andrew Dorman, 31 West North Street, mentioned along those same lines, he is not sure of anyone is familiar with the quote: "Didn't D wear them out yet". That was what was texted by the developer at the October public hearing to see if the public has been worn out yet by the 2 ½ hour presentation. Looking around two months later, he does not think that the public is worn out. Mr. Dorman remarked that he will begin with an analogy. If he is a realtor selling a home known to be riddled with radon, he does not think he would be successful if he told a potential buyer to sign the title and then I will fix the radon. You would not buy such a house. Mr. Dorman remarked for a decade we knew about the problem with the asbestos at Martin Tower. It is a problem that will have to be fixed even if the building is demolished. He wants to make the point clear that the asbestos has to be fixed even if the building is demolished. The only legitimate plan then on the table would to be, fix the asbestos, fix the problem and that is the solution. Had that investment been made ten years ago Martin Tower in all probability would have been long occupied by now.

Mr. Dorman stated he just found out today that instead of repairing this iconic structure, it has been reported that the developer intended to replace the tower with a Sheetz Gas Station. He guesses that is to compete with the Wawa down the street. Mr. Dorman remarked if we are talking about costs, that development does seem reasonable in relation to demolition figures which follows the logic by the way of throwing out the baby with the bathwater. Mr. Dorman noted it would take \$12 million to renovate and reuse the tower. Likewise, it would require \$7 million to fix the asbestos and to demolish it, leaving only \$5 million to redevelop the land, if we ever balance out the cost of the two options for \$12 million. The redevelopment cost is limited to something in the range of a gas station. Mr. Dorman informed that since then the City has upgraded that proposal to include a Panera Bread perhaps, and now it is holding out for a big box store which he is sure would be just as successful as Westgate Mall. Mr. Dorman advised such upgrades to the plan would cost more but the CRIZ funding from the State allows the developers to be given sales tax revenue along with a few other major tax incentives that they lobbied for on behalf of themselves. So they really make out in any event. He remarked clearly the money will not go back to the City, in fact, it is the City that will have to pay for the cost of road maintenance and increased traffic in and around the new development. Mr. Dorman expressed his opinion that he believes this is a total misuse of tax dollars. Rather than being rewarded, he believes the developers should be held accountable for the property being held hostage for further funding and mismanaged for a full decade. This is really what cost the City's loss of tax revenue addressed at the October meeting all the while the local developer was standing outside eager to see people leave. Mr. Dorman noted the only thing the City has in its power to prevent such further misuse of funds is not to rubber stamp the developers time table to defraud the citizens of Bethlehem even more. Rather, we should actually save the baby in question, which is a local treasure in fact, and keep this building on the anti-demolition list. That would show that there is no vested interest involved in the proposal being considered. Mr. Dorman mentioned that with this type of tower it could be offices, recreation centers, gyms, museums, concert halls, casinos, churches, day care centers, senior citizen facility, exclusive rentals for living like a Bethlehem Steel representative or executive for a day. These would be things where people would actually come to the City for and not just use it as a mere traffic stop. Mr. Dorman remarked to Council, do not let Martin Tower be allowed to be put down and demolished. The developer intends to do this as early as February of next year and doing so would not only rob from your citizens further tax funds, but it would rob them of an irreplaceable local legacy as well.

Peter Crownfield, 407 Delaware Avenue, stated he is sure that he speaks for many when he says that he is deeply disturbed by the Administration's conduct on this about the deceptive, misleading way that we were informed about how the Ordinance was developed, and the fact that specifically there are no plans that the developer has for how the site might be used. It turns out they were being discussed nine months ago. Mr. Crownfield noted given the last minute revelations and the lame duck status of some of the people on Council it is especially inappropriate to rush this forward. He noted there is a lot of new information to process. He would like to remind everyone that basically this latest round of problems with this developer and this property was not created by the problems of the amendments. It was created by the CRIZ. This all of a sudden made the developer reevaluate his plans and say here is a new trough of public money he could grab on to. He will have to get rid of all of that residential and go for lots of retail because that would make a lot of money. Mr. Crownfield advised this is really simple. We created this problem and now you are being asked to patch over it. He explained that the answer is so simple and it was requested by the same developer only a few years ago. The existing zoning is fine, leave it alone, do not pass this, do not vote for this with or without Amendments. It is all wrong. Mr. Crownfield thinks that some of the downtown merchants may feel that the limitations on retail are a big improvement but if you put a few big attractors in there, big box stores, as Mr. Recchiuti said at the last meeting, we would be the only developed City in the Country that is trying to zone for big box. The fact is that by attracting a certain clientele, they will be attracted to the big box and the little retail that is there, and it will compete with downtown. Mr. Crownfield thinks that the amendments were designed to do something. They are somewhat okay, but what they are designed to do is make this Ordinance palatable and this Ordinance is wrong and you cannot make it nice by putting a little scotch tape on it.

Bruce Haines, 825 Barnsdale Road, remarked he is the owner of Aardvark Sports Shop and recently made the decision to invest more in downtown Bethlehem and bought the Bone Appetit Dog Store. When this started, he thought the tower should come down if it made the plan more viable economically. Mr. Haines informed he no longer believes that. He has listened to enough people speak passionately about the unique place the tower has in the history of our City to believe that it should stay if possible. He also does not believe that the developer or the Administration

have made an effective case to demonstrate that redevelopment of Martin Tower is not economically viable under the current zoning. This is especially given the property's CRIZ advantages and State funding for asbestos removal that has been mentioned many times. Mr. Haines remarked that City Council's main mission seems to be to get the rezoning through before the end of its term regardless of whether or not it is the best proposal. None of you seem too pleased with the compromise that Mr. Evans proposed and neither is he. To give a few examples, Mr. Recchiuti mentioned that rezoning for big box stores is something that he does not want to see happen but he voted for it anyway. Mr. Haines added that Mr. Waldron seemed to want to limit the size of individual stores to 100,000 square feet which he could not get any support for but he voted for it anyway. Mr. Haines continued to say that Mr. Stellato seemed to vote for it because 380,000 square feet was 30% of 1.3 million square feet and therefore it must be a good compromise. This logic strikes him to be similar to an employee who makes \$50,000 walking into his office and saying that he would like a raise to \$1.3 million dollars. Mr. Haines would think about it for a minute and would say, let's say \$380,000 because that is 30% of \$1.3 million dollars, is that okay? He added we need to remember that 380,000 square feet is still an awful lot of retail. It is approximately 130 times the size of his Aardvark Sports Shop in the Main Street Commons. Mr. Haines pointed out it is double the size of the Historic District Shopping area in downtown and it is almost one and a half times the size of the Westgate Mall and 80% of the size of the Promenade Shops in Saucon Valley. Mr. Haines would like to suggest the reasons Council cited for compromising to move the zoning proposal forward just are not good enough given for the decision of this magnitude. He understands the compromise is vital to the political process, but we need to set a higher standard for compromise in this instance. The American History teachers in this room will recognize that it was a series of failed compromises that led up to the Civil War. Mr. Haines stated we need to set a higher standard for compromise when we are talking about removing a building of historic value and replacing it with a Sheetz or with some as yet undefined development. We need to set a higher standard when we are going to establish an un-level playing field for the other retailers who have already invested significantly financially and with their lives in the City. Mr. Haines informed this would be an un-level playing field caused by economic incentives and tax benefits of the CRIZ that will affect not just Main Street and the south side merchants but also those at the Westgate Mall, the Lehigh Shopping Center and beyond. Let's slow down and reassess what we are doing and start by addressing the issues that have not been sufficiently addressed. Mr. Haines stated, are you satisfied that by removing the requirement to keep the tower you would not be jeopardizing the City's CRIZ status? As he understands it, the CRIZ guidelines suggest that any significant changes to the approved proposal would have to be submitted to the State for consideration. Mr. Haines suggests that making a 21-story building disappear is a significant change. No one has addressed that issue and that was one of the issues raised in the letter that Attorney Kaplin that we were hoping to have addressed but we cannot even get you to acknowledge that you read the letter. Are you satisfied that the developer has exhausted all avenues to develop this property as it is currently zoned? We have been told that the developers are not even members of the LVEDC thereby removing the property from the view of many potential occupants. Mr. Haines would like to hear a detailed explanation of what has been done to market the property and why these efforts failed. He added, we have heard none of that. What do the people of the City want? You have heard repeatedly from many merchants and downtown residents. These are people he respects and many have dedicated their lives to this City and their efforts to make it a better place to live and work. Mr. Haines stated what about the residents of the west side of Bethlehem and the other areas of the City. He knows that Members of Council have mentioned that they have spoken to their neighbors and other folks that they meet as they go around town but this information has not been collected systematically. We really do not know what the people of our City want. Mr. Haines advised in his opinion the City should commission a public opinion poll to determine what course of action the citizens want. This poll should be conducted, not through the press, but scientifically. Let's find out what our City wants to do. Mr. Haines then wanted to mention something else that was maybe not thought about. If this rezoning passes and the CRIZ designation stays on the property, you are going to create an un-level playing field for the retailers who are already here. What will you say to them in a few years when they come to Council and demand that you make adjustments to make things right. You owe it to them and to future City Council's to give this decision more consideration.

Jeff Fegley, 2027 Majestic Overlook Drive, just wanted to confirm that we are now speaking about the Amendments and there is a second chance to speak.

President Reynolds informed that now they are speaking about the Amendments and the second opportunity to speak will be on any topic.

Mr. Fegley stated what he has to say is definitely in regards to the Amendments. He continued, standing before you here, he is rattled and mentioned to Mr. Callahan, that it worked, he is rattled. You bullied me and my family at the last meeting and you did again just now. Mr. Fegley informed that just outside of Council's chambers right now, Councilman Callahan felt it necessary to interrupt him on a phone call with his general manager regarding work matters and speak to him face to face. Mr. Fegley added that Councilman Callahan said to him "Chief DiLuzio said you want to speak to me." Mr. Fegley stated that he replied no, that is not what he ever requested. Councilman Callahan said he knows that Mr. Fegley talked to the Chief and he knows that the audio files were pulled. Mr. Fegley then said to Councilman Callahan "You messed up and you will need to speak to my attorney." Councilman Callahan then said, "Well, Jeff what I could have said was something else." Mr. Fegley replied with "What". Councilman Callahan then said "I could have said that you were the largest recipient of public funds for any Lehigh Valley business." Mr. Fegley then asked Mr. Callahan if he was threatening him. He continued some of you may have just heard this. It is a true story in real time. Mr. Fegley informed that last week Brian Callahan spoke publicly about private taxes and employment information regarding his family and business. Prior to that Mr. Callahan attempted to smear other local merchants. Mr. Fegley stated he is investigating a criminal prosecution and he will be filing a federal 1983 action. Mr. Fegley queried to Mr. Callahan if Chief DiLuzio really did tell him he wanted to speak to him, as he just stated as fact. Mr. Fegley would hope that the press would confirm with the Chief if this is a fact or a lie. A great deal transpired since he walked out of these Chambers last time and much of it is corrupt and perhaps illegal. Mr. Fegley added that he takes pride in being able to claim that his business among many others is a great part of the amazing business community of downtown. He expressed this evening he is ashamed of Council, this Administration and especially Mayor Donchez for leading this last minute rush for zoning changes and for even considering these Amendments. Mr. Fegley advised the Mayor and his Administration demonstrated no regard of ethics and process that is supposed to be strictly adhered to in order to protect the citizens and businesses of our great City. A recent Right to Know (RTK) request by Mr. Bernie O'Hare was able to help expose this corruption. Actually, there is about eight minutes of public record from an audio file that he put in as a Right to Know where Mr. Evans does very well with bringing up some valid points and he wanted to thank him for those points. Mr. Fegley remarked that Mr. Evans took the time to explain the process that had gone on between the previous meeting and that last meeting and who you spoke with specifically. He noted that Mr. Evans went on to state that it came up that there will be some concerns of how much conversation you, yourself and some of the Administration could have with a private developer before touching on the subject of Contract Zoning. Mr. Fegley commends Mr. Evans for bringing that up and he commends him for taking the further step in asking the Solicitor to then clarify that particular stance of what Contract Zoning was in order to make sure that you did not speak incorrectly. Mr. Fegley, again, wanted to thank Mr. Evans for making that clear. He remarked, that was an opportunity for every one of you to cry foul that there was plenty of conversations taking place, but no one said a word. He added that none of you have said a word tonight, with the opportunity to speak and you did not say it back then. Mr. Fegley added that you had an opportunity, an ethical obligation to speak up and tell your colleagues that enough is enough and that this needs a do-over. He thought it was great that someone used those same words he had prepared. This needs a do-over as Contract Zoning and the developer needs to come forward, start those conversations tonight right here with those Amendments and correct the wrong and do not get trapped. Demand a do-over. Mr. Fegley advised not to associate yourselves with this Administration's debacle; that is what this is, a debacle. Mayor Donchez owes the taxpayers their money back. What should have been a zoning request funded by a private developer to go through the process, you and your minions tried to push through and continue to do so right now, as if this was a City zoning change and it was all your idea. Mayor Donchez did not operate in a vacuum but you did take some information here and there, those documents made it clear that those conversations were thorough and they were back and forth and edited documents. Mr. Fegley stated they were in fact plans, which Mr. Evans made very clear and so did the City Solicitor that the moment you started talking about making plan changes, a gas station and then going further to actually quantify the value of such gas station and the benefits it has and tax with the CRIZ. Mr. Fegley commented that this process was gone through the wrong way and all of you here tonight have the opportunity to fix it. Do not talk about the amendments anymore. He continued say we need to stop this in its tracks and do the right thing and move in the right direction. Move forward as Councilmen, follow the ethics, the process and do what is right for the people and the taxpayers. Mr. Fegley noted what has happened and transpired here in his opinion is worthy of asking for the resignation of many of you and he thinks that others tonight have made some points. Time will tell but it is shameful, do not get stuck, use your opportunity to get out and disassociate yourselves with this. Mr. Fegley added that you have that opportunity and please act upon it.

Mr. Callahan queried if he could make a comment and respond.

President Reynolds stated this is the time for the public to speak and if Mr. Callahan would like to make a comment, he could after the public is done speaking.

Bruce Haines, 63 West Church Street, mentioned he assumes all of you have read the Right to Know information that was revealed by the City two weeks ago. If not, he would hope that somehow we could put it on the record or ask Mr. Leeson to provide all of the same information that was put forth to the public. Mr. Haines stated that information changes the ballgame tonight. We are really not here anymore to talk about if 380,000 square feet is the right retail for this zoning. That becomes a secondary or third issue. The real issue here is that we have an Administration that is out of control. Mr. Haines informed clearly if you read all of this, it is the appearance of Contract Zoning and perhaps even criminal behavior exhibited by our Administration, and you on Council are the check and balance. Mr. Haines remarked that this pains him, but he had been a supporter of this Mayor when he ran for election. He then read he took the gifts out when Allentown had their issues. He continued the Mayor said he has been a strong advocate of transparency and openness. Mr. Haines stated Mr. Mayor, he is sorry and it pains him to say this because there has been no openness or transparency associated with this zoning process. It was a six month process that was revealed of big negotiations starting in January with the first draft and then it went for six months with nine drafts going back and forth between the City and the developer, with the developer making changes of what he wanted on each draft. The City would come back and either agreed or cut a deal to do this instead of that. Mr. Haines commented that the developer was clearly say in that this is for his personal and private benefit because of the CRIZ. There are some zoning items in here that are permitted in the CB District and the core district that Ms. Heller spoke to the very first meeting with the Planning Commission, and spoke to the fact that they wanted to give this developer all of the uses that are permitted in the CB District, the core business district. The word core was used. That is CB, which is the South Side Historic District; that is a CB, a core district. There are uses that we have that this developer traded off to not do that he should have been able to do. As part of the deal he got a gas station instead of being able to do something that he normally would be permitted to do. Mr. Haines stressed that this is Contract Zoning, and that is illegal in Pennsylvania. This Administration participated over six months, nine drafts went back and forth, and there were at least five documented meetings between Ms. Karner, Ms. Heller, the Mayor, Mr. Ronca, Dwayne Wagner, and we could not get one meeting with the Mayor. Mr. Haines noted that he sits on the Mayor's Business Advisory Council and we had one meeting with Ms. Karner and Ms. Heller to clarify what the zoning was and asked for a meeting with the Mayor. We were told that your forum is this one; the public forum at the Planning Commission and City Council. Mr. Haines expressed the fact that we have been here pleading with all of you. We did what she told us to do and every one of these people will verify his comments. We never had any meetings beyond that; we could not get a meeting with the Mayor. Mr. Haines pointed out that Dyanne Holt asked for a meeting with the Mayor. He continued we are on his Business Advisory Council, and we asked for a meeting on this subject and no meeting was forthcoming. Our forum was here but Mr. Ronca's forum was with them for six months. Mr. Haines commends Mr. Evans for trying to do something to address our needs, but unfortunately 380,000 square feet, as the other Bruce Haines said, is twice as big as the Historic District shopping district. If you extend the Historic District even all the way out to Center Street, it is still bigger and still a destination retail shopping district with a State subsidy that allows a build out of a new restaurant that would compete with the Apollo Grill and the new owner will not have to put anything in to the restaurant. Mr. Haines noted that Corked was offered a million dollar buildout to go to Allentown. This developer has 53 acres of CRIZ and can wait until we go bankrupt downtown and wait until our property values diminish. He can then buy our properties at the diminished level and move the CRIZ to downtown. He is the only one who can move the CRIZ because these guys cannot move it. Mr. Haines related the legislation that was put in place gave him 53 acres and he can hold that forever, or for some limited time. He can wait for us to die and then come and swoop in and use the CRIZ. Mr. Haines stressed that this is wrong, and the good thing is you guys have the chance to be the heroes here in the City. Council is the checks and balances, and you are the ones who can stand tall. Mr. Haines remarked that Mr. Fiorentino is the only one from the Planning Commission that stood tall. He would not have a meeting because he did not want to be part of this. This is serious stuff. Mr. Haines stated he appeals to Council to put the checks and balances on the City. He knows that Mr. Reynolds castigated him for picking on him at one of the first meetings and not picking on the Mayor, but Mr. Haines has to say that Mr. Reynolds was right. The problem is over here and you guys are the ones that can fix it. Mr. Haines

applauds Council to do their job, do their fiduciary responsibility, put this on hold and do a do-over and do it right.

Barbara Nelson, Broad Street, noted that it is December 8th and we are in the middle of the Christmas City tourism season which makes her think of how to best address her comments. She remarked that the specialness of our downtown is very important and in the Christmas season we get a lot of tourists looking at Bethlehem's downtown. Ms. Nelson mentioned that do you really think that they are going to want to do that if the downtown is in decay because there maybe is a Walmart nearby and that has closed down the boutique shops, all of the specialness of downtown. We do get a lot of tourist money from the Christmas City which supports Bethlehem and its citizens. We can only support so many downtowns so let's go for no development or limited development at the Martin Tower site, because this is our livelihood. We are the Christmas City and we do not want to lose that identity. Ms. Nelson remarked that we should take our time and make the right decision as opposed to rushing the decision. Bethlehem has a very rare downtown. Ms. Nelson informed she was on Facebook earlier and she noticed that Bethlehem made many lists for its wonderful Christmas lists. If we do not have a sustainable downtown, will we make those lists? Ms. Nelson remarked that we need those tourist dollars. We get a lot of revenue from this; it is an economical issue and we should not jeopardize that. We should also just make a park on that location, we do not have enough green spaces. Ms. Nelson informed that Council should do their job and put this on hold and do a do-over as her colleagues have also said.

Cheryl Dougan, Church Street, advised that she wanted to say a thank you to the citizens of this wonderful City for expressing their viewpoints and their anger with this dilemma. She has only been able to hear about this through friends and neighbors and she is really concerned and worried, not just about the Martin Tower development but for the direction our City is going as is emphasized by this Martin Tower development. Ms. Dougan noted there is every reason for us to be angry as we reflect on what seems to be backroom deals and bold face lies that come to light. The worst perhaps is the insult people felt when their voiced concerns met the muted silence of Council Members at previous Town Hall meetings. Ms. Dougan stated she is an optimist and sees this moment in time is when we might move forward as better informed and engaged citizens who are more determined than ever to position Bethlehem for the 21st Century. We can and should insist that the Mayor and Council be responsive to our citizens regardless of pressure from large scale developers. We want to be included in planning for our community in ways that are considered best practice principles that are common to all successful, livable urban environments. Ms. Dougan stated these principles include sustainability, accessibility, improved quality of life, good public transport, bike friendly networks, density and open space. Many Cities around the Country are actively engaging citizens in meaningful ways to plan growth. One example is the Mayor of St. Louis Sustainability Summit which is held on the campus of Washington University and brought together City planners, technical advisors, educators and citizens in a two day summit. She believes they have done this three years in a row. Ms. Dougan gave another example of Atlanta where they host several citizen planning retreats to gather input on what stakeholders believe was important and appropriate for the future. Ms. Dougan added that the information taken from these meetings has been used to craft a vision and line of community needs and desires. She does not believe that this has been the process that is leading us to this point in time with the Martin Tower debate. Such citizenry includes the approaches that are in keeping with the introductory statement posted on the Bethlehem City Planning and Zoning department website. It says "The Bureau of Planning and Zoning works with the entire community to create a vision for the future of Bethlehem. We attempt to carry out this vision to create a vibrant and sustainable community for the benefit of both current and future generations." Ms. Dougan believes there is a power in positive vision in creating alternatives from the people, not from developers, not from back room discussions, not from the viewpoint of where our property taxes go, that we need a sustainable tax base. As we enter the 21st Century a greater consciousness is emerging and bringing to mind many environmentally quality of life issues that must be addressed. Ms. Dougan added that any new development must address ways to restrict vehicular traffic, probably not put a giant gas station at that location. We need to preserve our quality of life, conserve fuel and also to contribute to the economic stability of our town and region. Ms. Dougan remarked that the development of the Martin Tower property must take into consideration all of these aspects while also addressing the geographic community as a whole. She looked on the web at the Google aerial view of Bethlehem and noticed the wonderful swath of green that runs from 22 and Linden and down through the Bethlehem Golf Club and Illick's Mill Park, the Martin Tower Property, the Burnside Plantation, and the Monocacy Creek corridor connecting to downtown Historic Bethlehem. Ms. Dougan noted she then looked at the New Street Bridge to the Greenway and expressed, imagine if this

entire swath of greenspace with pedestrian or bicycle or small vehicles pathways could connect to service based businesses such as food markets, healthcare facilities or doctor's offices, etc. Some of these exist but more could be invited to be parts of our community and add to our tax base. There are many citizens who might prefer living in such an integrated community as opposed to living that isolates people from daily life. Ms. Dougan pointed out that Bethlehem could become a leader in the Valley by considering land development within such a sustainable context rather than falling back on the turn a quick buck development that threatens to further decay our community. We have great resources at hand, including Colleges and Universities that we might draw upon to facilitate our efforts to develop a clear vision for the future of our community. Ms. Dougan concurs with her neighbors and supports Planning Commissioner Matthew Malozi's statement in long term and disciplined approach as required to produce best results for the City even though it may require additional time and investment to develop a coherent vision and holistic conceptual plan for the Martin Tower tract. Ms. Dougan really believes this needs to be put on hold until we are able to look at our City as a whole and embrace our treasures.

Olga Negrón-Dipini , 1306 East Fifth Street, remarked that she is speaking as a former member of the Planning Commission where she was appointed by former Mayor Callahan in January, 2012 and served her term which finished in October, 2015. Ms. Negrón-Dipini remarked that for many years she has been doing what she believed to be her civic duty, serving as board member for a many of number of organizations, serving as appointed member of advisory boards and commissions locally and State wide. She added that she was always doing what she was encouraging others to do, and that is to be involved and serve their communities. Ms. Negrón-Dipini stated that today, enough is enough, and she asked herself why do we have local commissions if the Administration is not honest about the information they provide to us and then pressure us to make a decision which the Administration and Council seems in a greater rush to ignore. She stressed as a former member of the commission as it relates to the OMU Ordinance and after reviewing the documents made public by the Right to Know law, she feels she was lied to and was pushed to make a decision on something so important to our community. What happened here is outrageous. The developer had months to tailor the wording and specifics of the Ordinance and we were told it all came from the Administration. Ms. Negrón-Dipini finds it disrespectful that after over five months of meetings and the email exchange between the Administration and the developers we were expected to make a decision in one night. She stated that tonight it is in front of the Members of City Council, members elected to represent our community at large, the community that elected them to represent us and watch out for the interests of the better good of the citizens. This is the same community that has stood in front of you for a few months to express their discontent over this ordeal. Ms. Negrón-Dipini stated when she spoke at a City Council Meeting in October, after almost three hours of presentation on the OMU, she noted that the percentage of residential, retail and office that the Planning Commission voted for in August were not the same as those presented to Council and to the public at that presentation. She remarked the Members of Council should have enough time before making such an important decision on this Ordinance change and at the same time should include listening to the constituents input. She noted if the Administration gave the developers months to do so, your constituents deserve no less and you, Members of Council, should lead the efforts. The disclosure of information from the Right to Know request is a good start, but the community deserves full disclosure of the involvement of the developer in writing this proposed Ordinance, and what plans the developer plans for this property. Ms. Negrón-Dipini informed she is very clear that she was elected by the people to represent the people and she hopes you prove us wrong tonight. In order to assure transparency, once she is sworn in as a Councilwoman she will be presenting an Amendment to our existing Ordinance to include the anti-pay to play law in order to avoid the embarrassing situation we are witnessing today with this proposal.

Bill Scheirer, 1890 Eaton Avenue, remarked about something entirely different, which is Westgate Mall. As we all know the estate has been tied up for a long time. Now there is a new owner and he said he intends to put in \$5 million. Mr. Scheirer stated that so far we have seen a new trampoline place and at the same time another one opened up in Bethlehem Township, and he wonders if there is room for two. He would say his feeling about Westgate is that it is still in trouble. In this situation, what are we considering is making things worse for Westgate. If these amendments are adopted, they are a step in the right direction but the whole Ordinance should be tabled as has been said rather eloquently. Mr. Scheirer informed this is far too big to be passed and rushed to judgement. We all know the new Council will not be so inclined as the present Council. We really ought to be considering Westgate at the same time, because the two

go together. Mr. Scheirer advised this Ordinance with or without the amendments in his judgement will be the death knell for Westgate and then there will be another problem. We have heard it is two thirds the size of the Martin Tower tract. How much will we have progressed in that time? Mr. Scheirer remarked that these two will have to be considered together. They are so close together and to do one and not the other does not make sense, unless you want to get something through by December 31st. With the amendments, if this passes, as it probably will, the new Council will be in the position, given what the previous Council did about Martin Tower, to think about now what do we do about Westgate. The new Council might say that should have not been done for Martin Tower because we could have done better if we considered the two together, but that ship has sailed and now we have to deal with Westgate which will be at a disadvantage because of what the previous Council did about Martin Tower. Mr. Scheirer stated perhaps he is a little fixated about Westgate, since his mother lived at the Manor for 25 years and because he is familiar with it. Mr. Scheirer mentioned that when Larry Krauter was with the Planning Commission he once said in a meeting that he would like to bomb that place. He will not mind him saying that because we all know what the Westgate Mall looked like. Mr. Scheirer remarked that Westgate is the other elephant in the room. This is not the way to go about things.

Dana Grubb, 2420 Henderson Place, stated it is a real tragedy that the issue of this rezoning has turned into something a lot bigger concerning the ethics and integrity of our local government. Mr. Grubb informed since the results of Bernie O'Hare's Right to Know request a few weeks ago, those who know him know he is around the community in a lot of areas and groups and he has never heard so many concerns and complaints and questions about public officials involvement in this issue. Mr. Grubb advised that people feel misled. They feel there has been criminal behavior and there has been no ethics and integrity in their local government and they keep saying where is the FBI, in reference to what is going on in the City of Allentown. He noted that honesty breeds trust and there has been very little of that forthcoming on this entire issue, in light of what has been revealed. Mr. Grubb pointed out the snide innuendo in text, the issue of campaign contributions, remarks made to business owners that have been shared with him by City officials. He worked for the City for 27 years and did not treat people like that while working for the City. Mr. Grubb advised that questions are being raised throughout the community and some of the people who actually support the rezoning are asking these same questions about the integrity of our local government. As a public service and directly from the website, you can report suspicious activities and crime by contacting the Federal Bureau of Investigation, Philadelphia Division, 600 Arch Street, 8th Floor, Philadelphia, Pennsylvania, 19106. Mr. Grubb added the walk in business hours are 8:15a.m. to 5:00p.m.. You can call 1-215-418-4000 or email Philadelphia.complaints@ic.fbi.gov.

Dwight Taylor, 3306 Green Meadow Drive, stated he is a resident of the City and that he owns three businesses, two of which are in the City limits and he is partners with his brother and father. The proposal for the level of square footage of retail is in his opinion, in addition to being large, it is also being subsidized by CRIZ revenue and is a slap in the face to those who have worked hard to make the City the way it is today. Mr. Taylor stated this City is a desirable location for business and for family. To bring an area that would compete with all of the people who have basically sucked it up, during crappy insurance rates, during recessions, to enable a parcel of land and to say you now have competition that can put you out of business is completely wrong. Mr. Taylor advised there is something similar happening with one of his stores in Hanover Township. The property was rezoned to combine three properties that are a block away from his business. It took half of his business away and he has still not recovered in ten years. Mr. Taylor stated he is still there, but he is struggling every day. It piqued his interest when he saw the O'Hare request and that there was a gas station involved. Mr. Taylor does not think the Wawa will be very happy. They played by all the rules and now all of a sudden they will have a mega store a block away from them. Mr. Taylor gave an analogy of an owner of a shoe store realizing a competitor could go in at the Martin Tower site and apply their sales tax dollars to their bottom line when a merchant on Main Street is not allowed to do that. This is completely unfair and improper. It is not the obligation of the City to make sure that the developer maximizes their profit. If he made an investment in something and it did not work out, everyone would say gee that did not work for you. It is not your job to change it so the developer can make it right. He knew what he was getting into back when he bought the property. Mr. Taylor stressed that the developer must have done his research to see what is would cost to redevelop it at that time. There is no reason to be changing the rules and especially the pace we are doing this in the past six months. Mr. Taylor implores Council to go back to where you were before. The CRIZ was established not to have another downtown. It

was established to create development in the manner that was already set, so go back to where you were and let's make it an office park again and create jobs in that manner.

Al Wurth, 525 Sixth Avenue, mentioned he has talked about his issue before but obviously there have been a lot of new developments that might affect Council's decision. Mr. Wurth stated primarily he wanted to address the Amendments which he thinks are completely inadequate for addressing the concerns of the people who have protested this rezoning from the beginning. Mr. Wurth mentioned that he teaches Political Science at Lehigh University. He noted the easiest way to point this out is that traditionally downtowns have been led by suburban communities where new retailers can relocate and avoid a lot of the City taxes and responsibilities of the City. The story is most easily illustrated in this area. It is universal across the Country. Walmart always exists across from one property or community boundary from where most of the people are located and use low density development, free parking to compete with the older more established areas. Mr. Wurth stated that Bethlehem, as we know has weathered that better than others because of the incredible dedication of the Moravians and the location of the colleges. We have been an exception and we have been fortunate. If you want to see the story written locally rather than just anywhere USA you just need to look at Allentown and what happened to its downtown commercial area because of the Whitehall Mall and Lehigh Valley Mall stealing all of the retail customers. Those merchants had the advantage of free parking and lower taxes compared to the downtown. Mr. Wurth noted there was something in the newspaper today about the old Hess's. He stated Bethlehem has achieved something new in this area with the efforts we have now seen with more details about with the existing Mayor and his new plan for how we will develop the Martin Tower area. That will be that we do this to ourselves, that we invent the suburban style exit development in our own community and subsidize it. We do not have Whitehall Township or Forks Township doing this to us, we are doing self-inflicted wounds. Mr. Wurth stated at he does not believe that it could possibly be true that a gas station is planned for the site. No one would tear down an historic registry building to build a gas station. This may be something they are floating, so they may come back and say, it will actually be a Trader Joe's or an Ikea. No one wants to see that. We have a unique building on the National Register of Historic Places, the last from the Bethlehem Steel along with Homer Labs. This new compromise, these Amendments, still leaves that on the wrecking ball and we will spend \$9 million dollars of taxpayer money that we give to this developer from out of town to tear this down. Mr. Wurth just wanted to say, is this crazy enough for you yet or is there something else we need to do? This is just way over the top and is a self-inflicted wound. He continued we do not need to do this. No wonder people are so upset by the revelations from the Right to Know request because it seems like this is a done deal. Mr. Wurth cannot believe this would really become a Sheetz gas station. So please do not do this; there is no reason to do this. Mr. Wurth believes this is embarrassing and is humiliating for the community and we are working on behalf of someone who does not live here and who does not even pay taxes here except on this property. He is asking Council to please represent the people who elected you.

Carmen LoBaido, 458 Main Street, stated that she owns the Artsy Diva Boutique. Ms. LoBaido wished the Mayor and Council Members Happy Holidays. She is at this meeting to speak out against the Martin Tower as she has done in the past few meetings because she cares about the future of two downtowns, the merchants, and the property owners. Ms. LoBaido stated she is not a life-long resident of Bethlehem but she loves the City, the downtowns and the charm of Bethlehem just as it is as if she was born here. She noted she is a shop owner and her family owns property on Main Street, and she does have a vested interest on what happens on Main Street. Ms. LoBaido cares about the success of the downtowns, but even if she did not, the Mayor and Council Members know that a healthy and thriving downtown is a healthy and thriving City. Our tourism especially depends on our downtowns remaining healthy and viable because people come to see the beautiful buildings and the little shops. Ms. LoBaido commented that a woman visiting from Utah remarked this evening that we have such beautiful shops in Bethlehem. So she came downtown and not to a Walmart or anywhere like that. Ms. LoBaido stated she has lived in many Cities in the Lehigh Valley but she always came back to Bethlehem. She was approached several times by a recruiter from the Allentown NIZ project to come to Allentown and open up a shop, another Artsy Diva Boutique and she said to them, no. This is because she is loyal to Bethlehem and loves Bethlehem and wants her business to succeed in Bethlehem. Ms. LoBaido said they were very persistent, and told her the rent would be so attractive and the developer would work with her and she again said no. She hopes that her loyalty will not someday come back to bite her if something happens to the downtown because of the Martin Tower project, and that she does not regret her decision. Ms.

LoBaido hopes that Council will vote in favor of what is best for Bethlehem, the two downtowns, the Westgate Mall and the Lehigh Shopping Center so we can continue to thrive. She remarked the life blood of any City is a healthy thriving downtown and existing strip malls. Ms. LoBaido added is that there are several stores that will be closing on Main Street after the holiday. One of them is In The Mood, which is due to a retirement and the others are Sophisticate and the Underground Lair. We will now add three more stores to two already empty ones that we are having trouble filling, which are Shuze and Little Italy on Main. This includes the empty stores from Main Street, east of Broad Street that we see just sit there empty. Ms. LoBaido hopes that Council will dwell on these words and start to ponder are we a healthy downtown with the stores filled and people coming downtown and shopping? In her opinion we are not, so let's not make it work. Ms. LoBaido wished everyone a Merry Christmas. She added that she worked 10 hours today and everyone should have a good night.

Stephen Antalics, 737 Ridge Street, remarked he had comments at a previous Council Meeting and at the time there were only five citizens in attendance. This goes back to an earlier meeting when a number of citizens had the same concerns that he addressed at the last meeting that we heard again tonight. Mr. Antalics mentioned the words "squeaky clean" and the dictionary says it is a high state of cleanliness but that meaning street wise has taken a new meaning. This now refers to elected officials. An elected official who is squeaky clean today is one who never took monies from a developer. Mr. Antalics informed we all know that to give money to a person seeking office will have strings attached and those strings can have a problem of commitment or recognition of such. So the developer may look for a payback for his investment. Mr. Antalics advised it is incumbent upon people who are elected by we the people to have the responsibility to the people, but if at that time an issue comes up in which they have to vote involving the developer who made contributions to them, then by definition there is a conflict. Mr. Antalics queried what is the conflict? The conflict is shall the elected official fulfill the obligation to his citizens who elected him or her or to the developer who made a contribution to their reelection campaign. The conflict is a given, and we all know there is a conflict there. Mr. Antalics stated by definition, each elected official who then votes on the issue involving the developer who made a contribution to his campaign, has an obligation to do one of two things. They could recuse themselves from the vote if they see a conflict of interest or an appearance of a conflict of interest or up front say they have accepted a donation but I will look at this objectively and vote in the best interest of the citizens of the community. Mr. Antalics advised this should be done by anyone who is elected who is not squeaky clean. So if any of us raises the issue since the person voting has not said they either have a conflict or recuse themselves should accept comments from the public because we see the potential conflict of interest. Mr. Antalics noted for anyone on Council to vehemently be offended by this, which should come naturally, that raises a second issue. It raises a cloud and that cloud is a cloud of smoke and we as citizens hope that behind that cloud of smoke there is no fire.

Mr. Callahan queried if he could make a comment.

President Reynolds remarked he cannot stop Mr. Callahan from speaking but he would highly recommend that he not respond to the comments due to the nature of the comments that were made this evening.

Mr. Callahan advised to Mr. Fegley the comments on their conversation are not quite accurate. Mr. Callahan stated that he simply tried to come up to him in a friendly manner and discuss a concern that he heard Mr. Fegley had. Mr. Callahan informed he shook Mr. Fegley's hand and was walking away when he ended his phone conversation on his own and he started stating over and continuously that "you f..... up, you f..... up". Mr. Callahan stressed he simply told Mr. Fegley that he had an issue with his insistent comments that the Martin Tower site is being publicly financed with State tax dollars and he found those comments to be hypocritical considering the amount of help that the Brew Works had received over the years. Mr. Callahan stated that is just a fact and is not a threat. If Mr. Fegley took this as a threat, Mr. Callahan apologizes but that is a fact he was stating.

Mr. Fegley queried if he could make a comment.

President Reynolds informed there is a second public comment coming up where he may speak for another 5 minutes and he will go to Mr. Fegley after the people who had turned down their opportunity to speak at the first comment. Everyone will certainly have another chance at 5 minutes to speak on any topic.

President Reynolds pointed out that he wanted to wrap up the Public Hearing portion of this and say that the Ordinance as Amended will be placed on the Tuesday, December 15, 2015 agenda for final reading.

President Reynold adjourned the Public Hearing at 8:35 pm.

6. PUBLIC COMMENT (Public Comment on any Subject)

Martin Tower

Michael DeCrosta, 914 Walters Street, remarked that to him this is not just about doing the right thing with Martin Tower but fundamentally considering how we are building Bethlehem and what the future of Bethlehem is and what our guiding principles are. Mr. DeCrosta related that the square footage thing is sort of a red herring at this point. 380,000 square feet is still an enormous amount of space. He just read that Madison Farms in Bethlehem Township is 140,000 square feet so that is nearly three of those. He also mentioned a few weeks ago there is a section in the provision where the traditional neighborhood development provisions from the Pennsylvania Municipality Code are removed. Again, he highly encourages Council to look that up on the Internet. It is another zoning code that goes on top of it that is part of the Pennsylvania Zoning Code which applies other design things and many guidelines that would guide the development towards Smart Growth. Mr. DeCrosta stated speaking of Smart Growth, we have heard the way that this has been postured that this will be a Smart Growth Mixed Use project but we have also heard from some of the things that have been leaked which were very dramatic. Aside from that, we got some inkling that there may be a gas station, or maybe a fast casual business with a one lane drive through like a Panera, but that has nothing to do with Smart Growth. Mr. DeCrosta mentioned the technical understanding of what we are trying to do and what we are saying we are doing are very different in his opinion. Mr. DeCrosta stressed he wanted to make a few other points about the Martin Tower. The way that cities use to grow sustainably is that the area round them could be annexed before places like Bethlehem Township and Hanover Township existed and they could grow out. Because Pennsylvania is so different we are surrounded by all these technical places that are built. We cannot do that anymore, but we have 50 acres in the middle of the City that we could use that for. Mr. DeCrosta pointed out Renew Lehigh Valley says that the Lehigh Valley will receive about 140,000 people in the coming decades and some of them will come to Bethlehem and we will want to put them somewhere so Bethlehem will want to grow sustainably. He said that is probably the biggest reason why this huge chunk of land is incredibly important as a resource and that we do not have to immediately flush it away and put a big box there that would be hard to remove. Mr. DeCrosta mentioned, look how hard it is to remove Martin Tower now and that is its own suburban thing. It is away from the interchange and a tower in the middle of a bunch of surface parking lots and probably not very good for modern Bethlehem to have. He continued, look at the trouble we are having renovating that building. Mr. DeCrosta then mentioned the idea of guiding principles in terms of how we are developing and stated that we seem to have this track record of blindly following these projects that we think are going to give us a lot of tax dollars in the short run. Some probably have given us that, and probably Lowe's has been good for our revenues. Mr. DeCrosta would urge Council to consider that there is a difference between the short run and the long run, especially with these CRIZ and NIZ types of things that we will eventually have to be paying for the maintenance. If Eighth Avenue turns into something resembling a highway instead of a neighborhood street, how much more does that cost for us to maintain. He mentioned he just met Chuck Marohn at the Renew LV Conference who talked about much of this and changed his thinking about this matter. He has many graphs that Council should see so he will be sending some emails to follow up with that. Mr. DeCrosta reiterated the idea of guiding principles and expressed we do say that it is Smart Growth and Mixed Use. The Lowe's development is technically mixed use because of the Lowe's building, the apartment buildings behind it and there is a pharmacy and some offices in that area. That is mixed use, but it is not smart; it is dumb growth mixed use. Mr. DeCrosta mentioned that Mr. Recchiuti said the smartest thing at the last meeting when he said why are we voting for sprawl, no one else is doing this, no one else want to do this. He is right and this is the best simple analysis of what is happening. Mr. DeCrosta pointed out that the square footage thing is a red herring and does not really matter. He remarked the whole thing needs to be scrapped. We need to think of not just this tract but what are we doing and what will Bethlehem look like in 50 years and how do we grow that slowly. Mr. DeCrosta stressed that building big box stores would be really bad.

Neville Gardner, 381 Biery's Bridge Road, informed that he is the owner of Donegal Square and McCarthy's Red Stage Pub and Whiskey Bar. He has to say that he is really confused, he read all of the Right to Know documents and was really angry after he read those. Mr. Gardner remarked he is does not come from this Country but he lives in Bethlehem and loves it here. He feels like he was conned because much of this information hopefully was available to City Council; this information was not available to the public. It seems to him like there was a lot of secretive, underground planning going on to help the developer, and in this case make a fortune. There is no plan in Bethlehem. That is one of his biggest complaints about living in Bethlehem. Mr. Gardner noted when John Callahan was the Mayor he sat in his office and was told whenever the Sands comes here, we will give you a public bathroom and we will pay for that with the Host funds that comes from the City. We never did get the bathroom. Mr. Gardner stated he is a little concerned because he feels like we have been hoodwinked to a degree. He does not know what the big hold is that this developer has on our City, on our Administration and on our Council. Mr. Gardner expressed why would you want to shoot yourself in the foot by building something such as a monstrosity, of a big box store. Mr. Gardner had said originally he can live with a big box, if they put in a Costco there, Sam's Club or a Trader Joe's. He continued it seems like it will happen anyway; it seems like this is a done deal. Someone has a big hold that has convinced all of our Council and all of our Administration that you have to do this and he does not get it, he does not know why. Mr. Gardner wonders what is the deal, why would we feel so compelled to rush into this head first and give someone the opportunity to make a billion dollars in sales tax over 30 years when we have to fix our City? We need to fix the Boyd Theatre. We could take the CRIZ where it is really needed. Mr. Gardner stated he has a piece of paper that says, "The vacant 52 acre Martin Tower campus sits as a landmark and gateway to Historic Bethlehem. The owner/developer intends to develop the 21 story tower as a mixed use facility and develop the surrounding acreage with office, retail, commercial and residential uses resulting in one of the Lehigh Valley regions premier commercial and residential destinations. Martin Tower is one example of Bethlehem's effort to create its future from the vestiges of Bethlehem Steel's past." Mr. Gardner believes that is brilliant and is a great idea. He continued, "Located in close proximity to the region's main transportation artery, Route 22, the project is ideally situated and be readily marketable for the intended uses. Representing \$175 million investment in the City, Martin Tower will provide an excellent opportunity to promote a live and work environment. This Smart Growth approach to redevelopment is a cornerstone of Bethlehem CRIZ's plan and one that has helped the City earn the reputation as a community that executes on opportunities and generates positive results for itself and the region." Mr. Gardner reiterated that this is brilliant, let's do it. He is not sure what excuses the developer has but he can say, when he went back and took a look at the timeline. In 2006 before buying, the zoning change of office mixed use, as residential and 50,000 square feet of retail, the developer then buys the lot for \$12.8 million dollars and then tried to sell it for \$30 million shortly thereafter. Mr. Gardner added in 2010 there was the RACP for \$8 million to remediate with \$12 million for the sprinklers and asbestos abatement and upgrades on elevators. Then the National Registry of Historic Places gets a special exception and a tax credit so that money he spends he can get tax credit for, that is brilliant. In 2011 and 2012, then the tower is blighted; lets' reduce the tax load because the building has deteriorated over the last 10 years. Mr. Gardner pointed out that the building deteriorated because the owner did not fix it. In December of 2013, we have the 53 acres of a CRIZ award, even though there is no benefit for residential, which is how the property is zoned. Mr. Gardner referenced the CRIZ application where it says no zoning changes are needed. He wonders what is going on here. Was there an intention to change the zoning from the beginning. Mr. Gardner noted then they get an RACP grant and then that runs out but we add a million dollars to it and make it \$9 million instead of \$8 million. He noted you are not really supposed to get an RACP grant when you have a CRIZ, or are you? He added then in 2015 we have a series of meetings that continue for eight months and then we have this rezoning ordinance. Mr. Gardner advised if Council votes for this you are throwing away your City. He stated make a plan; figure out what you really want to do with your City. Figure out if you want tourism or if you want to have big boxes or if you want to kill the central business district. Please do not vote for this.

Jeff Fegley, 2027 Majestic Overlook Drive remarked that he wanted to restate, you have an opportunity, do not get trapped, if you want part of this, do not become part of. Do not enable it, run away.

Bill Scheirer, 1890 Eaton Avenue, stated he would like to make two separate comments. He has been thinking about all of the possible reasons for keeping Martin Tower and it seems to him that there are three. One is that the building is marketable, second would be that the building is historic and third would be that it is good architecture. Mr. Scheirer advised that the developer has said that they have tried to market the building and cannot do it. He continued maybe that is true and maybe that is not. The developer may have his own reasons for saying that. Mr. Scheirer stressed that the building is historic. It is a reminder of the decline of Bethlehem Steel. Martin Tower was built ten years before the decline became obvious but the decline was already started. Contrast this to the headquarters on the south side which he understands that Sands has stabilized so there is no further deterioration. That building represents the glory days of Bethlehem Steel, when they were building the Golden Gate Bridge in 1937. Mr. Scheirer noted he cannot see that the Martin Tower has any history worth preserving. A friend of his calls this tower a monument to mismanagement. He will go no further than that. Bethlehem Steel was a company that became dominant after World War II. They were the number two steelmaker in the world; they got complacent and got overtaken. Mr. Scheirer does not think we want to preserve that history. He added that the third is a good example of the international style of architecture, which is what it is. Mr. Scheirer has talked to two architectural historians and they say it is not a good example of that style of architecture. So when you analyze it that way, there may be no reason for keeping the tower. There are people who worked there and feel a sense of personal connection and one on his block watch on particular, but is that a sufficient reason, he does not know. Mr. Scheirer will ask a lot of questions about the other subject, because he has been sitting here thinking about campaign contributions and conflict of interest and will repeat these comments when the anti-pay to play act is introduced. He thinks they are worth mentioning now. Mr. Scheirer mentioned you can divide politicians into two groups; those seeking reelection and those not seeking reelection. The ones seeking reelection, of course appreciate the contribution because it can be spent in ways to influence the electorate. Then the question becomes for that politician, how important is it for me to get this contribution when I am running again. Given that I want to have this contribution again, which may or may not be true, what will it take for the contributor to make the contribution again and that would depend on the contributor. Mr. Scheirer noted then let us consider the politician who is not running for reelection. They would appreciate the donation and is there a moral obligation toward the contributor, even if not running for reelection. The usual answer is the contributor buys access, to present his or her case and we currently have had a lot of that. Mr. Scheirer mentioned the public then has their access later on in an abbreviated fashion. It is not the same kind of access and as we know from elections, access can be important when you consider how money buys television ads that influence the electorate. You can view those television ads as access to the mind of the electorate. Mr. Scheirer stated perhaps politicians are more intelligent than the average voter and have more perspective and the access does not influence them as much. These are just questions that he has.

Robert Gardner, remarked that you can tell from his accent that he is not from this Country. He came here two years ago and he informed that you have something in this Country that you should be very thankful for. He stated that is the Freedom of Information Act and where he comes from they do not have that. Mr. Gardner stated up to seven years we might see something that we all read recently in the Lehigh Valley Rambling. He read it and understood it. He noted he has been to every Council meeting. He stated he loves this City; he is married. Mr. Gardner informed that man there, and that lady and the planner should do the right thing for this City and resign because they have cheating the voters and he as a newcomer and you on City Council. Mr. Gardner is asking Mayor Donchez, do the right thing, get out of here and get someone who can do your job honestly and property and do not cheat people like him or these people here.

Bruce Haines, 63 West Church Street, remarked that he mentioned at two meetings ago that we are really spending the time on the wrong thing. We do not need a new zoning; what we really need is a new developer. This is not about a zoning change; we need a new developer that will develop the property the way it is currently zoned, the way it was advertised to the State that it would be developed with the CRIZ. Mr. Haines added that he wants to come back to that because that is important. You do not have an obligation to redevelop this for this developer. If you look at his track record that Neville Gardner outlined, the developer has done nothing with money that he has received to put the tower in a marketable position. He got \$8 million in RACP money. He had to spend \$12 million and gets \$8 million back. He has net \$4 million and he has the building sprinkled and he has got the remediation of the asbestos that he disturbs while putting the sprinkling system in to bring it up to code and he fixes the elevator

and he only spent net \$4 million. He did not do this. Mr. Haines remarked the developer has had that RCAP money since 2010 but he actually went to get the building blighted instead of spending the money to put it into a marketable position. Then he gets the RACP increased from \$8 million to \$9 million in 2014 after he gets the CRIZ. He should not be allowed to do that. Mr. Haines advised that is like a new RACP. He just got another \$1 million dollars granted to him that the Mayor endorsed and that is against State law. Mr. Haines noted then in July 2015 he actually changed the whole scope of the RACP and gets it changed as an extension to instead of using the money to refurbish and restore the tower and put it in a position to be marketable. He asked for the money to be changed to allow to tear the tower down and build a 30,000 square foot box. He had the chance to do something with all that money and he has not done anything. All he does is keep asking for extensions and keep asking to get his property taxes down. Mr. Haines commented that even in the Right to Know there is an email in there that says the building deteriorated in the last six years since Dun and Bradstreet were in there. The owner has an obligation to not let the building deteriorate. He thinks there is even a City Ordinance that says you cannot let a building go into blight by doing nothing to preserve it. It seems to him that the obligation of an owner is to fix a building, so you should be falling off your chairs to take care of him, nor the City. Mr. Haines returned to the point he made earlier, which is that we were all deceived about the involvement of this developer. He remarked that we had heard from Olga Negrón-Dipini and we got a letter from two of the Planning Commission members that did not want to have a meeting because they did not want to be a part of this. Mr. Haines stressed that you were deceived and the State was deceived on the CRIZ. Mr. Haines related that this Administration participated in that deception so the story here is that at the end of the day we were all deceived you are the only ones who can do anything about it. Mr. Haines expressed his opinion that you are the only ones who can step up and exercise your fiduciary responsibility as a check and balance with things being wrong here. He remarked slow this down. He sent an email to Ms. Heller and he believes that the legislation is flawed. This is because they created a new definition called Retail, Restaurant and Entertainment to define what the 380,000 square feet entails. There is a retail use, and there is a restaurant use, two or three restaurant uses. There is no entertainment defined and no definition of what of the 26 uses that are permitted fall under the umbrella of Restaurant, Retail and Entertainment. Mr. Haines believes we will end up with the same situation that Mr. Reynolds talked about with the current zoning. Is it 425,000 square feet or is it 50,000 square feet? Mr. Haines asked Ms. Heller to change the zoning and put that in there so it defines what is included with the 380,000 square feet, or is or is not a hotel/motel over and above 380,000 square feet? Is it retail or is it restaurant? A hotel, a microbrewery has its own use; it is not retail. We have the term Retail, Restaurant, and Entertainment category, a master category named in this with no definition. Mr. Haines remarked at the very least you have to send this back and amend this and start over to define Retail, Restaurant and Entertainment so it is very clear what is and is not included in the 380,000 square feet.

Stephanie Bennett, 431 Cherokee Street, stated after reviewing the Right to Know information made public recently she has to question the legitimacy of public official's claims that the developer was not involved in the rezoning of Martin Tower from the beginning and have no knowledge of development plans. Ms. Bennett noted on June 5, 2015 Dwayne Wagner sent an email to Darlene Heller with attached zoning revisions and requested that "We have to keep this on the agenda for next week. Please give me a call when you receive this email to discuss. The urgency is related to our RACP extension request, which Lou had previously discussed with the Mayor." Darlene responded "As we discussed before we will not be able to put this on a PC agenda until we have been able to take the time to review with the Mayor. We will not be able to put this on until June." Ms. Bennett informed this made her look further into what the RACP extension was because she has never heard of this before. This is a Commonwealth grant that Mr. Wagner referred to and it expired for the Martin Tower site in July 2015 so both Mayor Donchez and the developer applied for an extension of the grant stating that the City has commenced Zoning Ordinance Amendments to allow for large scale commercial development. The grant was approved and extended with an attached project schedule. According to the schedule in November 2015 when the Ordinance would be passed, as long as it is passed, developers would begin engineering a master plan to submit to the City Planning Commission in November 2015 and have the City staff review plans in December, 2015. The schedule states that the site would be awarded a big contract in May 2015 which means to make the July 2016 deadline that they got with their extension. Then that the project would be in 2016. Ms. Bennett mentioned that the timeline makes her question whether or not there is a development plan already in play considering how soon they plan to develop this site. It also leads her to question whether or not City Officials have knowledge of this development

project that the public is not aware of. She thinks this information should lead City Council to reject the Amendments.

Breena Holland, 379 Carver Drive, informed she was slightly surprised at the start of the conversation tonight that no one actually wanted to talk about the Right to Know information. She is probably unaware of some legal issue but the one that bothers her was heard in two of the Council meetings that she attended where Mr. Recchiuti and Mr. Reynolds assured the public that this Ordinance came from the Administration and not the developers. Ms. Holland is wondering if people have actually read the Right to Know information that was released by Bernie O'Hare and asked if this was looked at and if they can see the extent to which that information is false. The back and forth dialogue between the City and the developer clearly shows that the Ordinance changes came from the developer. They were centrally involved in drafting it, getting changes and negotiating as many people said tonight. Ms. Holland remarked that it is also bizarre to see the nature of the conversation between the City officials and employees and the developer. There is something wrong with those developers in the way they are doing things. She mentioned with the language of the email that was just read suggesting that the City officials have to be on their timeline to get them money and get things introduced at their speed. She would seriously be worried about them and she is hoping that people will heed Dana Grubb's earlier call to initiate some legal and FBI investigations. These things are proving significant in the City of Allentown. Ms. Holland would not think that they could not happen here. So she is hoping that Mr. Recchiuti and Mr. Reynolds will tell us why we should not be concerned, since they assured us that this came from the Administration and not the developers. Ms. Holland advised if you have not read the Right to Know information that was released then you should probably postpone voting on this until you do and if you do then tell us why that is not a level of involvement of the developer in the development of the Ordinance that cannot be construed as inappropriate involvement. This is something that clearly did not just come from the Administration.

Stephen Antalics, 737 Ridge Street, noted there is something known as standard procedure and standard procedure in government generally is run by Ordinances or Resolutions. Based on standard procedure City Council should categorically reject Bill 38-2015. This is because it violates standard procedure of government. Mr. Antalics stated that we have a Planning Commission and a Zoning Hearing Board. When this property was purchased they came before the Zoning Hearing Board to ask for a zoning change. This is to allow Martin Tower to be primarily residential for high end condominiums and it was granted. Mr. Antalics noted the real estate market bottomed out so that was the end of that plan and it sat idle. As was mentioned here the City has no responsibility to redevelop the property. That is the developer's problem. Mr. Antalics advised if standard procedure were followed and the developer had a new need for that building because of the CRIZ, because the emphasis went from residential to commercial, standard procedure would ask for him or demand he come before the Zoning Hearing Board again for a zoning change. Mr. Antalics stated that the developer should be standing here with a plan in hand saying what he wants to do now. Mr. Antalics reiterated that this is standard procedure that has been followed for years. Why now in 2015 is standard procedure no longer followed and who changed it and what pressures were exerted to force the change? He pointed out that the tail is wagging the dog. The Administration is proposing Bill 38-2015 which is in fact doing the developer's work. Mr. Antalics noted in good government standard procedure is followed because it involves the best interest of the community. We have not seen the developer at these meetings. We have not seen a plan. There is no reason to change the zoning because there is no reason to change it. The developer should be the driving force as to why the zoning should be changed. It is not the Administration's job to rezone something on their own. Mr. Antalics remarked that this raises many very serious questions that has been alluded to by many people. So, to bring government back to good government with standard procedure categorically Council should dismiss Bill 38-2015 and go back to standard procedure and have that followed and then vote in the best interest of the community.

Andrew Dorman, 31 West North Street, stated he just wanted to address some criticisms about preserving the tower. A point was that it was not built at an ideal time. It was built during the demise of Bethlehem Steel but it is really a testament to Bethlehem Steel because it is so strong a structure that if the decision was made to demolish it, they could not implode it because it is too sturdy. Mr. Dorman explained they would have to take that down piece by piece from top to bottom one step at a time. Also, there was criticism of the style. It is called cruciform and having worked there he knows that is a fact. It is made that you could have a

good view no matter what direction you are in the tower. If you were east, west, north or south you would still get a good view. Mr. Dorman stated as far as the heritage, this is what would make it interesting to come to the City to see a Bethlehem Steel museum. This is part of that history and a crucial part and an interesting part. Mr. Dorman informed that this is a building that is already there and it can house 21 stories of lofts if that is the case. This is a great property and has a great structure on it that can be used for many, many purposes.

Krisann Albanese, 115 East Market Street, stated she is also a business owner in downtown Bethlehem on Guetter Street. Ms. Albanese advised that she is appalled at what she has heard tonight. Whenever she is upset or concerned she always goes back to what her teacher taught her in the Bethlehem schools and that was, what would your mother and father say of the things that you are about to do and think about and the steps you are about to take. Ms. Albanese mentioned if there was any doubt in your mind that you did not like the wrath of what was going to come down from them, you would reconsider. She is asking all on City Council to reconsider everything that has been put up until now before you. It has been since Dun and Bradstreet left that property. The property needs to be developed, but it is the wrong person who owns this. The developer made a choice to buy it and she certainly did not tell him to do that; he did not ask for her opinion. Ms. Albanese informed that her fiancée is not here tonight, but he would cringe at the fact that she started off the evening and she is finishing her evening talking to you because he would say, of course you are, because she cannot be quieted when she is so passionate about something. She cannot believe that you all sit in front of us and you are not as passionate about this as is everyone in this room. It has to do with everything that we stand for from the time that we came to live here to build a business here. Ms. Albanese mentioned that her fiancée is trying to build a business right here in Bethlehem in the last six months. To say that it is frustrating, to go in front of City Council, in front of the Zoning Board, in front of the City of Bethlehem to just start a business of hot dogs, it is so simple. Yet, this is so difficult for him to do. Ms. Albanese commented she would like to have had the initial startup of the money to buy the Martin Tower property; she could have done something with it since 2006. If nothing else, there has been way too much discussion about the right thing to do. Ms. Heller did her job, the present Mayor did his job, and everyone here did their job. She added everyone did a hard job, but why cannot you see the forest from the trees and why is she the only one who sees that this is a no brainer. Ms. Albanese stated, develop the property for everybody and vote you conscience.

7. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

ATTEST:

City Clerk