

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, March 1, 2016 - 7:00 PM

INVOCATION

Bishop Hopeton Clennon, Senior Pastor of Central Moravian Church, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Reynolds called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Eric R. Evans, Shawn M. Martell, Olga Negrón-Dipini, Adam R. Waldron and J. William Reynolds, 7.

2. APPROVAL OF MINUTES

The Minutes of February 2, 2016 and February 16, 2016 were approved.

3. PUBLIC COMMENT

*Redevelopment Authority and transfer of land*

Bill Scheirer, 1890 Eaton Avenue, stated he wanted to speak about the Redevelopment Authority and the transfer of land approval. He read through all of the documentation and he had to guess where the property is. The only words as to the location are to the effect that it is in the vicinity of the Silk Mill on West Goepf Street and he knows where that is. Mr. Scheirer informed that it does not pinpoint the location. There are some pictures at the end and you have to decide whether the darker shaded buildings are the new buildings or the lighter shaded buildings are the new buildings. He stated he thinks he figured it out but why does he have to guess.

President Reynolds advised that this is just a communication tonight and it will be voted on at the next meeting on March 15, 2016.

Mr. Scheirer then stated, never mind.

4. OLD BUSINESS.

A. Members of Council

None.

B. Tabled Items

1. Approving Contract - Maser Consulting, P.C. - Bethlehem Southside Intermodal Site Study - Riverport

C. Unfinished Business

None.

5. COMMUNICATIONS

A. *Parks and Public Property Director - Recommendation for Award - Urban Research and Development*

The Clerk read a memorandum from Ralph Carp, Director of Parks and Public Property, recommending a contact with Urban Research and Development Corporation to allow a Professional Services Agreement to be executed between the City and URDC for a

comprehensive park, pools and amenities study. The estimated completion date of the contract is December 31, 2016. The fee for the contract is \$75,000.

President Reynolds stated Resolution 9 B is on the agenda.

*B. Parks and Public Property Director – Recommendation for Award – Simone Collins Landscape Architecture*

The Clerk read a memorandum from Ralph Carp, Director of Parks and Public Property, recommending a contract with Simone Collins Landscape Architecture for design and construction documentation for the rehabilitation of Parham Park. The estimated completion date of the contract is December 31, 2016. The fee for the contract is \$36,000.

President Reynolds stated Resolution 9 C is on the agenda.

*C. Purchasing Director – 2016 On-Line Auction*

The Clerk read a memorandum dated February 23, 2016 from Sandra L. Steidel, Director of Purchasing to which was attached a list for the items to be sold at the On-Line Auction that will be held within the next 60 days. Council will be advised when the date is confirmed.

President Reynolds stated if Council has no objections to the property listed the same may be added to the on-line auction. If Council would like to discuss a specific item, the same shall be removed from the list and discussed at the next Council meeting on March 15, 2016. President Reynolds queried if any Member of Council would like to discuss a specific item, have it removed from the list, and discussed at the next City Council Meeting on Tuesday, March 15, 2016. Seeing no objections, a memo will be sent to the Purchasing Director that City Council has no objections to the property listed.

*D. City Solicitor – Use Permit Agreement for Public Property – Work to Live, LLC d/b/a Run Lehigh Valley – Brew to Brew Run Event*

The Clerk read a memorandum from City Solicitor William P. Leeson, Esq. to which is attached a Use Permit Agreement and proposed Resolution for the Brew to Brew Run Event. The Permittee is Work to Live, LLC doing business as a Run Lehigh Valley. The duration of the lease is one day, April 16, 2016 from 10:00 am to 3:00 pm and the location is Nevin Place, adjacent to the Sun Inn Courtyard.

President Reynolds stated the Resolution can be listed on the March 15, 2016 agenda.

*E. Public Works Director – Vendor License Renewal – Easy Weenies*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works to which is attached a Resolution to approve the sidewalk vendor license renewal submitted by Christopher Morales of Easy Weenies. The renewal application fee has been paid and the renewal application meets all of the requirements that include, but are not limited to, right of way permit, insurance, health, business privilege, etc. There appears to be no changes from the previous application. The renewal period is March 20, 2016 to March 20, 2017.

President Reynolds stated the Resolution can be listed on the March 15, 2016 agenda.

*F. Housing and Community Development Planner – 2016 CDBG/HOME Programs*

The Clerk read a memorandum from Allyson Lysaght, J. D., Housing and Community Development Planner regarding the 2016 CDBG/HOME allocations. HUD released the official allocations to each grantee last week and Bethlehem has been informed it will receive \$1,276,895 in CDBG funds and \$352,832 in HOME funds, which is an additional \$233,950 in CDBG funds and \$42,832 in additional HOME funds. Because of the unexpected increase in funding, we have modified the budget to award slightly higher amounts to certain applicants. Additionally, we have awarded \$147,850 to the Redevelopment Authority to fund a blight elimination program.

President Reynolds stated this is for information only at this time and it will be reviewed at the Finance Committee and an upcoming Community Development Committee Meeting.

G. *Redevelopment Authority Executive Director – Sale of Land – Silk Mill – Vicinity of West Goepf Street*

The Clerk read a memorandum from Tony Hanna, Executive Director of the Redevelopment Authority to which is attached a proposed Resolution approving the execution of a fourth amendatory agreement by Silk Mill apartments, Peron Silk Mill and the Redevelopment Authority. The reason this is coming to City Council for approval is that the parcel in question was acquired by the Redevelopment Authority as part of the Northside Urban Renewal Area #1. One of the conditions of the urban renewal plan was that all disposition of property must be approved by City Council as a condition of the Redevelopment Authority approval for the disposition of that property.

President Reynolds stated the Resolution can be placed on the March 15, 2016 agenda.

H. *Bethlehem Parking Authority and South Side Bethlehem Hotel Associates, LP – Street Vacation Graham Place – Amendment Petition*

President Reynolds asked the Clerk to read additional Communication 5 H into the record.

The Clerk read a communication from Attorney James L. Broughal, Esq. of Broughal & DeVito representing the Bethlehem Parking Authority and Best Suites Hospitality in a Street Vacation in part of Graham Place to which is attached an amended petition for the street vacation. The reason for the amended petition is simply to correct the name of the owner of the Comfort Inn Suites Hotel, located at 120 West Third Street, from South Side Bethlehem Hotel Associates, LP to Best Suites Hospitality, LLC.

President Reynolds stated the Clerk will circulate the amended petition to the Planning Commission and the Utilities and a Public Hearing has been scheduled regarding the Street Vacation for Tuesday, April 5, 2016.

6. REPORTS

A. *President of Council*

1. *Councilmanic Appointment – Marilyn D. Kelly – Bethlehem Human Relations Commission*

President Reynolds reappointed Marilyn D. Kelly to membership on the Bethlehem Human Relations Commission effective until March, 2019. Mr. Waldron and Ms. Negrón-Dipini sponsored Resolution 2016-043 to confirm the reappointment.

Voting AYE: Ms. Negrón-Dipini, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Resolution passed.

2. *Councilmanic Appointment – Jack Gambino – Environmental Advisory Council*

President Reynolds reappointed Jack Gambino to membership on the Environmental Advisory Council effective until January, 2019. Mr. Waldron and Ms. Negrón-Dipini sponsored Resolution 2016-044 to confirm the reappointment.

Voting AYE: Ms. Negrón-Dipini, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Resolution passed.

3. *Councilmanic Appointment – Lynn Fryman Rothman – Environmental Advisory Council Chairman*

President Reynolds designated Lynn Fryman Rothman as the Environmental Advisory Council Chair. Mr. Waldron and Ms. Negrón-Dipini sponsored Resolution 2016-045 to confirm the designation.

Mr. Evans reported he wanted to thank Ms. Rothman for her continued service because she does a great job for the City.

President Reynolds stated that he agrees.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Resolution passed.

B. *Mayor*

1. *Administrative Order – Irene Follweiler – Recreation Board*

David Brong, Business Administrator, read Mayor Donchez' appointment of Irene Follweiler to membership on the Recreation Board to replace Sudantha Vidanage effective through January, 2019. Mr. Waldron and Ms. Negrón-Dipiní sponsored Resolution 2016-046 to confirm the appointment.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Resolution passed.

7. ORDINANCES FOR FINAL READING

None.

8. NEW ORDINANCES

None.

9. RESOLUTIONS

A. *Authorizing Use Permit Agreement – American Association of University Women, Bethlehem Branch – 2016 Book Fair*

Mr. Martell and Mr. Waldron sponsored Resolution No. 2016-047 that authorized a Use Permit Agreement for Public Property with the American Association of University Women, Bethlehem Branch for the Memorial Pool Building for the 2016 Book Fair from March 21, 2016 to April 26, 2016.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Resolution passed.

B. *Approving Contract – Urban Research and Development Corporation*

Mr. Waldron and Mr. Colón sponsored Resolution 2016-048 that approved a contract with Urban Research and Development Corporation for a comprehensive park, pool and amenities study.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Resolution passed.

C. *Approving Contract – Simone Collins Landscape Architecture*

Mr. Waldron and Mr. Colón sponsored Resolution 2016-049 that approved a contract with Simone Collins Landscape Architecture for the design and documentation for the rehabilitation of Parham Park.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Resolution passed.

10. NEW BUSINESS

*Community Development Committee Meeting*

Chairman Martell announced a Community Development Committee Meeting will be held on Tuesday, March 15, 2016 at 6:00 pm in Town Hall prior to the regular Council Meeting regarding CDBG and HOME Programs.

*City of Bethlehem-9<sup>th</sup> Most Livable City*

Mr. Callahan informed he wanted to congratulate Mayor Donchez and all of our citizens. Recently the City of Bethlehem was named in a national magazine as the 9<sup>th</sup> most livable City in the United States. To all of our citizens, our public safety, Police, Fire, Mayor, his Administration and Council, he thinks this is a great thing. Mr. Callahan knows we have had disagreements sometimes but we truly do live in an unbelievable area. If you look at our School and City taxes compared to Allentown and Easton it is astronomically lower than those two Cities. He mentioned that all of us have a great deal of pride in our City and he just wanted to acknowledge that and hopefully the local papers can recognize such a great honor.

11. PUBLIC COMMENT

*Pay to Play Legislation; Department Heads as Bethlehem Residents*

Alan Hoppey, 1303 Beverly Avenue, remarked that he attended a Block Watch Meeting Monday night and he wanted to thank the three new Council Members for attending. He remarked he put Councilwoman Negrón-Dipini on the spot, although he did not want to, with the Pay to Play Legislation that she stated was going to be the first thing she would do when she got on Council. The only reason he is bringing that up tonight is because he wants this on record and he wants to see who will vote for this and who will be against it. Mr. Hoppey stressed that this will count. We had a nice open discussion with no time limits, which was great. He wanted to bring up something that happened at the final budget meeting. Mr. Hoppey stated the budget started with a 2.9% increase and you passed the budget with a 2.2% tax increase. Department Heads were asked if we could cut this by \$50,000 would it hurt your department. What did you expect them to say, no? If we need it we will find it from somewhere else; that is telling him that you had money somewhere else. Mr. Hoppey stated if you need it you have to get it. In the meantime he ended up with a 2.2% property tax increase and then all the Department Heads ended up with a 6% increase. Mr. Hoppey noted at the end of the year he got 8 ½% increase in his supplement to Medicare and he got a 12% drug increase and a 0% Social Security raise. Mr. Antalics brought up Department Heads being non-residents a few weeks ago, which he knew nothing about. If they have a salary of \$99,000 and they get a raise of 6% that puts them over \$104,000. Mr. Hoppey added that we as citizens pay them to come to work by giving them cars, and we pay their benefits. For every one of their job classifications they are about the best paid in the State of Pennsylvania. Mr. Hoppey remarked that he is very upset about this. What goes on here as far as residency is a sham. He remarked he is 78 years-old and he has to get a part time job to pay for some of these guys that make \$104,000 that do not pay a cent to this City in Earned Income Tax. They stand up at this podium and tell me how much they love the City. He continued there was one that was just released from the City and he stood here and said he loves the City so much, but he moved out to Colony Farms in Hanover Township. There was just one recently that relocated but it was not in the City of Bethlehem. Mr. Hoppey stated is this unconstitutional, no it is not. When this was brought up in 1987, was it unconstitutional, yes. The way the application for the City was put out it did say that you shall be a resident of this City for one year prior to taking a job application. What the City did was turn around and they said after you are hired you have to be a resident for six months. Is that unconstitutional, no, because it is a condition of employment and you have that all over the Lehigh Valley. Mr. Hoppey thinks out of 610 people that work for the City, there are more than 75% that are non-residents. He mentioned this should be checked and take that 1% in the salaries and see how much of that money leaves this City and you will find out how many dollars leave this City with just City employees. Mr. Hoppey added some of the people that came up and demanded the wages and the 27<sup>th</sup> pay did not say where they live; their zip codes are in Lower Saucon Township. One of them lives in Macungie. There were two people out of seven that stood up that were from Bethlehem.

*Southside Parking Garage*

Al Wurth, 525 Sixth Avenue, mentioned that he would like to talk about the recently released Bethlehem Parking Authority Parking Demand and Feasibility Study. We had quite a good discussion about the planned garage and some of the other implications of it a few weeks ago. One Council Member mentioned that this might have been Council's last chance to do anything about this garage, but Mr. Wurth hopes that is not the case because the parking study is even more discouraging and depressing than he was afraid it might be. The study gives official figures that support our original skepticism that many citizens expressed at that meeting

about the whole south side development plan and the whole question about what we are doing about transportation on the south side including the Fahy Bridge rehabilitation. Mr. Wurth mentioned all of those issues are very important. He would like to go over what the parking study tells us about some anxieties that we expressed before. Mr. Wurth noted first we presented some guesses based on the fact that it was \$25,000 a space or so, what it would cost to actually pay if you borrowed the money to pay for the garage. He used some numbers and came up with \$1,000 to \$1,500 per year per space in this garage. The parking study put it through what he would guess be the normal consultant determined things and it came up with higher than 5% average in the 30 year bond issue. When you add that up it shows on the parking study that it comes to \$1.16 million a year for 30 years of debt service just to pay for this concrete edifice. That comes out to \$1,850 per space. Mr. Wurth mentioned that is \$150 per month per space and that is for every space. Also there was some new information because he did not know what it cost to run a parking garage. We put what they projected for the operating revenues based on the new parking rates. It turns out after deducting the cost of operating, not the capital costs but just to run the garage, the lights etc., which are \$170,000 projected, the net revenues from the whole garage are less than \$100,000. It loses more than \$1 million per year because of the debt service it takes to build it. So this is \$1 million a year for 30 years that building this garage has pledged the City to back and the Bethlehem Parking Authority has somehow come up with. Mr. Wurth stressed this is a big white elephant money loser. The net revenue per space after expenses is roughly \$90,000 for 626 spaces or \$150 dollars a year is what you will collect on these spaces if you rent them. So there are a factor of 12 off of the garage space users paying their way so they will cost us 12 times as much as they will pay for their parking space. Mr. Wurth noted if you just paid them \$100 a month to park elsewhere they would figure out a way not to drive and give up their parking spaces. The parking study hides the annual losses in the Parking Authority budget which is what we worried about, that it will come out of meters and fines. Any garage is a point source for parking and this garage and this study acknowledges that they expect it to serve a radius of 300 feet. That is who the garage is built for and that does not help any of the other businesses; it does not help people on the north side. All it does is mean that every meter will cost more and everyone will pay more fines and every other business will subsidize Mr. Benner's two buildings. So do not make the residents pay to subsidize an oversized parking garage on the south side and do not be one of the last cities in the United States to do a mid-20<sup>th</sup> Century bad idea. This is where parking garages came from in the 21<sup>st</sup> Century when everyone is rethinking the idea of mobility, congestion, traffic and parking. Mr. Wurth stated that we should be looking at what leading cities are doing with this instead of what people did 50 years ago.

Peter Crownfield, 407 Delaware Avenue, remarked that he is also at this meeting to talk about the proposed parking structure on the south side. He is curious because when you see a proposal like this are you embarrassed, outraged, and do you find it absurd that anyone would propose anything so stupid. We should all listen to the numbers that Mr. Wurth just read out; it is from their own parking study. Mr. Crownfield noted that his son had mentioned to him on the phone this afternoon that he had seen this panel on ethics and City government and he said that is an oxymoron. Things like this make Mr. Crownfield say that must be true here in Bethlehem. He remarked this does not take some trained skilled auditor to figure out these numbers. Mr. Crownfield stated he designed internal operation review systems for a company, he was a CFO for a \$100 million company, and this would have been laughed out of existence if anyone of them had been stupid enough to propose it. Aside from the money, the Parking Authority's own study shows what we also said at that meeting a few weeks ago, which is that there is no parking shortage on the south side. The highest occupancy they found in street parking was around 50% at 1:00 pm on weekday afternoons. Mr. Crownfield mentioned there were hundreds of empty spaces every day in their little study. This building is needed for only one thing and it is already gone forward. They have condemned property and are spending money for two projects that have not even been reviewed by the Planning Commission. The only reason for this garage is the two Benner buildings; there is no other reason for it whatsoever. Mr. Crownfield stated that Council needs to do something about this. You have a Parking Authority or a City Administration or the two of them working together circumventing their responsibility and doing something that is very bad for the City of Bethlehem. You are talking about losing a \$1 million a year to benefit one developer and this developer is, if those buildings are approved, already being subsidized by the CRIZ. Mr. Crownfield reiterated that this is stupid and is ridiculous. He could not say whether this is incompetence or stupidity or corruption, but Council should figure this out and order the City Controller or Auditor to look into this. He remarked we should ask the State Auditor's office to look into this because there is a lot of State money involved in this financing. He concluded it is absolutely inappropriate to

spend that money when the study shows a garage is not needed. We will lose millions every year and will only benefit one property owner.

Breena Holland, 379 Carver Drive, stated she also wanted to speak about the parking study that was very difficult to get a hold of but finally released. Like the other speakers on this topic she was also really concerned that it did nothing to address the concerns that we all came and articulated a few weeks ago. Ms. Holland thinks someone needs to say the figure which is that it is \$17,750,000 so the million dollar a year thing is an important figure. That is a huge amount of money that is either going on the taxpayers in the City or taxpayers in the State. Professor Wurth said that is obviously going to end up leading to yet increasing parking fees to help pay for the cost of these kinds of facilities. The general point she wants to make is that this study as has been demonstrated previously is using all that taxpayer money to support the parking needs for two buildings that are owned by the same developer. She wants to know why tax dollars should be supporting Dennis Benner's buildings. If there is in fact a need for parking on the south side which this parking study does not demonstrate, because it makes a series of assumptions that are intended to promote the subsidy of this building, because they are making assumptions of how far people are walking which allows them to eliminate available parking spaces and how far people are willing to walk. Ms. Holland does want to know why it is that we have a study focused on the needs of two buildings owned by one person and we have a potential amount of money going to parking that will subsidize two buildings owned by one person. Ms. Holland believes that sounds desperately wrong to her. To get into a little bit of the details, if you got to table 4 of this study you see that there is a total of 680 spaces that are apparently demanded by these two buildings neither of which has gone before the Planning Commission although one is called approved and one is called proposed. She has never seen plans for the second building except for little pictures. The first building is maybe coming to the Planning Commission this month, so we are getting ready to bulldoze over there like we talked about weeks ago to put up something that will cost taxpayers \$17 million. We have not yet seen the plans before the Planning Commission. Ms. Holland reported if you look into the numbers in the study there are apparently 300 spaces that are needed for the approved building. That is office space for Lehigh University and St. Luke's Hospital employees and then another 30 spaces that are needed for retail in the building. The Parking Study on page 6 actually shows you how much parking is available in the vicinity on and off street during peak occupancy and there are 502 spaces available during peak occupancy in the study area. So even if you went with the 680 spaces, mind you 380 of those spaces are for parking for a building that has not even been proposed in any public forum, seen by a Planning Commission, it is 13 stories high and in the Historic District. We already had a conversation about that building, we do not want 13 stories so we are somehow at a point where we are getting exorbitant parking numbers that will be supplying it when we know there will be some contestation about the building. Ms. Holland pointed out if you look at just the building that has been approved, that is 300 spaces that he needs and there are 502 available on and off street parking in the vicinity right now, that is 200 more than he needs for the existing building and that does not include Riverport which is probably 600 feet away from the building. If you look at parking data and what the American Planning Association says, they will tell you that is an assumption for a limited amount of retail, that people will only walk 300 feet so why they are taking a number of 300 feet and using that number to say anything outside of a 300 foot radius is unavailable parking is a little strange and unjustified. The majority of people in that building that Mr. Benner has on that corner, the 270 spaces for the office space, are for employee parkers, and on average walk or can be expected to reasonably walk 1,200 to 1,500 feet. That would open up availability of parking at the Riverport garage, between 100 to 150 spaces. This would be on top of the 502 that we already have during peak occupancy and it would also open up spaces that are not being used right now down by the Esperanza garden that is just two blocks away from the building on the Greenway. Ms. Holland noted she has problems with the study. She noted she spends a lot of time on the south side and to her it is obvious that we do not need this parking garage. Ms. Holland would like to see the City do some integrated parking and transportation planning on the south side before you have these huge capital investment projects that are being put on the backs of taxpayers. She added these projects will just make traffic worse and are absolutely unneeded to spur economic growth and activity.

*Development Climate in Bethlehem*

Bill Scheirer, 1890 Eaton Avenue, remarked that he would like to talk about climate, but not the climate that you expect; rather it is the development climate in the City of Bethlehem. He has been struggling ever since he came back to Bethlehem 12 years ago to understand this

love of what has been called game changers. Mr. Scheirer wanted to express his gratitude to Mr. Callahan for pointing out another mention of Bethlehem as a special place to live. He believes most people in this room feel that is true and the question is what makes Bethlehem special and what makes it different from Allentown and Easton. We know that Easton is undergoing something of a rebirth. Mr. Scheirer stated one reason is the build environment. We do not have many tall buildings in Bethlehem aside from the casino. We have the Rooney Building and the Hotel Bethlehem and the bank building.

Mr. Callahan interjected not to forget Martin Tower.

Mr. Scheirer stated a long as it is there until it gets replaced by a gas station. He thinks that is part of what makes Bethlehem special; it is built more to human scale. Mr. Scheirer finds it relatively easy to get around Bethlehem to get things done more so than he would in Allentown. When he met with his ex-wife's lawyer when he first moved here he told them he went to Social Security, the Library and some other place and was back in half an hour. The lawyer said he was jealous, because he was located in suburban Washington, D. C. Mr. Scheirer noted there is something that makes Bethlehem special and he thinks that we are in serious danger of frittering it away. Mr. Scheirer informed that he shudders every time he hears the term "game-changer", that includes the construction at Fourth and Vine, Third and New Streets. Thank goodness there will not be 1.3 million square of retail at Martin Tower. Mr. Scheirer believes we need to think very seriously about what it is we want for Bethlehem. We did have a Comprehensive Plan. He remarked that he was on the task force but that plan just kind of worked at the edges and did not really address the overall question. He would like to say the City of Bethlehem is not really a City, not when it comes to the build environment. It is not a City like Allentown or even Easton. Mr. Scheirer thinks of Bethlehem like a large town and he thinks that is one of the reasons why so many people feel that it is a special place to live. He expressed we need to devote more time to what it is we want the City to be. Mr. Scheirer mentioned as far as the Casino is concerned and some of you know he opposed that, he has it on a reliable source that six families in the area have suffered a suicide due to casino gambling. Also a number of families have broken up due to divorce. Mr. Scheirer stated he has not been in the Casino and he does not plan to. One of the problems here is that too many people are still thinking that Bethlehem Steel is gone and what are we going to do? That is a misplaced worry because the developers are circling overhead and they are going to find things to do because of Bethlehem's location. Mr. Scheirer informed that Pittsburgh has lost half of their population but we did not because of our location. He continued we have to stop thinking about woe is us and we have to have these game-changers. We need to think about what we really want the City to be like 20, 30, 40 or 50 years from now before we do lose what makes the City special.

#### *Right to Know Request for Permits*

Dana Grubb, 2420 Henderson Place, mentioned all of these game-changers, and taxes still keep going up. He stated you have almost \$230,000 dollars in additional CDBG funding and strongly recommends putting that into streets in Bethlehem. The CDBG is only eligible in low to moderate income areas but the streets in the City need a lot of attention. Mr. Grubb remarked that he came into City Hall on February 18<sup>th</sup> to pick up a building permit for an organization he is employed by, a non-profit who develops affordable housing. Initially he was informed that he might need to file a Right to Know request. Mr. Grubb noted that he ran that department for a year and he was second in command for a number of years. They gave it to him because he represented the organization that owned the property and he did not have to file a Right to Know request for a simple building permit copy. He added he paid for the copies because he did not want to anyone to show him preferential treatment. Mr. Grubb stated these are minor government documents and from what the staff told him, in order to get a building permit, a certificate of occupancy copy, unless you are the property owner, you need to file a right to know request. Mr. Grubb stated "are you people insane in City government?" He pointed out that basic information should be available. When he worked for the City he would say do not even charge a quarter, they are a City resident. Mr. Grubb stated do they need to know who gets the information because somebody raised an issue with City government and City government needs to get ready to circle the wagons. Mr. Grubb read an email that he had from someone who worked in City government. "It is unreal how the rules are in that place anymore. Everything was a big federal production. Back in the day we would get a Right to Know request maybe twice a year and that was because someone needed something for Court. We got them at least once a week and the process, good grief, the request goes to Legal which means someone from the public has to file it. Then Legal approves it and sends the request to



the department secretary, who then sent it to the bureau heads who then sent it to the worker bees to produce a one page copy." It is no wonder that government is fast becoming the enemy in this Country. Mr. Grubb remarked that this is so much unnecessary paperwork and an excess of wasted administrative cost. He remembers when something needed to be done and it was done in five minutes. You could ask for a copy of something and get it and leave. He remarked today that is not the case. Mr. Grubb expressed, so much for being customer friendly. Mr. Grubb advised that he owns a cat and his cat has better basic instincts and more common sense than this City government. He finds it ridiculous what they had to go through to get a copy of a parking garage study that was funded with public money. Public officials, the Administration, and those who work at City Hall, are accountable to the taxpayers. When the taxpayers show up and say they need a copy of something, give it to them. Do not make them jump through hoops. CI is not the answer; commonsense is the answer to this problem.

#### *Southside Parking Garage*

Kim Carrell-Smith, 833 Carlton Avenue, stated she wanted to speak about the comprehensive connected coordinated parking and planning and traffic study and plan in the City. In January City Council moved forward with the development of a huge 600 plus parking structure on the south side. At that point we had only heard about the mysterious parking study which we had not yet seen. Now that we have all actually seen that study it is clear what our City officials did not explain in January and that is more than half of the demand for the parking in that study was based on the supposed needs of occupants of a high rise residential building on West Fourth Street that has been proposed. She continued I can only assume that proposed means via a press conference that was held in 2014 or 2015. That high rise is a yet unapproved development dream. That same developer also on the approved building at Third and New Streets, which the parking lot will serve I should add, that even the approved designation as Ms. Holland said is referred to in the parking study, is somewhat misleading because neither of these two buildings, including the so called approved ones, have yet come before the Bethlehem Planning Commission. Ms. Carrell-Smith noted what a surprise to us, a \$17,750,000 dollar parking garage that is designed to support the dreams of one guy, not even a fully explored or commission approved dream, but a dream. She queried would you really approve a \$17,750,000 dollar project to benefit one developer's vision for the south side? Would you really approve this project based on a proposed building that has not gone through a single step in the approval process, from the Historic Conservation to the Planning Commission, and/or for that amount for another building that is only partially approved at this point? Ms. Carrell-Smith continued to say, would you really approve this kind of project to serve a 13 story high rise proposed building that clearly violates the City's own Historic Conservation District guidelines for appropriateness? Please note those guidelines were created after the Rooney building and the Broadhead building were built and in fact the guidelines were a tennent among other things to head off exactly the kind of high rise development proposed in that building. The idea that our City can afford to spend this much on a garage that has been calculated to benefit a single developer and his vision for the south side is both depressing and tragic. Ms. Carrell-Smith noted when we consider the impact on the environment and traffic congestion in our central core, the expenditure for such an enormous concrete elephant becomes more appalling. As a south side taxpayer who lives and works there, she is asking Council to take a moment to breathe, look away from the shiny objects of developer's dreams, and see what is really needed on the south side. Ms. Carrell-Smith noted if in fact all of this parking will only benefit the dreams of only one individual and there will still be plenty of spaces on street and off street in the area near this New Street building please slow down and reconsider this. She noted the haste with which all of Mr. Benner's south side projects are clearly related. Ones like this garage are progressing without a coherent comprehensive plan for the south side and the reckless way in which taxpayer money is perhaps being spent for that haphazard development is truly terrifying to her and many other citizens. Ms. Carrell-Smith is generally a pro-development person and she wants the merchants on the south side to be supported with well-marked available parking near their businesses. The Mechanic Street lots in the bus station area and the other lots that are shown in table 6 of the study are pieces of what could be a terrific solution to most parking needs, if they are managed well, if signage is good and if traffic flow were considered. Ms. Carrell-Smith fears that with our haste to spend CRIZ money and grant the dreams of particular developers we will create an overbuilt and congested central business district on the south side where traffic will be gridlocked more than it is today. She added that cannot be good for our merchants and our residents nor for those that work in the central core. She noted that a \$17,750,000 project will not buy a better business district. Please

consider the outcome that you are hoping for and who it benefits as well as who will bear the burden of that dream.

Mike DeCrosta, 914 Walters Street, mentioned the first home he lived in was on the south side when he was born in 1988 and the south side was really rough at that time. It is obviously a much better place now; we have built a lot of cool things there. Mr. DeCrosta just wanted to make a point regarding the parking study. Some of the new things on the south side in the past 20 years include OraSure, the IDE industrial building, TD Bank and PNC Bank, Riverport, the Sands Casino, SteelStacks and places like the Steel Pub and the Steel Ice Center and the Skate Park. One thing that all of those places have in common is that when they were built they were each given their own parking, either structure or area in a very suburban sort of style. Mr. DeCrosta added that even the Skate Park has its own little parking lot. He would also like to point out that now we have huge problems with traffic congestion and with childhood asthma in the south side that is probably induced from all of the cars. Mr. DeCrosta mentioned this is something to think about. He knows that we think of the south side as sort of this urban place but the things we keep doing, and maybe we do not understand that we keep doing them, but we are actually building in a very suburban way that has caused these awful problems. So, maybe as other people have mentioned we need a comprehensive way of thinking about the south side. Maybe we will never turn all of those parking lots back but perhaps we can start making one good decision and then another one, and another one because if we keep doing this, in 40 years the south side will be nothing but parking lots.

*City Vehicles; Citizens Advisory Group*

Stephen Antalics, 737 Ridge Street, stated he would like to follow up on the comments made by the gentleman said about occupancy in the City. He said pretty much what Mr. Antalics found on his follow up study but he wanted to add one more item. He checked with Public Works as to the number of vehicles that are given to employees to take home. He found out that there is a step in the right direction, that one department head no longer has a City vehicle. Mr. Antalics is impressed with a number of intelligent people who have taken the time to research how to fiscally make this a better City. They are doing a lot of the work for Council and if Council were wise and put the welfare of the community ahead they would look upon these people with extreme seriousness. Mr. Antalics would suggest that rather having them stand for courtesy of the floor, that someone here, one of the newer people pass a Resolution to invite them to come to meet with you privately as an advisory group, so you can do the right thing. These are studies with information on which you will have to vote. Mr. Antalics informed he took his grandchildren and son and daughter-in-law to Washington to the zoo and some of these things belong in a zoo, not City Hall. Mr. Antalics stated that is outrageous what he just said so he apologizes for that. He suggests that one of you on Council pass a Resolution to invite these well informed, well intended people who have done extensive research to meet with them. Mr. Antalics remarked that he is a scientist and he will not announce something until his data is correct. He reiterated to do the right thing and invite them in and listen to them and make decisions upon what they give you because what they are giving you is information.

*South Side Garage; Fraudulent Misrepresentation of a Public Document*

Al Bernotas, 1004 Johnston Drive, mentioned that where he speaks is a lectern and not a podium. He did have a statement he wanted to make with detail but he heard a lot of comments tonight so he wanted to share his take on those comments. The only reason they are building the garage on the south side is to keep those people in that building out of the rain. They can walk from the Riverport and a few other places but this will cost \$1 million a year to keep them out of the rain. Mr. Bernotas mentioned that we talk about keeping the City as a better place to live; the south side is being densified. He was at a Zoning Meeting the other day and someone has a single family home and the Zoning Ordinance allows five people unrelated to be in that house. When they get done with zoning, there will be 13 people living in that house. The lot was 40x110. Mr. Bernotas does not expect City Council to do anything about what he says; he just wants Council to listen to his story because it is the Administration that has to do these things to improve the City. He noted that transparency in the City is missing; Right to Know is bullying. He mentioned he does know how to file Right to Know and he knows how to go to Harrisburg and appeal them. Mr. Bernotas mentioned he had a conversation with the City Solicitor and he was quite reasonable about right to knows when they make commonsense. He believes that permits that are approved, which expire within 30 days, should be posted to the website. Mr. Bernotas then spoke of donation drop boxes that are

proliferating around the City, we may have to wait until they are all over the place and junk is all over them before anyone does anything. That is not even what he wanted to talk about tonight. What he wants to talk about is fraudulent misrepresentation of a public document. Mr. Bernotas will use the word allegedly here and this is his opinion because he does not want anyone suing him for defamation because he will name names. There was an alleged fraudulent permit issued on October 2, 2013 and it has to do with Elias Farmers Market. The alleged fraudulent application for the permit was issued on August 8<sup>th</sup>. The alleged fabricated statement appears on both the application for permit and on the actual permit. The alleged fabricated statement was written by Craig Hynes, the Building Codes Officer. The actual permit, which also contains the alleged fabricated statement, was approved by Craig Hynes acting as the Building Code Official and by Suzanne Borzak, the Zoning Officer. They both signed the document with the alleged fraudulent statement. Mr. Bernotas mentioned when he noticed the statement sometime in 2015. The Zoning Officer told him it was too late to do anything about it because more than 30 days had passed since the issuance of a permit, and that is why he would like to see permits posted the same day they are issued. With regard to fraud, the statute of limitations is no longer. He thinks we went past that because if we did not go past that he will be taking this to the Court for a criminal matter. If we are past that he is cooked so that is why he wanted to come here to talk about it. Mr. Bernotas stated this is just one incident that he considers surreptitious events that occur in Planning and Zoning. This one happens to be documented. Mr. Bernotas stated if this is fraudulent misrepresentation, is it negligent misrepresentation or is it inept innocent misrepresentation. The statement itself is a misrepresentation because it has no lawful basis for being memorialized in the permit. He read the statement which is on both attached pages. It says " They will re-configure existing retail and install a new storage per Zoning Hearing Board approval of 8/26/09." Mr. Bernotas noted that last statement per Zoning Hearing Board approval of 8/26/09 is a fabrication and is false.

#### *South Side Parking Garage*

Mr. Callahan stated he wanted to clarify and shed some light on a few things. As a City Council Member he is also the liaison to the Parking Authority. The feasibility study, and some speakers were correct, as of right now there is no need but the feasibility study did say that if the new building was approved, the Benner building, that there would be a shortage of 350 parking spots. Mr. Callahan mentioned the Parking Authority is building a 600 plus parking spot deck. He added that this is not only about parking but it is about businesses. Lehigh University and St. Luke's would never have signed a lease for this new building without the parking deck. Maybe that is a conversation Ms. Holland has to have with her employer because someone had mentioned not walking in the rain and that they should walk over to Riverport. Mr. Callahan advised this study is basically saying that with the already approved building there will be a need for another 350 parking spaces there and that is not counting any additional growth of any additional buildings and any future growth. The Parking Authority and the feasibility study are trying to address not only the approved building but any future growth that might go on in additional buildings in that area. Mr. Callahan mentioned in February the Parking Authority did bump up the fees for the lots from .75 cents an hour to \$1.00 per hour and \$57 to \$65. That is not only for the Benner parking lot but it is also because there are several other projects on the north side of the City that need extensive work. There is \$400,000 that we need to spend just to keep the Walnut Street Garage up to code so we can safely have people park in the garage. That will hold us over until there is an additional study that will determine whether we spend \$5 million on the Walnut Street Garage. There have been no capital improvements in that garage for decades, so we need to find out if we spend \$4 - 5 million to keep that in line for maybe 10-15 years, or do we knock it down. Mr. Callahan added the problem is that if we knock it down, which is probably the most likely scenario, we need to find 600 spots for those people who are currently parking in the Walnut Street garage. That means it shifts the focus over to Long Street, which will be another major project. The fees that the Parking Authority unanimously approved in February are not just for the parking garage on the south side. There are a number of parking issues that have to be addressed in this City that include Polk Street, New Street, Walnut Street and Broad Street. Lehigh University and St. Luke's both wanted onsite parking and unfortunately in order to keep businesses and jobs in our City it is something that is worthwhile in the long run. If we look at the future development of any future buildings that go over there it changes things. No one likes change just like many people did not like the casino, but without that we would not have the Levitt Pavilion, we would not have had the outlets, the restaurants and PBS 39. No one would have moved to the SteelStacks site. Mr. Callahan noted that is a basic fact so sometimes change is hard. He remembers the building of Lowe's on Eighth Avenue was hard at the time but if you

look at that now, that was a good project. It brought a lot of tax money into the City with not only the store but also the rental units behind Lowe's. Mr. Callahan just wanted to correct where the Parking Authority came up with the numbers and why they are moving ahead with this. If you look at the feasibility study it does say if there was no new building going in there, the parking is adequate but if the new building is approved there will be a shortage of 350 spots.

President Reynolds spoke to Mr. Brong because Mayor Donchez and Alicia Karner, Director of Community and Economic Development were not at this meeting. He knows that City Council has said it before that the easiest way to talk about the Parking Authority debt, the positives and the negatives, is to layout all of this information at the same time. President Reynolds stated while he disagrees with much of what the speakers said, part of the reason this is happening now is because we said three, four, or five months ago that we need to a comprehensive plan about what is going on with the parking. This is not just the reasons why not to do it, but the reasons to do it. The comments and conversations that have been taking place at City Council is partly a result of the fact that this has not happened. President Reynolds reiterated that this is not directed to Mr. Brong, it is just that he happens to be the one here tonight. He thinks the easiest way to have this conversation is to have a meeting. President Reynolds stated many of these speakers bring up points that he is sure that the Parking Authority and Ms. Karner and the parking professionals could answer. The longer that the City does not have that public conversation about where the Parking Authority is going, conversations like this will continue to happen.

12. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

ATTEST:

City Clerk