

BETHLEHEM CITY COUNCIL MEETING
Broughal Middle School Auditorium – 125 West Packer Avenue
Bethlehem, Pennsylvania
Tuesday, July 5, 2016 – 7:00 PM

INVOCATION

Reverend Suzanne M. Trump, St. John's Windish Evangelical Lutheran 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.

Different Venue for Council Meeting

President Reynolds extended thanks and appreciation on behalf of the Members of City Council to the Bethlehem Area School District and Superintendent Dr. Roy for graciously allowing City Council the opportunity to have the first off-site Council meeting at Broughal Middle School. He expressed appreciation to Principal Amato for sharing the use of school. In addition, President Reynolds noted his thanks to Mark Stein, the Chief Facilities Operation Officer for all of his assistance in coordinating the logistics with the school, and the staff personnel and maintenance crew to make this meeting location possible. President Reynolds expressed thanks to the City Clerk and her staff for all of the work in setting up the meeting. He remarked it seems like a simple idea, but when it came down to it, there was a good amount of time put into making sure all the set up right. He also thanked everyone for coming out tonight, and welcomed any feedback, including ways in the future to get the information out to the public. He continued the City Clerk sent the information out to everyone that we thought of who might be interested in this meeting today. Please let us know of any other way in the future that we might be able to improve these offsite experiences.

President Reynolds informed that our next offsite Council Meeting is Tuesday, October 4, 2016 and that will take place at Clearview Elementary School.

Add Resolution to Agenda

President Reynolds announced that a Resolution to authorize the 2016 Edward Byrne Memorial Justice Grant would be added to the agenda tonight. The Public Hearing for the grant was held at the June 21, 2016 Council Meeting.

2. APPROVAL OF MINUTES

The Minutes of June 21, 2016 were approved.

3. PUBLIC COMMENT

None.

4. OLD BUSINESS.

- A. Members of Council
- B. Tabled Items
- C. Unfinished Business

None.

5. COMMUNICATIONS

A. *Request for Intermunicipal Liquor License Transfer – 530 Pembroke Road*

The Clerk read a letter dated June 16, 2016 from Attorney Theodore J. Zeller III, representing Sarat, LLC, requesting approval of an Intermunicipal Liquor License Transfer from Bella Luna LLC, previously having a principal place of business at 3417 Sullivan Trail, Easton, PA 18042, to 530 Pembroke Road, Bethlehem, Northampton County, Pennsylvania.

Scheduled Public Hearing

Mr. Callahan and Mr. Evans moved to schedule a Public Hearing on Tuesday, July 19, 2016 at 7:00 PM in Town Hall. Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipiní, Mr. Waldron, and Mr. Reynolds, 7. The motion passed.

President Reynolds stated a Public Hearing is scheduled for Tuesday, July 19, 2016 at 7 PM in Town Hall.

B. *Human Resources and Environment Committee Chairman – Amending Article 146 – Environmental Advisory Council*

The Clerk read a memorandum from Michael Colón, Chairman of the Human Resources and Environment Committee regarding amendments to Article 146 – Environmental Advisory Council. The Committee unanimously recommended adopting an Ordinance amending Article 146 as listed on Attachment #1.

President Reynolds stated the Ordinance is on the agenda for First Reading.

C. *City Solicitor – Use Permit Agreement – GLV Chamber of Commerce by and through its Downtown Bethlehem Association – 2016 VegFest*

The Clerk read a memorandum dated June 30, 2016 from City Solicitor William P. Leeson, Esq., to which is attached a proposed Resolution and associated Use Permit Agreement between the City of Bethlehem and the Greater Lehigh Valley Chamber of Commerce, by and through its Downtown Bethlehem Association, for use of the Bethlehem Greenway between Adams and Taylor Streets for the Bethlehem VegFest on August 20, 2016, according to the Agreement.

President Reynolds stated that the Resolution will be listed on the July 19 Agenda.

D. *City Solicitor – Use Permit Agreement – ArtsQuest – Allentown Diocese Event*

The Clerk read a memorandum from City Solicitor William P. Leeson, Esq., to which is attached a proposed Resolution and Associated Use Permit Agreement between the City of Bethlehem and ArtsQuest for an Allentown Diocese Event. The duration of the agreement is September 25, 2016 and the location is First Street from Polk Street to the eastern terminus, Founders Way from First Street to Second Street.

President Reynolds stated the Resolution will be placed on the July 19 Agenda.

E. *City Solicitor – Use Permit Agreement – ArtsQuest – OktoberFest (2016)*

The Clerk read a memorandum from City Solicitor William P. Leeson, Esq., City Solicitor, to which is attached a proposed Resolution and associated Use Permit Agreement between the City of Bethlehem and ArtsQuest for use of First Street from Polk Street to City's eastern terminus and Founder's Way from Second Street to First Street for Oktoberfest 2016. The duration of the event is September 30, October 1, October 2, October 7, October 8, and October 9, 2016.

President Reynolds stated the Resolution will be placed on the July 19 Agenda.

F. *Housing and Community Development Planner – Amending Article 342 – Establishing New LERTA District*

The Clerk read a memorandum from Allyson Lysaght, J. D., Housing and Community Development Planner to which is attached an Ordinance to amend Article 342 – Local Economic Revitalization Tax Assistance, an associated Resolution, area map and supporting documentation for the establishment of a new LERTA district on the North side of the City. The district area includes the residential and commercial areas between Main and Linden Streets on the east and west sides and Locust and Broad Streets on the north and south sides. It is the hope to couple this incentive with the housing rehabilitation program, Exterior Property Improvement Loan fund and façade program to leverage as many resources as possible for these property owners and foster needed improvements in the area.

President Reynolds stated he will refer this to the Community Development Committee which has a meeting scheduled for July 19, 2016. He will also accept a motion to schedule a Public Hearing for Tuesday, July 19, 2016 at 7 pm in Town Hall.

Scheduled Public Hearing

Mr. Martell and Mr. Callahan moved to schedule a Public Hearing on Tuesday, July 19, 2016 at 7:00 PM in Town Hall. Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, Mr. Waldron, and Mr. Reynolds, 7. The motion passed.

President Reynolds stated a Public Hearing is scheduled for Tuesday, July 19, 2016 at 7 PM in Town Hall.

6. REPORTS

A. *President of Council*

B. *Mayor*

C. *Committee Reports*

Human Resources and Environment Committee

Chairman Colón stated the Human Resources and Environment Committee met last Tuesday, June 28, 2016 at 6 PM in Town Hall. The Committee reviewed the proposed Amendments to Article 146 regarding the Environmental Advisory Council. The Members of the Committee made the Amendments to Article 146 and unanimously recommended moving the Ordinance to full Council for consideration.

7. ORDINANCES FOR FINAL READING

None.

8. NEW ORDINANCES

A. *Bill No. 20 – 2016 – Amending Article 146 – Environmental Advisory Council*

The Clerk read Bill No. 20 – 2016 – Amending Article 146 – Environmental Advisory Council sponsored by Mr. Evans and Ms. Negrón-Dipini and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
ARTICLE 146, ENVIRONMENTAL ADVISORY COUNCIL,
OF THE CODIFIED ORDINANCES OF THE
CITY OF BETHLEHEM

Mr. Colón noted as he mentioned the Human Resources and Environment Committee met last week about a memo sent to us by the Environmental Advisory Council and Lynn Rothman was present to go over the requested changes to Article 146. The Members of the

Committee thought it made good sense to allow removing the need for a Member of Council to be a member of the Environmental Advisory Council. A member of Council serves as liaison as we do for other Boards and City Commissions. The EAC also suggested amending the section regarding the Chairperson so that the member of the EAC would be able to elect and appoint their own Chairperson. The State statute, which outlines how we establish the Council states that Council is to appoint that Chairperson and that section of Article 146 will remain unchanged.

Mr. Waldron queried as to the process for the appointing the Chairperson and asked if that is a Council vote or a Councilmanic Appointment from the President.

President Reynolds believes that it is a Councilmanic appointment.

Mr. Waldron asked if that is something we need to specify or is this good enough as written.

Council Solicitor John J. Spirk stated from a legal point of view that is fine. This Council can choose to have those appointments made anyway it wants. If you wanted to deviate from that you would want to specify that. In terms of the way it stands now it is consistent with our practice.

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipiní, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 20 - 2016 was passed on First Reading.

9. RESOLUTIONS

President Reynolds stated he will accept a motion and a second to add Resolution 9 E to the agenda which will authorize the 2016 Edward Byrne Justice Assistance Grant.

Adding Resolution 9 E to agenda

Mr. Callahan and Ms. Negrón-Dipiní moved to add Resolution 9 E to the Agenda. Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipiní, Mr. Waldron, and Mr. Reynolds, 7. The motion passed.

President Reynolds stated Resolution 9 E will be added to the Agenda.

A. *Declaring Special Condition – Parking Fines – Musikfest 2016*

Mr. Waldron and Mr. Martell sponsored Resolution 2016-140 that declared a Special Condition under Article 531 of the Codified Ordinances for increased parking fines during Musikfest 2016 for the period from 12:00 Noon, Friday, August 5, 2016 through 11:59 PM on Sunday, August 14, 2016, with the areas to be affected on the North Side and South Side shown on attached Exhibit A.

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

Motion – Considering Resolutions 9 B through 9 D as a Group – Certificates of Appropriateness

Mr. Callahan and Mr. Waldron moved to consider Resolutions 9 B through 9 D as a group.

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

B. *Certificate of Appropriateness – 127 East Fourth Street*

Mr. Waldron and Mr. Colón sponsored Resolution 2016-141 that granted a Certificate of Appropriateness to install banners at 127 East Fourth Street.

C. *Certificate of Appropriateness – 315 West Fourth Street*

Mr. Waldron and Mr. Colón sponsored Resolution 2016-142 that granted a Certificate of Appropriateness to replace a door and add a heat pump at 315 West Fourth Street.

D. *Certificate of Appropriateness – 321 East Fourth Street*

Mr. Waldron and Mr. Colón sponsored Resolution 2016-143 that granted a Certificate of Appropriateness to add braces to the rear porch at 321 East Fourth Street.

Voting AYE on Resolutions 9 B through 9 D: Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipiní, Mr. Waldron, and Mr. Reynolds, 7. The Resolutions passed.

E. *Authorizing 2016 Edward Byrne Memorial Justice Assistance Grant (JAG)*

Mr. Colón and Mr. Martell sponsored Resolution 2016-144 that authorized the Police Department's application for the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$20,854. The grant will be used by the Police Department to continue improvements in computer hardware and software.

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

10. NEW BUSINESS

West Graham Place re-connection to New Street/ Fahy Bridge/ Lynn Avenue Bridge/ Route 412

Mr. Waldron referenced a memo sent by Michael Alkhal, Director of Public Works regarding the moving of Graham Place and the financials associated with this matter, and asked if Mr. Alkhal could speak about this since we are meeting on the south side tonight.

Mr. Alkhal reported that they looked at the area to extend West Graham Street and to re-connect it to New Street, and there are not a whole lot of different alternatives in terms of realignment and how that can be accomplished. Essentially, we looked at the most cost effective way that would reduce the impact as much as possible on the parking lot for Comfort Suites as well as the Greenway. He continued if you are looking at Vine Street we would extend the street. That intersection would become a T intersection extending northward and there would be a radius turning that extension due east and connect with New Street. This would be basically taking up a bulk of that Greenway and the street would fit between the proposed garage and the proposed Benner building. Mr. Alkhal mentioned we did a detailed estimate looking at the grade alignment and what would be required to meet code and meet our requirements, sidewalk and pedestrian facilities. The estimated construction cost alone would be about \$350,000. There are some key issues in order to accomplish that project, one of which would be that it would occupy what was previously required for Greenway purposes. The area that would be impacted would be a little over half of an acre. Our options are to either pay back what we received from the grants we obtained to acquire that land plus substantial interest, which would be expensive, or we would have to find equivalent amount of suitable land within the area to be dedicated for recreational purpose. We recently tried to do that with another project, which is a connector road, and that has proven to be extremely difficult. He expressed he would not be optimistic that we could make that happen. Mr. Alkhal added another major item would be that anyway this would be laid out, the Comfort Suites would lose at least an additional 16 parking spaces. They would have to be compensated for that loss and the land to apply for the right-of-way for this new road. As you know the Comfort Suites, regardless of compensation, have already taken the position that this is a nonstarter for them and would not entertain losing additional parking spaces. Mr. Alkhal noted that is why after looking at all the detail, all the facts and everything we would have to accomplish, we felt that it probably is not feasible, but welcome further discussions on that. Nothing that is happening now moving forward would preclude this from continuing should we somehow find a way to overcome some of these major obstacles.

Mr. Waldron thanked Mr. Alkhal for putting that information together so we have a better understanding of what is involved in the matter. He remarked it is easy to move a street in your mind, but to actually do it is much more complicated.

Mr. Alkhal remarked the layout is available if anyone is interested in looking at the details.

Mr. Waldron then queried about the Fahy Bridge construction.

Mr. Alkhal stated that it is on schedule and may be a little bit ahead of schedule. It is going fairly well with normal construction issues that rise.

Mr. Waldron then asked about Route 412.

Mr. Alkhal informed that the Route 412 construction project is concluding. The current completion date is late August and it looks as if it should meet that timeframe.

Mr. Callahan stated he is curious about the completion date on the Fahy Bridge.

Mr. Alkhal related that it is the fall of next year, after the 2017 Musikfest.

Mr. Callahan then asked about the Lynn Avenue Bridge.

Mr. Alkhal reported that the Lynn Avenue Bridge is currently out to bid. Construction will probably start late in the year and probably end at the end of next year's construction season so again, late summer or early fall.

11. PUBLIC COMMENT

Benner Project/New Street Garage

Stephen Antalics, 737 Ridge Street, stated he has some questions after reviewing some of the minutes of the last few meetings and talking to some citizens. During the deliberations on the New Street garage and Mr. Benner's buildings, City Council meetings were overwhelmingly attended by citizens who apparently a majority, but not all, opposed it. Mr. Antalics mentioned the emails Council received in support of the garage and noted his feeling is that these people felt obliged to send emails to be kept confidential, and he would dismiss those comments rather than coming to a public forum to support the project. That is from his point of view and a few others with a similar opinion. Mr. Antalics remarked during discussions with justification for the vote on the garage a Member of Council also mentioned two other very controversial votes, which were the Casino vote and the Lowe's vote. He continued someone on Council mentioned they took the hard choice and may have offended people by the choice, but felt they did the right thing because the Casino has been successful and the Lowe's proved to be a very profitable development. Mr. Antalics mentioned the Casino deliberations were very controversial. He mentioned the hearing in Packer Auditorium on the issue and at City Council meetings where many attended to express their views. We heard two sides of the argument, the pros and the cons, and some were strong opinions. He expressed the Lowe's issue mirrored the Casino with very controversial hearings, one of which did not end until 1 am. Mr. Antalics added that there were citizens at the hearings for the Casino and for Lowe's, expressing their opinion, but that did not exist during the Benner hearings. He does not recall of anyone supporting the projects during the Benner hearings, but he heard quite a few people speak. There were some strong comments and some rallied some people on Council against it. He continued we had two Democratic processes with the Casino and Lowe's projects than what we had with the Benner project, but clearly the will of the people was ignored. Mr. Antalics noted it plays further into the cynicism that people in the City have about how Council deliberations are in best interests. Mr. Antalics expressed whose will was served, private interest or the citizens of Bethlehem.

Mr. Callahan stated that he wanted to address Mr. Antalics remarks and noted that many of the businesses sent emails. He spent many hours walking around and talking to those citizens, and a majority of the business owners were in favor of the project. He expressed the will of the people is not 18 people. He respects the people for coming to Council meetings on a regular basis, but feels the will of the people are not the same people that are fighting every development and every little thing that goes on in this City. Mr. Callahan remarked the thought that City Council overtly overwrote the will of the people is not true. He suggested walking around and talking to business owners would have been helpful to understand that the

reason they do not show up at meetings is because they have businesses to run. He also remarked that perhaps there may have been some hesitancy to attend the meetings and express their support out of concern for some backlash. He stated he is not saying that is the reason why they did not show up at the meetings; it is just his assumption. He commented he knows that some did try to get business owners to come to these meetings but they did not show up.

Mr. Antalics reported that is not his job.

Mr. Callahan stated that is our job.

President Reynolds remarked that he does not want them to get into a back and forth and mentioned to Mr. Callahan that he would appreciate it if he does not address any person in the audience.

Mr. Antalics mentioned that he is being addressed and he should have the right to respond to what has been said, and he will respond to that.

President Reynolds stated Mr. Antalics had the opportunity to speak.

Mr. Antalics noted he is being accused of saying what is unfair.

President Reynolds expressed that he can certainly continue this conversation with Mr. Callahan after the meeting. Mr. Callahan remarked that he will speak to Mr. Antalics after the meeting.

Mr. Antalics mentioned this is a public forum and he has the right to respond to an accusation.

President Reynolds remarked as he has told Mr. Callahan in the past, it is best not to refer to individuals in the audience because of this type of situation will happen.

Mr. Antalics remarked that President Reynolds is depriving him of his right to defend himself.

President Reynolds stated that he is not.

President Reynolds mentioned that Mr. Callahan should keep his comments general and do not address anyone in the audience.

Mr. Antalics stated, good night gentleman.

Mr. Callahan advised that this is generally why the discussion between the public and City Council stopped. The public is given the opportunity to speak and now it is Council's opportunity to speak and he wanted to comment on the same statements made over and over again that he feels are false.

Thanks to the School District/Clerk's Office

President Reynolds noted that before the meeting is adjourned he wanted to once again thank everyone that came to Broughal Middle School this evening for the Council meeting. There was not a great deal of Agenda items tonight that would generate a lot of interest from the public, and it may have contributed to the light attendance. President Reynolds expressed his appreciation to the Administration, everyone from the City who attended the meeting, and Ms. Kelchner, Mr. Vidoni and Ms. Kelechava for the work they did to coordinate this meeting outside of Town Hall, and the School District. President Reynolds recalled the idea of having a few off site Council meetings came up during a conversation with Solicitor Spirk a few months ago. He was aware that the School District does this at times and they thought it is something that the City should do too. He reiterated this is the first time we have done this and although it was a light turn out tonight, it is good to have the opportunity to move these meetings around the City a little bit. President Reynolds reiterated he would welcome any feedback following tonight's meeting or the successive meetings that will take place in fall.

12. ADJOURNMENT

The meeting was adjourned at 7:33 p.m.

ATTEST:

City Clerk