

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street – Town Hall
Bethlehem, Pennsylvania
Tuesday, October 18, 2016 – 7:00 PM

INVOCATION

Reverend Dan Miller, Pastor of Edgeboro 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 Waldron and J. William Reynolds, 7.

PUBLIC HEARING

President Reynolds stated prior to the consideration of the regular Agenda items; City Council will conduct a Public Hearing to consider the Proposed 2017 CDBG and HOME Programs. He called the Public Hearing to order and recognized Allyson Lysaght, Housing and Community Development Planner to make the presentation.

Proposed 2017 CDBG and HOME Programs

Ms. Lysaght communicated she will discuss the 2017 projected and funding proposal for HOME and for CDBG. It was reviewed by the Community Development Committee on October 3, 2016 and sent to Council for a full vote. Ms. Lysaght highlighted the fact that they are in the middle of their 2016 year program and have \$1.276 million dollars of CDBG funds and \$354,000 of HOME funds. She explained we do not know, as we do every year, what we will get the following fiscal year because we are on a stream schedule with HUD. She mentioned that they take an educated guess and reduced what we received from HUD this year by about 6%. She estimated that the City will be receiving \$1.191 million in CDBG funds and \$319,000 in HOME funds. Ms. Lysaght informed they received the 2016 money on August 25, 2016 and noted this puts the City and our non-profit partners in a bit of a tight spot because we have to spend down this money and show that we are in need. Ms. Lysaght remarked the City is going to be tested for time limits on November 2, 2016 and are confident we will make it this year. Ms. Lysaght remarked there are two caps on our funding, which comes from streams where we are allowed to spend money. She added that 15% of our allocation is tacked for public services, which is operational support for things that directly benefit citizens, and 20% is Administration, which is salaries, planning, consulting, things that make the program actually work. Ms. Lysaght noted as of September 30, 2016 we had about \$798,000 remaining in City bureaus and departments to spend down and that amount is down significantly. She highlighted about another \$275,000 was spent last week, mostly on Streets and Parks. Our external partners have about a half a million dollars of money remaining which we are trying to get out the door as well. Ms. Lysaght stated their department oversees the Housing Rehabilitation program and wanted to provide an update. Our goal this year was to complete 25 houses; 21 are done; another 6 are in progress, and about 4 more are out to bid. We have an emergency program which is up to \$10,000 for homeowners who qualify for things such as leaking roofs, and items that impact houses that could result in condemnation if not remediated. Ms. Lysaght continued to say that her staff has earned their licenses this year, which increases their capacity to do more of these housing programs.

Ms. Lysaght mentioned this year full applications were due at the beginning of September. She continued an internal committee of people from the Community Development Department oversaw the vetting of the applications. The activities must be HOME and CDBG eligible and have to be consistent with our Five Year Consolidated Plan that is submitted to HUD. We look at the capacity of an organization to deliver the program; that there is a reasonable budget; and a clean audit and adequate staff. We also want a meaningful impact on resident's life. Ms. Lysaght mentioned that they received \$2.754 million in requests and she is assuming they will get \$1.9 million from HUD.

Ms. Lysaght remarked that most of the organizations that were funded externally have been ones that we funded in the past. There were two new ones this year. Holy Family Manor is upgrading an HVAC for elderly and senior housing. In addition, we also funded the TechGyrls program for the YWCA, which is a coding and computer program for low to moderate income third to eighth grade girls in the City. Ms. Lysaght added that another new organization is the Bethlehem Emergency Shelter who is looking to establish a single site shelter. Ms. Lysaght mentioned they have \$100,000 in for blight remediation. This will help us with the legal fees and with acquisition costs and with appraisals for blighted properties. We also put in \$75,000 in deconversion funds for the new LERTA district because we have single family houses that have been broken up into apartments. We can offer some funds through HUD to deconvert them back into single family homes.

Ms. Lysaght continued with the HOME side of the program and mentioned that in our low to moderate income housing program, CACLV Land Trust is going to be our certified housing development organization again this year. They are looking to do a multi-unit housing project on the south side, so we are going to support them with \$125,000 in funds. The YMCA is working on their short term housing facility, New Bethany is receiving funds for acquisition and rehabilitation of a transitional housing program, and there is some administrative money in there too.

President Reynolds reiterated there was a Community Development Committee Meeting about the CDBG and HOME programs. He asked if any Member of Council had any comments.

Mr. Colón queried what the plan would be if the HUD allocations come in under the projected \$1.2 million.

Ms. Lysaght remarked that they have budgeted very conservatively. She explained we could go back to the organizations and say we have extra money. We do not want to put somebody in a position where they will not get budgeted money. In the instance that funds would be reduced by more, we would probably say do a percentage across the board, just to be fair.

Mr. Martell wanted to reiterate what was said at the Committee Development Committee Meeting. He commended the department with making these funding decisions because these are worthy partners with worthy programs. Those decisions have to be made, but as a whole, it is good to hear that the programs are operating and delivered better this year in terms of getting the money out and getting these programs supported.

Ms. Lysaght remarked these are textbook programs that this program was designed to fund and it is a great thing that we are able to allocate those funds to these worthy projects.

Ms. Negrón-Dipini stated it was mentioned that these are very conservative numbers and there is always the possibility to receive more money. One of the line items was for New Bethany Food Pantry renovation, and that was not funded. She wishes that there could be something we could do for this organization because this is something no one else is doing in the Lehigh Valley in terms of cooking. When she moved here 20 years ago New Bethany was the only place she had to go with her children to stretch her salary. For a little over a year they were using many of the services at New Bethany including the food pantry. She knows the community very well, and wishes there is something we could do to help New Bethany Ministries with this project.

Ms. Lysaght noted with every organization it is a difficult decision when you go through these and look at past years of giving and allocating, and what is remaining. For example with the YMCA this year, we were over the allocation with our CDBG money. They put in a request for far more CDBG money than we could allocate so we said to them can you take more HOME money, which she had more to allocate, and give up some of that CDBG money. That measure allowed them to switched some money around internally in their budget to make that work.

Ms. Negrón-Dipini does understand how it works, but she really wishes that there could be something we can do for New Bethany.

Ms. Lysaght added that this also came up at the Committee Meeting.

Ms. Negrón-Dipiní stated she also was at that meeting and they talked about the program. It had already passed the Committee but that is why we have this conversation before we actually vote for it. She is just putting her hope out there for Ms. Lysaght and her department to look at the numbers and think about the possibility of helping New Bethany.

President Reynolds pointed out that Council is not voting on this tonight, but the Resolution will be voted on November 1. Councilwoman Negrón-Dipiní is able to make a motion to change those allocations before Council votes on the Resolution. If it was a situation where you felt strongly about that, Councilwoman Negrón-Dipiní or any Member of Council could make an amendment, but it does have to pass City Council.

Ms. Negrón-Dipiní knows we will not make a decision tonight, but she is just hoping and asking to give them another chance.

President Reynolds remarked that there are a few people who signed up to speak about CDBG under the Second Public Comment on Ordinances and Resolutions to be voted on this evening, but we are not voting on the Resolution tonight; that will take place on November 1. Those individuals could speak now during the Public Hearing Public Comment.

Public Comment

New Bethany Food Pantry

Diane Elliott, 1539 Spring Valley Road stated she is Executive Director of New Bethany Ministries and she was at the Community Development Committee Meeting. She would like the opportunity to ask Council to reconsider funding for the Food Pantry project. New Bethany Ministries is a 501c3 non-profit providing services to all of Northampton County and most particularly Bethlehem. She highlighted each year New Bethany Ministries impacts between 6,500 and 7,000 people, 10% of the total number of those who are food insecure; 90% of those served live, and she uses that term loosely because many are homeless, in the City of Bethlehem. Ms. Elliott continued we have been serving Bethlehem for more than 30 years and have impacted the lives of over 100,000 people in that time. There are eight food deserts in the Lehigh Valley, four of them are in and around Bethlehem, and for people living in that area nutritious food is neither readily available nor easily accessible. This is food that is essential for survival and good health. A recent focus group by the United Way showed that food access is the most important need addressed by the Lehigh Valley Food Policy Council followed only by food and security, both of which have been and will be more comprehensively addressed by the addition of our larger weekly healthy choice pantry. Ms. Elliott expects this project to impact no less than 3,500 Bethlehem residents annually. The new pantry would give us the room necessary to have refrigeration, allowing us to take all of the fresh produce and other fresh food we are offered by our partners in the farming community, but are unable to handle right now. It is located behind what we are going to be calling Mary's House; most of you know Mary Pongracz. It is half a block from our present site and it will take away foot and truck traffic from West Fourth Street. Right now we lack access to our present location, requiring us to find on street parking for all truck deliveries. The new location has a garage door in the alley that will allow us to unload trucks directly into the facility and parking for cars across the alley. Ms. Elliott added that they will also provide a distribution point for the more than 400 turkeys and all the fixings we distribute at Thanksgiving. Ten years ago New Bethany food programs mostly served those who are homeless. We are now experiencing an increase in the number of people who are working, some of who do have a home but struggle to feed their families daily. Ms. Elliott pointed out there are many factors that attribute to this, such as the cost of healthcare, and the high cost of housing in the Lehigh Valley. Ms. Elliott remarked it takes \$20 dollars an hour to be able to afford a two bedroom apartment, which means at a minimum wage rate you are working 105 hours. Three years ago we saw an increase of 336% in the number of elderly who were using our food pantry and another 20% the following year. Three years ago we also saw an increase of over 100% in the number of children who were getting our food in their households. By providing food to low income families we are providing them with a financial buffer, that will allow them to pay their rent, or especially for the elderly, purchase medication. The inability of individuals and families to afford healthy food can also have significant medical consequences. Ms. Elliott related they have recently received some data that shows that with children the most capacity of their brain occurs before the age of 4 so prenatal nutrition is important as well as nutrition for young children. In addition, they cannot learn in school if they are hungry. Ms. Elliott noted in the next year, as of September 30, 2017

there are going to be four programs that HUD is planning for transitional housing in the Lehigh Valley. Three of them intend to close; we are the fourth. It is our intention to try to do everything we can to try to keep it open. Restoration House has ten apartments. Last year we served 16 adults and 26 children, and 12 families graduated from the program. That means they got their degree, they got permanent housing and employment. So next year at this time when those programs close, we may see additional homelessness as is the case of other cities and additional hunger. Ms. Elliott informed they are requesting a one-time investment of \$75,000 that can easily feed low income City residents for another 30 years. We are seeking to increase our reach, which is now the 18015 zip code to the entire City. We have been told that we get money annually from CDBG and therefore they are looking at other programs this year to fund. She does understand that, but New Bethany is the only organization in Bethlehem that serves the needs of the City's homeless, poor, hungry, and mentally ill in a comprehensive way. Ms. Elliott stressed they are the only ones that have a five day a week food pantry that is open all day and can be accessed in an emergency seven days a week from 8am until midnight. She remarked that is very important for the working poor who can only get there at unusual hours. In conclusion Ms. Elliott remarked to ask yourselves if New Bethany Ministries is not providing this service to the increasing number of folks, who will take responsibility for these folks and make sure that the low income residences, men, women, children, elderly and working poor do not go hungry.

Paul Lynch, of the Second Harvest Food Bank mentioned that they partner with the New Bethany Ministries. One of the things he wants people to understand is that many times they work with 200 different agencies throughout six counties that provide emergency food programs to people in need, such as emergency pantries. In Bethlehem they serve many programs that provide help, food, and technical assistance. Mr. Lynch noted that New Bethany is one of their primary partners and it is the only partner that is open five days a week to provide emergency food for people in need. Too many of our pantries are only open for a few hours a day once or twice a month. He expressed when someone calls and says they live in a certain zip code and they need help getting food he often cannot find them a place to go. This program expansion by New Bethany allows for more security for those who need it and help provide a service that no one else is providing and helps close the blanket around people in need in the City of Bethlehem.

Brandy Garafolo, 628 Pierce Street, stated she is Director of all of the services at New Bethany that addresses food and security. She expressed what we are proposing at New Bethany is going to help in such a big way. At this point New Bethany Ministries has outgrown the space that she has for the needs to be addressed. Ms. Garafolo noted she cannot accept large product donations due to lack of storage. They do not have refrigeration for all the fresh items that people are offering, and it is getting discouraging because the people coming in have faces, feelings and stories; and they are hungry. She expressed it is her job to make sure that they are fed, and it is getting more difficult to do that in the space that we have and with the resources they have. Ms. Garafolo implores Council to just think about this.

Pamela Lewis, 1050 Cold Spring Road, Allentown, mentioned she is an employee of New Bethany and she always keeps in the back of her mind "For the grace of God go I". She remarked that Maslow's Hierarchy of Needs says there are basic needs and the first is housing and security, and to her the second one is food. Ms. Lewis thinks expanding the food bank is not really a difficult decision; it will enhance and strengthen the community. She expressed that with the cost of groceries, she would not want people stealing for food. Ms. Lewis remarked she thinks that Council needs to reconsider this proposal and build up Bethlehem; that would be strengthening your own community in your own backyard.

Mr. Callahan queried about how much additional money they would need for this project.

President Reynolds noted the request is for \$75,000.

Mr. Callahan pointed out in the HOME program they had a request for \$250,000.

President Reynolds stated he wanted to avoid the question and answer of this but if they wanted to make a statement we do have the public comment coming up during the regular Council Meeting on non-agenda items.

Mr. Callahan remarked he would love to help them out if there are any additional funds or grants, and wants to support them, if possible.

President Reynolds seconds what Mr. Callahan said and as noted before, Council has the opportunity to vote on this November 1st. When you look at the final recommendation, we have the capability of moving some things around. President Reynolds remarked he knows the mission of New Bethany. He expressed he has had emails from Ms. Elliott when we had conversations about the anti-panhandling Ordinance that the Administration decided to withdraw that raised some of these issues, as well with food and security. He is open to looking at this, although maybe not getting to the requested funding amount.

President Reynolds reiterated there is no voting on this tonight. The Resolution to approve the CDBG and HOME programs will be placed on the November 1, 2016 Council agenda.

President Reynolds adjourned the Public Hearing at 7:30 pm.

2. APPROVAL OF MINUTES

The Minutes of October 4, 2016 were approved.

3. PUBLIC COMMENT (on any subject not being voted on this evening - 5 minute time limit)

New Bethany Ministries CDBG Money

Diane Elliott, 1539 Spring Valley Road noted that Mr. Callahan had asked a question.

Mr. Callahan stated he wondered about the amounts in the request for New Bethany Ministries for the Food Pantry. He was interested to know if we could find additional money is the entire \$75,000 needed or could we find a portion of some other money to assist with the project.

Ms. Elliott noted that obviously anything the City can provide would help. She expressed we are raising the money through private foundations and family foundations. The total is about \$245,000 dollars. \$75,000 was almost what we raised so far with an additional \$11,000 that New Bethany would take on through other fundraising. She would prefer to receive \$75,000, but anything would be helpful and appreciated,

4. PUBLIC COMMENT (on Ordinances and Resolutions to be voted on this evening - 5 Minute Time Limit)

Lawn Parking Ordinance

James Whittaker, 229 East Macada Road, informed he is at this meeting about the no parking on the lawn Ordinance. His only problem with this would be when there is an emergency or routine repair work needed to be done at his house. He respectfully requests that an exemption for routine maintenance and emergency repair be included in the Ordinance. Mr. Whittaker noted this normally happens when his fuel company comes to do their annual check of the heating and air conditioning system. He explained that they often have to park trucks on a single lane driveway that drops down to the garage and blocks access. Mr. Whittaker remarked they need access to their car but the repairmen could be there an hour or more most of the day. When this happens, and only when this happens, they park one car on the lawn adjacent to the driveway in the front so they can get out and back again. Mr. Whittaker assures that every time when the maintenance service is complete his car goes back in the garage. He appeals to Council to provide for circumstances such as this one. He read in the newspaper and in the proposed Ordinance before Council tonight that the only exception is for loading one hour a week. He mentioned two years ago they had to have the heating and air conditioning completely replaced and it was done through multiple visits. He does not wish to add a paved pad in the front of his house for something that would be seldom used, and remarked additional paving would detract from the neighborhood. He is asking Council to please consider this and incorporate something so he is not subject to a fine. He does not want to violate any laws, but with that exception, he and his wife supports what Mayor Donchez initiated in the Ordinance about parking cars on lawns.

5. OLD BUSINESS

A. Members of Council

November 1, 2016 City Council Meeting

President Reynolds reminded everyone that the next City Council Meeting, two weeks from tonight, will be on November 1, 2016 and will take place at East Hills Middle School in the auditorium at 2005 Chester Road. There is plenty of parking in the parking lot adjacent to the building.

B. Tabled Items

C. Unfinished Business

6. COMMUNICATIONS

A. *Director of Water and Sewer Resources – Request for Resolution – PA Small Water and Sewer Project Grant*

The Clerk read a memorandum dated October 5, 2016 from Edward J. Boscola, Director of Water and Sewer Resources requesting a Resolution in support of an application to the Pennsylvania Department of Community and Economic Development for a Pennsylvania Small Water and Sewer Project Grant funded by the Commonwealth Financing Authority. The Grant will be used to fund a project to replace a section of sanitary sewer main on Pierce Street between Third and Fifth Streets. There is a 15% funding match requirement which will be included in the 2017 Sewer Capital Budget.

President Reynolds stated Resolution 10 A is on the agenda.

B. *Housing and Community Development Planner – Request for Resolution – Keystone Communities Grant*

The Clerk read a memorandum dated October 12, 2016 from Allison Lysaght, Housing and Community Development Planner requesting a Resolution in support of a Keystone Communities Grant application through the Pennsylvania Department of Community and Economic Development. The requested funds will be utilized to engage experts in the field of blight remediation to assist in developing a comprehensive blight mitigation plan for the City.

President Reynolds stated Resolution 10 B is on the agenda.

C. *Assistant City Solicitor – Amending Article 531 – Yard Parking Q & A – Removal of Rear Yard Parking Ban in Bill 29-2016*

The Clerk read a memorandum dated October 12, 2016 from Edmund Healy, Esq, Assistant City Solicitor responding to questions and concerns expressed by Council Members at the October 4, 2016 City Council Meeting regarding parking pad requirements and parking in rear or side yards. In addition, the Administration wishes to delete subsection 531.01 (b) 10 regarding the restriction to park in any rear or side yard.

President Reynolds stated Council will be voting on that amendment to remove subsection 531.01 (b) 10 tonight before final vote on Bill 29 – 2016.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Iris Linares – Bethlehem Housing Authority*

Mayor Donchez reappointed Iris Linares to membership on the Bethlehem Housing Authority effective through October, 2021. Ms. Negrón-Dipini and Mr. Martell sponsored Resolution 2016-200 to confirm the reappointment.

Mr. Evans remarked that Ms. Linares does a great job and he will support her reappointment. Mr. Evans noted that he had been the liaison to the Bethlehem Housing Authority for the past couple years and attended a number of meetings. He highlighted this is a Board that works great together and Ms. Linares is a very productive member.

President Reynolds agreed with Mr. Evans, and added that he has known Ms. Linares for a long time and knows that she gives a lot of time to the Bethlehem Housing Authority Board. He remarked the Housing Authority and the City of Bethlehem are better for this and he thanked Mayor Donchez for nominating her for another term. President Reynolds thanked Ms. Linares for her service.

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

2. *Administrative Order – Luke Cunningham – Civil Service Board*

Mayor Donchez reappointed Luke Cunningham to membership on the Civil Service Board effective through October, 2020. Mr. Martell and Mr. Waldron sponsored Resolution 2016-201 to confirm the reappointment.

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

3. *Administrative Order – Ellen Cary Bearn – Sister City Commission*

Mayor Donchez reappointed Ellen Cary Bearn to membership on the Sister City Commission effective through October, 2019. Mr. Martell and Mr. Waldron sponsored Resolution 2016-202 to confirm the reappointment.

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

4. *Administrative Order – Al Bernotas – Sister City Commission*

Mayor Donchez reappointed Al Bernotas to membership on the Sister City Commission effective through October, 2019. Mr. Martell and Mr. Waldron sponsored Resolution 2016-203 to confirm the reappointment.

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

5. *Administrative Order – Katherine Burd – Sister City Commission*

Mayor Donchez reappointed Katherine Burd to membership on the Sister City Commission effective through October, 2019. Mr. Martell and Mr. Waldron sponsored Resolution 2016-204 to confirm the reappointment.

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

C. *Committee Meeting Announcement*

Chairman Evans announced that the joint Parks and Public Property and Human Resources and Environment Committees met together on Thursday, October 13, 2016 at 6:00 pm in Town Hall. The Committees received a presentation from the Administration regarding the consolidation of the Parks and Public Property Department and moved to recommend the Ordinance to amend Article 107 – Departments to full Council for First Reading, which will be on November 1, 2016.

Chairman Negrón-Dipiní announced that the Public Works Committee met on Monday, October 17, 2016 at 5:30 pm in Town Hall. The Committee moved to recommend the Ordinance to amend Article 927 – Sewer Rental to full Council for First Reading on November 1, 2016.

8. ORDINANCES FOR FINAL READING

A. *Bill No. 28 – 2016 – Amending Article 153 – Police Pension Fund*

The Clerk read Bill No. 28 – 2016 – Amending Article 153 – Police Pension Fund, on Final Reading.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, and Mr. Reynolds, 7. Bill No. 28 – 2016 now known as Ordinance No. 2016-28 was adopted on Final Reading.

B. *Bill No. 29 – 2016 – Amending Article 531 – Parking Generally*

The Clerk read Bill No. 29 – 2016 – Amending Article 531 – Parking Generally, on Final Reading.

President Reynolds asked the Clerk to read the Amendment to Bill 29 – 2016 that is the result of the Administration wishing to delete subsection 531.01 (b) 10.

The Clerk read Amendment No. 1 to Bill 29 – 2016 –Parking Generally, sponsored by Mr. Callahan and Mr. Martell;

SECTION 1. Subsection 531.01(b) of Bill No. 29-2016 to amend Article 531 of the Codified Ordinances of the City of Bethlehem relating to the parking and standing of motor vehicles in specified places that reads as follows:

(b) Stand or park any vehicle:

- (1) In front of a public or private driveway.
- (2) Within fifteen feet of a fire hydrant.
- (3) Within twenty feet of a crosswalk at an intersection.
- (4) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.
- (5) Within twenty feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance.
- (6) Where the vehicle would prevent the free movement of a streetcar.
- (7) On a limited access highway unless authorized by official traffic control devices.
- (8) At any place where official signs prohibit standing.
- (9) **In the front yard of any property, except in accordance with the following requirements:**
 - a. **The vehicle is parked on a solid surface parking pad constructed of either macadam or concrete;**
 - b. **The vehicle must be parked in such a way so as to not obstruct other driveways, sidewalks, or the right-of-way; and**
 - c. **Notwithstanding the foregoing, a vehicle may be temporarily parked in a front yard of a residence found within a residential zoning district for the purpose of loading and unloading items**

for a period not to exceed 1 hour per week, as measured from Sunday, 12:01 am through Saturday, 11:59 pm.

- (10) ~~In any rear or side yard, unless the vehicle is parked on mud-free stone covered surface or an intact, solid surface parking pad constructed of either macadam or concrete;~~

Shall be amended to read as follows:

(b) Stand or park any vehicle:

- (1) In front of a public or private driveway.
- (2) Within fifteen feet of a fire hydrant.
- (3) Within twenty feet of a crosswalk at an intersection.
- (4) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.
- (5) Within twenty feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance.
- (6) Where the vehicle would prevent the free movement of a streetcar.
- (7) On a limited access highway unless authorized by official traffic control devices.
- (8) At any place where official signs prohibit standing.
- (9) In the front yard of any property, except in accordance with the following requirements:
 - a. The vehicle is parked on a solid surface parking pad constructed of either macadam or concrete;
 - b. The vehicle must be parked in such a way so as to not obstruct other driveways, sidewalks, or the right-of-way; and
 - c. Notwithstanding the foregoing, a vehicle may be temporarily parked in a front yard of a residence found within a residential zoning district for the purpose of loading and unloading items for a period not to exceed 1 hour per week, as measured from Sunday, 12:01 am through Saturday, 11:59 pm.

President Reynolds thanked Solicitor Leeson for his office sending this forward. He is sure this was the Administration's decision because many residents had concerns about this at the last meeting.

Voting AYE on the Amendment to Bill 29 - 2016: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, Mr. Waldron, Mr. Callahan, and Mr. Reynolds, 7. The Amendment passed.

President Reynolds noted they will have discussion on Bill 29 - 2016 as amended.

Mr. Callahan agrees with Mr. Whittaker because there are always extenuating circumstances and emergencies where for some reason someone would have to park their vehicle on their front lawn due to emergency services. He is sure our Police Department would use leniency in certain cases and make sure this is not a repeated offense. Mr. Callahan does not

know if we need to put something in this Ordinance when it comes to a case such as described by Mr. Whittaker.

Mayor Donchez reported in his opinion, it is not the intent to cite anyone when there is an emergency situation. It is almost like with the Parking Authority when there is a contractor working on a home. They notify the Parking Authority and they are not cited. He continued certainly we would use discretion, and if someone would call into City Hall at the Mayor's Office and say that someone is working at their home that day, we would certainly notify the Police.

Mr. Callahan assumed that would be the case. He just wanted to make sure that we did not have to legally put something in this Ordinance in a case like that. He noted he is good with this if the Solicitor feels a phone call to City Hall would be sufficient to address the situation.

Mr. Evans commented that it is always curious to see how some of these issues come our way; the genesis of it, and the amount of public attention that it draws. There is an incident that caused this and there were pictures that were sent to all of us multiple times and forced us to move into this direction to protect the property value of neighborhoods. Mr. Evans noted we are talking about code enforcement, to be able to enforce what is best for the City and the community as a whole. This is definitely a step in the right direction. He also agrees about talking about what Mr. Whittaker brought to our attention, as we put this in to include unattended consequences.

It could be easy enough to add language under 9 (c) such as "for the purpose of loading and unloading items or make way for maintenance workers with repairs being performed by contractors for a period not to exceed...". There would be more flexibility if we want to move in that direction. Mr. Evan remarked he would be happy to offer that Amendment or it could remain as is. Mr. Evans stated he certainly supports the addition of this to many of our other zoning laws we put in place to protect neighborhoods and communities. He would also like to hear from other Members of Council what they think is the time period; it is currently one hour per week. He mentioned that Council did get emails on this. Mr. Evans noted people are mostly supportive, but there were questions about the timeframe and that one hour is quick with loading or unloading. He wonders if anyone would be interested in changing that and extending the stated time period in the proposed Ordinance.

Mr. Martell definitely is sympathetic to the points made by Mr. Whittaker and he certainly would like to amend that if this Ordinance would be used as a way to penalize him for or anyone else in the community for a situation as explained by Mr. Whittaker. He is sure we all at different times would fall under that category. If there was a way to capture all potential exceptions he would be in favor of that, but he is concerned with how to do that without leaving out other ones, and then continue to run into problems. He supports the Ordinance as it is right now, and if there is a craftier way to go, he is open to that. Mr. Martell does not foresee that being a problem in those situations.

This will not be something that will be actively patrolled. It is a situation that you get into such as with garbage when people call in to say garbage was put out, but we do not know when it was put out and when the pickup is; we could not cite that. Mr. Martell queried when the clock starts ticking for the hour period. He thinks we should give it the one hour and a reasonable time to come back and check in another hour. In reality it could be a situation where a car is parked there for two or three hours, until it gets caught and checked. We are looking at where people are parking their cars on their lawns, and then leaving it for days on end as though that is their parking space. It is not an loading and unloading situation, rather it is a situation where people are using that as their parking spot. Currently individuals are calling in and there is nothing the City can do about it. Mr. Martell advised if there are ways to catch all the exceptions out there he would be interested in, that but he is not sure that we will not be leaving out other things.

President Reynolds added that he would agree with Mr. Martell. We have had conversations about enforcement. The first thing we would hope that would happen in these situations is that if someone see this, that they try to fix the problem without having to cite anybody. Our Police Officers make those decisions every day. If someone drops a piece of litter, they tell them to pick it up or if someone does not cross at the crosswalk are they potentially breaking the law. President Reynolds agrees that our Police Officers follow the

protocol of trying to solve a problem before it becomes a problem. He has concerns as well about the exceptions. Trying to capture every single exception is going to be difficult to do. He hopes that we would not be citing people unfairly and we would try to contact the person. President Reynolds asked if Solicitor Leeson would like to make any comments because they worked on this Ordinance.

Solicitor Leeson thinks what is before Council is a reasonable solution to a problem that does not exactly overwhelm the City. The spirit is correct in the sense that enforcement the way the Ordinance is currently drafted and contemplated; it is fair to anticipate and attempt to reconcile the problem, give warnings and enforcement, if needed. Solicitor Leeson believes that is an appropriate response in the context of the way the problem is identified and been suggested in the simplicity of the Ordinance. If it were to turn into a more significant problem and we wanted to address the issues of enforcement and exceptions, that is the point in time that you might want to get into the question of an Amendment. Solicitor Leeson stated the other thing is we could have, and because of the nature and scope of the problem we did not get into something more complex in terms of the enforcement, but you could get complex by structuring the Ordinance with a series of warnings before citation. We have other Ordinances and laws that follow that pattern.

If it turns into something problematic you could go that route at later date. Solicitor Leeson favors Council's instinct right now and that is proceeding with what we have and enforcing it in the style that the Administration is suggesting. Solicitor Leeson stated that is his perspective on this now.

Mr. Waldron noted he was not at the last meeting when this was discussed but he wanted to provide comment. A few things occurred to him regarding lawn parking such as when people have a large party with 30 plus cars or when the grass area along Spring Street under the Hill-to-Hill Bridge is used for parking during Musikfest. That is not a residential area, but the way the Ordinance reads, the purpose of this is to protect the ground from runoff. It is also to help keep property values stable. Mr. Waldron does not know if you can force people to be good neighbors or thoughtful. He remarked he does not know if an Ordinance is the right way to do it. You cannot tell people what color to paint their house or what yard sign to put in their lawn. He thinks because of one person in the City who is perpetually doing parking on a front lawn, an Ordinance to address this is an overreach by government. Mr. Waldron does not think it is government's role to tell people where they should park their car on their own property even if you do not agree where they are parking their car. He stated he will be voting against this Ordinance this evening.

Mr. Colón informed he will be supporting this Ordinance as written tonight. He worked in the Health Bureau telling people their grass could not be over 12 inches high a few summers ago and that regulation to protect the integrity of the neighborhood. He does understand the intent of this. He added that high grass is a nuisance and it is the same thing with a car parked in a front yard every day. To Mr. Evans point, it has an impact on the overall integrity of the neighborhood. Mr. Colón agrees with Mr. Martell. He does not know what the wording would be in a catchall Amendment that would cover everything. He has faith in the Police Department and he wondered if this would also be enforced by the Parking Authority.

Mayor Donchez replied it would strictly be enforced by the Police Department.

Mr. Colón mentioned that a Police Officer would have more pressing issues in the City than to pull over on Macada Road where Mr. Whittaker lives to see what was going on with a work truck parked in the driveway. Mr. Colón stated he will support this Ordinance as written tonight.

Voting AYE on Bill No. 29 - 2016 as Amended: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 5. Voting NAY: Mr. Waldron, Mr. Callahan, 2. Bill No. 29 - 2016 now known as Ordinance No. 2016-29 was adopted on Final Reading.

C. *Bill No. 30 - 2016 - Amending General Fund Budget*

The Clerk read Bill No. 30 - 2016 -Amending General Fund Budget, on Final Reading.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, and Mr. Reynolds, 7. Bill No. 30 – 2016 now known as Ordinance No. 2016-30 was adopted on Final Reading.

D. *Bill No. 31 – 2016 – Amending Sewer Fund Budget*

The Clerk read Bill No. 31 – 2016 – Amending Sewer Fund Budget, on Final Reading.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, and Mr. Reynolds, 7. Bill No. 31 – 2016 now known as Ordinance No. 2016-31 was adopted on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approving Grant Application – PA Small Water and Sewer Project Grant*

Mr. Colón and Mr. Callahan sponsored Resolution 2016-205 that authorizes City Officials to execute all documents and agreements between the City of Bethlehem and the Commonwealth Financing Authority to facilitate and assist in the Pennsylvania Small Water and Sewer Program Grant of \$350,000 from the Commonwealth Financing Authority to be used for replacement of an 800 foot section of sanitary sewer main on Pierce Street between the Southside Greenway and Fifth Street.

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

B. *Approving Grant Application – Keystone Communities Grant*

Mr. Martell and Mr. Colón sponsored Resolution 2016-206 that authorized to approve the Grant Application for the Keystone Communities Program for \$25,000 to develop a blight remediation plan.

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

Motion – Considering Resolutions 10 C through 10 J as a Group – Certificates of Appropriateness

Ms. Negrón-Dipiní and Mr. Martell moved to consider Resolutions 10 C through 10 J as a group.

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

C. *Certificate of Appropriateness – 129 West Fourth Street*

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-207 that granted a Certificate of Appropriateness to remove the existing building “fabric” and install new aluminum storefront material at 129 West Fourth Street.

D. *Certificate of Appropriateness – 301 Broadway*

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-208 that granted a Certificate of Appropriateness to repair masonry on west façade and repaint with a new sign at 301 Broadway.

E. *Certificate of Appropriateness – 414 – 416 – 418 Hayes Street*

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-209 that granted a Certificate of Appropriateness to improve the façades of three dwellings at 414 - 416 - 418 Hayes Street.

F. *Certificate of Appropriateness – 519 – 521 Wyandotte Street*

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-210 that granted a Certificate of Appropriateness to improve façades of two dwellings at 519 - 521 Wyandotte Street.

G. *Certificate of Appropriateness – 25 East Third Street*

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-211 that granted a Certificate of Appropriateness to replace the damaged storefront at 25 East Third Street.

H. *Certificate of Appropriateness – 438 High Street*

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-212 that granted a Certificate of Appropriateness to replace the roof at 438 High Street.

I. *Certificate of Appropriateness – 2 West Market Street*

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-213 that granted a Certificate of Appropriateness to add storm windows and shutters, new trim, rebuild entry porch, install metal stair and replace existing walkways at 2 West Market Street.

J. *Certificate of Appropriateness – 404 High Street*

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-214 that granted a Certificate of Appropriateness to repaint the existing front door at 404 High Street.

Voting AYE on Resolutions 10 C through 10 J: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, and Mr. Reynolds, 7. The Resolutions passed.

11. NEW BUSINESS

Bethlehem Area School District/LERTA

Mr. Callahan mentioned that they received a letter from the Bethlehem Area School District regarding LERTA. He asked for a background of the meeting that Alicia Karner, Director of Community and Economic Development had with them and their reply back to us.

Ms. Karner stated essentially they wanted to give Bethlehem City Council the opportunity to further evaluate the expansion. They did not want to pass a Resolution last month, and then pass another one if the district had been expanded. Dr. Karen Beck-Pooley discussed at length the creation of what Ms. Karner would categorize as the reinvestment fund and that is mentioned in the second to last paragraph of the letter. We have engaged the Solicitor's office to determine the legality of something like that and so until we have some of those questions resolved, she does not know if Council will hear of the Administration's position, until we have all the information.

12. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

ATTEST:

City Clerk