

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, March 6, 2018 - 7:00 PM

INVOCATION

Reverend Donna Larson, Trinity Episcopal Church, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

SWEARING IN CEREMONY

Dr. Paige Van Wirt - Appointed to Vacant Council Seat - 2018-2019

President Judge Stephen G. Baratta, of Northampton County, administered the Oath of Office to Dr. Paige Van Wirt who was appointed by City Council on Thursday, March 1, 2018 to fill the vacant Council seat of Eric R. Evans, as a result of his appointment as Business Administrator effective Monday, February 5, 2018, and will serve until a successor is elected and sworn into office on Monday, January 6, 2020.

1. ROLL CALL

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

2. APPROVAL OF MINUTES

The Minutes of February 20, 2018 were approved.

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

Public Comment Interaction

Ed Gallagher, 49 West Greenwich Street noted he will direct his comments to new Council Member Dr. Van Wirt. He referenced the Questions from Council and responses from the candidates that were posted online and noted one of the questions asked "What is one issue you believe Bethlehem is currently not properly addressing and if on City Council how would you help in this area?" Mr. Gallagher stated her answer was public engagement with City Hall. Mr. Gallagher stated she went on to fill that paragraph with many very interesting and creative materials. He noted she should think of him as the public that you would like to engage. A few meetings ago Mr. Gallagher explained that he is recently retired, and with his flexible time he will pay more attention to City government. His suggestion then was for some sort of central calendar for the City's website would be helpful for a new person trying to find out about City

government. In terms of running this meeting, one of the other candidates, Mr. Thomas, had an interesting idea. He stated one thought was to have more interaction with the speakers and maybe allow 4 minutes of talk, followed by a 2 minute question and answer response period, instead of 5 minutes. This would give the Council an opportunity to thank the speaker and get some clarification. It may also make the speaker feel that what he/she/they are saying has been heard and considered. Mr. Gallagher thought this sounded like an interesting idea to him because this discussion seems kind of wooden to him. Public comment, especially in reference to something that is being voted on, can be 35 or 40 minutes before the discussion about the bill itself. Mr. Gallagher is a retired teacher and is used to more of the give and take. He remarked we may be trapped by Roberts Rules, or by a long tradition on how these things work, but it just seems like a disconnect. Mr. Gallagher has heard people speak about things where he thought there should be an answer on the spot. He referenced Mr. Scheirer and Mr. Antalics as gadflies who are carefully prepared with written statements and they pass out copies and say things, but wondered does that go anywhere and is there some sort of response. Mr. Gallagher wonders if there could be more of a back and forth with this public comment. He guesses the second reading of the Armory Ordinance is not on the agenda tonight, but he thought that was an interesting meeting. There were nine people who spoke to hold off on this Ordinance for a while. He did not think any of the Council's responses got to what these people were speaking about. For him what he heard from those people was the parking and that they wanted an external study of parking. He did not hear people responding right to that core question. He expressed one way to kill off the gadfly is to ignore him or to respond with silence. The gadflies are important and pester you to keep things going, and it is important that this happens.

President Waldron explained the second reading of the Ordinance for the Street Vacation on Second Avenue will be on Tuesday, March 20, 2018.

Bill Scheirer, 1890 Eaton Avenue mentioned that Mr. Gallagher has an interesting idea. As well as he understands Robert's Rules he does not think there is anything in there that would forbid what he is proposing and he also doubts there is anything in the State law so this is something to consider.

Rehabilitation Centers

Stephen Antalics, 737 Ridge Street stated he appreciated the comments from Mr. Gallagher. Mr. Antalics made some comments at a prior meeting about a rehabilitation center in a certain area. At that time, he asked Council how many of them had their sidewalks shoveled by a neighbor, or does your neighbor greet you by your name and is sociable. Rather than have a sidewalk shoveled, people put up fences because of the adversarial between them and the neighbors. Mr. Antalics informed that he is referring to Stephen's Place, a halfway house for alcoholic and drug addicts that is run by Sister Virginia Longcope. She is a dedicated woman who really gives up her life to rehabilitate those people who are coming out of jail to become good citizens. Mr. Antalics pointed out that the people in her home we know are addicted and they come out cured in a majority of the cases, but there are the addicts we do not know about by name who might live next door to you. The point he is trying to make is if someone comes before you to have a property or a site converted into a rehabilitation center, keep that in mind. That creates a great fear and furor in the community with people saying we do not want it next to us because it is dangerous or it is next to a high school. Mr. Antalics noted in reality there may be more addicts or dangerous people in the high school than the ones on the rehabilitation center.

So keep that in mind and set an idea in your thinking that people who come forth and admit that they are addicted, give them the opportunity to find a cure and support the people trying to do that for them rather than say, we do not want this in our neighborhood. Mr. Antalics noted that Sister Virginia would appreciate contributions to her efforts. Her funds usually come from private sources so anyone in the audience here please feel free to go to Stephen's Place online and make a contribution because that money would be well spent as a community service to help those that need it in Bethlehem.

Planning Commission/CRIZ Ordinance

Martin Romeril, 26 West Market Street informed he wanted to give his concerns of the proposed Ordinance that is supposed to be brought before the Planning Commission at their next meeting. The Ordinance would waive many measurement limitations for setbacks, building lot coverage for any CRIZ property in the City. He has a few problems with this because as he reads the draft of the Ordinance on the City's website there is nothing in there about any limitation on where these CRIZ projects can be placed in the City. Mr. Romeril added that since the City can move the CRIZ land around it is possible that some CRIZ properties will end up bordering residential neighborhoods, including single family homes. He queried if we are going to eliminate setbacks, does that mean that the City has plans to put 50 story buildings up against single family homes in RT Residential districts? Mr. Romeril thinks there should be an exception in this Ordinance that when any CRIZ property or a support property, which is a new class of property that you can buy that is adjacent to a CRIZ property, that fulfills parking or its setback borders any residential district, that these other limitations should not be weighed. At the last CRIZ Board meeting that he attended he heard someone ask on the Board say what if your business fails, but there has been a hotel there since 1832, he does not think that hotel will fail tomorrow because they bite off more than they could chew on expansion. Mr. Romeril added that the other complaint was silly which was about parking. The hotel still does not have enough parking even with their expanded proposed garage to meet the zoning code. So he believes holding up that project was silly but he does not see any need for this zoning change and it is reckless. This proposed change to this Zoning Ordinance is part of a disturbing trend to continue to assault some residential neighborhoods when many variances or exceptions are granted. He thinks that Council in the future must be more vigilant when appointing people to some of the boards in this City when Council has to vote on appointments. He would hope that Council will ask more questions in the future when they vote on people for City boards. Mr. Romeril is concerned about this particular zoning change because he does not see any protections in there for residential neighborhoods and he is concerned about the CRIZ projects.

Zoning Ordinance/Public Comment Interaction

Bruce Haines, 63 West Church Street stated he wanted to clarify what Mr. Romeril just spoke to. He certainly wants to support his position about protection of our residential neighborhoods. He has always been an advocate of preserving and protecting our residential communities and commercial intrusion against that and so he supports and understands his position as a resident that backs up to the parking garage on Walnut Street and the possible exception that could occur with the Zoning Ordinance and the possible impact of the homes on Market Street. Mr. Haines advised that he really supports Mr. Gallagher's point. It is something that you do not intend to make it be that way but when we are just standing here and there is no response back with blank stares at us, there is a feeling even if you agree that he gets no sense of

feeling that you do agree or not. Mr. Haines would like to think of our gadflies more as community organizers or people who really care about their community or they would not come here every week. They should be admired for what they do and they should get some kind of feedback. As one who goes periodically to Northampton County Council Meetings there is a whole different feeling there about that engagement. The idea of a 4 minute and 2 minute thing would be good because then you would at least have some sense of connection. Mr. Haines stated maybe some of you should go to Northampton County Meetings, there is a dialogue. So you leave there feeling like they actually care that you came out. Whereas all of us feel when we leave here like we are sort of being tolerated, we have our 5 minutes and get it over with. That may not be the case so it would be nice to know that there is a connection going on and that you are listening. Mr. Haines thinks Mr. Gallagher's point is very well taken and he recommends that you look at Northampton County as a model. Mr. Haines wanted to clarify something that Mr. Romeril said, the hotel actually is not short of parking relative to Zoning Ordinances, and there is no parking requirement in the central business district so we are not short of parking to meet requirements of the City. The Parking Authority just simply does not like the fact that we take care of our own parking either on site or at our leased lot below the hotel. That is what has held the whole CRIZ project up for a year and a half. It is because the Parking Authority essentially controls economic development in the City of Bethlehem.

4. PUBLIC COMMENT (on ordinances and resolutions to be voted on by Council this evening - 5 Minute Time Limit)

Office Space on First Floors

Joanne Smida, 452 Main Street stated she is here with regard to the Ordinance on putting offices possibly on the bottom floor in the Main Street district. She feels that it will kill or deter the flow or continuity of the retail and restaurant areas. Office space has been done in other areas and it has actually caused deterioration in the movement and flow of people into the City. Ms. Smida mentioned that her sister lives in Santa Barbara and she said they have Ordinances against having office space on the bottom floors. She feel strongly about this although she does own property and she understands that there is the other side of owning a building and you have the right to do what you want to do with it but the downtown Bethlehem area needs to be maintained. She believes the integrity of that can only be maintained by not allowing office space on the first floors, they would only be available on the second or third floors or higher.

President Waldron stated when we talk about this we will get some clarification from the Administration to her point.

Boutique at the Rink/ Maximum Building Coverage in an RT District

Dana Grubb, 2420 Henderson Place informed he would like to address the Resolution before you tonight for the Boutique at the Rink. He is very honored to be one of the executive committee members. We are getting ready for the 44th annual Boutique at the Rink and last year approximately 5,000 community members participated in the Boutique at the Rink either through volunteering, shopping or making donations. There are about 300 volunteers. Mr. Grubb stated last year the Boutique at the Rink donated \$246,000 dollars, to the cancer support community, St. Luke's Hospice, and St. Luke's Cancer Center. There is a tremendous amount of community pride and spirit in this event and he would hope that as you have done in prior years you will

support that particular permit. The other thing he wanted to address is your final vote on Item 8B which is the maximum building coverage in an RT District. He thinks that maybe you need to reboot on this particular issue. He has always felt that the Zoning Ordinance is there to protect the neighbors adjoining properties and you need to be careful in removing those protections so that others are not impacted negatively by what is perceived to be an improvement. Also, from what he has read in the newspapers it seems to be done to make it easier but easy is not always the best way to go. Sometimes things should be a little more difficult particularly, when it comes to zoning so that people do not get to do certain things by right, rather they have to appeal and look for a variance. Mr. Grubb suggests strongly that maybe you need to do a little more research and maybe tweak the Ordinance. He is not sure what needs to be done but he feels Council is rushing into something that perhaps may end up having some unintended consequences.

President Waldron added that we were having an active conversation before the meeting about what we can do to what Mr. Grubb spoke about, so we will be discussing that this evening as well.

Kimberley Carrell-Smith, 833 Carlton Avenue informed she wanted to speak about Ordinance 8B. She handed out photographs to Council and noted what she is sharing with these photographs is a house two houses down from her. She is at this meeting on behalf of her neighbor and herself. She wanted Council to be able to look at these set of pictures and see how crowded the lot is behind this house with a shed. This is a case where the shed was allowed by the Zoning Ordinance and we measured that it is about 30% coverage on that lot between the house, garage and that shed. If you look at that, it is atrocious even from what we heard from folks who work for the City, they were surprised that you could get a shed that big approved. Ms. Carrell-Smith stated she feels like we are kind of going backwards again with this amendment that is being considered. If you can visualize that as only 30% of coverage and you are looking to change it to 45% that is dramatic. One of the things we have to do when we look at zoning is try to visualize something. If we do not visualize it we may think it is reasonable but when you see it in person it is very unreasonable. She invited Council to visit the 800 block of Carlton Avenue and look at this from both the alleyway, Muschlitz Street as well as from the front and see what has happened as a result of coverage on that particular lot. The other concern we have is that we are aware that developers have been looking with interest at the RT district on the south side and considering buying up properties, knocking them down and putting in multiple family dwelling apartment complexes. She would say we need to change that to begin with and would ask Council to consider that as you look at Ordinances but also to think what would happen if that occurs before anything can get changed. It says that you can put a lot more people into one particular residential lot which is an amazing thought when you think of how crowded that particular lot looks now and you say you could up to three stories or more. Ms. Carrell-Smith stated we know that developers have been proposing more than that and this is scary for us, not just on the south side but all over Bethlehem. She would also ask Council to consider as they are looking at the Ordinances is the permeability issue and she believes that there are some open non-restricted pieces in the Zoning Code which would allow for there to be a lot more pavement put down on properties. She knows that Council is not adjusting that now but the fact that we have laws where you can pave so much of backyards particularly on South Mountain is causing a problem right now. She and some of her neighbors are going to try to address that with folks at the City because we have so much water runoff. The one picture she has shared with Council is at the request of her neighbor where it shows her yard is subsiding

substantially in the last five years because of the water that is running down South Mountain. Part of that is because so many impermeable surfaces are being created.

Bill Scheirer, 1890 Eaton Avenue explained he would like to remind Council that the Zoning Amendment to increase lot coverage in all RT zones, the most dense residential zones, has an impact far greater than the announced purpose, which is to remove the 14 appeals per year to the Zoning Hearing Board for decks and sheds. The amendment will increase the lot coverage by 10 percentage points for all types of dwellings. In the case of multi-family dwellings the lot coverage will increase from 30% to 40% an increase of one-third. The apartment block on the Armory site provides a useful illustration. The developer was granted a variance to increase the lot coverage from 30 to 31.3% and with this amendment he could have gone to 40% as a matter of right. Mr. Scheirer stated if you feel that 30% is unfair to developers and that they need some relief without asking for a variance then vote for this amendment but if you feel that 30% is big enough for an apartment block as in the case of the Armory then you will want the Administration to replace this amendment with something crafted for decks and sheds.

Seth Moglen, 726 Hillside Avenue stated he is also speaking on the Zoning Amendment to increase lot coverage in all RT zones. He noted like some of his neighbors including Kimberley Carrell-Smith he is profoundly concerned about the virtual existential threat currently being proposed by speculative development on the south side. He lives in the kind of south side neighborhood that every single person in this room wants to support and sustain which is to say, elderly, retired Bethlehem steelworkers and their families, working class people struggling to buy their first homes. That also includes some professionals like himself. He added that people in his neighborhood look out for each other and take care of one another. It is exactly the kind of sustained, racially and ethnically integrated neighborhood that everyone in this room values. Mr. Moglen stated very well financed developers have sought to purchase every home on his block and wanted to raise every home in order to basically produce a for-profit luxury student residential facility. They have engaged in tactics of intimidation, threatening elderly people and saying to everyone that this neighborhood is about to become unlivable and that you need to sell and get out. Mr. Moglen added that somebody has just spent \$3.5 million dollars to acquire 20 plus homes in his neighborhood on the south side. There is a lot of very, very active speculative development and he beseeches Members of Council to understand that we are at a turning point of enormous importance in terms of the integrity of south side residential neighborhoods. This Ordinance is exactly what we do not need. This Ordinance is basically a kind of carte blanche encouragement to developers that will have devastating consequences. The people in his neighborhood fear that the communities we have lovingly built over many years are about to vanish in a kind of frenzy of speculative development, almost all of it in his neighborhood focused on student housing. Mr. Moglen asks Council not to pass an Ordinance which says we are going to increase by one third the size of buildings that you can put on south side residential properties. He is asking not to make easier for developers the destruction of our neighborhoods. We need a systematic plan which is about supporting and cultivating the neighborhoods we have. Mr. Moglen stated as Mr. Scheirer said, if this is really about making it easier for people to put decks on houses then say so. What this reads like is we want to make it easy for you to build bigger. The person who lives in New Jersey who just spent \$3.5 million to buy dozens of properties in his neighborhood does not live in this community, will never live in this community and does not care about our neighborhoods. They are looking out to see what the profit margin is. Mr. Moglen is asking Council, do not vote in favor of this amendment and he also asks Council to put very high on their agenda for this year the question of what you intend to do to protect our

neighborhoods. He can assure that most of his neighbors are not here tonight because they do not have the resources to come here and do not have the self-confidence to speak to you but you need to be their advocates.

Stephen Antalics, 737 Ridge Street mentioned that Mr. Moglen is absolutely right. There were a number of single family homes on Hillside Avenue and Fillmore and Fifth Street and each home had a backyard. He added that Birkel Avenue is completely student housing as much is a good part of Fifth Street and Hillside Avenue. What has happened is that those backyards have been covered over with macadam because the definition of a family by the City allowed a family to be five unrelated transient people. So this made it very lucrative for a developer or a landlord to fill a house with students and convert those single family homes into student houses and put macadam in the backyards to give them off street parking. That raises another possible problem. Mr. Antalics mentioned if the students chose to move into these luxurious new apartments being built by Lehigh and private developers, they will be vacating those properties owned by non-resident landlords and they will then be difficult to sell because a single family would not want to move into a house that has been converted to a mini-student dormitory. So this would further add to the deterioration of the south side by these homes becoming derelict. Mr. Antalics stated if Council represents us please take great care to protect us from this sort of disaster possibility.

Al Wurth, 525 Sixth Avenue advised he just wanted to echo what several speakers before him have said. He was pleased to hear that Council might be giving some further consideration to this amendment to the RT district and the lot coverage. Mr. Wurth is very concerned about this and he does not think it is nearly as innocuous as it sounds either in terms of the 10% and the one third increase in the scale. He thinks this is about much more than about sheds and garages. He tried to look up the number of RT properties in the City and guesses it is in the thousands, so any one of those properties becomes by this simple move, perhaps more valuable torn down than standing. Mr. Wurth noted that is the truth because you can add one third more units on many of these properties with what is called this 10% increase but as Mr. Scheirer pointed out it is a 10 percentage point increase in the property and lot coverage. That can then be as much as a one third larger building so we are looking around for buildings that are worth more destroyed than they are standing. Mr. Wurth stated we do not want this. It has either unintended or unfortunate consequences that of course fits the same questions that were asked about the Armory piece that he has talked about before. That is it is being expanded beyond the scale that makes it compatible with the remainder of the neighborhood. Mr. Wurth added what we really want to do is not create incentives for anything that would change the remarkable character of all of these little lots in the RT district. It covers the east side, the west side, near south side around Lehigh. He noted that south of Washington Street much of the property is RT, it is old lots that have no driveways and have tiny yards and they might seem small to the people who have big yards in the suburbs but these are little pieces of the town that people own and care about and take care of. Mr. Wurth explained that activist Jane Jacobs would say this is like an investment; you own part of the street and you own part of the alley and that is exactly what we want. He noted that we want people embedded in neighborhoods that they live in and we do not want it to be turned into apartment blocks which will be higher and have less open space on them and have transients, tenants and students. Mr. Wurth advised this is simply a misguided effort and it really needs reconsideration and he hopes that Council does that.

Martin Romeril, 26 West Market Street stated he also wanted to echo what his fellow residents have said about item 8B, the Zoning Amendment to increase lot coverage in all RT

zones. He mentioned that there is another Ordinance coming down the pike to allow 100% building coverage in the CB District. So it seems we are supersizing all of the development at once in the City and we are just rushing headlong into this. Mr. Romeril wondered if this change will encourage the demolition of existing properties that are only 30% building coverage when you could tear down a single family home and put up a multi-family unit that gets 45% coverage, you could make more money. Mr. Romeril just thinks this is an invitation to the destruction of neighborhoods. You could say we never give out demolition permits to old homes in the City, but look at 143 West Broad Street, that is on the HARB agenda to be demolished to put up a large apartment building. It might be a wonderful project for that area but who is to say that everyone is not going to want to come in and do that. Mr. Romeril added the other thing that investors could do is buy up these homes and let them deteriorate. They will then say it is uninhabitable. If you do not believe that people will not spend several million dollars and sit on their property for 5 or 6 years in order to get a huge return down the line, just look at the Martin Tower property. He remarked that no one has done anything with that for 11 or 12 years. Mr. Romeril just thinks that this is an invitation to wipe out single family homes in the RT district and replace current multi-family dwellings with larger multi-family dwellings. He does not see the need for this. He has not been to a Zoning Board Meeting that went to midnight where everyone wanted to put a little shed in their backyard to put their lawnmower in. Mr. Romeril queried who is to say that once we get to 45% building coverage that someone comes and says they cannot make it profitable unless they get 51% coverage because of certain circumstances. It seems that frequently the Zoning Board hands out variances like candy on Halloween. This is not a good idea; he just sees it leading to the destruction of single family homes in the RT district to be replaced by larger multi-family units because they are more profitable. Mr. Romeril also wanted to apologize to Mr. Haines. He stated he is correct there is no requirement in the central business district for parking. What he meant to say was the hotel is not in the parking business and he is not trying to amass parking spaces to compete with anyone, he is trying to meet the needs of the customers of this hotel when there are events there and he needs parking.

Kristin Handler, 726 Hillside Avenue stated she would like to add a comment about the Ordinance that will allow people to increase the footprint of their buildings on a lot. She would ask the Council to consider why is this Ordinance even being proposed, what is the purpose of it. If the purpose is to make life easier for Planning and Zoning that seems okay but why cannot this be rewritten to address sheds and decks, not to simply allow expansion for any kind of property in any kind of way but to narrow this down and make it possible then perhaps for the Zoning Board to stop spending a lot of time approving one small project after another. Ms. Handler added that she would ask people to go back and say what is the purpose of this and what good is this particular Ordinance is doing. Also, could it be rewritten so that it really addresses what she understands to be the issue it is trying to solve?

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Director of Recreation – Recommendation of Award – Celebrations Fireworks, Inc.*

The Clerk read a memorandum dated February 24, 2018 from Recreation Director Jane Persa recommending a contract with Celebrations Fireworks, Inc. for the July 4th fireworks. The term of the contract is July 4, 2018. The fee for the contract is \$32,000.

President Waldron stated Resolution 10 C is on the agenda.

B. Director of Community and Economic Development – ArtsQuest Gaming Grant Resolution

The Clerk read a memorandum dated February 28, 2018 from Alicia Karner, Director of Community and Economic Development requesting a Resolution that shall constitute approval and acceptance on behalf of the City of Bethlehem of the \$250,000 gross terminal revenue distribution authorized by the State Legislature to be transferred to ArtsQuest for the redevelopment of the Banana Factory.

President Waldron stated Resolution 10 D is on the agenda.

C. Deputy Director Community and Economic Development – Recommendation of Award – Hometown Press

The Clerk read a memorandum dated February 28, 2018 from Amy Burkhart, Deputy Director Community and Economic Development recommending a contract with Hometown Press for postage and mailing of the Fall 2018 and Spring 2019 City newsletter. The fee for the contract is \$12,056.

President Waldron stated Resolution 10 E is on the agenda.

D. Director of Water and Sewer Resources – Recommendation of Award – John J. Gallagher, Esq.

The Clerk read a memorandum dated February 28, 2018 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with John J. Gallagher, Esq. for representation on all matters before the Pennsylvania Utility Commission. The term of the contract is January 1, 2018 to December 31, 2018. The fee for the contract is \$135,000 plus overhead expenses.

President Waldron stated Resolution 10 F is on the agenda.

7. REPORTS

A. President of Council

B. Mayor

1. Administrative Order – Graig Schultz – Bethlehem Human Relations Commission

Mayor Donchez reappointed Graig Schultz to membership on the Bethlehem Human Relations Commission effective through March, 2021. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-041 to confirm the reappointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

2. *Administrative Order – Robert A. Melosky – City Planning Commission*

Mayor Donchez reappointed Robert A. Melosky to membership on the City Planning Commission effective through March, 2023. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-042 to confirm the reappointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

3. *Administrative Order – Vince Gentilcore – Fine Arts Commission*

Mayor Donchez reappointed Vince Gentilcore to membership on the Fine Arts Commission effective through March, 2021. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-043 to confirm the reappointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

4. *Administrative Order – Nik Nikolov – Fine Arts Commission*

Mayor Donchez reappointed Nik Nikolov to membership on the Fine Arts Commission effective through March, 2021. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-044 to confirm the reappointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

5. *Administrative Order – Dennis R. Cunerd – Redevelopment Authority*

Mayor Donchez reappointed Dennis R. Cunerd to membership on the Redevelopment Authority effective through March, 2023. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-045 to confirm the reappointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

6. *Administrative Order – Joe Narkevic – Sister City Commission*

Mayor Donchez reappointed Joe Narkevic to membership on the Sister City Commission effective through March, 2021. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-046 to confirm the reappointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

7. *Administrative Order – Jeff Long – Fine Arts Commission*

Mayor Donchez stated he has withdrawn this Administrative Order.

8. *Administrative Order – Mari Girardot – Sister City Commission*

Mayor Donchez reappointed Mari Girardot to membership on the Sister City Commission effective through March, 2021. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-047 to confirm the reappointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

Snow Storm

Mayor Donchez remarked that Michael Alkhal, Director of Public Works has informed him that we are well prepared for the snow tomorrow. He added that we are under a snow emergency effective tomorrow, March 7, 2018 at 7:00 am.

C. *Community Development Committee Meeting*

Chairman Martell stated that the Community Development Committee met on Tuesday, March 6, 2018 at 6:00 pm in Town Hall. The Committee unanimously recommended that City Council adopt a Resolution to authorize the execution of a contract for sale of land for redevelopment by and between the Redevelopment Authority and Skyline West, LLC for the parcel of property in the Monocacy Creek Urban Renewal area bordered by Conestoga Street and Route 378.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 3 – 2018 – Amending Zoning Ordinance – Article 1302 and Article 1305 – First Floor Uses in CB and CL Districts*

The Clerk read Bill No. 3 – 2018, Amending Zoning Ordinance – Article 1302 and Article 1305 – First Floor Uses in CB and CL Districts on Final Reading.

Ms. Negrón stated she has a few comments relating to the commercial districts on the north side and commercial districts on the south side. She thinks that we should not think of both and use the same cookie cutter to set rules because what might work for the north side might not work for the south side. She has gone on many walks through the south side, especially along Fourth and Third Streets, where she sees so many storefronts that are abandoned. They are not just empty or vacant, they are ugly and disgusting. They are storage for landlords and they are not taking care of them. Ms. Negrón added when it rains you see water going in the building. It is horrible that we are allowing the deterioration of storefronts on the south side, and there are too many of them. She noted the CACLV has people seeking a spot and they want to stay on the south side. It is hard to find a spot, especially a storefront because there are just so many that are left in despair. She has spoken to many landlords who say it will cost them too much to fix. The property on Third Street by C-Town is a beautiful corner, but it is used for storage, you can walk

by and see that when you look inside. She asked the owner why this is not fixed, but it will cost him more than he can afford, so he will just keep it as storage. She is disturbed by the fact that we want to strip the uses in the south side of storefronts when we should instead spend more time in making sure they are habitable and people are actually renting them instead of making it stricter to the owners to rent it out. Ms. Negrón added many of the offices and buildings on the south side are different. We walk around and feel welcome to walk in anywhere. She understands this restriction on the north side and it makes sense to have retail, stores and restaurants, but that is not the case on the south side, we need different kinds of businesses there. She will be voting against this tonight and she hopes that the City takes more time for this and if we need to change Ordinances we should to make these landlords accountable to keep these storefronts alive and ready to be rented. She hopes that instead of restricting of where businesses can be on the south side she hopes that the eyesore that we have along the commercial district on Third and Fourth Streets gets more attention paid to it.

Mr. Reynolds then asked for an explanation of the origin of this Ordinance, the purpose, what it addresses, and why the Administration decided to bring this forward. Also, he would like to know if this was something that came about from the members of the community, or something that developed internally due to an issue.

Alicia Karner, Director of Community and Economic Development explained that this is something that she first heard about when Mr. Haines brought this to the attention of the Mayor's Business Advisory Committee four years ago. This was when we talked about the challenges of the business districts in the City. He certainly is speaking from his perspective of the north side but when we talked about our central business district and limited commercial area we certainly are talking about all of those in the City. Ms. Karner added that we started to hear from the community that the office product on the first floor do not add a significant amount of traffic and do not add to the shopping and dining experience of the central business district of the City. This was a conversation for a few years and was a lively conversation at the Downtown Business Association meetings and so we have been internally vetting and quietly looking at what we can do to incentivize the shopping and dining mix within both the north side and south side communities. She certainly will not disagree with what Councilwoman Negrón is saying but she will argue that the last twenty years of City policies related to blight has been a larger contributor to the deterioration and use of the buildings as storage. She added that the Goodman Building property is not secret of the challenges as are a few others. She does not think the lack of ability to rent to an office product has contributed to their deterioration. Ms. Karner added that Darlene Heller, Director of Planning and Zoning can speak of the planning perspective if you have any planning questions to the origin of it.

Ms. Heller added that there are goals and objectives for the downtown and we want nightlife, we want weekend life and we do not want a downtown that closes at 5:00 pm. This applies to the north side and to the south side. It applies to basically any downtown she is familiar with anywhere. The office tenant really just does not meet that goal for us. Ms. Heller noted that is what we hear from the business owners on the north side and south side. We try to really incentivize what we want there and although right now we do not allow residential it is still too open to allow uses that really are not supportive of these objectives. We are just trying to be more limiting and more specific about what really works, what creates some nightlife, what retains activity on the weekends, what kinds of uses we really want to see in the downtowns.

Ms. Karner pointed out that about two years ago Lehigh University supported the main street program on the south side through the South Side Arts District. It is a commercial revitalization program and a nationally recognized program. That focused on creating a vibrant and healthy downtown. About a year ago we started to analyze the retail in the community and the changing of retail so we hired a consultant that helped us do a retail analysis. Ms. Karner added that six months ago we hired a retail recruitment person in the City. So we are looking at a time unlike any we have seen recently in which the City with our partners is fully committed to attracting and opening retail operations. We heard Jeff Parks talk about how retail is changing but it is still a large component of what brands your City. Ms. Karner added that we shop to shop, we shop to interact, we shop differently but we have not stopped shopping and we have not stopped wanting to experience our downtowns. So to build upon some of what he said, she does think it continues to be important for us to work on those levels, to attract businesses, to help establish new businesses like we do with some of our training programs. Our Rising Tide partnership, is a comprehensive approach. Ms. Karner pointed out this is just another piece of that puzzle for us.

Mr. Reynolds stated he will be supporting this Ordinance tonight. When we look at what our goals are for both north side and south side business districts it is that we want life, we want people walking around. It is quite painful to walk down some areas of Main Street where you have uses that are closed at 4:00, 5:00 and 6:00 pm. When you are there at 7:00 and 8:00 pm and we are entering that Spring time season and we are trying to get people at our downtowns at all hours. If you look at 30, 40 or 50 properties and take 15 out of the grid, that is one less reason to walk downtown. Mr. Reynolds added that some of the problems that Councilwoman Negrón talked about are not really addressed by this; they have to do with blight and code. We can do other things to try to invest with some of our revolving loan programs; they have done a lot to open businesses that create life. We have talked before about what our office space vacancy rate is not only in Bethlehem but in the Lehigh Valley and that there is available office space. Mr. Reynolds added that he really does not want to set two sets of rules for our downtowns as far as this is concerned because we have the same goals for both areas. We want people coming down there after 6:00 pm, we want them walking around. He pointed out the more businesses that you have open, whether or not retail or restaurants at 7:00, 8:00 and 9:00 PM, the more chance that people will want to walk around. That is what creates life. Mr. Reynolds added we do not want to have a missing piece where we have one use and then two offices closed and then we have another use and then another office close that is not what creates downtowns. When we go to bigger Cities and walk around that creates continuity and that brings life to downtowns. He understands the concern that Councilwoman Negrón brought up, but he does think this is an Ordinance that was a response to the business community and we need to set the same goals for the north side and the south side. He will be supporting this Ordinance.

Mr. Callahan agrees with Mr. Reynolds and mentioned that a nationally known urban planner Mr. Jeff Speck talked about, the missing tooth affect in downtowns. That is what Mr. Reynolds was speaking to. Basically what happens is whether it is just a parking lot or office space on the first floor or just an empty lot, that missing tooth affect has a dramatic affect based on all studies on how people shop, hang out and enjoy downtowns. So if they are walking along and they hit an empty lot because it has been torn down a lot of times their reaction is this is the end of the shopping district and they turn around and go back even though there may be a whole other block or two of more shops. Mr. Callahan noted it is the same with a parking lot. One of the things we need to address is the Walnut Street Garage. He continued, if and when that gets

knocked down and redone at some point it might be wise to put some retail on the first floor there. It is like an empty area back there without a lot of activity. Mr. Callahan mentioned in an effort to make not only the north side, but also the south side more walkable, he will be supporting this also.

President Waldron hopes this answers the question Ms. Smida had. This is to limit the amount of offices on the first floor with a push for retail, restaurants and professional services.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. NAY: Ms. Negrón, 1. Bill No. 3 - 2018 now known as Ordinance No. 2018-02 was adopted on Final Reading.

B. *Bill No. 4 - 2018 - Amending Zoning Ordinance - Article 1306 - Maximum Building Coverage in RT District*

The Clerk read Bill No. 4 - 2018, Amending Zoning Ordinance - Article 1306 - Maximum Building Coverage in RR District on Final Reading.

Mr. Reynolds commented that we had voted on this at First Reading on February 20 and he knows there have been conversations that had come from the public and from City Council about what this was intended to do. He, like his colleagues, had reached out to Ms. Heller and Ms. Karner to have that conversation. He can say that the intent as they explained to him was that the Zoning Hearing Board does deal with some of these issues having to do with decks and sheds and people pay the filing fee, so this was an attempt to lower those particular cases. Mr. Reynolds knows the concerns we have had are understood by Ms. Heller and Ms. Karner. There was not time spent investing in this as a way to increase development. There was zero percent pushback when he asked Ms. Heller and Ms. Karner if this is something that needs to be done now. They said no, and have no problem in starting the process over and rewording it to fit the exact goal. Concerns were raised by many individuals and Ms. Karner and Ms. Heller said they understand. There was nothing nefarious here; they are just looking out for John Doe who files a \$200 dollar Zoning Hearing Board permit. Mr. Reynolds added that because this is a zoning amendment any change we would make to it would have to start the whole process over. Ms. Karner and Ms. Heller said they will gladly do that. Mr. Reynolds would make the motion that we to postpone this vote indefinitely. He asked Solicitor Spirk if they can do this.

Solicitor Spirk explained to postpone indefinitely essentially kills the proposal and to bring it back again you would have to start all over again and that sounds like the intention here.

Mr. Reynolds noted that is what is going to happen anyway. A new zoning amendment would be drafted for Council's consideration.

Mr. Reynolds and Mr. Martell made the motion to postpone the vote on Bill No. 4 - 2018 - Increasing Maximum Building Coverage in the RT District indefinitely.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 4 - 2018 was postponed indefinitely.

C. *Bill No. 5 - 2018 - Amending Zoning Ordinance - Article 1302 - Hotel Definition*

The Clerk read Bill No. 5 - 2018, Amending Zoning Ordinance - Article 1302 - Hotel Definition on Final Reading.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 5 - 2018 now known as Ordinance No. 2018-03 was adopted on Final Reading.

D. Bill No. 6 - 2018 - Amending 2018 Capital Budget for Non-Utilities - 2017 Year End Adjustments

The Clerk read Bill No. 6 - 2018, Amending the 2018 Capital Budget for Non-Utilities - 2017 Year End Adjustments on Final Reading.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 6 - 2018 now known as Ordinance No. 2018-04 was adopted on Final Reading.

E. Bill No. 7 - 2018 - Amending 2018 Capital Budget for Water Utilities - 2017 Year End Adjustments

The Clerk read Bill No. 7 - 2018, Amending the 2018 Capital Budget for Water Utilities - 2018 Year End Adjustments on Final Reading.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 7 - 2018 now known as Ordinance No. 2018-05 was adopted on Final Reading.

F. Bill No. 8 - 2018 - Amending 2018 Capital Budget for Sewer Utilities - 2017 Year End Adjustments

The Clerk read Bill No. 8 - 2018, Amending the 2018 Capital Budget for Sewer Utilities - 2018 Year End Adjustments on Final Reading.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 8 - 2018 now known as Ordinance No. 2018-06 was adopted on Final Reading.

G. Bill No. 9 - 2018 - Amending 2018 Community Development Block Grant Budget- 2017 Year End Adjustments

The Clerk read Bill No. 9 - 2018, Amending the 2018 CDBG/HOME Funds Budget - 2017 Year End Adjustments on Final Reading.

Ms. Negrón mentioned she is now a Board Member of New Bethany Ministries so she will abstain from this vote.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. Abstain: Ms. Negrón, 1. Bill No. 9 – 2018 now known as Ordinance No. 2018-07 was adopted on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Authorizing Use Permit Agreement – St. Luke’s Health Network – Boutique at the Rink*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-048 that authorized a Use Permit Agreement for public property with St. Luke’s University Health Network for the Earl E. Schaffer Ice Rink for the 2018 Boutique at the Rink on April 26, 2018 to June 6, 2018, according to the agreement.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

B. *Authorizing Sale of City Property – Parcel bordered by Conestoga Street and Route 378*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-049 that authorizes a contract for sale of land for redevelopment by and between the Redevelopment Authority of the City of Bethlehem and Skyline West, LLC is hereby approved and the Redevelopment Authority is authorized to execute the contract for sale with Skyline West, LLC.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

C. *Authorizing Contract – Celebration Fireworks*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-050 that authorized a contract with Celebration Fireworks for the July 4th Fireworks.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

D. *Authorizing Resolution – ArtsQuest Gaming Grant Resolution*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-051 that authorized a Resolution to constitute approval and acceptance of the gross terminal revenue distribution of \$250,000 annually for 20 years authorized by the State legislation to ArtsQuest for the redevelopment of the Banana Factory.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

E. Authorizing Contract – Hometown Press

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-052 that authorized to execute a contract with Hometown Press for the postage and mailing of the Fall 2018 and Spring 2019 City newsletter.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

F. Authorizing Contract – John J. Gallagher, Esq.

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-053 that authorized to execute a contract with John J. Gallagher, Esq. for Water Utility Counsel.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

G. Certificate of Appropriateness – 523 Main Street

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-054 that granted a Certificate of Appropriateness to install a sign above the storefront at 523 Main Street.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

H. Certificate of Appropriateness – 574 Main Street

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2018-055 that granted a Certificate of Appropriateness to add an additional line of text on the blade sign at 574 Main Street.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

11. NEW BUSINESS

Northeast Middle School/Towing

Mr. Callahan stated he wanted to take a moment to thank Mayor Donchez and Police Chief DiLuzio. He teaches at Northeast Middle School and a credible threat was posted on social media today. Mr. Callahan mentioned he was a high school teacher for 25 years and the kids think it is another false statement and they do not get rattled too much, but for the first year being at Middle School, he saw that it caused stress in the kids. Mr. Callahan wanted to thank Chief DiLuzio for his department's response and for the extra patrols and security around the building. Many kids were pulled out of the school by their parents, but the kids that did stay felt safe. Mr. Callahan mentioned that last summer we talked about looking into the predatory towing and asked if we have done anything with that.

City Solicitor William Leeson explained we discussed that but have not taken any action yet.

Dr. Paige Van Wirt – New Member of Council

Ms. Negrón thanked her colleagues on Council for taking the chance, listening to the constituents and for selecting Dr. Paige Van Wirt as the new Member of Council. She continued to say it shows a lot about your commitment, and listening to our constituents with the process we had been through since the general election, and her writing campaign and the support she had. Ms. Negrón stated that Dr. Van Wirt is very capable and brilliant member of our community. She is proud to say we have a great team here on Council.

Dr. Paige Van Wirt stated she cannot say that better than Ms. Negrón did, but does feel the same way. She thanked Council for listening, reading what she wrote and talking to her. She is happy to be on Council.

President Waldron welcomed and congratulated Dr. Van Wirt. President Waldron pointed out to attendees that in the event you were not aware we rotate who is voting first at each City Council Meeting, and jokingly pointed out it was not a punishment to Dr. Van Wirt to make her vote first at her first Council Meeting. Mr. Callahan will be first to vote at the next meeting on March 20. President Waldron reminded everyone that with the impending snow you cannot save your parking space.

12. ADJOURNMENT

The meeting was adjourned at 8:33 p.m.

ATTEST:

City Clerk