

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street – Town Hall
Bethlehem, Pennsylvania
Tuesday, December 15, 2015 – 7:00 PM

INVOCATION

Minister Mable Humphrey, of Grace Deliverance Baptist 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, Eric R. Evans, Michael D. Recchiuti, Cathy Reuscher, Louis N. Stellato, Adam R. Waldron, and J. William Reynolds, 7.

CITATIONS

Honoring John R. Lynn

President Reynolds presented a Citation to John R. Lynn, on the occasion of his retirement from the Department of Water and Sewer Resources after 44 years of Service. The Members of Council applauded Mr. Lynn and wished him well in his retirement.

Honoring Christopher Vasvari

President Reynolds stated that the Citation for Christopher Vasvari on the occasion of his retirement will be mailed to him since he was unable to attend the Meeting.

2. APPROVAL OF MINUTES

The Minutes of November 4, 2015, November 17, 2015, and December 1, 2015 were approved.

3. PUBLIC COMMENT

President Reynolds stated he will accept a motion later in the agenda under New Ordinances to add an Ordinance amending Article 933, entitled Recycling, that will increase the recycling fee that was included as part of the Mayor's budget that we did not vote on last time. He informed that anyone may speak about this as well because this will be on the agenda.

Martin Tower Site

Mayor Donchez stated he would appreciate a few minutes to make a few comments to correct the record. His comments will be respectful in all respects, but several comments have been made in the press and in these chambers over the past several weeks that now call for some direct and blunt replies. Mayor Donchez mentioned what brought us here to begin with was the initiative of his Administration to try in good faith to fix a very public problem that directly affects the City. As we all know, that problem is how to alleviate the ongoing losses to the City and its citizens for more than ten years of disuse of 53 acres of prime development land and the wasting away of Martin Tower. The prior Administration through rezoning and economic assistance sponsored by the State tried to create the conditions that would encourage the developer to fix the property. Mayor Donchez reported that joint effort failed. Mayor Donchez pointed out that when his Administration took office, the problem arrived on his desk with no solution in sight, even the CRIZ award failed to spark activity. He considered it his responsibility to find out from the developer if there was something that we could do to encourage development. Mayor Donchez reported at his direction, his Director of Community and Economic Development, Alicia Karner and her staff reached out. As Mayor he represents 75,000 citizens and he is responsible to manage a \$73 million dollar plus budget. It is important for him to try to expand the City's employment and real estate tax base to support that budget. Mayor Donchez related that before he became Mayor the budget was under serious stress. He continued we have accomplished a great deal as

we continue to reduce that stress with the cooperation and support on City Council. Challenges will remain and difficult choices will be made in the coming years. In this context reaching out to the developer was the right thing to do. Mayor Donchez stressed that it was a simple matter of doing the job we were elected to do. The business owners in this room will tell you, it is a normal process for them to meet with City officials to discuss their projects. Some have suggested that the rezoning effort is a political favor. To them, I say that I regard that suggestion as a deliberately false accusation. It is a common refrain of the opposition raised to intimidate and sensationalize. No facts have been brought forward to support those accusations. No facts will be brought forward to support the accusations as to me or my Administration.

Mayor Donchez stated I can assure all that my Administration's work on this matter had nothing to do with granting political favor to a preferred contractor or developer. Whether these developers, Mr. Ronca and Mr. Herrick, gave political contributions or not, whether they are the right developers for this site or not, they were not selected by me, and most certainly not for political favor. The conspiracy theorists in the room will not be satisfied by these truths but it is quite simple: in order to get this site redeveloped, the developers are people we have to talk to if we are to get something done. And if some of you still think there is favor in the works, look again at the changes in the Ordinance from the time it was proposed in July, 6 months ago, to what is before City Council now. It is not the proposal I submitted. It reflects a dynamic interactive process of the Administration, the Planning Commission, City Council, business leaders and the public. Mayor Donchez noted at this point it is appropriate for me to recognize the participation of so many in the proceedings to modify the Martin Tower site rezoning. Many interested citizens have contributed constructive comments in good faith with the hope of influencing the potential zoning changes. Their efforts have had a major influence on formulating the Ordinance now before Council. And I thank them for their input. It is a part of the political process that I believe in, freedom of speech. Bethlehem has always had a good reputation for this kind of decorum and civil discourse. Let me address the questions raised about my integrity and that of my Administration. Since 1995 I have been privileged to serve the citizens of Bethlehem as a member of City Council, Council President and for the last two years as Mayor. During this time, I have set an example of professionalism, high moral and ethical standards and integrity. I care deeply for this City, we all do. I will match the ethics and integrity of me and my Administration with any past Administration. I'm compelled to add that it is unfortunate that in midst of this substantial joint effort by the Administration, City Council, and members of the public who have participated in good faith, all singularly devoted to the City's best interest, that we have to defend our integrity against loose talk about FBI investigations.

Mayor Donchez stated that during my twenty years serving the citizens of Bethlehem, we have debated some very important and emotional issues which have also drawn out emotional responses and large crowds: the sale of the landfill, Lowe's and the Sands Casino as examples. You may not like our position on the Martin Tower issue and that is okay. This is America. We have the right to disagree even with passion. However, the inference and innuendo of nefarious conduct in this matter crosses the line of decorum. As a public official, I know I have virtually no recourse except to rely on the same broad protection of the First Amendment to call a false statement a false statement. Mayor Donchez stated as I look around the room, I see many faces who I have known for many years, all friends who know, and I dare say will privately admit, that I would never participate in or allow corruption in my Administration. That integrity persists. It persists for my staff, namely Ms. Karner and Ms. Heller, professionals who I respect. They do not deserve to have their reputations called into question. I stand by their professionalism. I believe their work has been unfairly criticized. Those who have suggested an FBI investigation have done so with absolutely no factual basis or probable cause. None. You are clearly emboldened with the notion because of the extensive reporting of events in Allentown where the reported events have absolutely no similarity to our immediate concerns in Bethlehem. However, if an FBI investigation is needed to clear the record of your false innuendo, then I welcome it. Let me now correct perceptions about the process. Mayor Donchez stated yesterday I met with several members of the media to review the process. I presented to them a summary of opportunities for public comment, of meetings with Planning Commission members, and of meetings of the downtown merchants to discuss the Martin Tower site. After I reached out to the developers, they presented a brief statement of things they would like to see, more specifically, IRR zoning, which we rejected. Instead, the Planning Department crafted a Zoning Ordinance, on its own, based on the Administration's analysis of the current zoning situation. Our draft served as the basis for ongoing communications with the developer. I would like to address the perception that we did not

disclose that there were discussions with the developer before the rezoning proposal was presented to the Bethlehem Planning Commission.

Mayor Donchez stated that this fact was reported by the Express Times on July 7, 2015, that I had stated that the developer was involved in the process. This article came out prior to the July Planning Commission meeting. The fact was reconfirmed at the Planning Commission meeting on August 13, 2015. Members of the business community met with members of my Administration to discuss Martin Tower on August 7, August 19 and September 23. I personally met with the merchants on September 28, 2015 to discuss parking on Main Street. Concerns about Martin Tower were not raised. We know that members of the business community attended the Lehigh Valley Planning Commission and Bethlehem Planning Commission meetings where Martin Tower was discussed. On October 6, 2015, Ms. Heller stated publically that she met several times with several groups regarding Martin Tower.

Mayor Donchez stressed that in conclusion, in making this statement, it has been my intention to be gracious and recognize the many members of the public who have taken the time to contribute to the rezoning debate. In good faith they have expressed their thoughtful reservations about the Martin Tower rezoning. To those who have contributed false and inflammatory allegations not in the same spirit, I have responded thoroughly to correct the record so that their allegations do not go unanswered. Now it is time for the process to continue. The Ordinance before City Council incorporates the comments of virtually all of the interests I have credited in this speech. It was reviewed by both Planning Commissions and incorporates changes proposed by them. It reflects a response to developer's comments and the influence of the public. The final form reflects City Council's Amendments. I think all of us can agree that this property cannot sit empty for another ten years. The final decision is in City Council's hands. Let it be known, that whatever the decision, I will continue to work with City Council for the benefit of the residents of the City of Bethlehem. Mayor Donchez thanked President Reynolds for the time to speak.

Bill No. 38 - Zoning Text Amendment - OMU District - Martin Tower Site

Barbara Diamond, 425 Center Street, stated that the considerable amount of taxpayer dollars are going to the developers to finance this project. We as taxpayers and your constituents have a legitimate interest in what their plan is and the process that was undertaken in devising this Ordinance. Ms. Diamond stressed that we have a right to have our voices heard. Our questions and concerns should not be met by either misleading statements designed to deceive us about that process, silence for cynical accounts to string out the presentation so we would give up and leave. If you do not want your integrity impugned then do not vote on an issue of benefit to someone who gave you campaign contributions. Ms. Diamond added, do not mislead the public about the developer's involvement or claim that there is not a plan when they were actually emailing you about how much tax money they could get by putting up a Sheetz. We just wanted to know what the plan for that property is; it is an iconic property and a property that has a great amount of emotional value to the people in this community. She is not convinced that this current Ordinance will result in the best development of that property. She hopes that Council will reject the Ordinance and allow the existing Ordinance to remain, perhaps even involve the community in some consideration of how it might be developed. Ms. Diamond stated in the future she hopes that with this kind of situation the process will be more open and transparent to the public.

Steve Diamond, 425 Center Street, stated we have heard over and over again that there was a 50/50 from different Members of Council in making the decision with people for and against the project. He has not seen the other 50% and he would say that he would hope that maybe you would wait until next year when there is a new Council and that perhaps there could even be a referendum by the people in Bethlehem who you represent. Mr. Diamond added that he is not sure what 50/50 means anymore. To him, that is a very banal phrase that you have been using, so he makes the recommendation of maybe a referendum. The second recommendation is do not use that statement unless you really can prove 50/50.

Dave P. Sanders, 6 East Washington Avenue, advised that he has been coming to Council Meetings for 20 years, on and off, and there is a saying, "some days you are the bug and some days you are the windshield" and that holds true. Mr. Sanders mentioned that 20 years ago when he started coming here, we had the same thing on the records. When the Sands Casino was coming to Bethlehem we heard there was going to be prostitution and crime and

the worst scenario and this room was full. He does not see any of that happening but he does see 2,000 jobs and he does see a nice place to go visit and enjoy the evening at a few restaurants. Ms. Sanders continued to say when Durkees left that area there was no one sadder than he. A lot of money left and when Lowe's wanted to come, there was the same scenario. He noticed that people bring out the worst comments when they are protesting something. They make up rumors, and they make the worst comments. Mr. Sanders added when Lowe's came to Bethlehem, it was said that they would put Aykroyd Hardware and Cantelmi's out of business but that did not happen; they are still both there. He added that Lowe's brought jobs and they are probably the number one Mercantile Tax payer in Bethlehem. When Route 378 came to Bethlehem, it was going to go straight across Main Street and Bethlehem was going to die. It never happened. Mr. Sanders stated he was nine years old when he watched them build Martin Tower. His Father and his Uncle worked there; it has changed and Bethlehem Steel is gone. Mr. Sanders noted that ten years ago Mr. Donchez and other Council Members and maybe Mr. Reynolds was on Council then, made a decision and it has not worked. Everyone in this room, plus the other 75,000 people are paying for that mistake. He added there are no tax dollars coming from that area. He does not believe that we make enough tax dollars from that area to buy a new City motorcycle for the Police Department. Mr. Sanders noted this will be a tough decision tonight and he is probably the only person in this room that says they need to vote and do the right thing. No one will go out of business. He expressed he has a little business and even though Wawa came to Bethlehem, he is still there. He added that he is not as big as Wawa but he is there. Mr. Sanders is asking Council to do the right thing tonight. He remarked get that property changed. If anybody in this room thinks that Mr. Donchez and his Administration did something under the table, they do not know Mr. Donchez. Mr. Sanders stated that he has known Mayor Donchez since 1995. This Ordinance is not an easy decision but he can say everything that is being done is being done for 75,000 people in Bethlehem. As a businessman it is hard to see a coffee shop open up down the street, or a hot dog shop a couple blocks away but he knows that Bethlehem is a great community and it will survive. Mr. Sanders mentioned that we hear that Westgate Mall will be ruined but when Westgate started with Mr. Campbell people downtown were furious with him. There are more people there now and they have moved into a new generation with that Mall. Mr. Sanders noted that Westgate will be there, Bethlehem is going to stay there with or without this rezoning, but Council owes it to Bethlehem to make the right decision and the right decision is to change the zoning because the current zoning has not worked for ten years. If his tax dollars are being spent to help them, he would rather help Bethlehem with his tax dollars. His tax dollars are staying in his City to help the city grow; they are here and not in another State. Mr. Sanders stated God bless and have a safe and happy holiday.

Krisann Albanese, 115 East Market Street, stated she is also a merchant in downtown Bethlehem. It has been brought to her attention that possibly City Council has already made up their minds on which way they will vote prior to tonight. She is hoping that she will hear that tonight for herself, that there is a vote. Of course, these same people are not here tonight that have voiced their opinion to her although they are very interested in the final vote as well. She is hoping that her prior comments and concerns are noted in the previous minutes. She will not say anything different than she has not said before, because she has said them several times. Ms. Albanese mentioned that her local college professors and mother are very proud of her that public speaking was mandatory when she went to school, although her fiancée has a different opinion about that. Ms. Albanese stated for the record she is for that real estate property located at the intersection of Eighth Avenue and Eaton Avenue to be developed. That is her neighborhood and where she grew up and went to school; she is here and she is not going anywhere. Ms. Albanese informed this site is already zoned for commercial/residential/ and multi-office use. It was a Smart Growth back then in 2006 when the developer, Mr. Ronca bought it, somehow and some way he got Mr. Herrick to come in with him and that is great. Ms. Albanese thought it was good then and she still thinks that current zoning is good. She continued, the CRIZ is only good for commercial zoning, she might be wrong on that but that is her take on this and that is being driven by greed. Ms. Albanese noted she is interested to know exactly what that plan is for this site; she has not heard of one yet. She understands that the City needs property taxes. We all have paid our fair share of property taxes. Ms. Albanese stated that the property has been reassessed. Possibly the redevelopment will make it assessable again and the property taxes will be paid. Ms. Albanese queried if the people who own that property are here tonight. If they are, she has not seen them. She personally has been in front of Council for zoning to be changed and they have voted in her favor. If the owners of that property think that the process right now is fun, wait until they actually start building. Unless you have been involved in a project, she does not care here or anywhere, you have no

idea what you are in for. It will take several years to complete that process. She would like Council to vote this evening, not on rezoning it, but keep it as it is. You are my checks and balances and she thanks Council for that and for all of the work they have done. Ms. Albanese stated that everyone in this room has a vested interest in the City. She reiterated she has a business in the City. Ms. Albanese thanked Council and wished them a nice Holiday.

Bruce Haines, 63 West Church Street, mentioned that he sent an email a few days ago with the right to know information and also sent that to the Secretary if that could be put on the record that this has been provided to all of the Council Members.

President Reynolds stated that email was forwarded to all Council Members.

Mr. Haines noted that obviously there are a lot of reasons tonight that he could spout as to why he would ask Council to be the check and balance that has been referred to and to stop this process tonight, whether it is rejecting or putting this on hold and waiting for the next Council. Also whether it is making sure that we get the opportunity next time around to question the developer, like what happened in 2006 with the same developer. This time we do not have that chance, and you did not have that chance and the Planning Commission did not have that chance. There are two main reasons that he would like to highlight to ask to stop the process. Reason number one is that the Amendment, with all due respect and all due efforts from Mr. Evans and the group, did not accomplish the objective that he thinks he heard from everyone at the first vote. This was where you were all uncomfortable with creating a third downtown to compete with the existing downtowns. At the end of the day however what resulted does not meet that objective and so the product of 380,000 square feet is two times the square footage of our downtown historic district. He said the 65,000 square feet of 8,000 square feet and under buildings is about equal to what our historic district downtown square footage of those buildings are. Mr. Haines stated to President Reynolds that he knows at that meeting he offered the 200,000 square foot option and many of us were pleased by that. In fact, if that option been pursued we probably all would not be here tonight, because that option essentially with the big box store and a gas station would take the property back to 50,000 square feet of what we call our downtown, which is what the current zoning permits. Mr. Haines stated the second reason, is that this developer does not deserve to gain the windfall profit resulting from your vote tonight. He blighted the property by neglect and he is the one who pulled the plug on the heating and air conditioning in the building and he is the one who had the taxes reduced that we taxpayers are getting and he never spent his \$8 million dollar RACP, which turned into a \$9 million dollar RACP last year. Mr. Haines noted that this developer went through all of this effort to extend the RACP and increased it by \$1 million and still did not spend it to remediate the asbestos and put the sprinkler system in. The developer has completely missed the apartment boom and now he has dozens of tractor trailers parked on the property, he believes in violation, although he is not sure of that. Reason number three is the CRIZ, which is really the root cause of all of this. Mr. Haines stated the CRIZ focuses on retail and that property does not have retail and did not have it when the CRIZ went on there. Mr. Haines believes that was a mistake by the prior Administration, not the Donchez Administration. He thinks this is an abuse of the CRIZ to have that much on it, because the excess acreage cannot even be moved. When he puts the Aardvark, or the Brew Works, or the Irish store or the Hotel Bethlehem out of business on Main Street, when the property values drop, he can then swoop in buy the property at low prices, move his CRIZ to those buildings and pretty soon he will own the whole downtown. Mr. Haines noted the City told the State that the property was readily marketable at the current zoning when they submitted their CRIZ application. They never said that the building was blighted so he is asking Council to stop tonight, and take a deep breath. We have a new Council coming on and three lame ducks voting tonight. Mr. Haines remarked this is the wrong project and the wrong process took place so please do your fiduciary duty and stop it.

Andrew Dorman, 31 West North Street, informed he heard it said that with the developer it is his job to make money but they do become blame worthy if they intend to profit at the tax-payers expense and by robbing the community of an iconic building. He intends to show today that this is all we can expect from these developers. For the past decade they have shown not one bit of interest improving this City so it is the government's job to protect us from them, not reward them. Mr. Dorman mentioned that he handed out a memo to Council and that is a document of them being in violation of a simple procedure mandated by the EPA. The letter from July references the developer's noncompliance in submitting a monthly discharge monitoring report, otherwise known as the DMR to the EPA. As a follow up Mr. Dorman did

call the local EPA yesterday as to whether or not they have since complied. The reply he got from the EPA was that they only received an "inadequate response" from the developer so the agency was forced to send the matter up to their superiors in Wilkes-Barre for further review. Mr. Dorman stated this is a very simple procedure to comply with but these developers have chosen not to do it, not just for a few times, but monthly on a consistent basis for over the past three years. The deliberate decision on their part shows their character. Mr. Dorman noted that this is relevant because now they intend to demolish the building consisting of asbestos, the very job being held off on doing for the past decade. Since they seem to be motivated only by money Mr. Dorman is concerned whether they will fully comply with the proper procedures. Typically with such an operation it is primarily in the hands of the property owners to see that it is done correctly. If mismanaged, asbestos is a carcinogen that can seep into both the air and into the soil. The property could have effectively become a 53 acre waste dump if such a procedure is not handled properly. Mr. Dorman noted in light of the developer's behavior thus far it is reasonable to expect that they will not do the job properly or perhaps not a job at all. Mr. Dorman stated it is time that the City calls out these developers on their procrastination that has left a viable building in 2007 when they bought it to, in their own words, now severely degraded over the past nine years. He recommends that we do not reward these developers any longer despite the developers having been granted the CRIZ. The CRIZ really is tainted money showing unfair favoritism and perhaps the City can regain the CRIZ back by filing a tax lien against the Martin Tower property owing to the loss of tax revenue due to the property owners delays. Mr. Dorman noted in any event the zoning change to allow demolition should be denied or put off. The asbestos abatement should be done as it ought to have been done ten years ago with the intent of keeping the building intact. Mr. Dorman advised in this manner the job can be later inspected to make sure that the abatement was done correctly. This is what the RACP was originally intended to cover anyway, renovating the building, since it was just passed at the time under the National Registry of Historic Building. Any new zoning proposal should not allow its demolition. So the RACP should not have been extended after the CRIZ was in place. He added it is now being used as a pure giveaway to the developers at the taxpayers expense. Mr. Dorman thinks this is inexcusable and a gross misappropriation of a tax grant. Either the Mayor's office did not know of the developer's intent to demolish when they requested the extension but they did not devise the outline of the new zoning proposal as they claim. Both statements cannot be true. Mr. Dorman thinks that something seems rotten in the state of the CRIZ demarcation. He believes that the corruption stems all the way back to Harrisburg and should be fully investigated. Mr. Dorman advised that the whole process of this zoning proposal should be given that aforementioned do-over prior to being voted on and have entire transparency this time around.

Rod Holt, 519 Eleventh Avenue, mentioned that he is a business owner downtown. Mr. Holt stated he does not question the integrity of his friend who he has supported for 17 years. He would say that the whole process for this project has been handled poorly by City Council and by the Mayor's office and Administration. Mr. Holt was at one of the meetings that was referenced in the newspaper today and he heard Ms. Heller say that no, the Administration is not talking to the developer. Mr. Holt pointed out that Ms. Karner, who arrived at that meeting a little later was asked by Mr. Haines if they could meet with the Mayor. Mr. Holt informed that Ms. Karner said no, if you want to talk to the Mayor you come to this forum, to this public forum. He asked a second time and said we do not want to do this publicly; our business group would like to sit down civilly and talk to the Mayor. It was brought up about the previous meetings, about the campaign contributions of these developers, who we have not seen and according to you, have not seen either or talked to them, except maybe we are now learning that you have talked to them. Mr. Holt continued with the campaign contributions and stated that someone in the first meeting suggested that a few of you should recuse yourself from these proceedings because of the large percentage of money you received from those developers. Mr. Holt thinks that was a fair request and there was no response that came back at this meeting, nor at any other forum. He does not think that anyone is questioning the Mayor's or anyone else's integrity, but he thinks this has been handled very poorly. Mr. Holt knows there are a lot of teachers in this room and retired teachers. History as you well know, if forgotten or ignored, will come back and bite us. In a previous meeting someone pointed out that small towns, Main Streets, and downtowns in America were devastated by the development of suburban malls in the early 1960s. They referred to the dark days of Main and Broad Street in the 1970s and 1980s. Mr. Holt stated that he came along in the 1990s and Bethlehem was prospering; that is history. What this business community and residents fear is permitting a 300,000 to 600,000 square foot of a subsidized shopping area one mile from our downtown that will turn the clock back to the 1960s. Mr. Holt remarked in response to the

Mayor's comments, Charles Wendell Colson was a smart young lawyer, educated at Brown University and GW Law, better known as Chuck Colson. His title in the White House was Special Counsel to the President. He was also known as the dirty tricks artist. That style of governing brought down a President; that is history. Mr. Holt stressed that Ms. Heller's two hour Council presentation and recently published text messages between Ms. Karner and Mr. Ronca smacks him as being something right out of Chuck Colson's bag of tricks. Mr. Holt remarked that one good thing he sees coming out of this is the downtown business community to join together; we have become friends and have formed groups. There is a quote attributed to Japanese Admiral Yamamoto after the attack on Pearl Harbor, "I fear all we have done is to awaken a sleeping giant and fill him with a terrible resolve." That is history and we know how that finished. Mr. Holt thinks that you have galvanized the business community and we will resolve to watch closer and to be more involved in our local politics.

Dyanne Holt, 519 Eleventh Avenue, stated she is a property and business owner in downtown Bethlehem. She noted in the Spring of 2014 many of us here were asked by our new Mayor to go on a Business Advisory Committee. We were honored and we were ready to serve. Ms. Holt informed they had meetings starting in June of 2014 and we covered many, many subjects such as public safety, parking authority, sidewalks, snow removal, signage and wayfinding, special event protocols, business incentives, and a big presentation on the CRIZ. The Mayor was here and many of his aides, Justin Poremba, Alicia Karner, and others that were presenting topics to us. Ms. Holt stated when the rezoning of Martin Tower first came to light on July 7th we were surprised. In not one of those previous meetings were we told anything about it. The Mayor does not have to ask what we think but on all the other issues he was asking our opinions. We were never asked but it is an important topic. Ms. Holt remarked that no one here fears competition; what we fear is unfair, public subsidized competition. On July 9th in an email she requested that the Martin Tower rezoning be added to the agenda before the July 14th meeting and she never received a response. In that meeting run by Justin Poremba, the Mayor and Ms. Karner were absent and Martin Tower was not on the agenda. Ms. Holt remarked that as the meeting was winding down she brought up the subject of Martin Tower and a lively discussion ensued. She continued very soon Ms. Karner came into the room and she can only describe it as guns blazing. Ms. Holt stated that she and everyone else was stunned when she spoke to us. All we wanted to know was what was going on, what happened and why no one told us, and we were being yelled at. Ms. Holt informed that they requested another meeting and on August 7th we met with Ms. Karner and Ms. Heller to again ask about Martin Tower. Ms. Karner said when we asked about talking to the Mayor she said no, the public forum is the way to go. Ms. Holt advised on August 11th they met with Dwayne Wagner, Mr. Ronca's representative. Basically, we got nowhere. He said that there would be no plan for the Martin Tower until it was rezoned. Everyone knows they have not stepped a foot into one of these meetings. During the October 6th Council Meeting when Ms. Heller was giving her two and a half hour talk and Ms. Karner was texting with Mr. Ronca, the conversation to her between Ms. Karner and Mr. Ronca was very surprising. Ms. Karner texted "I am not sure why you get to miss all the fun, Darlene presented for two hours, questions now." Mr. Ronca texted "I was outside for a while but I needed to avoid the reporters, didn't D wear them out?" Ms. Karner texted, "Only a few." Mr. Ronca texted, "Okay, keep me posted, any grumblings from the audience." Ms. Karner texted "Hearing just ended, rest of Council to go, 34 speakers, 2 supportive." The next day, Mr. Ronca texted "What time did you get out of there?" Ms. Karner texted "I don't know, 12:30 or so." Mr. Ronca texted "My God, had I known I would have bought you a couple of drinks after that." Ms. Holt finds this disturbing. She continued, we as business owners and property owners were not allowed to put it on our agenda at our Advisory Committee and we were not allowed to talk to the Mayor. It does not sound right; had we known about this in the beginning, let the chips fall where they may, if we lose, we lose. Ms. Holt stated again, none of us are worried about the competition, we are worried about the unfair competition. Three more businesses are closing in Historic Bethlehem and instead of working together to bring more retail and companies into our downtown, the guardians of our City are putting forth a plan that could help to destroy it. Ms. Holt stressed this is not a game for us. We are not politicians; we have built our businesses and worked very hard and many of us here collectively employ over 2,000 people in our downtowns, not to mention the property owners who have spoken out over and over again. Ms. Holt remarked that Michelle Obama when asked about living in the White House said "This is not our house, it is America's people's house and we are just watching over it for a few years." Bethlehem is our city and a wonderful jewel. She added it is ours to cherish and to take care of for generations to come and she does not question anyone's motives. She believes that we are all agree with that

but we have to do the right thing; we have to do it in an even playing field where everyone can work together, play together and prosper together, including our City.

Martin Tower, Recycling Fees

Peter Crownfield, 407 Delaware Avenue, thanked the Mayor for his attempt to clarify the record tonight, however he had to disagree that transparency has not been achieved. Mr. Crownfield stated that the Mayor and the Director of Community and Economic Development and the Planning Director on several occasions conveyed very clearly that you had in fact consulted with the developers. That would be normal and expected but that it was really your initiative. That grossly understates the extent of the developer's involvement. Mr. Crownfield noted that has been made clear in the Right to Know request from Mr. Bernie O'Hare. He added that with transparency, even with the Right to Know request, there were a few emails where the addressee names were blocked out, the subject was blocked out and the entire content of the message was blocked out and it did relate to this issue that was included in the request. Mr. Crownfield queried what kind of transparency is that? He does agree with the Mayor that calls for an FBI investigation does not really seem to be warranted but he must say that the State Attorney General's office probably should look at this with the statements that were made on the application that are now being turned around. The Mayor did say again tonight that the Administration reached out to all the stakeholders as part of developing the Ordinance. That makes sense but the Administration failed to reach out and involve the primary and most important stakeholders, which are the people who have already invested in homes or businesses in Bethlehem. Mr. Crownfield noted as someone pointed out a few minutes ago, the process was done very poorly. Even now, with all of the changes and potential Amendments it is really hard to say exactly what this Ordinance will do or whether there is a mistake among these charts and tables. The Amendments in this Ordinance have not been reviewed by the Planning Commission. Mr. Crownfield agrees with the people who spoke earlier that this is a mistake, perhaps well intentioned, perhaps not, but a mistake because the existing zoning, which was partly shaped by the developer. He requests that Council vote no on this Ordinance with or without the Amendments. It does not matter, they are both terrible. Mr. Crownfield thinks that is the right way to serve the City.

Mr. Crownfield mentioned another subject that will be voted on which is the recycling fees that will be raised. The basic principles of charging for waste disposal are you charge the most for trash and you charge little or nothing for recycling, because you want people to put it in recycling instead of the trash. Mr. Crownfield added that you should provide composting as cities as big as San Francisco do. He offered to provide this in great detail to the Department of Community and Economic Development when Justin Poremba was there. Mr. Crownfield stated that he wrote two or three times offering to supply this, but none of those offers were even answered. It is disappointing to him that they seem so little interested in finding out what are the good ways to do things and invest in way too much City paid time, taxpayer time and money on rezoning this property to serve Mr. Ronca's and the other developers basic greed in wanting to cash in on the CRIZ. He sees this as more government handouts.

Martin Tower Ordinance

Neville Gardner, 381 Biery's Bridge Road, remarked he is a business owner with two businesses and that his wife is also a business owner and he is a property owner down the street. Mr. Gardner stated he wanted to tell a story about Mr. Ronca, because he is probably one of the few people who have spoken to him. He had the good pleasure of speaking to him when he was in Scotland in September. Mr. Gardner noted that he received an urgent message from Jane Recker, Executive Director at the Celtic Cultural Alliance who said, it is really important that you get in touch with Lou Ronca. He asked why and she said he has offered to let us use the parking at Martin Tower but only if you speak to him first. He called Mr. Ronca and spoke first to Dwayne Wagner and then to Mr. Ronca. Mr. Gardner informed that he has never met the man as most here have not. He told Mr. Ronca that he received an urgent message to call him because the people at Celtic Classic were a week and a half away from that festival and they are concerned about using the parking space. Mr. Ronca said to him, "why would I let you use the parking when you are against my project." Mr. Gardner wondered if Mr. Ronca can be trusted. Mr. Gardner thinks that he had already told the Administration that he would allow Celtic Classic to use that parking but he just wanted to stick the knife in a little bit and see how much leverage he would have with him. Mr. Gardner just wanted to say he does not think anyone in this room, the Mayor or any on City Council have done anything wrong. You are all

doing everything you can do for the best of the City. We need to derive the taxes that could come from the Martin Tower property; he is in favor of that. Mr. Gardner does not think anyone wants to destroy the town. He thinks that a Barnes and Noble in there would really hurt the Moravian Book Shop. If there was a way to pull some of those 53 acres back, and allow that to be used to redevelop the urban core such as Broad Street, the Boyd Theater or anything in the downtown that needs help. He does understand that you cannot take back the 53 acres. However, if you do not zone it the way he wants it, he cannot use the CRIZ; that is your leverage. If you have to rezone some of it maybe make it 20 acres, or 15 acres or 7 acres that the tower stands on but do not give him the whole pot of gold because you cannot trust him.

Jim Fiorentino, 3464 Mountainview Circle, remarked that he is the Chairman of the Bethlehem City Planning Commission for almost ten years. He just wanted to give a little bit of his understanding of how we got to this point. Mr. Fiorentino stated the first time that he heard about Martin Tower area being considered for a draft Amendment to the Ordinance was in June of this year, when he spoke to the Director of Planning regarding the June meeting. He was told at that time that the City wanted to place this in our workshop, to discuss the Martin Tower Zoning Ordinance. He did not know anything about the Ordinance at that time and he said that is fine, just put that on the agenda and we can talk about it in the workshop. He was told it was going to be something similar to when a sketch plan is presented to us, but we are not necessarily going to vote on it but the developer and the City are interested in how we are going to look at this. Mr. Fiorentino stated that is how this Ordinance would be presented to us, to see what we thought of it. Of course as we now know for six months at least before that it was being drafted by the Administration and the developer. With all due respect to Mayor Donchez, you call it a dynamic interactive process with the Planning Commission, the business owners and City Council. Mr. Fiorentino noted he asked questions at the Planning Commission Meetings and he was told the developer's involvement in this Ordinance was no more than normal, no more than just the way we talk to everybody who has a plan to be developed. We now know that was not true; we know that drafts of the Ordinance were being exchanged. Mr. Fiorentino remarked that Mayor Donchez calls that a form of communication with the developer. That is technically true but the public was unaware that this communication was going on. We were not aware and not only was the Planning Commission not aware, but the entire City of Bethlehem was not aware. Mr. Fiorentino stated the same goes for the so called dynamic interactive process with the business owners or even City Council; you were not made aware of the involvement of the developer with the Administration until the right to know documents were released. Mr. Fiorentino believes that Council was misled. He knows we were misled because he asked certain questions and was misled about the involvement of the developer. He added that he was struck by the specificity in the Ordinance. It did not seem normal to be that specific unless there was something else going on and when he questioned it he was told there was nothing unusual about it. We now know this is what the developer wanted specifically in the Ordinance. The Mayor is correct when he recites all of the communication after the matter first comes to the July Planning Commission Meeting. There are planning communications after that but that is all before we know how much the developer has been involved with this communication. We do not realize that the developer has already been there. Mr. Fiorentino thinks of this like a snowball rolling down the hill that the Mayor and the developer put together. He added that we are throwing things on it to try to make it better but we cannot make it as good as we could have made it if we were all at the top of the hill. Mr. Fiorentino mentioned if every decision in the City of Bethlehem was made based on, immediate short term tax benefit, we would not be the City that we are today. He referenced former Councilman and Mayor Gordon Mowrer's biography. Mr. Fiorentino added that Mr. Mowrer talked about Broad Street being closed, and everyone was happy when it was reopened. When they closed Broad Street, Gordon said, we the Council thought we had to do something, anything to get things happening. So he did something. We all know now it was stupid, so do not do something, anything, just to do something. Mr. Fiorentino remarked that the whole City should be involved with this. Council is the check and balance of our Administration. If you approve this without sending this back through the normal process with all of the information, then you are saying to this Mayor and all future Mayors that they can be underhanded in everything that you do as long as at the very end you say you are not telling everything, but now you are telling everything and it is okay. Mr. Fiorentino stated that this calls for a do-over so that we can all start at the same time.

Michael DeCrosta, 914 Walters Street, stated he tried not to mention any of the documents. He thinks there are other things to talk about here. He respectfully disagrees with the actual Zoning Ordinance. He understands that the zoning change is essentially being put

forward to catalyze development. Mr. DeCrosta thinks Council should be asking if this Zoning Ordinance represents the City trading our control over the feature in the form of what will be there, in exchange for the time variable in development being made shorter. We have to ask ourselves is that the tradeoff we are making and how much are we giving up. Mr. DeCrosta would also say to ask more questions about the place that this Ordinance was supposed to be put in; he thinks we are still very unclear as to what the vision is. We have been given hints that there might be a Sheetz or a Panera Bread. Mr. DeCrosta stated he has talked a lot at these meetings that sprawl is bad and not ideal and a majority of you might agree on that. He added that Mr. Recchiuti mentioned at one of the meetings that we are heading toward sprawl and why would a City in 2015 be doing this and that is exactly right. If we keep talking about place in terms of jobs and taxes and we need to do this now, we will start to look more like Bethlehem Township and Hanover Township and not like the City of Bethlehem. We will start to create these little pockets of suburbia within the City. Mr. DeCrosta is asking Council not to fall into the revenue trap and think in a comprehensive manner. More progressive Cities would be lowering parking minimum and spending their time maybe even considering getting rid of Rte.378. Instead we are spending a lot of time on this. Mr. DeCrosta stated that we should be one of those more progressive Cities and do the right thing.

Dana Grubb, 2420 Henderson Place, noted from the start this process surrounding the proposal to rezone Martin Tower has been preclusive, not inclusive. Five minutes sound bites at public meetings are not enough when the largest stakeholder of the community is involved. As a result the issue has created a huge divide in Bethlehem. Mr. Grubb suggests that this Ordinance should be tabled tonight. When the Zoning Ordinance was updated several years ago neighborhood meetings were held all around the community and he thinks that is what needs to be done on this. Mr. Grubb advised that the public needs to be engaged in this with neighborhood meetings and find out what they think, about not only the zoning changes, but what might be the best reuses for this property. There are a lot of bright people in this community and he is sure that they might come up with some ideas that even the developer or the City have not given any thought to. Mr. Grubb stated the owners of the property should attend and listen and see what the largest group of stakeholders would like to see happen for this property. When he says the largest stakeholder he means the residents and the business owners in this community. Mr. Grubb stressed based on the community's thoughts and consultation with the property owners, revise the zoning further. He continued an extra two or three months to get this right through actually community participation and open dialogue with no five minute time limits and time to accept even written ideas. There is a great deal of mistrust that has developed in our City over this issue. Mr. Grubb noted anything other than a reset or delay on this process will only ferment the community's mistrust of City government and cause more problems down the road.

Jeff Fegley, 2027 Majestic Overlook, remarked that individual Council Members can stand up for what is right for the residents of Bethlehem and not participate in what appears to be an attempt of the Mayor's office to push through what appears to be Contract Zoning. Mr. Fegley stated you can speak up and demand the Administration start over the transparent and proper process. He feels the rezoning is wrong, and has been extremely one sided in the process. The Mayor chose to work intimately with the developers and limited discussions with the public; even the Planning Commission and you the Council have been left in the dark and should be upset. He added that two Members of the Planning Commission spoke out in concern. Mr. Fegley remarked ask yourself if that is normal and is it a proper process to have a developer write talking points for an Administration. Mr. Fegley queried if it is a proper process to have City staff speak for extended time to stall meetings and tire out the public comment. Where were the meetings with the citizens to review the talking points and make agreements on what we discussed like Ms. Heller did in this Right to Know. He mentioned that things were agreed upon in meetings and new things were added and drafts went back and forth. We were held in the dark without question, Mr. Mayor, and you should be ashamed for trying to fool the uninformed citizens and voters out there with you recent comments of innocence and wrong-doing. Mr. Fegley remarked there was no transparency until recently; you may not have operated entirely in a vacuum, but it was disappointing for the public. To counter these claims of lack of transparency, the Mayor had the audacity to hold a press conference and claim that the public statements made by his staff saying that they did not operate in a vacuum, as if this vindicates him from these claims of misdoings. This is simply not true and too little, too late. Mr. Fegley noted the Mayor's remarks tonight, that we not speak up in opposition in such a mean way to this issue and that we are sensationalizing. There is no sensationalizing. The Administration designed the Zoning Ordinance with the developer

behind mostly closed doors and emails and reached agreements which I did provide the public via social media posts which you were tagged in, Mr. Mayor. So we provided some evidence which you were saying that there was no evidence tonight. Mr. Fegley stated we provided Council with the Right to Know. There was no public awareness until this right to know was filed. Mr. Fegley stressed there was no transparency. He wonders how this is not lopsided and how this is a fair and open process. This is about a broken process and about mistakes and that is what we are trying to say. Mr. Fegley expressed that this is not proper and it is tainted and that is not sensationalizing. Sensationalizing which you may perceive is because we are angry and upset. He continued Council and the Planning Commission were left in the dark. Then it suddenly comes out and they say they were not hiding anything, we always said we worked with the developer but it is too little too late, you were not sharing the same intimate details. All of you can fix this tonight by voting no and demanding the process start over in a truly transparent process with the Planning Commission involvement and public voice. Mr. Fegley is asking Council to restore the same decorum. The Mayor said tonight he tried to maintain decorum but has failed to do so regarding this particular project. Mr. Fegley is not saying that the Mayor has not done any good. He is saying that this is broken and needs to be fixed. Mr. Fegley added to further his contrary argument to the Mayor's claims of innocence; he reminds that in a meeting with himself, Mr. Haines and other merchants we were specifically instructed that meetings and discussions with the Mayor concerning the Martin Tower were not a proper forum. Ms. Karner and Ms. Heller specifically told us that the proper forum for discussion regarding this zoning was in Council chambers. We were shut down, the process was broken. Mr. Fegley asked if that was proper and is this fair. He remarked he would appreciate an answer from each of Member of Council before voting tonight. Mr. Fegley noted to Council that they can fix this. Vote no and tell the Administration they made a mistake and that they need to start over and restore faith in the public. He remarked he does not dislike the Mayor as a person. You made mistakes and they can be fixed. There is nothing sensational about it unless you and Council just press forward without regard for the people. Mr. Fegley stated that my friends would be sensationally corrupt.

Ziona Brotleit, 412 Second Avenue, stated she is a psychologist and counselor at Northampton Community College and a property owner. As Mayor Donchez stated, reaching out to the developer may have been the right thing to do. Her questions are about the plan. Ms. Brotleit pointed out this ought to be a strong plan and one that is clearly supported by the majority or at least more than a few of concerned citizens, especially the tax burdened, not the tax advantaged, the tax burdened downtown business owners. Ms. Brotleit stated this certainly does not have their support. The Ordinance as it is commonly written is weak. For example there is no regulating between 5% and 65%. This is saying that you can do whatever you want to do. She queried if there is any provision for oversight in the Ordinance such as penalties for violations. Approval of such a weak document that lacks popular support and is in clear disregard of the wishes of so many of your constituents is not very smart and to be honest, stupid. We elected you because we believe you are not stupid; we know you are smart. Ms. Brotleit asked for help in understanding why this Ordinance is a good one for the City. She has heard many compelling objections, but she has not heard any arguments in favor that support the reason that she believes most of you are in favor of not voting aye for this Ordinance. She is wondering if we cannot possibly take just a little bit of time and do something that former Council President Michael Schweder said and that it is legitimate for a person at the podium to ask a question and for Council Members to respond and we stop the clock while they are responding. Ms. Brotleit reiterated to please help her understand why this is a good Ordinance, as it is written and why it ought not to be postponed and taken through proper process and procedure, so that we can actually revisit it. Ms. Brotleit noted the Mayor said we do not want to go another ten years of vacancy. Not approving it today does not doom us to ten more years of vacancy. There are some risks of not approving this but not as much risk as approving something like this that has so many potential risks for existing businesses. Ms. Brotleit asked if Council could please provide for her some of the reasons that this is a good Ordinance and she asked President Reynolds to respond.

President Reynolds stated Council Members will have an opportunity to make their comments before they vote and certainly some of your questions will be answered individually. That would be the time and that everyone on City Council will have an opportunity to share their rationale for voting for or against the Ordinance.

Ms. Brotleit stated she would really appreciate that and if it cannot be done now, or not done adequately for all of us to understand well, why you are voting for this and why we

should retain our confidence in you, our elected officials. She informed we should take the time to do that and you can accomplish that by voting against this now so we can have more time and go through the process appropriately as others have said tonight.

Judy Swartley, 1324 Prospect Avenue, remarked that some of the statistics that she would like to mention include that Martin Tower is 21 stories high. She has heard that it would take about \$12 million to renew the asbestos but that is about the only number she has ever heard. On the other hand in Allentown a new 11 story building costs \$70 million to build so if we double that we get \$140 million. She does not understand all the talk about tearing down a building that is a great building and not near \$140 million to restore. Ms. Swartley noted the right developer would say we have a problem and let's work through it but the wrong developer would say it is too much trouble; let's just tear the thing down. She queried if \$12 million is really accurate. How many people bid on it and where did those numbers come from. Ms. Swartley is familiar with a property that is about 30,000 square feet and it really needed to be painted. We went to the owners and they said they cannot do it because it would cost \$90,000. She thought this is ridiculous and got two independent estimates. Ms. Swartley remarked by doing a little homework she was able to get the price reduced or was that \$90,000 just not the truth. When we are talking about this we need to consider the concept of demolition by neglect and that is where a business owner purposely lets a building deteriorate so it can be condemned. Ms. Swartley also wanted to speak about the retail space. She explained if she drives from Main and Broad Streets to Martin Tower, that is about a mile and if she continues on to Westgate Mall it is about another mile. She does not understand why we need more retail space. Ms. Swartley does not know how many remember but when the Promenade shops were proposed. We no longer would have to go down to King of Prussia to shop in expensive stores. Now, very few of those expensive stores are still there. So, we have no idea what this property will turn into ten years from now. Ms. Swartley thinks we should take a look at model cities such as Alexandria, Virginia, which is an historic City that has a beautiful Main Street. She expressed that we should continue to develop downtown. You cannot build history but you can always build a mall. Ms. Swartley noted by building more retail all we are doing is deleting.

Bill Scheirer, 1890 Eaton Avenue, informed that last week he talked about Westgate Mall and tonight he would like to talk about two other aspects of this Ordinance which he does not believe have been sufficiently discussed. Mr. Scheirer stated the first is windfall profits and that the developers say that they cannot develop the property under the present zoning and make money. He remarked where is it written that developers have to make money; it is a high risk occupation. Even J. B. Reilly says he will not see any profits for five or ten years. So sometimes they make a profit and sometimes they lose money. Mr. Scheirer informed the developer does not want to do it. He waited ten years and allowed the building to deteriorate. His caring costs have been rather low, interest rates are low and he had his taxes reduced. So the City says, we cannot have this anymore; we will do something so that the developer will make money. Mr. Scheirer noted otherwise the developer will not do anything, windfall profits, that property now is probably worth less than what he paid for it. So if the rezoning is granted the property will be worth more, and if he turns around and sells it, there will be a cash transaction and it will certainly be a good deal more than the present assessment which allegedly is the market value of the property. We are talking about at least a few million dollars and probably more. Mr. Scheirer informed if they develop the property there will not be an obvious cash transaction but it will be worth more to him and so he will develop it and make money. You are bailing out the developer and giving him a windfall if you approve this Ordinance. Secondly, he would like to stress an analogy with Wall Street where there was a famous bailout. In that case, certain banks were too big to fail. If they failed there would be repercussions throughout the financial industry and all over the world and we might have another great depression. Mr. Scheirer noted the remedy to that which still has to take place is that too big to fail is too big. Here we have a similar situation. This property is too big to fail, and it has been derelict for almost ten years. The remedy is different here. It is a better process, and you involve the public before you involve the developer. The developer should come much later and you tell him this is what the public wants and can you live with that. Mr. Scheirer stated that is the way this should happen. The City is not totally ignorant of that process; they followed it with the Comprehensive Plan and the new Zoning Ordinance. They followed that process with Historic Preservation but why they not follow that process this time with such a large and important piece of land. Mr. Scheirer does not know the answer to that question but the remedy here is to table this thing and do it right.

George, 934 Williams Street, informed he does not know too much about what is going on and has lived in Bethlehem for less than a year. He noted with everything he is hearing and with his extensive experience in real estate globally for 28 years working with the biggest developers in the world, developing barren land eight times the size of Manhattan, devising the U. S. banking system in 1989, and being the first person recruited to save the U. S. banking system with the S & L bailout. Three general comments he heard are very disturbing. He does not know anything but what he has heard and read. He was not aware of the \$12 million dollar assessment in cleaning up the asbestos. He dealt a lot with asbestos with a 1923 story convention hotel in Louisiana and historic rehab. He has gotten estimates from \$1 to \$3 million dollars and he never dealt with just one estimate. He stated he worked advising the government as a government employee and contractor as well as working and advising for the developers. The developers never dictated to the government what things were. For example, on the development in time share with a \$1 to \$3 million dollar range to clean up title, that still was not sufficient knowing what it entailed so he went to a smaller Attorney that he knew for a while and was given an estimate of \$150,000 if he just had some of his clerical people do basic administrative work that he would have charged legal fees for. He said he went with the \$150,000 instead of paying \$1 to \$3 million for lawyers. He noted other projects he was involved and remarked again that he is very late to this process but everything he has heard is disturbing.

Stephen Antalics, 737 Ridge Street, stated he has heard comments by some very intelligent, well informed people who love the City. He wanted to step back and take an overview and put this into some sort of perspective. Mr. Antalics informed that the Mayor sits there and Council Members sit at that table because we the residents put you there. Mr. Antalics advised there is a major issue here and you at that table are between two wills; the will of the developer or the will of the residents. We have not seen or heard from the developer. The person who was doing all the ground work only owns one third of the property. Mr. Antalics noted that the two thirds owner is a multi-billionaire in Florida whose basic motive is profit and does not care a bit about Bethlehem. So the whole process has been reversed. The standard procedure has been violated. Mr. Antalics observed that he is hearing people speak tonight who are very upset and angry and can justify that anger. Deep down inside we feel hurt because of the trust we put in you by choosing you. We sense you might be violating the oath that you took to guarantee that you would satisfy our needs for the welfare of our community. Nothing illegal and nothing demands an outside investigation but these are people we should trust and people we like. We feel hurt because we have been cut out of the process. Mr. Antalics noted what is really damaging is when a very important committee of this City, the Planning Commission and the Chair of that committee comes up here and castigates the Administration for reasons clearly stated. Mr. Antalics is sure that the intentions are good, but it is the process that is painful because this has violated our trust. It is like waking a sleeping giant. He noted we will have long memories so if you respect the oath that you gave us you will listen to us because we have made strong arguments to table this and go back to standard procedure. Mr. Antalics stated the developers should be here and have them tell us what they are going to do so we have their word and then rezone according to what they want to do. Mr. Antalics pointed out we are giving them carte blanche through the CRIZ and we do not know them. This is beyond logic and beyond the responsibility of your oath of office when we put you there.

Dwight Taylor, 3306 Green Meadow Drive, stated my family and I own and operate three gas stations in the Bethlehem area, the Taylor Family Mini-Marts. About ten years ago the Wawa at the corner of 8th and Schoenersville Road was zoned in three separate parcels; two office buildings and a small gas station. At that time through a lot of fighting, at least in the courts, that was rezoned as a full blown commercial Wawa that exists there now. We felt it was spot zoning and the courts disagreed at the end but the net was that when we built our stores we made investments as do all of the merchants around here. Mr. Taylor noted they invest in their buildings based on the parameters that are existing at that time. For instance, if there is a retail that just bought their building and signed a lease, they did so with the knowledge that their competition was what is there in front of them and if there is a commercially zoned property, it is there and that is who they have to compete with. In this case, a zone is being created that adds a level of competition so close to them and so different that he does not know that the people who invested in their businesses would have done so knowing that this was coming up. Mr. Taylor advised it would have been possibly a deal breaker for a lot of people to invest in this town on Main Street and Broad Street. If I have a shoe store to go to and I can go to one with free parking or battle Main Street with that parking, where would you go? You

would go to the place that had free parking. It is a competitive disadvantage to allow for this in such proximity to your business district; an element that says please come here, not there. Mr. Taylor finds that not fair at all, even without the CRIZ. If we throw in the CRIZ, you are then saying to those merchants, as their business is possibly drying up, they are more likely to look at that CRIZ area that has cheaper rent and abandon Main Street altogether. Mr. Taylor stressed that this is unfair competition because you are adding that element of this. In his case if a gas station would go in there it would contribute somewhere in the area of \$150,000 to \$200,000 a year of untaxable revenue that goes right back to that project. Mr. Taylor stated if he made that clear a year, he would be thrilled. It makes everyone around this project have to deal with that unfair competition. Mr. Taylor noted all the money would be going to this CRIZ and as was stated earlier, if buildings are abandoned it is theoretical that the owner of the CRIZ can now take that CRIZ and buy up the buildings that he put out of business. This is not even a do-over. That area should be zoned the way it was zoned in 2006 when it was bought. If the developer messed up, that should not be on us.

Al Wurth, 525 Sixth Avenue, remarked that he spoke a few times. He is strongly opposed to this zoning and thinks that it is a problem for the commerce in the City and for the appearance and image of the City. Mr. Wurth reminded everyone that we usually do not build statues to the City fathers who demolish landmarks; usually it is people who build buildings rather than destroy them. We know that the Martin Tower is on the National Register of Historic Places. Mr. Wurth does not think you want that to be your legacy, that you were the people who destroyed Martin Tower. Mr. Wurth stated that he is a political scientist and he has a pretty bad record in the electoral world but he would say that it is not a great re-election plan either to say that you were the ones that tore down Martin Tower and replaced it with a big box store. He also thinks that you might want to think about undercutting the existing businesses because no one will come to the Christmas City to shop in the big box stores. Mr. Wurth informed he was walking down Main Street the other day and there are people all over the street. They are coming to see the Christmas City. Mr. Wurth believes we want to keep our downtown and to undercut it and the merchants and the people who played by the rules on behalf of an out of town developer is still a bad re-election strategy. He also thinks that it is really crazy to give \$9 or \$10 million dollars of taxpayer money, the RACP, to tear down a building. He does not think that is what it was intended for. No one would spend their own money to destroy 600,000 square feet of space under roof, but they will spend our money. He was supposed to rehab the building. It is twice as much space as this 380,000 square feet and it only has an acre or two of a footprint. The developer still has 50 other acres to play with. Mr. Wurth remarked that the money is there to rehab that building. He advised none of this would be happening at all, and you heard this before without the tricky rules and custom conditions that have been given to this one property owner. He does not think you can attract businesses and you cannot keep undercutting everyone that plays by the rules and create an unfair playing field for a few people from out of town. Mr. Wurth remarked when you blow up landmarks and pave the last undeveloped section of a City and do not have more people live there, do not expand the tax base, you have your custom made laws for this developer, now you turn those laws into concrete and stone that is 50 years-worth. It is one thing to change the rules every couple of years so someone can get some special deal with custom zoning, but once it turns into concrete we are stuck with it for a long time. Mr. Wurth would say that a vote for this rezoning is not just for this developer and not just for this project. He added some of you might want to tear down this building to bail out the previous Administration's craziness with the CRIZ, but this would be a slap in the face of the City and not what we need. Tonight, you are voting for a crazy process of plan and development. Mr. Wurth noted it is very hard to explain why you would rush to this unsavory process after we waited nine years and have done nothing. It just does not add up.

Breena Holland, 379 Carver Drive, stated she would like to start with some comments from one of her colleagues Ted Morgan who resides at 925 Prospect Avenue, who asked her to read them on his behalf. He thinks that this is also a really bad re-election strategy because you will be creating a lot of traffic in the City rather than just the issue of tearing down an historic landmark. His main argument for why you should reject the Amendments is based on the traffic generation on Eighth Avenue. The first point he wanted to make is that without a specific plan, development is the focal point for discussion and the public is not able to come before you to address the actual traffic that will be generated by the development and there will not be a vote on that question. We will not be able to come back and have a vote on the amount of traffic so this is our chance to address this. Ms. Holland stated that traffic on Eighth Avenue has grown increasingly congested since the Lowe's development in the corridor; it has become

increasingly developed for commercial and office, retail, etc. already. The existing traffic calming techniques have already been employed on Eighth Avenue to the maximum degree possible so we are not going to get any more traffic calming by anything created by this new development. Ms. Holland stated 225,000 square feet of big box retail of general merchandise development at the site will add 13,000 vehicles a day to the traffic on Eighth Avenue so 380,000 square feet would increase traffic by a greater number of vehicles. In the 2008 Bethlehem Comprehensive Plan there is a record that the traffic count was 18,000 vehicles a day on Eighth Avenue, and PennDOT counts 16,000 from Broad Street to Route 378 passing by Nitschmann Middle School. So we are adding to an enormous amount of vehicles that are already in this area. Ms. Holland remarked that this will be a traffic nightmare produced by your City Council vote in favor of the rezoning. There will also be compound deterioration of West Broad Street as a long standing location for a walkable locally owned community of businesses. Ms. Holland stated that Mr. Morgan would like to say that in his experience this rezoning marks a new low in civic responsibility for the Bethlehem City Council. To those comments and to the others Ms. Holland would like to add some of her own. There is obviously no need for additional retail space; we already have plenty of malls around here and plenty of big box stores. It seems to her that if there is any chance at all that you are going to undercut businesses in South Bethlehem and all of the merchants that are here, you are really doing a huge disservice to this community and destroying what has been a wonderful tradition of space and place. Ms. Holland advised that you may think that all of the arguments presented are not actually good arguments but if any of those businesses are going to be damaged by this that should be a big enough reason for you to vote no on these Amendments. Ms. Holland added especially when you are going to be bringing in nameless and meaningless development to be created anywhere. We have something special to create here and to build on. She knows that several Council members worked hard, especially Mr. Evans, in creating these Amendments and she really admires the effort. It was the most awkward City Council meeting she has ever seen. Ms. Holland does not think anyone was happy with them. You have heard a lot of new information since you actually drafted the Amendments, some about the terrible parts of this process that make the City look terrible and you will say that does not matter if you vote in favor of them. Ms. Holland just wanted to encourage all of you, even those of you who drafted the Amendments to rethink them based on the information that you now have. The reason we have these public comment sessions a second time is so you can hear information again and then new information. It is fine to actually change your mind and vote against them even though you thought they were okay the first time. Ms. Holland remarked those Amendments are not okay and are not going to lead to sustainable development in our City and will not lead to the kind of development that we want or that will probably provide the economic base we need over the long run. Ms. Holland strongly urges Council to really vote against them because it does not matter if you were working hard to do something good, it just did not work out.

4. OLD BUSINESS.

A. Members of Council

None.

B. Tabled Items

None.

C. Unfinished Business

None.

5. COMMUNICATIONS

A. *Director of Public Works – Amendment to Contract – Joao & Bradley Construction*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works recommending to amend a construction contract with Joao & Bradley Construction Company to add paving above the quantities of the original contract due to the unanticipated severity of sinkholes on Hampton Road and additional sinkholes discovered during construction. Additional excavation was also needed due to encountering rock. The term of the contract is 75

days from Notice to Proceed. The new contract amount is \$442,526.00, an increase of \$82,219.60 from the original contract amount.

President Reynolds stated Resolution 9 A is on the agenda.

B. Mayor – Request to Fill Vacancy – Deputy Director of Community and Economic Development

The Clerk read a memorandum from Mayor Robert Donchez requesting to fill the position of Deputy Director of Community and Economic Development. The budgeted salary is \$78,334.

President Reynolds stated Resolution 9 B is on the agenda.

C. Director of Water and Sewer Resources – Recommendation for Award – Cherry, Weber & Associates, PC

The Clerk read a memorandum from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with Cherry, Weber & Associates PC for the 2016 Wild Creek & Penn Forest Dam Inspection & Penn Forest Dam Instrumentation Report. The term for the performance and submission to the PA DEP of the 2016 annual dam inspection reports is from the Notice to Proceed until December 31, 2016. The term for the preparation and submission to the PA DEP of the 2016 annual dam and instrumentation report is the Notice to Proceed until March 15, 2017. The total cost of the contract is \$30,000.

President Reynolds stated Resolution 9 C is on the agenda.

D. Director of Water and Sewer Resources – Recommendation for Award – Gannett Fleming Valuation and Rate Consultants, LLC

The Clerk read a memorandum from Edward J. Boscola, Director of Water & Sewer Resources recommending a contract with Gannett Fleming Valuation and Rate Consultants, LLC to update the capital value of the water system as of December 31, 2015 and calculate the 2015 depreciation. The term of the contract is the Notice to Proceed until April 30, 2016. The cost of the contract is \$5,900.

President Reynolds stated Resolution 9 D is on the agenda.

E. Director of Planning and Zoning – Resolution Request for PennDOT Multimodal Grant Application

The Clerk read a memorandum from Darlene Heller, Director of Planning and Zoning, requesting a Resolution in support of a grant application to PennDOT for the South New Street Parking Garage. The requested grant is in the amount of \$500,000 for construction of the parking garage through PennDOT's Multimodal Program.

President Reynolds stated Resolution 9 F is on the agenda.

6. REPORTS

A. President of Council

1. Councilmanic Appointment – Sharon Yoshida – Bethlehem Area Public Library Board

President Reynolds reappointed Sharon Yoshida to membership on the Bethlehem Area Public Library Board effective until January, 2019. Mr. Evans and Mr. Recchiuti sponsored Resolution 2015-283 to confirm the reappointment.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Resolution passed.

B. Mayor

1. Administrative Order – Linda Shay Gardner – Zoning Hearing Board

Mayor Donchez reappointed Linda Shay Gardner to membership on the Bethlehem Zoning Board effective through December, 2020. Mr. Evans and Mr. Recchiuti sponsored Resolution 2015-284 to confirm the reappointment.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Resolution passed.

2. *Administrative Order – Dino Cantelmi – Parking Authority*

Mayor Donchez reappointed Dino Cantelmi to membership on the Parking Authority effective through December, 2020. Mr. Evans and Mr. Recchiuti sponsored Resolution 2015-285 to confirm the reappointment.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Resolution passed.

3. *Administrative Order – Charles Harris – Sister City Commission*

Mayor Donchez appointed Charles Harris to membership on the Sister City Commission effective through December, 2018. Mr. Evans and Mr. Recchiuti sponsored Resolution 2015-286 to confirm the appointment.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Resolution passed.

C. *Finance Committee*

Chairman Recchiuti stated the Finance Committee met on Tuesday, December 8, 2015 at 6:00PM in Town Hall prior to the Special City Council Meeting that evening. The Committee voted to recommend the following: The Members of the Committee unanimously approved the expenditure of excess Gaming Revenue in the amount of \$441,288 dollars to be used towards medical and worker compensation payments.

7. ORDINANCES FOR FINAL READING

A. *Bill No. 38 – Zoning Text Amendment – OMU District – Martin Tower Site*

The Clerk read Bill No. 38 – 2015, on Final Reading.

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

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

1303.07 Purposes of Each District.

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

Shall be amended to read as follows:

1303.07 Purposes of Each District.

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

Amendment No. 2 to Bill 38-2015

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

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

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

Amendment No. 3 to Bill 38-2015

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

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

1311.01 Purposes.

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

Shall be amended to read as follows:

1311.01 Purposes.

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

Amendment No. 4 to Bill 38-2015

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

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

1314.01 Purposes.

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

Shall be amended to read as follows:

1314.01 Purposes.

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

Amendment No. 5 to Bill 38-2015

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

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

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

Shall be amended to read as follows:

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

designed to serve the users of that building or complex. Such tenants shall not be included in the calculation of maximum square feet of new building footprint for retail/restaurant/entertainment as noted above in 1314.02(c)(1).

Ms. Reuscher stated she wanted to thank everyone who came out this evening. She knows that all of you take this seriously and she does take everything they have said into consideration. Ms. Reuscher does think that the zoning changes were developed with very good intentions by the Administration after months of hard work. She would like to thank Mr. Evans for taking the initiative to talk with everyone to develop these Amendments that were meant to address the concerns of downtown business owners. Ms. Reuscher noted that no one wants to see anything bad happen to store fronts on Main Street and Broad Street. This process took months and as you all know many hours of public meetings on many late nights. She continued it represents a lot of hard work and determination to develop what is a very large unused space to make that unused space profitable for the City. Ms. Reuscher advised for these reasons she would have liked to be able to support these efforts with an affirmative vote this evening, however she does have concerns that these new changes while well intended could cause unintended risk of sprawl. This we do not want to see especially when we are talking about big box stores. That sprawl would have accompanied negative effects on the aesthetics, the ecology and quality of life for Bethlehem citizens. Ms. Reuscher stated for this reason she plans on voting against these changes this evening. As everyone likely knows, this is her last big vote on City Council as she will not be on Council in January. Ms. Reuscher will remain on the Environmental Advisory Committee and as such she would like to work with Council and the Administration to provide guidance on how, if this vote does pass tonight, to best carry this out in a way that it is beneficial to the City with the least damaging process as possible.

Mr. Evans informed he would also thank everyone who came out to this meeting tonight and for this whole process. He remarked that he has seen many of the same faces that have been here since July. Mr. Evans noted that this process started in July, six months ago and in that time it has been to the Planning Commission twice, the Lehigh Valley Planning Commission, we had a Public Hearing, First Reading and Second Reading where Amendments were added. It then went back to the Lehigh Valley Planning Commission and back to a second Public Hearing and we are now here. This has been a long road and there has been a lot said. Mr. Evans advised that there has been a lot he has taken in along the way. He does not agree with everything and many of us in this room. It would be a very long time until we came up with something that a majority of us could agree upon. That is one of his concerns with what we have. Mr. Evans informed he met with a number of merchants a number of times, he met with the Administration, he met with Members of Council, he has read emails, met with people at church and talked with people at football games during these six months. It seems to have been a topic that a lot of people had on their minds. There were many newspaper articles about it, there were many pictures taken of the tower and it was something everyone could think about and reflect on. Mr. Evans pointed out that although most of us have not been in Martin Tower, many have had that experience. Most of the current generation of children have never seen the building in use. That whole property has been shut down for an awful long time. Mr. Evans stated he has two sons and one is a sophomore in High School and he has never remembered seeing this tower in use. Mr. Evans noted that he asked him if he has any memory of that being in use and lit up and his son said no. Mr. Evans added that his older son was in elementary school when it went dark and stop being used. His son is in college now. So to have it keep being what it is, that is not the answer. We have no shortage of opinions or ideas but at the same time there is very little to no agreement on what it could be or it should be from what we heard from the merchants, people at community events, or Members of Council. Mr. Evans thinks that some of the variations could work. The current residential zone is something that he does not like. He talked about that for a few years and he is glad it is not moving in that direction. Mr. Evans mentioned the office space and we all understand the reality of the NIZ and what that will be or will not be in the form of market saturation with office space. If we expect this to be an office park, that will be a few decades and beyond our lifetime if we wait for office space. We start to realize what it can be and what it cannot be. Mr. Evans stated in the end he thinks that the Office Mixed Use District reflects something that can be flexible to get something started in there. He does have concerns, of course. People who are not happy with this will come out and protest. We listen to those concerns and take in as many as possible. Mr. Evans noted that it does not reflect the nature of the 75,000 people in the City. Approximately three weeks ago, The Morning Call did a poll and asked if Council Members were too strict and 60% of the people felt they were too strict. It goes to his point that there is so much out there. Mr. Evans thinks there is no clear choice; there are so many uses around the Martin Tower

property. There are residents that live there that do not want it to be residential. We have heard in the past six months that they do not want small shops to duplicate Main Street and he agrees with that and he made some moves in that direction. Mr. Evans informed we also heard that some do not want big box stores, some do not want small stores and some do not want residential. He added that whether we do this tonight or we wait for the new Council that will not change. Mr. Evans mentioned there are many complications to this and there is of course the concern with the CRIZ. That is the factor that made him believe that parameters were necessary on this, at least on the retail component. The Planning Commission voted 5-1 to limit retail from 5 to 50%; the Administration tweaked that to change it from 5 to 65% retail. It was at our City Council Meeting that we tightened it up significantly. He was happy that we changed how we measure retail. We moved it from percentage to square footage to give it clarity. Mr. Evans reported that we lowered it from 65% to 30% of the property. In addition from feedback and thoughts, we added limits to small retail, so not is it only 30% of the entire site but when we talk about small retail, things that might be in the same market as downtown, that is only allowed 2% of that entire district of 53 acres. So 2 % of those 53 acres can be shops of 3,000 square feet or less. Mr. Evans noted that 3% would be a medium shop and the rest would be things that were not replicated or would duplicate a downtown. Mr. Evans added that was something they heard early on and something he felt strong about. He is happy with the overall number going to 30%. He would have been happy with a lower number but again, he could not make all calls by himself. As a Council we need to work together. He was pleased at that time that there were enough votes to put the limits in place, not only the entire limit but also the levels of limits that allow only 2% of small shops and only 5% of the entire property to be retail under 8,000 square feet. Mr. Evans was also pleased that besides the fact that we limited it, we added layers. That was a major concern he had and now they are in place and what we are voting on tonight. With regard to the tower itself, he had some thoughts. Mr. Evans noted under the existing Ordinance it can come down now. There is an overlay that will go away. They have the option to use the overlay but if they take the tower down they use 50,000 square feet of retail which is a lot. Now they can go ahead and do that. Mr. Evans noted under the proposal it can stay up or it can be taken down and after the public meeting that night he listened to Mr. Scheirer, who he respects greatly regarding zoning and his thoughts of the tower. There were other concerns he had that he wanted to be mitigated before he would vote this evening and he will turn to Council Solicitor Jack Spirk regarding this. First we talked about Contract Zoning on the night that we added Amendments. We talked about the fact that you had a serious concern when we talked about looking at a plan and a plan was something that usually comes down the road. This is not the end of the road; it is a vote along the process. After this Planning would go back to work and look at a site plan, put together phases, issue traffic studies, etc. Council does not issue traffic studies. Mr. Evans mentioned storm water runoff and that comes when a plan is presented. It is an issue of putting the cart before the horse and what are we able to do that does not create what is called Contract Zoning. We do not look at an exact plan and ask for everything and say yes you can do, or no, you cannot do it. That represents Contract Zoning. He asked if that is the best way to get the concept of what Contract Zoning is from Council's end.

Attorney Spirk replied yes, that is exactly what it is. Contract Zoning or Contractually Condition Zoning is where a municipality makes a deal for the developer, such as I will change zoning for you but you have to promise to build a bank or not build a bank or put a drug store there or not put a drug store there, something like that. The courts frown on that for the reason Mr. Evans just gave. That is not the time for conditions. Zoning is a legislative act meant to be broad brushed to stand for a large area, not site specific, not developer specific. Attorney Spirk noted the courts would say that the time for that is as you said, when sub-division land approval time comes or if a Zoning variance is requested. At that point the courts will enforce agreements, agreed to conditions but not as part of Zoning. Attorney Spirk mentioned the way the courts in Pennsylvania discourage that is for example, if the developer makes a promise as part of Zoning such as, I will not build a drug store, and then he does; he reneges on a promise. The courts will not enforce the City's attempt to stop him from doing it. The courts will not enforce any promise the developer made. Attorney Spirk stated that is the way the courts discourage legislative bodies from engaging in Contract Zoning and he stresses legislative bodies because under the Third Class City Code it is the legislature that zones. The Administration does not have the power of zoning, they could not Contract Zone if they wanted to. Attorney Spirk stated that zoning is only something that can be done by a legislative body so that is why we had the conversation some weeks ago. He was discouraging the idea of getting into trading with the developer and trying to exact promises as far as the legislation. He said that would start us down the road towards something that would be Contract Zoning and

that would be something we would not want to do.

Mr. Evans stressed that he wanted to clarify the process of what we are expected to do or expected to see. He thinks some attendees this evening are looking to request things that are not in our purview. He asked if it is fair to say that with the Contract Zoning we can request and do some of the steps that they might want to see done, and that is something that comes down the road in a plan.

Attorney Spirk stated that is correct; that is what the courts in Pennsylvania have said by discouraging Contract Zoning. You cannot put conditions on zoning that you could ever enforce. Conditions would come later as part of the subdivision and land development process. In those cases courts would indeed force conditions, sometimes agreed to by the developer and sometimes not.

Mr. Evans noted that Attorney Spirk stepped into the other area he wanted to talk about. Through his meetings we talked about Contract Zoning from our end and then someone in the meetings said does that mean the Administration entered into Contract Zoning. Mr. Evans asked for a clarification for the record as to what the Administration was able to do or have discussion that we are not allowed to do.

Attorney Spirk stated unlike the situation in a lot of townships or boroughs where you have the supervisors being both the executive and the legislative branch, in Bethlehem because we are an Optional Charter City there is a separation of powers, just like in the Federal Government. The legislative power rests in City Council as the governing body and the Zoning power rests in City Council. Attorney Spirk informed the Administration can propose and can consider but they do not have the power to zone and essentially you cannot Contract Zone if you cannot zone and the Administration cannot zone.

Mr. Evans would also like to turn to the Right to Know with another concern that came up. There was a Right to Know request that was brought up a lot at the last meeting. Mr. Evans did not see anything illegal or unethical but he is asking if Attorney Spirk saw anything from his perspective, if there is anything Council needs to be concerned about that came out in the Right to Know.

Attorney Spirk replied no, in terms of Contract Zoning you would look for something like the promise to build a drug store and not build a drug store or something like that. He does not recall any of that.

Mr. Evans knows Mayor Donchez for a long time and he knows him pretty well like many of us. If you know him you know that he will put the City first. He always has and Mr. Evans trusts everything he has spoken of tonight. There was not unethical or illegal behavior in anything that came out. Mr. Evans does think that along with this process there are some lessons to be learned on both ends. When he looks at this and he looks at the OMU as it stands he does believe it is the best use for all stakeholders and he does not think there is a better use out there. The one that exists now or the office one is not going to be productive. Mr. Evans believes that this is best for the residents, especially those in West Bethlehem and best for all the taxpayers across the City. Mr. Evans noted if the framework is approved tonight, zoned as proposed, he knows there is still a road to travel. The Planning Commission will back to work and look at the site plans and the studies he spoke of including storm water runoff and traffic. Mr. Evans pointed out this Ordinance as it stands with the Amendments is one that he will support tonight.

Mr. Recchiuti expressed that he wanted to also thank the residents and business owners for coming out this evening, for this whole process and for sharing your thoughts. We did receive many emails and comments. Mr. Recchiuti stated he was in court today and the Judge wanted to talk to him about this. He was very concerned about some of the things we heard. Mr. Recchiuti wanted to thank the Mayor for his comments tonight. We all know Mayor Donchez. Some of us served on Council with him; he has always been a man of integrity, putting Bethlehem first. His comments tonight have reaffirmed that. Mr. Recchiuti never really doubted that there was any issue here and his comments have reaffirmed that. He thinks the process was the process that is set forth by law and we followed it. The City followed it and began discussions with a developer. We are talking about an Ordinance, to change something to stir development on 53 acres of land in the City. Mr. Recchiuti noted as Mayor Donchez

touched on tonight, the City is not immune to financial issues. We are in competition with Allentown, Macungie, Lower Macungie, Easton and areas outside of our City that are also trying to attract businesses. We look at our budget and we see that it is \$73 million this year but Mayor Donchez also knows what is coming down the road and some of the financial issues that the City will have in the next few years. Mr. Recchiuti knows that many people like to say the TIF will expire in five or six years, but that is not the answer and will not solve all of our problems. Mr. Recchiuti added that raising taxes is not something we always like to do. We will vote on a budget tonight that includes tax increases and recycling fee increases. We have to look at other ways and be proactive with development. Mr. Recchiuti mentioned that the City fought for the CRIZ. The previous Administration put together a very robust application and it was an application that was applauded by the Governor and his staff in Harrisburg as being one of the best applications they saw. He continued to say that we got awarded the CRIZ and the CRIZ is something that he thinks we need to continue to learn more about. We are still learning; it is still evolving. People do not realize that the NIZ was passed about four or five years before they started developing in Allentown. So the CRIZ is not as powerful as the NIZ and we have to deal with that. Mr. Recchiuti stated that this Ordinance is not about the CRIZ, we have no control over that. We heard a lot about the RACP and again, we do not control that, this was the Governor's office who gave that RACP to the developer. We cannot take that away, this Ordinance is not about an RACP. Mr. Recchiuti mentioned it is not about plans either. We heard a lot about plans and he thinks that Mr. Evans covered that well regarding what is Contract Zoning. We cannot demand the plans from the developer. What we can do is create an environment that would allow development to occur on that site by rezoning it. Mr. Recchiuti noted the PA Municipal Planning Code sets forth the process for amending Zoning Ordinances and we follow that process. We have held Public Hearings and when we amended it was sent it back to the Planning Commission and the Lehigh Valley Planning Commission. They held meetings and our Planning Commission had another chance at it but they cancelled their meeting. We did not tell them to cancel their meeting. We had to give them the opportunity to have the meeting and they decided to cancel. They had their opportunity to weigh in on this and they chose not to take that. Mr. Recchiuti stressed that this is not about plans either or traffic. He heard that was a concern. That will be dealt with in the planning process. This is not the end of the process; this is just the beginning of the process. The process is going to be long and tedious. The Planning Commission will have meetings on this next year or the year after that or whenever the plan comes forward. Mr. Recchiuti mentioned that they will put conditions on this and there will be a public process with that. They will follow the process that is set forth by law. Mr. Recchiuti advised that he does have concerns about this Ordinance. He thinks that Ms. Reuscher touched on a good point that he brought up before, which is sprawl. Mr. Recchiuti thinks the original Ordinance did not have those sprawl issues. We talk about Smart Growth and the original Ordinance as proposed by the Administration did have principles of Smart Growth in it and we kind of removed those principles and we are zoning for big box. He may be coining a phrase, some people call it suburban sprawl but this is urban sprawl. Mr. Recchiuti stated we are an urban area and we should have that but the downfall of that is some of the concerns that the business owners have. Smart Growth would be a live, work and play environment, something walkable and that is the third downtown fear. That is what we tried to eliminate. So we are reactive to the citizens. Ultimately this is just the beginning of the process, and it will be long and tedious. Mr. Recchiuti stated the concerns are heavy on him but overall he thinks we have to look at the best interest for the 77,000 people in Bethlehem and that is something that will drive his vote tonight.

Mr. Callahan commented that he also wanted to thank everyone who came out tonight. It is a very passionate issue for everyone. Every time an issue comes up before us we all try to look at it through the lens of the City as a whole and what is best. Mr. Callahan stated that is what he does and what is best for the surrounding area. He noted that he grew up on Kaywin Avenue and walked by Martin Tower going to Nitschmann Middle School every day. Mr. Callahan cannot say how many times he walked by at 5 pm after football practice when Martin Tower was letting out and Durkees shift was heading out on the other side. As far as the traffic concerns he thinks that Mr. Recchiuti was right. That will be dealt with because he cannot imagine any more traffic than those two businesses letting out at the same time. At that time there was a police officer that was stationed at the intersection to direct traffic and Durkees was three shifts at the time. Mr. Callahan is sure that the traffic situation will be dealt with. The whole process of this as the Mayor said in his statement earlier, the developer wanted 10 yards and he went to the City and the City said no, you cannot have ten yards, you can have five yards. That plan went to not only the City Planning Commission but the Lehigh Valley Planning Commission and the City Planning Commission toned it down. They put percentages

on it and said what they thought, that three yards was good. Mr. Callahan noted that plan came to us on Council and we had a very lively discussion about it and Mr. Evans came up with a plan that without question is more restrictive than what the City Planning Commission and Lehigh Valley Planning Commission approved and sent to us. So that is what is before us right now and those are the facts. Mr. Callahan explained that he knows there are discussions and disagreements about this but he thinks through the whole process this plan is without a question more restrictive than anything else. That includes what the developer wanted, what the Administration proposed and what the Planning Commissions agreed and voted for. So we are here tonight and we have a big vote and it is obvious that over the last ten years this property has been very difficult to develop for many reasons. Mr. Callahan noted that primarily he thinks that is because of the economic incentives 5 miles away in Allentown since 2011. There have been discussions that the developer did not try to develop the property but the developer originally wanted to put all high end condos on the property. At that time we got a lot of kickback from not only the residents in that area, but also the school district and the school board. Mr. Callahan pointed out the City and Council approved of the TIF and so did Lehigh County but the school district voted it down. The developer did want residential. He wanted what you wanted but it did not go through. Mr. Callahan informed that the site got reassessed and the City, School District and the County lost millions of dollars over the last ten years. So the problem we have facing us today is in Allentown there is the NIZ and that is 30 years. There is no magic company coming to occupy Martin Tower. Someone stated that the developer failed to market the property. The developer had several discussions with Guardian to try to get them in there but Guardian wanted nothing to do with it. The developer had this marketed in Manhattan with Cushman and Wakefield for years and nothing came in. Mr. Callahan remarked that he congratulates the Mayor. He knows that he has taken a lot of flak for this but in the long run as time goes on, as with the Lowe's, as with the opening of Broad Street, as with the Sands Casino, he will be congratulated for getting something done here on his watch. The property cannot continue to be idle because it is too important of a property. Mr. Callahan remarked that someone had mentioned that City Council's vote will kill Martin Tower, but we will not kill Martin Tower. The thing that is killing Martin Tower is the NIZ in Allentown because whether we like it or not that still exists and will be there for 30 years. Mr. Callahan noted it is a lot cheaper for any corporate CEO to come to this town and look at Martin Tower and see this outdated building with a terrible floor plan. They can go to Allentown and Mr. Reilly can build a new Class A office space at a cheaper rate. So with that being said, he noted that he and the Mayor have not always agreed on everything but he has the most respect for Mayor Donchez. The fact that his integrity over the past few weeks has been called into question is a shame, because Mayor Donchez is very honorable and tries to do what is right for the City. He thinks that Mayor Donchez is doing the right thing for the City as a whole and for that reason Mr. Callahan said he will support the vote tonight.

Mr. Stellato informed he had two pages of comments to make but it is getting late and all of his colleagues have already covered those issues. He had the opportunity to sit down with Mr. Evans when he put the proposal for the Amendments together and he has done an excellent job in doing that. Mr. Stellato stated that he agrees with what Mr. Evans said tonight. The bottom line is that we have to do something. If we do nothing he guarantees that it will be another generation before anything happens at this site. Mr. Stellato noted it is time to move ahead with this Council and this generation of people.

Mr. Waldron stated he was glad to hear from the Mayor tonight the layout of what the process looked like and while he does not feel that it was as transparent as it could have been, he does think that everything was above board. Mr. Waldron noted that we can learn a bit from this moving forward on how to handle something so sensitive and communicate and try to bring the public in a little earlier. He does think that the public has had a good amount of input on this plan as you can see how it has been adjusted and scaled down from each step of the way. Mr. Waldron remarked that his personal opinion was that he felt the square footage cap could be lower. We ended up at 380,000 square feet but he would have been more comfortable if it would be half of that number. Mr. Waldron informed that we on Council had to compromise a little bit to find a number that we could agree upon to get four votes. He also thought the idea of capping a maximum square footage for one building at 100,000 square feet might be a good idea but that had no support on Council as well. He does have concerns about big box and zoning for urban sprawl. As Mr. Recchiuti said it is a very big concern. Mr. Waldron does not think that big box offers much to the community of the west side of Bethlehem. He does not think that the jobs would be well paying and he does not think it offers much as far as a community space where people can get together. Mr. Waldron noted the idea of Smart Growth

would be really to create a place where they can work, live and play in. The current zoning kind of does that and the proposed zoning from the Administration had that goal. The Amendments we made tried to alleviate the concerns from the merchants. Since we have not heard from the developer, what his plans are the fears are obviously peaked that you will assume the worst. We do not have a plan in front of us. Council does not have a plan and he is not sure if the Administration has a plan and he is not sure if the developer even has a plan. Mr. Waldron pointed out if we had one in front of us it would be a lot easier to help alleviate some of those fears. If this is passed tonight, which it seems like it is going to be, there will be an opportunity for public input and there will be an opportunity to try to scale that down. His idea from the beginning with the Amendments was to try to bring those numbers way down so that the City would still have some control, so that we would not be giving everything away so early. Mr. Waldron stated so we would have a bit of input as the development went on over the five year or ten years so we could expand as need be and be flexible to what the reality of the market was as well as the needs of the community. This is a really difficult decision and everyone on Council has weighed this a lot. Mr. Waldron does not think this is the best plan that we could do on this development. If it was tabled we could just end up with something similar because ultimately it is up to the Administration to propose to Council what they want and Council can make recommendations. We do have the final input but he thinks this plan could be better. Mr. Waldron thinks it would benefit the City if we would scale this down a little and then expand it over the next five or ten years as we see fit.

President Reynolds also thanked everyone for coming to the meeting this evening. Everyone would agree that there have been times in the past several weeks and several months where the tone has taken a turn that even with disagreements, got emotional. He believes it has been emotional for many of the stakeholders involved and also for us on Council. President Reynolds noted he looks back on some of the things that have unfolded and thinks that everyone agrees that we wish things had been different. The Mayor noted this as well. President Reynolds stressed at the same time the Mayor did the best he could and the people in his Administration did the best they could. There were many comments he wanted to make that Mayor Donchez touched on in his original comments tonight. President Reynolds can say no one on City Council has a longer or complicated up and down relationship with the Mayor than he does. They have agreed and disagreed, and President Reynolds noted when he first ran for office they talked about many things. President Reynolds mentioned that Mayor Donchez explained some of his decisions and everything that went into making those decisions. He continued even if we disagree, and in the last eight years we have disagreed, sometimes more intensely than others, the one thing he has never thought was that the Mayor was making any decisions that he did not think were in the best interest for the City of Bethlehem. President Reynolds joins his colleagues as far as thinking that while there are some things if each of us individually were running the process, we would have handled differently. He does not think that anything that was done was wrong. President Reynolds pointed out the tone at times in the past few weeks and months has been unfortunate. He would say that thinking back to every time we look at a situation like this we think about our individual involvement. He knows that for him personally there was one time that was referenced when he had a public disagreement with Mr. Haines. President Reynolds listened to it a few weeks ago and while he does not back off any of the content he said, he heard his voice and could see he got too passionate and emotional. Looking back that is something where he wishes, while delivering the same message that he had done it in a different tone. He knows from his point of view regarding the public hearing he should have started that meeting an hour earlier. President Reynolds thinks that was a mistake. He remarked he probably should have done a better job explaining how public hearings work. He has also been around long enough as a citizen and as an elected official to know that difficult decisions are never easy. President Reynolds added that we will never be able to make everyone happy. He remembers his first experience with City government was when he was in an Environmental Politics United States class at Lehigh University because he father teaches Political Science at Moravian. Dr. Wurth was his professor at the time. He humorously remarked he is sure Dr. Wurth regrets asking us to come to that meeting because that is when he began to be interested in City government. President Reynolds continued to say in December 2001 he was sitting at a City Council meeting watching the Lowe's debate unfold. There were many good things being said and many good points made that night. He remarked you realize when you walk out of the meeting that in general with these difficult issues, no one is wrong. President Reynolds stressed that some disagree, but you walk out and you think that person has a lot of merit, as well as the people that are elected, whether they be the Mayor or City Council. Their job is to balance those individual narrow self-interests and bring them together in something that they think is in the best interest of the City.

Ultimately, that comes down to two things: your ability as an elected official to feel if you did the right thing or not. It was said that some lose faith and confidence and he does understand that. When he first ran for office he watched the personal nature of attacks from people on Council and people towards the Administration and he said he did not want to do that. President Reynolds stated he wants to make the best decisions he can and at the end of the day if people lose faith, he can live with that. President Reynolds thinks a big part of being an elected official is not being afraid to lose and not being afraid to be honest, whether or not that is a vote or an election. The individual issue here partly and why it is the most difficult decision he has faced while on Council, is that that alternatives are not mutually exclusive to themselves. He agrees with things that Council Members have said. He even agrees with things that Ms. Reuscher and Mr. Recchiuti said about the sprawl. He has received several emails; one from Mr. DeCrosta as well that outline many things that he agrees with. President Reynolds remarked that when you look back at this process and think back if we had gone down the road of the Smart Growth, live, work and play which Ms. Heller has been talking about that came out of the Comprehensive Plan and out of these neighborhood meetings and discussions, the idea was that you could create a situation there where you could live, work and play. President Reynolds continued to say, with Smart Growth, things would be sustainable 40, 50 or 60 years down the road. At the same time, that very idea was one that gave a lot of people a lot of fear about a third downtown. It put people in a difficult situation and if you fast forward and you have that conversation, the balance between doing what we think is the most sustainable for the longest term and what we think will alleviate people's fears, with traffic or too much residential or retail, he does not believe there is a perfect situation. President Reynolds thinks if you go back, there are things that Council and people in Bethlehem and Administration would agree with the process but he does not believe there is a perfect balance by which everyone will be willing to get behind. Many times these solutions that have been brought up have gone against each other. President Reynolds commented that City Council has listened, when you look at the original proposal that came forward that was recommended to make changes by the Planning Commission, people showed up and talked about the 1.3 million square feet. That number has disappeared from the conversation in the past few weeks, but there was that 1.3 million square feet. That was always brought up and City Council made the decision that this number needed to be brought down. What we had was seven people that probably had different thoughts about what that number was, but it was a move away from the 1.3 million square feet that was originally proposed. President Reynolds noted that someone had mentioned before how awkward that meeting was when we were discussing this. He disagreed with Mr. Callahan, who he has great respect for and who he thinks is a great Councilman, but that awkwardness is also what democracy is. When you look through this process as messy and unfortunate that it has been, even down to people's opinions changing, this all goes into the process of democracy. President Reynolds noted at that meeting when they had an animated exchange, one that generally Council does not partake in, it was democracy and we were trying to find some type of agreement that still does not exist. If you went to each one of us and said, let's make a decision about what you want to put there, you would have seven very different ideas. If we went through the audience, and Mr. Evans mentioned this several weeks ago, if you changed the plan, you would have a different group that would be more intensely objecting to it. President Reynolds believes that people here have many disagreements, and if they were polled individually, he believes that Ms. Karner, Ms. Heller and Mayor Donchez would all have different ideas of what they think is best. The job for all of us is to balance those interests and move forward. We are elected to do that. If we do not do a good job there are certainly democratic consequences but President Reynolds is confident in the process that has been followed and he will be supporting the Ordinance tonight.

Voting on Bill 38-2015 as Amended: Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 6. Voting NAY: Ms. Reuscher, 1. Bill No. 38 - 2015, now known as Ordinance No. 2015-39, was adopted on Final Reading.

B. Bill No. 41 - Adopting the 2016 General Fund Budget

The Clerk read Bill No. 41 - 2015, Adopting the General Fund Budget on Final Reading.

The Clerk read Amendment 1 to Bill No. 41, sponsored by Mr. Evans and Mr. Recchiuti, as follows:

That SECTION 1 that reads as follows:

SECTION 2. Appropriations in the sum of Seventy-Three Million, Eight Hundred Fifty - Thousand (\$73,850,000) Dollars are hereby made from the General Fund as follows:

To the Council:	
Personal Services	\$ 236,166
Materials and Supplies	0
Purchase of Services	[64,535]
Equipment	<u>0</u>
TOTAL	[\$ 300,701]
To the Department of Administration:	
Personal Services	\$1,365,505
Materials and Supplies	32,125
Purchase of Services	[491,450]
Equipment	<u>47,500</u>
TOTAL	[\$1,936,580]
To the Department of Community and Economic Development:	
Personal Services	\$3,297,288
Materials and Supplies	[77,840]
Purchase of Services	[1,760,406]
Equipment	<u>85,000</u>
TOTAL	[\$5,220,534]
To the Department of Parks and Public Property:	
Personal Services	[\$2,781,144]
Materials and Supplies	[230,240]
Purchase of Services	[1,101,265]
Equipment	<u>112,289</u>
TOTAL	[\$4,224,938]

shall be amended to read as follows:

SECTION 2. Appropriations in the sum of **Seventy-Three Million, Seven Hundred-Twenty-Five Thousand, Eight Hundred (\$73,725,800) Dollars** are hereby made from the General Fund as follows:

To the Council:	
Personal Services	\$ 236,166
Materials and Supplies	0
Purchase of Services	62,535
Equipment	<u>0</u>
TOTAL	\$ 298,701
To the Department of Administration:	
Personal Services	\$1,365,505
Materials and Supplies	32,125
Purchase of Services	422,450
Equipment	<u>47,500</u>
TOTAL	\$1,867,580
To the Department of Community and Economic Development:	
Personal Services	\$3,297,288
Materials and Supplies	75,840
Purchase of Services	1,753,206
Equipment	<u>85,000</u>

TOTAL	\$5,211,334
To the Department of Parks and Public Property:	
Personal Services	\$2,779,144
Materials and Supplies	228,240
Purchase of Services	1,061,265
Equipment	<u>112,289</u>
TOTAL	\$4,180,938

Voting AYE on Amendment 1: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Amendment passed.

Mr. Recchiuti remarked that this is our General Fund budget and he finds it interesting that we had 30 or 40 speakers tonight and not one of them talked about this budget. We are raising taxes and raising a recycling fee. What he found during this whole budget process is a bit of disappointment in the budget. Mr. Recchiuti stated he was expecting something a little more creative coming from of the Administration. He continued we had a five-year plan that we went over two years in a row and there are a lot of things that are not implemented that were in the five-year plan that he thinks should implemented for the City going forward. Mr. Recchiuti informed looking down the road, and if you have been to our budget hearings he has said this before, we are looking at a \$3.5 million dollar deficit for 2017 and we need to start planning today for that matter. We have done a lot of hard work in the past few years to get our budget on track and he feels that this budget is maybe the thing that derails us a bit. Mr. Recchiuti stressed that he has many concerns. He expressed he is disappointed in some of the expenses that are not cut and thinks we could do more with less. He thinks that some of the Department Heads have gotten into this culture of trying to keep all of their money they had in their previous year budget and probably are not looking for what he would call creative solutions to a fiscal problem we have here in the City. Mr. Recchiuti knows that Mr. Brong and Mr. Sivak do a good job of putting the budget together but they are kind of handcuffed by what they can and cannot do. They are only one Department in the whole budget. Mr. Recchiuti noted he is very disappointed overall in the budget and he thinks we could have done more on Council to cut this budget. He knows that he and Mr. Evans did, and is somewhat disappointed that some of his colleagues did not propose anything to change the budget. Mr. Recchiuti will not be supporting the budget tonight. This is the last budget he will vote on and the first time he will not be supporting it. He added perhaps there were reasons in the past where he should have not voted for budgets and did. Mr. Recchiuti noted that this is the one that is kind of the straw that is breaking the camel's back for him. He will not be supporting this budget.

Mr. Evans remarked that the budget again was tough and he knows that next year the 2017 budget will be even more difficult as that debt steps up. So much of it is not discretionary. He continued when we are locked in with our debt in our contracts, and with our pensions and our medical, which is a bit discretionary but not a whole lot, they are tied into the contracts. Mr. Evans stated this does make it really tricky but generally he was pleased. The tax increase was minimized and we ended up around 2.2% increase over 2015. Mr. Evans noted that we are structurally sound. When we ran into deficits five or six years ago it took a few big steps to get structurally sound where revenues meets expenses without using one-time expenses such as sale of an asset. We had to do it and he voted for it because it had to be done to get us to where we wanted to be in that year, but in the meantime we have taken other roads to have sustainable recurring revenues to meet those recurring expenses. Mr. Evans remarked we are in a better place than we were a few years ago but next year will be a big year. He was pleased that this budget is balanced and does not include any borrowings. It is a very minimal tax increase as well as a minimal recycling fee increase, which was due to a direct cause of recycling and the pulling back of the State revenues. That is something that we needed to do. Mr. Evans looks forward to seeing how this rolls out and of course we will see what next year leads us.

Voting on AYE on Bill 41-2015 as Amended: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, and Mr. Reynolds, 6. Voting NAY: Mr. Recchiuti, 1. Bill No. 41-2015, now known as Ordinance No. 2015-40, was adopted at Final Reading.

C. *Bill No. 42 – 2015 – Adopting the 2015 Water Fund Budget*

The Clerk read Bill No. 42 – 2015, Adopting the 2016 Water Fund Budget, on Final Reading.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Mr. Reynolds, 7. Bill No. 42 – 2015, now known as Ordinance No. 2015-41, was adopted on Final Reading.

D. *Bill No. 43 – 2015 – Adopting the 2016 Sewer Fund Budget*

The Clerk read Bill No. 43 – 2015, Adopting the 2016 Sewer Fund Budget, on Final Reading.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Mr. Reynolds, 7. Bill No. 43 – 2015, now known as Ordinance No. 2015-42, was adopted on Final Reading.

E. *Bill No. 44 – 2015 – Adopting the 2016 Golf Course Enterprise Fund Budget*

The Clerk read Bill No. 44 – 2015, Adopting the 2016 Golf Course Enterprise Fund Budget, on Final Reading.

Voting on AYE on Bill 41-2015 as Amended: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, and Mr. Reynolds, 6. Voting NAY: Mr. Recchiuti, 1. Bill No. 44 – 2015, now known as Ordinance 2015-43, was adopted on Final Reading.

F. *Bill No. 45 – 2015 – Adopting the 2016 Liquid Fuels Fund Budget*

The Clerk read Bill No. 45 – 2015, Adopting the 2016 Liquid Fuels Fund Budget, on Final Reading.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Mr. Reynolds, 7. Bill No. 45 – 2015, now known as Ordinance 2015-44, was adopted on Final Reading.

G. *Bill No. 46 – 2015 – Adopting the 2016 Capital Budget for Non-Utilities*

The Clerk read Bill No. 46 – 2015, Adopting the 2016 Capital Budget for Non-Utilities, on Final Reading.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Mr. Reynolds, 7. Bill No. 46 – 2015, now known as Ordinance 2015-45, was adopted on Final Reading.

H. *Bill No. 47 – 2015 – Adopting the 2016 Capital Budget for Water Utilities*

The Clerk read Bill No. 47 – 2015, Adopting the 2016 Capital Budget for Water Utilities, on Final Reading.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Mr. Reynolds, 7. Bill No. 47 – 2015, now known as Ordinance 2015-46, was adopted on Final Reading.

I. *Bill No. 48 – 2015 – Adopting the 2016 Capital Budget for Sewer Utilities*

The Clerk read Bill No. 48 – 2015, Adopting the 2016 Capital Budget for Sewer Utilities, on Final Reading.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Mr. Reynolds, 7. Bill No. 48 – 2015, now known as Ordinance 2015-47, was adopted on Final Reading.

J. *Bill No. 49 – 2015 – Adopting the 2016 Community Development Budget*

The Clerk read Bill No. 49 – 2015, Adopting the 2016 Community Development Budget, on Final Reading.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Mr. Reynolds, 7. Bill No. 49 – 2015, now known as Ordinance 2015-48, was adopted on Final Reading.

K. *Bill No. 50 – 2015 – Adopting the 2016 9-1-1 Fund Budget*

The Clerk read Bill No. 50 – 2015, Adopting the 2016 9-1-1 Fund Budget, on Final Reading.

Mr. Evans mentioned the timeline update on the 9-1-1 feasibility study and wondered if that is still moving along.

Mayor Donchez replied yes, it is moving along and we are hoping to possibly get a report in January.

President Reynolds remarked that Council should be kept informed regarding the study. He knows we waited on that but we need to know when we need to make the decision and the sooner the better. As he has said publicly and privately he thinks having that conversation to let everyone know, not just Council through a memo, but at a Council Meeting as well, so that the residents of Bethlehem know and can continue to be aware of the challenges going forward with our system.

Mayor Donchez stated that he agrees.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Mr. Reynolds, 7. Bill No. 50 – 2015, now known as Ordinance 2015-49, was adopted on Final Reading.

L. *Bill No. 51 – 2015 – Fixing the 2016 Tax Rate for All City Purposes*

The Clerk read Bill No. 51 – 2015, Fixing the 2016 Tax Rate for All City Purposes, on Final Reading.

The Clerk read Amendment 1 to Bill No. 51, sponsored by Mr. Evans and Mr. Recchiuti, as follows:

That SECTION 1 that reads as follows:

SECTION 1. That a tax be paid and the same is hereby levied on all persons and real property within the said City subject to taxation for City purposes for the fiscal year, as follows:

Northampton County

Tax for the year 2016 for General City purposes, the sum of eight and seventy-three hundredths (8.73) mills on each dollar of assessed valuation.

For Public Safety purposes, the sum of one and seventy hundredths (1.70) mills on each dollar of assessed valuation;

For 9-1-1 purposes, the sum of ninety-three hundredths (.93) mills on each dollar of assessed valuation;

For Recreation purposes, the sum of eighty-six hundredths (.86) mills on each dollar of assessed valuation;

For Debt purposes, the sum of three and sixty-seven hundredths (3.67) mills on each dollar of assessed valuation;

For Landfill Debt purposes, the sum of fifty-five hundredths (.55) mills on each dollar of assessed valuation;

For Library purposes, the sum of eighty-three hundredths (.83) mills on each dollar of assessed valuation;

Lehigh County

Tax for the year 2016 for General City purposes, the sum of two and seventy-seven hundredths (2.77) mills on each dollar of assessed valuation.

For Public Safety purposes, the sum of fifty-four hundredths (.54) mills on each dollar of assessed valuation;

For 9-1-1 purposes, the sum of twenty-nine hundredths (.29) mills on each dollar of assessed valuation;

For Recreation purposes, the sum of twenty-seven hundredths (.27) mills on each dollar of assessed valuation;

For Debt purposes, the sum of one and sixteen hundredths (1.16) mills on each dollar of assessed valuation;

For Landfill Debt purposes, the sum of seventeen hundredths (.17) mills on each dollar of assessed valuation;

For Library purposes, the sum of twenty-six hundredths (.26) mills on each dollar of assessed valuation;

<u>Purpose</u>	Northampton County Mills on Each Dollar of <u>Assessed Valuation</u>	Lehigh County Mills on Each Dollar of <u>Assessed Valuation</u>
General	8.73	2.77
Public Safety	1.70	.54
Recreation Levy	.86	.27
Debt	3.67	1.16
Landfill Debt	.55	.17
Library	.83	.26
9-1-1 Dedicated Tax	<u>.93</u>	<u>.29</u>
Total - All Purposes	17.27	5.46

Shall be amended to read as follows:

SECTION 1. That a tax be paid and the same is hereby levied on all persons and real property within the said City subject to taxation for City purposes for the fiscal year, as follows:

Northampton County

Tax for the year 2016 for General City purposes, the sum of eight and **sixty-one** hundredths (8.61) mills on each dollar of assessed valuation.

For Public Safety purposes, the sum of one and seventy hundredths (1.70) mills on each dollar of assessed valuation;

For 9-1-1 purposes, the sum of ninety-three hundredths (.93) mills on each dollar of assessed valuation;

For Recreation purposes, the sum of eighty-six hundredths (.86) mills on each dollar of assessed valuation;

For Debt purposes, the sum of three and sixty-seven hundredths (3.67) mills on each dollar of assessed valuation;

For Landfill Debt purposes, the sum of fifty-five hundredths (.55) mills on each dollar of assessed valuation;

For Library purposes, the sum of eighty-three hundredths (.83) mills on each dollar of assessed valuation;

Lehigh County

Tax for the year 2016 for General City purposes, the sum of two and **seventy-three** hundredths (**2.73**) mills on each dollar of assessed valuation.

For Public Safety purposes, the sum of fifty-four hundredths (.54) mills on each dollar of assessed valuation;

For 9-1-1 purposes, the sum of twenty-nine hundredths (.29) mills on each dollar of assessed valuation;

For Recreation purposes, the sum of twenty-seven hundredths (.27) mills on each dollar of assessed valuation;

For Debt purposes, the sum of one and sixteen hundredths (1.16) mills on each dollar of assessed valuation;

For Landfill Debt purposes, the sum of seventeen hundredths (.17) mills on each dollar of assessed valuation;

For Library purposes, the sum of twenty-six hundredths (.26) mills on each dollar of assessed valuation;

<u>Purpose</u>	Northampton County Mills on Each Dollar of <u>Assessed Valuation</u>	Lehigh County Mills on Each Dollar of <u>Assessed Valuation</u>
General	8.61	2.73
Public Safety	1.70	.54
Recreation Levy	.86	.27
Debt	3.67	1.16
Landfill Debt	.55	.17
Library	.83	.26
9-1-1 Dedicated Tax	<u>.93</u>	<u>.29</u>
Total - All Purposes	17.15	5.42

Voting AYE on Amendment 1: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 6. Voting NAY: Mr. Callahan, 1. The Amendment passed.

Voting AYE on Bill No. 51, as Amended: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Evans, and Mr. Reynolds, 5. Voting NAY: Mr. Callahan and Mr. Recchiuti, 2. Bill No. 51 - 2015, now known as Ordinance 2015-50, was adopted on Final Reading.

8. NEW ORDINANCES

President Reynolds stated he will accept a motion and a second to add Ordinance 8 A which is Bill 52 - 2015 to the agenda. Mr. Waldron made the motion and Ms. Reuscher seconded the motion.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Motion passed.

A. *Bill No. 52 - 2015 - Amend Article 933 - Recycling*

The Clerk read Bill No. 52 - 2015 - Amending Article 933 - Recycling, sponsored by Mr. Stellato and Ms. Reuscher and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
ARTICLE 933 ENTITLED, RECYCLING, OF THE
CODIFIED ORDINANCES OF THE CITY OF
BETHLEHEM BY INCREASING THE RECYCLING FEE.

Mr. Waldron queried when the second reading of this Ordinance be and how does it affect the increase.

President Reynolds stated the second reading will be the meeting on January 4, 2016.

Mr. Waldron asked if that will be at the reorganizational meeting.

President Reynolds informed it will be during the old Council portion, before the new Council Members are sworn in.

Mr. Waldron mentioned this is probably a question for Mr. Sivak or Mr. Brong, if this affects the increase.

Mr. Sivak reported it will not affect the increase.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, and Mr. Reynolds, 6. Voting NAY: Mr. Recchiuti, 1. Bill No. 52 - 2015 was passed on First Reading.

9. RESOLUTIONS

A. *Approving Contract Amendment - Joao & Bradley Construction*

Mr. Evans and Mr. Stellato sponsored Resolution 2015-287 authorized to execute an agreement with Joao Bradley Construction Company for additional paving related to the Birchwood Farms Water Main Replacement.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Resolution passed.

B. *Approving Hiring - Deputy Director of Community and Economic Development*

Mr. Evans and Mr. Stellato sponsored Resolution 2015-288 that approved the position of Deputy Director in the Bureau of Community and Economic Development.

Mr. Recchiuti mentioned that his concern has nothing to do with filling the position or anything. He thinks that the procedure is incorrect. He believes that we should be filling this as an NC position so the name should be on the Resolution of the person that is fill the position.

Mr. Recchiuti noted that we approved this last year at the budget as an NC so we are actually filling this under the hiring freeze right now when he feels we should be filling it as an NC, just like any department head. We approve the person not the position.

Mayor Donchez mentioned they had some discussions and said that he agrees with Mr. Recchiuti that it should be an NC.

Ms. Karner stated they did present this to the Council floor in that fashion with the resume as the recommendation for the individual.

Mr. Recchiuti stated he just saw this when he looked at the Communications tonight, and would have brought it to attention earlier. He saw the resume was attached and he said this is the NC position. He talked to our Solicitor and said we actually have to approve the name of the person just like when Ms. Karner was hired; we approved her in that position.

Ms. Karner noted that is fine but the only plea she wanted to make was that whatever change it would be that it would be amended tonight because there is an expected start date of next week.

Mr. Recchiuti informed he would make the motion now.

Mr. Recchiuti made the motion to amend the Resolution to include the hiring of Amy Burkhardt as Deputy Director of Community and Economic Development. Mr. Waldron seconded the motion.

Voting AYE on the Amendment: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Amendment passed.

Voting AYE on the Resolution as amended: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Resolution passed.

C. Approving Contract – Cherry, Weber & Associates, PC

Mr. Evans and Mr. Stellato sponsored Resolution 2015-289 that authorized to execute an agreement with Cherry, Weber & Associates, PC for the 2016 Wild Creek & Penn Forest Dam Inspections and Penn Forest Dam Instrumentation Report.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Resolution passed.

D. Approving Contract – Gannett Fleming Valuation and Rate Consultants, LLC

Mr. Evans and Mr. Stellato sponsored Resolution 2015-290 that authorized to execute an agreement with Gannett Fleming Valuation and Rate Consultants, LLC for the update of the capital value of Water System as of December 31, 2015 and calculate the 2015 depreciation.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Resolution passed.

E. Authorizing Acceptance of Gift of Real Estate – Main Street in Vicinity of 1830 Main Street

Mr. Evans and Mr. Stellato sponsored Resolution 2015-291 that approved the gift of property identified in the memorandum. Administration Officials are authorized to accept delivery of the deed for this property.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Resolution passed.

F. Authorizing Grant Application – PennDOT Multimodal Transportation Grant

Mr. Evans and Mr. Stellato sponsored Resolution 2015-292 that approved a request for a Multimodal Transportation Grant in the amount of \$500,000 from the PA Department of Transportation to be used for the South New Street Parking Garage.

Mr. Waldron queried if there are any matching funds required for this grant.

Ms. Heller replied that there are and the matching funds are either RACP dollars or borrowing that the Parking Authority will be doing.

Mr. Waldron has had a thought for a bit of time that maybe we could have the information regarding matching grants and where they are coming from included in the Resolution because that is a recurring question.

Ms. Heller noted the Resolutions are boiler plate but we could put that in the cover memo.

Voting AYE: Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, and Mr. Reynolds, 7. The Resolution passed.

10. NEW BUSINESS

None.

11. PUBLIC COMMENT

Thanks to Mr. Recchiuti, Ms. Reuscher and Mr. Stellato

Michael Colón, 215 West Broad Street, mentioned that he has been sitting through these meetings about three years now and he plans to keep coming for the next few years. He wanted to thank Mr. Recchiuti, Ms. Reuscher and Mr. Stellato for their time on Council. He knows this is not an enviable job or else more than 7 people would have gone out for it back in May. He added, whether elected or appointed, thank you for the time and the commitment.

Council Responding to Questions

Jeff Fegley, 2027 Majestic Overlook, informed that he is a little confused on when we the public can address Council and get answers because procedurally he does not know what the Bethlehem procedure is. If he would have a question right now can he address an individual, is that permissible and does the Council Member need to answer?

President Reynolds noted that he certainly can ask a question and it would be up to the individual Council Member, just like it is up to the Administration if they wish to respond or not respond. There is nothing in the rules that says somebody has to respond to a question. As we said generally, this is time when Council is here to listen. That predates his time on Council. Mr. Evans was Council President before that, as was Mayor Donchez, but if there was a specific question a Member of Council can choose to answer that if they wish.

Mr. Fegley noted that during the proceedings Mr. Evans had asked the Solicitor for an answer to a specific question and that question was after the review of the Right to Know was there anything in those documents illegal and the answer was a pause and the answer was regarding Contract Zoning, no. Mr. Fegley stated his question is was anything in that Right to Know illegal and that would be to the Solicitor.

Solicitor Spirk stated he would answer that and replied, no.

Mr. Fegley remarked that his concern here is the process which he said earlier was not normal and was lopsided. We elect the Mayor and elect these individuals to represent us as the citizens and when there is an Administration that tells individuals that their forum is not with them but is within Council Chambers, how is that a fair process. Mr. Fegley would just want someone here to respond to how that is a fair process that we are told sorry, our ears and our doors are not open to you, you get your five minutes with Council. Meanwhile, a Right to Know unveils intimate and long discussions and drawings. He asked how is that fair. No one answered his question earlier, which he finds a little disappointing. He asked before Council voted for a simple yes or no as to whether this process was fair or was it lopsided. Mr. Fegley noted he is still wondering what each Council Members' thoughts are on this matter. He continued, several of you commented that it was odd, things were different, and maybe we

could redo things differently, but why was it not done right if you all feel that it was not normal. Mr. Fegley is asking if anyone wants to speak to that.

President Reynolds remarked that he cannot speak for the Administration. The Administration makes their decisions on who to meet and who not to meet with. We cannot make the Administration meet with anybody. As he said before, we are independently elected and whatever internal decisions they decide to make are their decisions. President Reynolds stated as far as City Council is concerned, it is not a situation by which that is something we will influence. When people show up and they have a question about which department to go to, or they have a question for the Police Chief, we tend to turn to the Administration as ask if it is possible to meet with someone afterward and have that conversation. President Reynolds noted as far as the day to day business of the Administration that is an internal Administration decision. You are certainly able to make comments but as far as the official role of City Council, it is not City Council's purview to make the Administration meet with anybody.

Mr. Fegley noted that we elected you Mr. Mayor, so why would you and your Administration tell us that we only get our five minutes in this chamber and not in your office or have no other discussions like developers do.

Mayor Donchez informed many of the people at that meeting have his personal cellphone number and call him for other things and he is surprised they did not call him and ask him to talk about his issue. Mayor Donchez will certainly give Mr. Fegley his phone number and will be available if he wants to sit down in the future and discuss this issue or any other issue he may have.

Mr. Fegley stated that is okay but Ms. Karner did tell us that was not the forum for discussing this with the Mayor. We had to go to Council chambers for this.

Thanks to Mr. Recchiuti, Ms. Reuscher and Mr. Stellato

Clyde Thomas, 315 Hamilton Avenue, stated he wanted to echo Michael Colón's appreciation for the three Council Members who are leaving us after this year, Louis Stellato, Cathy Reuscher and Michael Recchiuti. He wishes the best for them in the future and hopes someday they might come back to Council once again because they have done a really good job. Mr. Thomas noted that the citizens of Bethlehem do appreciate the good job that the Council and Mayor are doing. It is something that you put yourselves out for and get a lot of criticism. You do not have to do this but you deal with it. He knows that the citizens of Bethlehem do appreciate the service of Council Members and the Mayor and doing the right things for the City is why we voted for you. Mr. Thomas informed in general we might disagree with some issue but mostly we agree, but you are doing a good job because you are standing up for Bethlehem and being there for Bethlehem.

Accident on Schoenersville Road

Johnny, 1584 Valley Road, informed he has lived in Bethlehem and has been a traveler back and forth to New York. He had a few issues and wanted to correct the Mayor or address the Mayor under the Constitution of the State of Pennsylvania; the oath that he did take for his office and to the people. It would be Section or Decoration, Article I, Section 7 which would be the Freedom of Press and the Freedom of Speech. He expressed thanks for all of your service. His issue is regarding Schoenersville Road and the Sheetz. He continued we had a tragedy regarding Darious Condash who was a hit and run victim and he asked if the Mayor, Police Chief and City Council were aware of this incident. We have had a few phone calls about people hanging out at the Sheetz and cars racing and certain vehicles that have become a nuisance. The jurisdiction is Bethlehem on one side and the Wawa on the other side is the jurisdiction of the Colonial Police and then we have another jurisdiction that is the State Police. That accident or occurrence happened on the Colonial Police side of Schoenersville Road by the Wawa. The Sheetz is in Bethlehem and he is trying to bring some attention to the fact that the cars come from the Sheetz and then go around, so there is a jurisdiction problem for racing, etc. There are some things happening in this outer part of Bethlehem. He said this occurrence happened at approximately 6:20 pm on November 6, 2015. The defendant was Royce Atkins, the driver of a 1997 Mazda, and he was leaving the Sheetz and going to his destination. He struck Darious and kept on going and did not render aide and it was on the jurisdictional side of the Colonial Police. He continued the issue was that this driver was only cited for one traffic

infraction, careless driving and the other one was doing bodily injury to a victim. So it will be an accident involving death or personal injury/ a summary offense of careless driving. The driver did not render aid and kept on driving. He is curious that there are only two charges although it is out of the jurisdiction of Bethlehem but he did travel from Bethlehem. He was just wondering if anything could be done about the nuisance that Sheetz has provided and where this was occurring because it is the outer part of the jurisdiction of Bethlehem. He is asking if Bethlehem can address this and do something about this. Schoenersville Road passes the other Wawa, the Burger King, and Westgate Mall. It is all open basically happening at night time. They go there around 8:00PM until 2:00 or 3:00AM. He knows that the Police Chief may have had some phone calls about this.

Police Chief DiLuzio remarked that the State Police assisted and referencing the charges, any charges because death involved would have to come from the District Attorney's office. He would advise him to talk to the Northampton County District Attorney's office about those particular charges.

Johnny then read information about hit and run drivers. It states that sometimes it is because they are drunk or high, and sometimes it is because they are uninsured or unlicensed, but why and how could a driver flee the scene of an accident. Hit and runs are still largely a mystery in most cases as a vast number of hit and run drivers speed off leaving wounded and in hundreds of cases each year in the U. S., dead people in their wake. The laws attempt to help through increasing penalties but do not work and if not what could work to compel more drivers to take responsibility and accountability, and even help their victims after a traffic accident. We explore these questions with why, how and what. He thanked Council for their time and stated for the love of God if anyone can help and make a phone call to the Colonial Police, or call up the District Attorney's office and use the body of Council it would be helpful. He appreciates Council's time everything they do for us. We will always have bad with the good and good with the bad. He is hoping Bethlehem can help. He concluded, we speak for those who cannot speak sometimes and those who can or will speak, some goes to deaf ears. He again thanked Council.

12. ADJOURNMENT

The meeting was adjourned at 10:52 p.m.

ATTEST:

City Clerk