

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street – Town Hall  
Bethlehem, Pennsylvania  
Tuesday, February 7, 2017 – 7:00 PM

INVOCATION

Reverend Andrew Gehringer, Holy Infancy Roman Catholic 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 Michael G. Colón, Eric R. Evans, Shawn M. Martell, Olga Negrón, Adam Waldron and J. William Reynolds, 6. Bryan G. Callahan was absent, 1.

CITATIONS

*Honoring Barbara A. Miller*

President Reynolds presented a Citation to Barbara A. Miller on the occasion of her retirement from the Bethlehem Police Department after 42 years of service. The Members of Council applauded Ms. Miller and wished her well in her retirement.

*Honoring Michael J. Pennella*

President Reynolds presented a Citation to Michael J. Pennella on the occasion of his retirement from the Water and Sewer Resources Department after 27 years of service. The Members of Council applauded Mr. Pennella and wished him well in his retirement.

*Honoring Mark Casciani, Karen Dancho, James Davis, James Schneckner, Ernest Stavrovsky, Dai Van Nguyen, Anthony Facchiano, Richard Oscavich, Ronald Williamson, James Zondlo*

President Reynolds stated that the Citations for Mark Casciani, Karen Dancho, James Davis, James Schneckner, Ernest Stavrovsky, and Dai Van Nguyen on their retirement from the Water and Sewer Resources Department, Anthony Facchiano on his retirement from the Fire Department, Richard Oscavich on his retirement from the Community & Economic Development Department, Ronald Williamson on his retirement from the Public Works Department and James Zondlo on his retirement from the 911 Communication Center will be mailed to them since they were unable to attend this evening.

2. APPROVAL OF MINUTES

The Minutes of January 17, 2017 were approved.

*Additional Communication*

President Reynolds noted we received an additional Communication from Kristen Wenrich, Health Director regarding an amendment request to Bill No. 1 - 2017. The Clerk read the Communication 6 Q into the record.

*6 Q. Amendment to Bill No. 1 - 2017 - Article 1161 - Health Nuisances*

The Clerk read a memorandum from Kristen Wenrich, Health Director dated February 7, 2017 regarding amending Article 1161 - Health Nuisances. After final review of the proposed amendments to Article 1161 we have determined that the definition of "Invasive Plant" was placed in the Title and Definitions sections of the Ordinance and was not utilized in the Ordinance. We, therefore, respectfully request the following changes to the proposed Article, striking the words "Invasive Plants" from the title of Section 1161 and deleting the definition for "Invasive Plants" in section 1161.07 (a).

President Reynolds stated the amendment to Bill No. 1 - 2017 will be considered at the First Reading of Agenda 9A, which is the Ordinance to amend Article 1161 - Health Nuisances.

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

*Bamboo/Delinquent Real Estate Taxes/President Reynolds' Initiatives*

Dana Grubb, 2420 Henderson Place commented a large amount of bamboo is growing wild on East Ninth Street near Williams Street. He does not think anyone is cultivating that particular area. Mr. Grubb stressed he wanted to discuss delinquent real estate taxes. He recalled that a number of years ago an economic development loan was made by the City and it was later discovered that the recipient was delinquent on their real estate taxes. Changes were made in the process for applying for economic development loans at that point in time. He continued there was a revelation last week that a number of developers in this City are delinquent on their real estate taxes. He continued, it is also unfortunate when City government at the same time is squeezing business owners and all non-profits for a \$25 Business Privilege license. Mr. Grubb suggested that if someone comes into City Hall looking to do a project it behooves City government to do some due-diligence on the developer. He mentioned to find out the parcel of property at South New and Third Streets is tax delinquent when hard working Bethlehem residents are struggling to pay their real estate taxes is an abomination, as is the situation at Martin Tower. Mr. Grubb emphasized that he wanted to compliment President Reynolds on some of the ideas he has advanced such as campaign contribution limits. He added it would have been nice if term limits were also proposed. Mr. Grubb mentioned President Reynolds' Climate Change proposal and highlighted that there is an Environmental Advisory Council who would be perfectly suited to handle that rather than set up an additional Committee. Regarding the open data initiative he thinks the City's website is under-utilized. Mr. Grubb pointed out there are many instances where there could be releases or email blasts. He understands that there are at least 400 residents who have signed up on the website to receive City information. Mr. Grubb does not think that Facebook is a good venue. He remarked there are too many City employees on Facebook liking and commenting on non-City related issues during the course of the workday. Mr. Grubb thinks that President Reynolds is spot on with some of the things he has proposed and added that the

City's website could be better utilized. He did note there are a lot of traffic and recycling alerts, but there is nothing else except maybe where to get flu shots. He suggested Department news and program information should be put on the website because residents then post it on Facebook pages to reach more people. Mr. Grubb believes the open data initiative is a good one. He stated the City already has the tools and needs to apply them more frequently.

*Bethlehem Area Public Library*

Hillary Kwiatek, 638 Spring Street advised she is at this meeting tonight in her capacity as President of the Friends of the Bethlehem Area Public Library. She wanted to take a moment to thank Council and the Mayor for their continued support of the Library and Councilwoman Negrón in particular for her service to the Library. Ms. Kwiatek informed that the Friends of the Library is a fairly newly revived organization, comprised of a board and members. She highlighted that they just started raising money for the Library's use about two years ago. Ms. Kwiatek announced their third big fundraising event, which will take place on April 25, is called "April in Paris" and many wonderful Bethlehem businesses contribute to the event to make it a success. Over the last two years they were able to raise almost \$10,000 a year to be used for the Library's services and programs for youth and adults. Ms. Kwiatek stressed that includes the Main branch and the South Side branch. She hopes that everyone continues to enjoy and use the Library, to value it and to understand that it takes the support of the City and its residents to keep it vibrant and lively and serving the needs of our community.

President Reynolds thanked Ms. Kwiatek for the leadership role she takes with the Friends of the Bethlehem Library. He knows that they talked about getting the Friends of the Library going again when he was on the Library Board. He added this is one of the projects that needed someone to step up and he thanked her for volunteering her time.

*South Side Parking and Ticketing*

Arthur Curatola, 813 Laufer Street stated he and many other people would like to know why Lehigh University staff and student body vehicles are not ticketed most of the time when they are parked illegally on the south side of Bethlehem, but Bethlehem residents are ticketed, especially handicapped citizens. Mr. Curatola stated he has pictures showing a Lehigh University vehicle parked past the stop sign with at least three other parking violations. Mr. Curatola has had four tickets so far in the past couple of years just within 20 minutes of unloading his groceries. He asked is it better to park on the lot for 10 minutes to unload groceries or block an alley or street or make the City pay some agency to do the shopping for the handicapped people. He advised anytime of the day on the south side if you drive westbound on South Fifth Street and arrive at the Webster Streets intersection and look right you will most likely see a vehicle with Lehigh University decals on the window, but no ticket on the front window. He stated the photos he has will clearly show that the vehicles are parked past the stop sign with at least three other parking violations. Mr. Curatola informed he complained to the Parking Authority and the City endlessly last year and years before that about this problem, and provided ideas of what to do within the law to prevent perpetrators, but nothing has been done to this date. Mr. Curatola mentioned on April 22 to avoid blocking his alley he parked in a BPA lot to unload his groceries and he was not in that lot for more than 10 minutes when he was ticketed. He expressed it would be appreciated if the Parking Authority would give residents and handicapped people some respect and some slack,

especially senior citizens who have served our Country. He noted that he falls in those categories. Mr. Curatola stated he attended a recent a Parking Authority meeting and gave them great ideas, but he does not believe that any of those ideas are going to be used. Mr. Curatola stated in view of this and more, the ticket was given to him on April 22 within 10 minutes of him moving his groceries ; the one he received this past Saturday night for the same reason of being on their lot, and the one for street cleaning are all pathetic. He concluded the Bethlehem Parking Authority should aggregate those tickets.

*Italian Festival/Carlton Avenue*

Stephen Antalics, 737 Ridge Street explained that former President Barack Obama in his farewell address mentioned the issue of immigration. He noted there is a request for a Bethlehem Italian Festival which is good because finally those immigrants who were maligned at the turn of the century are now being recognized. He finds this insulting at some level because the article apparent in the Bethlehem newspaper at the turn of the century alluding to this massive immigration said that Bethlehem has uninvited, unwelcome scum of central Europe living with them. Mr. Antalics advised one of the ethnic groups in that article referred to the Italians, and now, finally they are getting recognition. Mr. Antalics is offended that the festival will be on Main Street from Church to Broad Street. The residents living in that area at the time looked upon these Italians in an unattractive way and this article used derogatory words to describe them. Mr. Antalics advised if you went by historic precedent, this festival would be on Fourth Street, in the area of Our Lady of Pompeii, which was the original church for the Italian immigrants. He remarked that to have this festival on Main Street is an insult because these immigrants were not allowed over there to live; they were discouraged from buying properties in that area. He stated this is documented. Mr. Antalics emphasized that he strongly urges Council and the Administration to have that festival moved to Fourth Street where it belongs on the south side. Mr. Antalics stated at the last meeting he mentioned the terrible condition of Carlton Avenue and asked if this could be taken care of. After the meeting a citizen said to him that she has two broken axles driving on Carlton Avenue. He strongly urged Council to drive on Carlton Avenue at the speed limit to see what he is talking about, and will find that this is an urgent issue for Public Works and should be a first order of business.

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

*Bamboo Ordinance*

Sloan Wertman, 2112 Easton Avenue advised she wanted to thank Council and the Mayor for their consideration. She hopes they received and reviewed the correspondence that was forwarded to them earlier today. Ms. Wertman stressed she is a 25- year resident and property owner of Bethlehem. She was recently made aware of the Ordinance which has been put forward by the Health Director with regard to bamboo in the City. Along with that Ordinance, there was an interoffice memo that went to City Council and the Mayor that gave a list of properties that "are known properties in the City that have bamboo issues." She noted one of the addresses is 2112 Easton Avenue, which is her residence. Ms. Wertman informed she found this to be a little bit disconcerting because the City seemed to be embarking on an

Ordinance with impact on specific properties and she does not believe that property owners were made aware of any such activities. Ms. Wertman was able to meet with Kristin Wenrich, Health Director and Jessica Lucas, Environmental Health Programs Director and they did confirm that it is their understanding that there has not been any contact by the City to notify any specific property owners who might be impacted. Also that it would be clear for property owners to understand that this is essentially a retroactive Ordinance. Ms. Wertman would like to acknowledge that she thinks the City is exercising due-diligence, but her concern is that this is being achieved in a manner that is not completely transparent and all individuals should be subject to due process and the opportunity to respond in a timely manner. She just would like City Council to be aware that she is not certain that property owners that are affected have been made aware of what has been proposed. She does acknowledge that retroactive actions on existing conditions are something that governing bodies do routinely. She continued there are examples historically that this is done but generally existing conditions in those types of enforcements are grandfathered as an acknowledgement that implications of retroactively enforcing requirements on entities that were not subject to requirements, can constitute undue hardship. Ms. Wertman would like to appeal to Council and the Mayor in that there is precedent with dealing with existing conditions and that this consideration be weighed. She would also like to point out that there is only one method for dealing with bamboo in the proposed Ordinance and she feels that it is imperative for alternative methods that are successful in controlling bamboo be available to residents because they can be just as successful and less cost prohibited. Ms. Wertman emphasized she would like to thank the City for being responsible in planning and enforcing codes and Ordinances that achieve benefits of health, safety and welfare of all residents and property owners, but asks that these actions should not be levied disproportionately on property owners who have not been unthoughtful.

Ronald Huber, 1935 Bayard Street informed he has lived at this address for 14 years. The property has been fine but the past three years he has had problem with bamboo on his property. Mr. Huber informed his neighbor had planted bamboo and did not put in a barrier to maintain it on their property so it has spread to his property. He has received estimates to have it removed of \$850 dollars for the first year and to install a barrier which would cost \$22,500. They would have to remove the fence and install a barrier and reinstall the fence. Mr. Huber noted he has no problem with anyone growing bamboo but please just put a barrier in and be responsible and maintain it on your property. Mr. Huber thanked Alicia Karner, Director of Community and Economic Development and her staff for enacting this Ordinance and bringing it to Council's attention. He pointed out if he were to put his house on the market he would have to inform the realtor and the buyer that there is running bamboo on the property or he could be sued. When he cuts the bamboo down he has to burn it because he cannot get rid of it in the trash or take it to the compost pile. Mr. Huber affirmed this has been a nightmare for him for the last three or four years. If he had known this when he bought his home he would not have bought the property. Mr. Huber urges Council to vote on this issue and pass this Ordinance.

*Climate Action Plan Resolution*

Frank Kuserk, 1106 Resolution Drive informed he is a Professor of Biological Sciences and Director of the Environmental Studies and Sciences Program and Moravian College. Mr. Kuserk urges Council to pass that Resolution concerning the establishment of the Climate

Action Plan and the implementation of the Climate Change Working Group that Council will be considering later tonight. Climate change is certainly scientifically established and earlier today at Moravian College we had a presentation on increasing not only warming temperatures around the earth, particularly in the Arctic and Antarctic regions, but also increasing ocean acidification that will impact ocean species. Mr. Kuserk remarked he will offer assistance of the faculty and students at Moravian College's Environmental Studies and Sciences program in any effort where we can be a help.

Brian Hillard, 1510 Dale Lane, informed as a life-long environmentalist he has always had an awareness of environmental issues, including climate change. As a student at Penn State's Energy and Sustainability Policy Program he learned that the many successful litigation strategies that various entities employ combat climate change. From the Federal Government to individuals, stakeholders at all levels have played their part at reducing their carbon footprint. Mr. Hillard expressed that cities and municipalities are no exception. He continued cities across the Country and around the world are enacting Climate Action Plans in order to do their part with climate change. As many know this is not unfamiliar to Bethlehem. Bethlehem's first Action Plan was very successful and that reduced our carbon footprint by 23.5% while increasing our energy costs and improving operational efficiency, making our communities cleaner and healthier for the residents. Mr. Hillard mentioned as the years progress so does climate change. Every week we get new reports on how our planet is continuing to change due to our activities. As we continue to witness the increasing effects of climate change he sees greater opportunities for us to strengthen our efforts to combat it. When he heard of City Council's intention of renewing the City's Climate Action Plan he was immediately optimistic that we as a City might further our commitment towards climate change. Mr. Hillard believes in taking the initiative to do what is right and he believes this is what this Resolution will accomplish. As a resident of the City of Bethlehem, as a member of the Lehigh Valley Chapter of the Sierra Club and as well as a pending member of the City's Environmental Advisory Council he fully supports this Resolution and if passed he is hopeful that he might have the opportunity to work with the Mayor and Council at any capacity to assure its success. Mr. Hillard stated that Lynn Rothman and the rest of our members of the Environmental Advisory Council were unable to attend the meeting tonight, but he was asked to speak on their behalf. Mr. Hillard read the following letter from the Environmental Advisory Council:

"We support and applaud the proposed Resolution to establish a Climate Change Working Group building upon the success of the work of the 2006 Three City Proclamation. Furthermore we are eager and committed to working with City Council, the Administration and the public to set new goals with strategy and practices that will reduce our carbon footprint and serve as a workable model for others. Our members are willing to assist in all functions of the working group in order to do our part to combat climate change. We are proud to serve the City that makes environmental protection a priority and are willing totake action to reduce the dangerous impacts of climate change for the benefit of future generations."

Respectfully yours,

Lynn Rothman, Chair, EAC  
Jack Gambino  
Kalyna Procyk  
Mike Topping  
Brian Hillard

John Brunner

Mr. Hillard stated for the record it was mentioned that the EAC might be good for the Climate Action Working Group and he wanted to say that all EAC members are all aware of environmental issues, but in selling a climate action policy there are certain details to that which require knowledge of how government functions work. He stated there are many facets of it to ensure its success and he knows other entities, municipalities and college universities have put together their own working groups to ensure success and he thinks that is a tremendous idea.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Councilman Evans – Amending Rules of Council – Rule 8*

The Clerk read a memorandum dated January 18, 2017 from Councilman Eric R. Evans, Chairman of the Parks and Public Property Committee to which is attached a Resolution to amend Rule 8 of the Rules of Council. The Parks and Public Property Committee recommends changing the title of the Parks and Public Property Committee to Parks and Recreation Committee, and the Committee would handle all matters related to City parks and recreation. In addition, the Public Works Committee would include handling all matters related to City property and buildings.

President Reynolds stated the Resolution can be listed on the February 21 agenda.

B. *City Solicitor – Use Permit Agreement for Public Property – American Association of University Women, Bethlehem Branch – 2017 Book Fair*

The Clerk read a memorandum dated January 25, 2017 from William P. Leeson, Esq., City Solicitor to which is attached a proposed Resolution and Use Permit Agreement for the 2017 Book Fair. The Permittee is the American Association of University Women, Bethlehem Branch. The event is scheduled for March 20, 2017 – April 25, 2017 and the premises is the Memorial Pool Building.

President Reynolds stated the Resolution can be listed on the February 21 agenda.

C. *City Solicitor – Use Permit Agreement for Public Property – St. Luke’s University Health Network – 2017 Boutique at the Rink*

The Clerk read a memorandum dated January 25, 2017 from William P. Leeson, Esq., City Solicitor for a proposed Resolution and Use Permit Agreement for the 2017 Boutique at the Rink. The permittee is St. Luke’s University Health Network and the duration of the use is April 27, 2017 to June 7, 2017. The premise is the Earl E. Schaffer Ice Rink.

President Reynolds stated the Resolution can be listed on the February 21 agenda.

- D. *City Solicitor – Use Permit Agreement for Public Property – Celtic Fest, Inc. dba Celtic Cultural Alliance – Lehigh Valley HopsFest*

The Clerk read a memorandum dated January 25, 2017 from William P. Leeson, Esq., City Solicitor to which is attached a proposed Resolution and Use Permit Agreement for the Lehigh Valley HopsFest. The Permittee is Celtic Fest, Inc. dba the Celtic Cultural Alliance. The duration of the agreement is June 9-12, 2017. The location is the grass island bounded on the north by Spring Street, the west by Conestoga Street, the east by Main Street and the south by West Lehigh Street less and excepting railroad property (known as Danny Rice Field).

President Reynolds stated the Resolution can be listed on the February 21 agenda.

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

The Clerk read a memorandum dated January 25, 2017 from William P. Leeson, Esq., City Solicitor to which is attached a proposed Resolution and Use Permit Agreement for the Brew to Brew Run Event. The Permittee is Work to Live, LLC doing business as Run Lehigh Valley. The duration of the lease is one day, April 8, 2017 from 8:00 am to 4:00 pm and the location is Nevin Place, adjacent to the Sun Inn Courtyard.

President Reynolds stated the Resolution can be listed on the February 21 agenda.

- F. *City Solicitor – Use Permit Agreement for Public Property – Bethlehem Chamber of Commerce – Bethlehem Italian Festival*

The Clerk read a memorandum dated January 26, 2017 from William P. Leeson, Esq., City Solicitor to which is attached a proposed Resolution and Use Permit Agreement with the Bethlehem Chamber of Commerce for the Bethlehem Italian Festival. The duration of the agreement is June 17, 2017 and the location of the event is Main Street from Church Street to Broad Street, the Main Street Ramp from Route 378 to Main Street and Nevin Place adjacent to the Sun Inn Courtyard.

President Reynolds stated the Resolution can be listed on the February 21 agenda.

- G. *City Solicitor – Use Permit Agreement for Public Property – Holy Infancy Roman Catholic Church – Holy Infancy Portuguese Heritage Celebration and Multicultural Festival*

The Clerk read a memorandum dated January 26, 2017 from William P. Leeson, Esq., City Solicitor to which is attached a proposed Resolution and Use Permit Agreement with Holy Infancy Roman Catholic Church for the Holy Infancy Portuguese Heritage Celebration and Multicultural Festival. The duration of the agreement is June 9 to June 10, 2017 for the Portuguese Heritage Celebration and June 16 to 17, 2017 for the Multi-cultural Festival. The location is Webster Street between Fourth Street and the Greenway and between Webster and Adams Streets.

President Reynolds stated the Resolution can be listed on the February 21 agenda.

- H. *City Solicitor – Use Permit Agreement for Public Property – Mount Airy Neighborhood Association – West Side Farmer’s Market*

The Clerk read a memorandum dated January 27, 2017 from William P. Leeson, Esq., City Solicitor to which is a proposed Resolution and Use Permit Agreement with the Mount Airy Neighborhood Association for the West Side Farmer’s Market. The duration of the agreement is every Saturday from June 3, 2017 through October 14, 2017. The location of the event is the Bethlehem Rose Garden.

President Reynolds stated the Resolution can be listed on the February 21 agenda.

- I. *City Solicitor – Use Permit Agreement for Public Property – Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association – Tunes at Twilight*

The Clerk read a memorandum dated January 27, 2017 from William P. Leeson, Esq., City Solicitor to which is attached a proposed Resolution and Use Permit Agreement with the Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association for Tunes at Twilight. The duration of the agreement is every Thursday from May 4 through July 20, 2017. The location of the event is Nevin Place (adjacent to the Sun Inn Courtyard).

President Reynolds stated the Resolution can be listed on the February 21 agenda.

- J. *City Solicitor – Use Permit Agreement for Public Property – ArtsQuest – Step Outdoors Lehigh Valley*

The Clerk read a memorandum dated January 30, 2017 from William P. Leeson, Esq., City Solicitor to which is attached a proposed Resolution and Use Permit Agreement with ArtsQuest for the Step Outdoors Lehigh Valley event. The duration of the agreement is June 3, 2017 through June 4, 2017 and the location of the event is First Street from Polk Street to the Eastern Terminus and Founder’s Way between First Street and Second Street.

President Reynolds stated the Resolution can be listed on the February 21 agenda.

- K. *Director of Budget and Finance – Amending Article 341 – Business Privilege and Mercantile Tax and Business Privilege and Mercantile Tax Regulations*

The Clerk read a memorandum dated February 2, 2017 from Mark W. Sivak, Director of Budget and Finance to which is attached an Ordinance to amend Article 341-Business Privilege and Mercantile Tax to add a definition for the Tax Administrator, and a Resolution to amend Section 105 of the Business Privilege and Mercantile Tax Regulations to require that all vendors of fairs, festivals, carnivals, craft shows/fairs, and other temporary places of business have a Business Privilege License and to amend Section 106 to recognize that each rental location of a taxpayer is considered to be a separate place of business in accordance with Article 341.

President Reynolds stated he will refer this to the Finance Committee.

*L. Chief Building Inspector – Amending Article 1739 – Regulated Rental Unit Occupancy*

The Clerk read a memorandum dated January 30, 2017 from Craig B. Hynes, Chief Code Official to which is attached an Ordinance to amend Article 1739-Regulated Rental Unit Occupancy. The new language will help keep regulated rental units from becoming transient housing.

President Reynolds stated the Ordinance can be listed on the February 21 agenda for First Reading unless Council would like to have this reviewed in Committee.

Mr. Martell advised he believes it would be appropriate to review this in Committee.

President Reynolds related this will be referred then to the Community Development Committee.

*M. Director of Water and Sewer Resources – Recommendation for Award – The ITR Company, LP*

The Clerk read a memorandum dated February 1, 2017 from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with The ITR Company to establish a predictive maintenance program for rotating equipment at the filtration and wastewater treatment plants. The term of the contract is from the Notice to Proceed until December 31, 2017. The fee for the contract is \$25,000, with an annual renewal option upon written agreement of both parties.

President Reynolds stated Resolution 10 G is on the agenda.

*N. Business Administrator – Recommendation for Award – Pennoni Associates, Inc.*

The Clerk read a memorandum dated February 2, 2017 from David L. Brong, Business Administrator recommending a contract with Pennoni Associates for energy purchasing consulting services. The term of the contract is January 1, 2017 – December 31, 2020. The final cost of the contract will be based on savings achieved. The contract can be extended annually at the same contract rate.

President Reynolds stated Resolution 10 H is on the agenda.

*O. Council President – J. William Reynolds – Engaging Bethlehem Resolution*

The Clerk read a memorandum dated February 2, 2017 from J. William Reynolds, President of Council to which is attached a Resolution for Council's consideration to establish a working group related to social media.

President Reynolds stated the Resolution can be listed on the February 21 agenda.

*P. Council President – J. William Reynolds – Open Bethlehem Resolution*

The Clerk read a memorandum dated February 2, 2017 from J. William Reynolds, President of Council to which is attached a Resolution for Council's consideration to establish a working group related to open data.

President Reynolds stated the Resolution can be listed on the February 21 agenda.

7. REPORTS

A. *President of Council*

1. *Councilmanic Appointment – Brian Hillard – Environmental Advisory Council*

President Reynolds appointed Brian Hillard to membership on the Environmental Advisory Council, effective until January, 2019. Mr. Martell and Mr. Evans sponsored Resolution 2017-034 to confirm the appointment.

President Reynolds thanked Mr. Hillard for coming out tonight to this meeting. He advised that he had an opportunity to speak to Ms. Rothman and she had relayed the interest of Mr. Hillard in the work of the EAC and thanked Mr. Hillard for volunteering for this position.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón and Mr. Reynolds, 6.

2. *Councilmanic Appointment – John P. Brunner – Environmental Advisory Council*

President Reynolds appointed John P. Brunner to membership on the Environmental Advisory Council, effective until January, 2020. Mr. Martell and Mr. Evans sponsored Resolution 2017-035 to confirm the appointment.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón and Mr. Reynolds, 6.

B. *Mayor*

*Meeting for 911 Update*

Mayor Donchez advised he will be sending Council a memorandum in the next two weeks requesting a Public Safety meeting so we can give City Council an update on the 911 discussions and negotiations with Northampton County.

*DEP Water Rating*

Mayor Donchez explained the Pennsylvania DEP rated our water filtration plant commendable which is the highest rating available and puts us in the top 20% in Northeastern Pennsylvania so kudos to Edward Boscola, Director of Water and Sewer.

President Reynolds congratulated Mayor Donchez on this as well as Mr. Boscola and also Mr. Brong for all of the hard work.

8. ORDINANCES FOR FINAL READING

None.

9. NEW ORDINANCES

A. *Bill No. 1 – 2017 – Amending Article 1161 – Health Nuisances – Bamboo*

The Clerk read Bill No. 1 – 2017 – Amending Article 1161 – Health Nuisances – Bamboo, sponsored by Ms. Negrón and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 1161 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED  
“HEALTH NUISANCES”

*Amendment No. 1 to Bill 1-2017*

The Clerk read Amendment No. 1 to Bill 1-2017 – Amending Article 1161- Health Nuisances – Bamboo sponsored by Ms. Negrón and Mr. Waldron.

That proposed Section 1161.07 that read as follows:

~~**NOXIOUS WEEDS AND INVASIVE PLANTS DEFINED;** HEIGHT RESTRICTIONS; REMOVAL.~~

Shall be amended to read as follows:

1161.07 **NOXIOUS WEEDS DEFINED;** HEIGHT RESTRICTIONS; REMOVAL.

That proposed Section 1161.07(a) Definitions that reads as follows:

**(a) Definitions**

~~**“Invasive Plant” means a species of vegetation which is non-native to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. This includes but is not limited to species classified as running bamboo, as well as species listed on the Pennsylvania Department of Conservation and Natural Resources Invasive Plant list.**~~

**“Noxious Weeds” shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; however this term shall not include cultivated flowers and gardens.**

**“Running Bamboo” means any monopodial, or “running”, woody grass that spread variously, sending out underground runners (rhizomes) which sometimes range far from the parent plant. The definition refers to all parts of the bamboo including the above ground plant, its roots and rhizomes. For the purposes of enforcement of this Article running bamboo shall be identified by the structure of growth and need not be by biological identification.**

Shall be amended to read:

**(a) Definitions**

**“Noxious Weeds” shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; however this term shall not include cultivated flowers and gardens.**

**“Running Bamboo” means any monopodial, or “running”, woody grass that spread variously, sending out underground runners (rhizomes) which sometimes range far from the parent plant. The definition refers to all parts of the bamboo including the above ground plant, its roots and rhizomes. For the purposes of enforcement of this Article running bamboo shall be identified by the structure of growth and need not be by biological identification.**

President Reynolds suggests we amend Bill No. 1-2017 as designed by the Administration in which we can then have a conversation on the Bill as amended.

Voting AYE on Amendment 1 to Bill No. 1 - 2017: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón, and Mr. Reynolds, 6. The Amendment passed.

President Reynolds called for discussion of Bill No. 1 - 2017 as amended.

Mr. Waldron expressed it would be good to hear from the Administration as to the genesis of the Ordinance and provide some background information.

Kristen Wenrich, Health Director informed that the Health Bureau is proposing two changes to Article 1161. The first is the removal of the April through November timeframe for the enforcement of high grass and weeds, and the restrictions regarding the planting and growing of running bamboo. The removal of the April through November timeframe will allow the Health Bureau to enforce high grass and weeds beyond those months. She continued we do receive complaints outside of that timeframe and we are unable to remediate the situation because of the current Ordinance. Ms. Wenrich emphasized that running bamboo has become a problem for several properties in the City. Bamboo can be damaging to foundations, buildings, fences,

undergrounds, patios, gardens, etc., and left unchecked running bamboo can easily invade any adjoining property. In addition, bamboo is listed on The Department of Conservation and Natural Resources invasive plant list. Our current Ordinance does not address bamboo and so the Health Bureau is not able to require removal or remediation. Ms. Wenrich explained recognizing the potential damage that bamboo can cause, and after review of several local Ordinances, it was decided to amend our current Ordinance to restrict the planting of bamboo. This Ordinance will however, allow for bamboo at locations where it existed prior to the Ordinance as long as certain conditions are met, mainly the installation of a barrier, and that no part of the running bamboo or its root system is closer than 20 feet from any property line, utility easement or public right of way. Ms. Wenrich affirmed the Health Bureau believes that this Ordinance is the best approach today to prevent the destructive spread of bamboo and minimize any further damage that bamboo may cause. She enclosed some photos that were referenced to see what bamboo looks like. Ms. Wenrich added that Jessica Lucas, Environmental Health Director is also at this meeting and that she helped draft this Ordinance.

Ms. Negrón noted that after receiving the letter from a resident, she knows that there are around 16 properties that have the issue of bamboo, but queried if any of these homeowners were notified.

Ms. Wenrich advised they did not notify the homeowners. As a courtesy to City Council we sent a memo with a list of properties that we received complaints about so Council could have a visual of what the bamboo looks like. We do not know every single property in the City that has bamboo growing on it; right now we know of about half a dozen. So to notify some and not notify others just because we were not aware of the problem, we did not take that step.

Mr. Martell remarked the residents whose addresses were provided to Council were not approached or discussed about this issue.

Ms. Wenrich stated no. There was nothing we could do as far as sending any kind of notice or violation because when we received the complaint, there was nothing that we could do, and so there was never any notification to those property owners.

Mr. Martell queried if there is anything else that can be done. He noted the gentleman who referenced installing a barrier that would cost almost \$22,000, and so on one hand this change does allow for the bamboo that is already there to stay. The only way that can happen is if somebody installs one of these barriers.

Ms. Wenrich stated that is correct and added that is the recommendation from the American Bamboo Society. That is the best practice in order to prevent the spread of bamboo; that is really the only way.

Mr. Martell expressed it seems like removal is quite difficult as well.

Ms. Wenrich informed that is correct.

Mr. Martell pointed out that there seems to be no other way, but his struggle is that it makes sense because this is an invasive plant and if it is not attended to, it will get worse. On the other

hand, we are putting people in a potential situation where it is in their yard, maybe some planted it; apparently many did not, and those individuals will be asked to take care of it. He is not sure everyone will be able to do that. He queried if that situation arises, what do we do? Would we continue to give summary offenses?

Ms. Lucas stated she has also reviewed the quote that was given to Mr. Huber and that was a quote that was received based on the damage that has already been done so we are looking to try to prevent something. The quote that was given was for the repair of Mr. Huber's fence that has been damaged by the bamboo as well as restricting bamboo that has already grown. From the research she has done, we if we tackle this before the problem actually occurs, we are not looking to that large of an amount with this issue; it is just because of the damage that has already occurred. As Ms. Wenrich stated this is the mechanism that has been adopted by multiple other municipalities as well as the State of New York and the State of Connecticut. Ms. Lucas informed there other mechanisms and one that was addressed in Ms. Wertman's correspondence was the mow-mow method, but that is not supported as a regularly routine method in that it takes intense maintenance. It is the belief that someone who has been inconvenienced with potential damage should not be held responsible to continuously do this mow-mow method. It also has not been found to actually kill all of the rhizomes that grow and move through the underground that you cannot actually see until the shoot comes up.

Mr. Martell asked what a more reasonable estimate would be for an average identification of bamboo, if it is not \$22,000.

Ms. Lucas would defer to the professionals and she can get that estimate to Council. She stated unfortunately, it does vary depending on how severe the problem.

Mr. Martell stressed with the examples we have and if bamboo is on your property and you did not plant it, you are still responsible for getting rid of it.

Ms. Lucas informed she discussed with our Legal Bureau regarding this, recognizing the fact that it is an ongoing issue. We do have one area in the City that was referenced in the pictures that it actually exists in six properties. We are not going to actively enforce that; someone who is complaining really needs to have standing to have that kind of complaint. So it is only if the person has standing that we would seek this out. We will not be going out searching these places and do these remedies. It would just be if there is some type of complaint or if it does start to damage the City's infrastructure. Ms. Lucas noted in some of the pictures you do see it encroaching onto the sidewalk and see it encroaching into the public right of way streets, which is our ultimate concern.

Mr. Martell queried if he understands that answer as saying if you can identify where the problem originated then that is the individual who will be held responsible regardless of whose property the bamboo is now on.

Ms. Lucas stated no, because usually it is very difficult to determine. It would be based on complaints and then if there is a problem the person next to it would be held responsible.

Mr. Martell remarked you would be able to hold that person responsible under the Ordinance.

Ms. Lucas advised it would unfortunately be the neighboring property, unless you can determine through the assessment of seeing grown bamboo, and then on another property that does not have bamboo you would see the sprouts. Obviously, you can determine where that is coming from. In some of the larger areas where we have the bamboo, it has been existing for so many years that you really cannot determine what the initial source was based on the biology of how the rhizomes grow.

Mr. Martell asked what is the proper way to maintain it or get rid of it.

Ms. Lucas stressed the proper way to get rid of it would be to dig it back; do an initial herbicide treatment to do the initial killing. If that does not work it would be digging it and then the recommendation is to install some type of polypropylene barrier, making sure there are clamps on either side. It is a very aggressive plant. The whole reason for the three inches above is so that if you see the shoots trying to go over, that you can actually stop the growth from the sprout before it goes over and continues to grow underneath.

Mr. Martell queried about the depth of the roots and how easy it is to dig up the roots.

Ms. Lucas explained the roots do stay relatively close to the surface. It is not something that is visible to the naked eye but she believes it is cumbersome to keep it under initial control, but once it is under control it can be maintained.

Mr. Martell wondered if it possible for someone to just go out and dig them all up.

Ms. Lucas stated it is, especially with an initial herbicidal treatment.

Mr. Colón asked if there are any benefits to having bamboo on your property.

Ms. Wenrich noted it is for shade and privacy.

Mr. Colón wondered if there are any health risks of having bamboo.

Ms. Wenrich stressed the risks are more ecological and structural.

Mr. Colón remarked that potentially an avid gardener might be able to take care of it themselves.

Ms. Lucas believes so.

Mr. Colón queried if any of our neighboring municipalities have anything addressing bamboo.

Ms. Lucas informed that Bethlehem Township did pass an Ordinance and that Forks Township was in discussions about passing an Ordinance. We are not sure if an Ordinance has passed there yet. There are several municipalities in Montgomery County and Bucks County too.

Mr. Colón advised we heard from affected property owners here tonight, but were there other complaints coming in regarding bamboo from other parts of the City.

Ms. Lucas stated yes and this is what started the discussion. We have discussed this for probably a year and a half to two years now, and it was because of complaints coming to the City and nothing in the current Ordinance to address this issue.

Mr. Evans noted it was mentioned that there are cities and townships near us that have bamboo Ordinances and it was also mentioned New York and Connecticut have Ordinances. He asked if that is statewide.

Ms. Lucas replied yes, they are statewide Ordinances.

Mr. Evans queried if the 20 feet from any property line is from other Ordinances or did you come up internally with that number.

Ms. Lucas stated that is from other Ordinances. We reviewed several other Ordinances.

Mr. Evans wondered if that is standard and if that is because of the invasiveness and speed of the growth of bamboo.

Ms. Lucas stated it is, and the average growth of a rhizome could actually grow approximately 30 feet within a growing season. She highlighted the standard has been 20 feet to stop that growth during the growing season.

Mr. Evans queried if 20 feet is something you see across several Ordinances.

Ms. Lucas informed it is and that it is probably more conservative. She has read Ordinances that are upwards 40 to 100 feet, but based on our land use, we felt 20 feet was a sufficient amount.

President Reynolds reminded Council that this is a new Ordinance on the agenda, and if it was passed today, as with all new Ordinances, it would have to be voted on again in two weeks, which would allow the opportunity for any amendments or changes. Also the other options available include the option to Table, if that was something Council decided to do, or refer this to Committee for more discussion. President Reynolds' personal opinion is that many of these Ordinances related to the Health Bureau come down to the question of enforcement and how it is enforced. President Reynolds remarked it was said that they are not necessarily going to go out and look for these situations. If somebody feels that they have this issue, but not necessarily the problems it is causing, is there a way to decide how to enforce this Ordinance. President Reynolds turned to his colleagues for any final comments or suggestions before the Clerk calls for the vote.

Mr. Waldron queried if there are Ordinances pertaining to other types of vegetation that include trees. For instance, if his neighbor has a tree and the canopy comes over to his property, is he responsible for the branches as soon as they pass his property or are they still part of his neighbor's property.

Ms. Lucas stated she actually did have a meeting with our City Forester, Cindy Smith regarding this subject this afternoon. That type of matter falls under the City Forester's jurisdiction with the trees. That is a civil matter and it is up to the individual neighbors to decide.

Mr. Waldron noted they have to work it out on their own, so he can tell his neighbor that he wants them to pick up the leaves or the chestnuts that fall in his yard in the court system. He wonders why this matter of bamboo is different than trees in that regard; why not put that through the civil system also.

Ms. Wenrich believes the impact is a little bit different. There are whole neighborhoods that can be impacted by one person planting bamboo and the structural damage that can be done; it rises to more of a problem.

Mr. Waldron would make the argument that leaves falling can impact him just as much in many ways because he has to rake them, they land on his car, dirty his car, fill up the gutters and downspouts, they fill up the sewer. He thinks that in a lot of ways that is impacted as well, he does not necessarily agree with that; he is just making the argument. Mr. Waldron is struggling to see the urge or necessity for this, but if he was a person living next to this like Mr. Huber, it is clear that there is an impact. Mr. Waldron might think that there is some future discussion on this and he would be open to the idea of sending this to Committee for more discussion.

President Reynolds queried if Mr. Waldron is making a motion.

Mr. Waldron stated he is floating an idea to hear if anyone else would like to send this to Committee. Mr. Waldron added he will make a motion regardless if anyone wants to second it.

President Reynolds noted before Mr. Waldron makes a motion he asked if there are any more comments.

Ms. Negrón advised she agrees with Mr. Waldron in that this needs more discussion and should be sent to a Committee. She does not have any trees in her backyard but she does have to rake leaves. She expressed maybe we need to think this through a little bit more. She stated she will second the motion if Mr. Waldron decides to make the motion.

Mr. Evans informed he is ready to vote, but also he would not hesitate to have more discussion and investigation on this. If there is a motion and a second he would support that.

President Reynolds thanked Ms. Wenrich and Ms. Lucas and the whole department for taking a look at this issue. Many departments look at and deal with these things, and what is good for one person might not be good for somebody else. Many times it is difficult to create rules across a City of 75,000 people that can fit every situation and the departments end up having to deal with the enforcement of a matter and the people that want certain things to happen. President Reynolds stated professionally he respects their opinions on these matters and he knows that this was not brought to Council lightly without clear information and that you feel this is a situation that is in the best interest for the residents. He does think that a little more discussion, even if we are ready to vote for it tonight, a discussion may lead to some other individual situations that may either make City Council Members or people who have this around them more aware and there might be

more comments on individual things having to do with enforcement. President Reynolds sees the benefit of having a little more of a conversation about it with the intention of finding something that meets everyone's goals. When these things happen many times some people like it and some do not, and the professionals are the ones left to deal with the emails and angry phone calls.

Ms. Wenrich reiterated that they spent maybe a year and a half to two years in discussions about this subject.

Mr. Waldron stated he is ready to make the motion but wondered what Committee we send this to.

President Reynolds believes it would go to the Community Development Committee.

Mr. Waldron informed the other consideration would be to the Human Resources and Environment Committee.

President Reynolds stated we could do that but, the Health Department falls under the Community Development Committee.

Mr. Colón stated he is on both Committees and is happy to have a meeting with either.

Mr. Waldron stated since it is with the Health Department he will make the motion to send this to the Community Development Committee. Ms. Negrón seconded the motion.

Ms. Negrón advised she also wanted to thank the Health Department for all of the work they have done because this is very important. She also thinks it is important to think about the consequences especially for those who planted the bamboo. Ms. Negrón does believe that a little more conversation will help us figure this out better.

President Reynolds thanked the individuals who contacted City Council about the situations and how this has affected people.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón and Mr. Reynolds, 6. The motion passed.

President Reynolds informed this will be referred to the Community Development Committee by a 6-0 vote.

*B. Bill No. 2 – 2017 – Adopting Salaries – Members of Council and President of Council*

The Clerk read Bill No. 2 – 2017 – Adopting Salaries – Members of Council and President of Council, sponsored by Mr. Colón and Ms. Negrón, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA,  
ESTABLISHING THE SALARIES OF THE MEMBERS  
OF COUNCIL AND THE PRESIDENT OF COUNCIL.

President Reynolds noted that this is something we need to do every four years and he believes that this sets the salaries for future elected Council Members beginning 2018 and going forward.

Mr. Waldron queried the last time the salaries were increased or decreased.

President Reynolds advised the Clerk pointed out the last time that it was increased or decreased was 2009. In 2009 the Ordinance set the President of Council at \$7,600 and the Members of Council at \$7,100. The salaries have remained the same for the last eight years and this will continue the same salaries for the next four years.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón and Mr. Reynolds, 6. Bill No. 2- 2017 was passed on First Reading.

C. *Bill No. 3 - 2017 - Adopting Salary - Mayor*

The Clerk read Bill No. 3 - 2017 - Adopting Salary - Mayor, sponsored by Mr. Colón and Ms. Negrón , and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA,  
ESTABLISHING THE SALARY OF THE MAYOR.

President Reynolds asked Mayor Donchez if he wanted to add anything to this.

Mayor Donchez replied no.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón and Mr. Reynolds, 6. Bill No. 3- 2017 was passed on First Reading.

D. *Bill No. 4 - 2017 - Adopting Salary - Controller*

The Clerk read Bill No. 4 - 2017 - Adopting Salary - Controller, sponsored by Mr. Colón and Ms. Negrón , and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA,  
ESTABLISHING THE SALARY OF THE CONTROLLER.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón and Mr. Reynolds, 6. Bill No. 4- 2017 was passed on First Reading.

E. *Bill No. 5 – 2013 – Adopting Salary – Treasurer*

The Clerk read Bill No. 5 – 2017 – Adopting Salary – Treasurer, sponsored by Mr. Martell and Mr. Colón, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA,  
ESTABLISHING THE SALARY OF THE TREASURER.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón and Mr. Reynolds, 6. Bill No. 5– 2017 was passed on First Reading.

F. *Bill No. 6 – 2013 – Authorizing 2017 GO Bond – Non-Utility Capital Improvement Projects; Sewer Capital Projects – Debt Refinancing*

The Clerk read Bill No. 6 – 2017 – Authorizing 2017 GO Bond – Non-Utility Capital Projects; Sewer Capital Projects – Debt Refinancing, sponsored by Mr. Martell and Mr. Evans, and titled:

AN ORDINANCE

OF THE COUNCIL OF THE CITY OF BETHLEHEM, LEHIGH AND NORTHAMPTON COUNTIES, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE ISSUANCE OF TAX EXEMPT GENERAL OBLIGATION BONDS, SERIES A OF 2017 (“2017A BONDS”) IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$12,500,000; PROVIDING THE PROCEEDS OF THE BONDS SHALL BE APPLIED TO CARRY OUT THE REFUNDING OF ALL OR A PORTION OF THE REMAINING OUTSTANDING GENERAL OBLIGATION NOTE, SERIES C OF 2010 (THE “2010C NOTE”), THE REFUNDING OF ALL OR A PORTION OF THE CITY’S GENERAL OBLIGATION BONDS, SERIES A OF 2011 (“2011A BONDS”), AND THE REFUNDING OF ALL OR A PORTION OF THE CITY’S GENERAL OBLIGATION BONDS, SERIES A OF 2013. THE 2010C NOTE, 2011A BONDS AND 2013A BONDS ARE COLLECTIVELY REFERRED TO AS THE PRIOR BONDS, PURSUANT TO A REFUNDING PROGRAM; PROVIDING FURTHER FOR ISSUANCE OF THE TAX EXEMPT GENERAL OBLIGATION BONDS, SERIES B OF 2017 (“2017B BONDS”) IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$7,300,000 WITH THE PROCEEDS OF THE 2017B BONDS BEING USED TO FUND THE CITY’S CAPITAL IMPROVEMENT PROJECT PROVIDING FURTHER FOR THE ISSUANCE OF TAX EXEMPT GENERAL OBLIGATION BONDS, SERIES C OF 2017 (“2017C BONDS”) IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$6,400,000 WITH THE PROCEEDS OF THE 2017C BONDS BEING USED TO FUND THE CITY’S SEWER IMPROVEMENT PROJECT PROVIDING FURTHER FOR THE ISSUANCE OF THE TAXABLE GENERAL OBLIGATION BONDS, SERIES D OF 2017 (“2017D BONDS”) IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$500,000 WITH THE PROCEEDS OF THE 2017D BONDS BEING USED FOR LAND ACQUISITION (THE 2017A BONDS, 2017B BONDS, 2017C BONDS AND 2017D BONDS ARE COLLECTIVELY REFERRED TO AS THE “BONDS”); DETERMINING THAT SALE OF THE BONDS SHALL BE A PRIVATE SALE UNDER THE ACT, AND DETERMINING THAT THE BONDS SHALL BE

NONELECTORAL DEBT OF THE CITY; FIXING THE INTEREST PAYMENT DATED, DENOMINATIONS AND REGISTRATION, TRANSFER AND EXCHANGE PRIVILEGES OF THE BONDS AND PROVIDING FOR BOOK ENTRY BONDS; SETTING FORTH THE MATURITY DATES, PRINCIPAL MATURITIES AND CURRENT INTEREST RATES OF EACH SERIES OF BONDS AND ESTABLISHING A REQUIRED SCHEDULE OF PAYMENTS WITH RESPECT TO THE SINKING FUND, AS HEREINAFTER ESTABLISHED, IN ORDER TO AMORTIZE THE BONDS; ESTABLISHING THE REDEMPTION PROVISIONS OF THE BONDS; ACCEPTING A BID FOR PURCHASE OF THE BONDS AND AUTHORIZING EXECUTION OF THE BOND PURCHASE AGREEMENT; DESIGNATING A PAYING AGENT AND REGISTRAR; DESIGNATING A PLACE AND METHOD OF PAYMENT OF THE BONDS AND INTEREST THEREON AND MAKING CERTAIN COVENANTS WITH RESPECT TO THE TAX FREE STATUS OF 2017A BONDS, 2017B BONDS AND 2017C BONDS THEREOF; ESTABLISHING THE SUBSTANTIAL FORMS OF THE BONDS; DESIGNATING A SINKING FUND DEPOSITORY; COVENANTING TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY TO SUCH PURPOSE; ESTABLISHING A SINKING FUND FOR THE BONDS AND AUTHORIZING AND DIRECTING PAYMENT THEREFROM; SETTING FORTH CERTAIN RIGHTS OF THE PAYING AGENT AND BONDHOLDERS IN THE EVENT OF DEFAULT AND OTHER RIGHTS OF THE PARTIES WITH RESPECT TO THE BONDS; PROVIDING FOR THE CIRCUMSTANCES UNDER WHICH THE ORDINANCE MAY BE AMENDED OR MODIFIED; PROVIDING FOR THE TERMS, CONDITIONS AND COVENANTS WITH RESPECT TO THE BOND INSURER, IF ANY, FOR THE BONDS; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE CITY TO DO AND PERFORM CERTAIN SPECIFIED, REQUIRED OR APPROPRIATE ACTS; DECLARING THAT THE DEBT TO BE INCURRED IS WITHIN THE LIMITATION IMPOSED BY THE ACT UPON INCURRING OF SUCH DEBT BY THE CITY; AUTHORIZING AND DIRECTING PROPER OFFICERS OF THE CITY TO DELIVER THE BONDS UPON EXECUTION AND AUTHENTICATION THEREOF, UPON RECEIPT OF PROPER PAYMENT OF THE BALANCE DUE THEREFOR, AND ONLY AFTER SPECIFIED APPROVAL, AS REQUIRED, OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH CERTAIN COVENANTS RELATING TO THE FEDERAL TAX STATUS OF THE BONDS; PROVIDING FOR COMPLIANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; COVENANTING TO PAY OVER AT SETTLEMENT SUFFICIENT MONIES TO PROVIDE FOR THE PAYMENT OF THE PRIOR BONDS IN ACCORDANCE WITH THE REFUNDING PROGRAM AND AUTHORIZING AND DIRECTING CERTAIN OTHER ACTIONS AND APPROVING DOCUMENTATION WITH REGARD TO THE REFUNDING PROGRAM, PROVIDING FOR THE ISSUANCE OF IRREVOCABLE INSTRUCTIONS TO THE PAYING AGENTS FOR THE PRIOR BONDS TO CALL SAID PRIOR BONDS FOR REDEMPTION, AND ESTABLISHING THE FORM OF SUCH IRREVOCABLE INSTRUCTIONS AND THE NOTICE OF REDEMPTION; PROVIDING FOR SEVERABILITY OF PROVISIONS OF THE ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES SO FAR AS THE SAME SHALL BE INCONSISTENT; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Mr. Waldron advised that since Chairman Callahan is not at this meeting, he wanted to mention that we did review this extensively at a Finance Committee Meeting. Mr. Waldron believes this is a step in the right direction in helping move the financial status of the City in a

positive direction. He pointed out that a lot of work went into this and he thanked the Administration for that work.

Mr. Martell wanted to generally note that there was a lot of discussion about the potential volatility of the market. Since then he does not believe there have been any changes and wondered if that is correct.

Scott Shearer, Managing Director of Public Financial Management, Inc. (PFM) Financial Advisors informed there has been volatility in the market since the Finance Committee Meeting on January 10, 2017, but we are at about the same place as we were. We have seen some ups and downs since that time period, but the numbers look very similar to what we had talked about at the Finance Committee in January.

Mr. Martell remarked we talked about \$800,000 in savings from one of the restructurings, so that number will still be the same.

Mr. Shearer stated as of today that number is still good.

Mr. Martell remarked Mr. Shearer had mentioned that 3% is the mark by which you would suggest to go forward with at the minimum.

Mr. Shearer stated yes, at the minimum. We sort of discussed some different benchmarks that some other municipalities may use. There are a few rules of thumb, a 2% savings or 3% savings. For this kind of transaction, given that the bulk of it is what is considered an advanced refunding, more than 90 days from the call date, that is typically where many set the threshold at around 3%. He informed we also had the discussion about the negative arbitrage that is in the escrow because of how low interest rates are and so that would lead us to actually set that bar even a little bit higher. That is ultimately what is reflected in the Ordinance for your consideration this evening.

Mr. Martell added that one of the things we also discussed is the idea of a minimum rate and we have not established that.

Mr. Shearer informed there is a minimum savings target, a minimum floor in the Ordinance, and that is set at \$550,000 dollars.

Mr. Martell queried about the potential timeline and if there anything out there that we should be specifically concerned about?

Mr. Shearer advised the timeline is as we had presented back a few weeks ago. We have a credit rating phone call tomorrow with the rating agency, and hopefully we can get that credit rating re-affirmed. This will be a lengthy call and with that there is some follow up work. We should then get that rating probably in about a week to ten days. If this is moved forward, the Second Reading would occur on February 21 and we will probably price the transaction, lock in the interest rate and the savings probably a few days after that. Mr. Shearer noted between today and the second reading is when we will be receiving proposals for underwriting services. We have an RFP out and we expect those back a few days prior to the Second Reading. We will

be able to report back to that so again assuming this moves forward, we get the Second Reading approval and we look to price later that week, which is when we lock in the savings and interest rates.

Mr. Martell wanted to echo what Mr. Waldron said, there was a lot of work that went into this and it is much appreciated. The numbers are headed in the right direction and he just wanted to compliment Mr. Shearer on that.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón and Mr. Reynolds, 6. Bill No. 6- 2017 was passed on First Reading.

President Reynolds thanked Mr. Shearer.

## 10. RESOLUTIONS

### A. *Approve Establishment of Climate Action Plan and Climate Change Working Group*

Mr. Martell and Mr. Colón sponsored Resolution 2017-036 that authorized the establishment of a Climate Action Plan and Climate Change Working Group.

President Reynolds advised he wanted to give a little background on the Resolution that is in front of us. As was mentioned earlier from one of the speakers was that in 2006 when Mayor John Callahan signed a Mayor's Climate Protection Agreement with Allentown Mayor Ed Pawlowski and Easton Mayor Sal Panto to set the goal within five years of reducing our carbon footprint by 20%. President Reynolds expressed through different initiatives and things we did at City Hall we were able to reduce our carbon footprint by 23.5%. He added that Ralph Carp, who was Director of Parks and Public Property, was instrumental as well as people in our community in giving us a blueprint on how to accomplish that goal. Over the past several years he knows this is something that was interrupted a little bit when Mr. Carp had left the City, and he does know that Mr. Waldron had brought up the idea of updating this when he was Chairman of the Human Resources and Environment Committee. President Reynolds mentioned the genesis of him including a Climate Action Plan and a Climate Change Working Group with the set of proposals he released last month called Bethlehem 2017, was that he knew this was something that Council, the Administration and the community cared about and there was a need for an update. President Reynolds remarked we first need to take a look at our internal carbon footprint, what are we doing and what are our individual City departments doing. Mr. Brong has expressed support regarding this initiative, and how we can do things within the departments to reduce our carbon footprint. President Reynolds highlighted that Mayor Donchez has said that this is something he has enthusiasm to do as well. He remarked he had sent Mayor Donchez some information to consider signing onto the Compact of Mayor's, which is a group of cities across the United States and across the World that is dedicated in implementing Climate Action Plans. President Reynolds foresaw this was an idea for the City of Bethlehem, City Council, the Administration and people in the community including the EAC and other organizations that have reached out to the City. He has been contacted from Members of Lehigh University, and added that Mr. Kuserk of Moravian College reached out as well for Moravian College to be a partner. The idea is that over the next year the City, between the Administration Council, our institutions of higher education, other

community groups dedicated to environmental protection, would take a look at what we do internally with city operations, as well as what other cities do and come up with a plan. President Reynolds mentioned when he came up with this idea a few months ago he thought this was something important, and it has gone from being important for the City to step up, to being essential considering what we have seen over the past month or so in Washington with not only slowing down the Federal Government Climate Action, but our new President said we will not even talk about it anymore. It was deleted from their website on the first day and the new President basically said this is something we will not follow. President Reynolds stated he is not naïve to the fact that we are just one City, but if the Federal Government is not going to act and the State Government is not going to act, we can look at what we can do internally and what can we do as far as setting City wide policy and getting our businesses, institutions of higher education, our individuals to sign on to do our own part. That is one thing that Mayor Callahan and Mr. Carp had started to look at, but we never really took that second step. President Reynolds advised what we have in front of us is for us to study this, take a look at what we do, what we can do and what other cities are doing, and then we need to find a plan. This is not designed to be something we just do in 2017, but also a process that we can trust by which we get people and community organizations engaged and come up with a blueprint with what we can do as a city and what we can do in the future to combat these particular issues. President Reynolds thinks of the best way to do these things is to understand that organizations have their own ideas, that it will be a process of implementing incremental change and finding a way to take in account everyone that has an opinion, and understands things that the city can do. He continued, we need to look at this over the next year. His plan was that, between the Administration and City Council, to come back five or six months from now and have a meeting to see what we have found and what we are looking at and go from there. President Reynolds is not naïve to see that what has happened on a national and State level has led to more enthusiasm. He noted that between the emails that the City Clerk's Office and he have received and phone calls he has received there have been close to 100 emails in support. President Reynolds had met with Ms. Rothman, chair of the EAC, who has sent a letter of support. He also received a letter from the Sierra Club. Mr. Miles wished he could be at this meeting but could not, but that letter shows the Sierra Club's support as well. President Reynolds remarked he has a meeting coming up with a few other Climate Action groups and has also received information from Mr. Kuserk from Moravian, people at Lehigh University, and other people in the community that want to be involved in this. Today is just the first step. He added, one thing that we have in Bethlehem is a lot of people who are dedicated to these different ideas and dedicated to show what we can do locally and how we can lead on these issues. President Reynolds mentioned the proposals that he put into Bethlehem 2017 were ones he was thinking about for a while. There was one common aspect, and that is that Bethlehem can do more to lead in these particular areas. One thing that Council has given Mayor Donchez, Mr. Brong and this Administration credit for is focusing on things, such as our financial picture, day to day operations, and doing more with less. The Administration is very busy doing really important things. President Reynolds has met with Mr. Sivak, Mr. Brong and Mayor Donchez individually to tell them that and he is happy that Mayor Donchez has expressed support for this idea. He looks forward to moving forward in a way that the City of Bethlehem can be a leader on these issues. It is unfortunate that our other levels of government are not taking as much of a lead as we wish they would but that does not mean we cannot do a lot and does not mean we cannot stand up and be heard and come up with a blueprint to affect our own backyards.

Mr. Colón informed that he and a few other Members of Council were able to attend President Reynolds' presentation and this was one of a number of very good proposals that came up. He will be supporting this tonight and also is happy to be available to serve the working group going forward.

Mr. Martell echoed what Mr. Colón has said and commends President Reynolds because there was a lot of work that went into this. Clearly there were some affective attempts prior to this and may have been set aside because of other things that came up, but it is great this is coming back because it is more important now than it ever was. Mr. Martell commends President Reynolds on that and on his work and is happy to see that the Administration will be working alongside. Mr. Martell pointed out being on Council for about a year and a few months he is not sure if this was not the most contact he had from people regarding a Resolution. He noted we received daily emails, multiple emails a day, phone calls, texts and people stopping us on the street and saying they are happy to see this happening. As Mr. Hillard said before there is a lot of expertise that will go into this from people on the EAC, the Sierra Club, local Universities, the business community, the Administration and Council. Mr. Martell stated this will make it all the more better and he will certainly be supporting this Resolution. He will finish by saying in the age we are in now it is sad to say to some degree that this is a bold proposal, and that we are operating under a Federal Government that believes it is a hoax but let this be a siren call to everyone that not only does the government of Bethlehem but also the residents believe in facts and reason, and in science. Maybe more importantly we have been given a gift here in our resources and in our environment and we have a duty to future generations to ensure they will be able to benefit and prosper the way we have. Mr. Martell stated this is something that has been and hopefully will be something that gives you a lot of pride in where you live and heartens you to see what people can do when they come together with a common cause.

Mr. Waldron also echoed what other Members of Council have said and thanked President Reynolds for restarting this process and opening it up to the community. The feedback we received was staggering and overwhelming. This is something very easy to get behind because it is the right thing to do and he looks forward to working with other folks on this. Mr. Waldron noted it seems like there is a lot of support in the community and people are excited to get behind this important initiative.

President Reynolds added that it is unfortunate that just having us admit that we believe this is a problem is a little bit of a noteworthy thing, as said by Mr. Martell. The first thing we do as a City by talking about this is that we get that narrative going, that people in the City of Bethlehem think this is an issue that needs to be discussed and needs to be acted upon with urgency. The biggest thing we can do here is to keep talking about these issues and what they mean on a personal level, on a City Council level. President Reynolds remarked that he also put in Bethlehem 2017 a part about City Council stepping up our workload to get involved in some of these issues. Everyone on City Council runs for City Council with passion and we are not full time employees. We all have regular day jobs and our professionals work really hard with the things they do and they do a good job in all of our departments to provide those services. President Reynolds noted this is about what City Council can do as well. One complaint he has had about the process of what comes before City Council is that everything falls on the Administration with coming up with ideas and he does not think that is fair. When

something comes to Council, they are able to say they like certain things and some things they do not like. He continued while he understands how that works, he thinks it is a little bit unfair and it does not necessarily work as far as creating the best possible product. In this particular issue this is one that many in the community care about and that City Council cares about and coming up with a different type of model about how we create policy is one of the desires here.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón and Mr. Reynolds, 6.

President Reynolds thanked everyone that came out tonight and all who have contacted Council.

*B. Approve Records Destruction – Police Department*

Mr. Martell and Mr. Colón sponsored Resolution 2017-037 that authorized the destruction of records from the Police Department.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón, and Mr. Reynolds, 6.

*C. Approve Records Destruction – Office of the Solicitor*

Mr. Martell and Mr. Colón sponsored Resolution 2017-038 that authorized the destruction of records from the Office of the Solicitor.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón, and Mr. Reynolds, 6.

*D. Approve Redevelopment Assistance Capital Grant – Bethlehem Parking Authority*

Mr. Martell and Ms. Negrón sponsored Resolution 2017-039 that approved the execution of a cooperation agreement with the Bethlehem Parking Authority where the City guarantees the Bethlehem Parking Authority's performance under the Authority's RACP grant terms.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón, and Mr. Reynolds, 6.

*E. Certificate of Appropriateness – 119 – 123 East Third Street*

Mr. Martell and Mr. Colón sponsored Resolution 2017-040 that approved a certificate of appropriateness to move the original letter and blade sign from the previous showroom to the present showroom at 119-123 East Third Street.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón, and Mr. Reynolds, 6.

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

Mr. Colón and Ms. Negrón sponsored Resolution 2017- 041 that approved a certificate of appropriateness to install a new awning with signage at 129 West Fourth Street.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón, and Mr. Reynolds, 6.

G. *Approving Contract – The ITR Company, LP*

Mr. Martell and Mr. Colón sponsored Resolution 2017-042 that authorized to execute a contract with The ITR Company, LP for the predictive maintenance program for Water and Wastewater Treatment Plant.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón, and Mr. Reynolds, 6.

H. *Approving Contract – Pennoni Associates, Inc.*

Mr. Martell and Ms. Negrón sponsored Resolution 2017-043 that authorized to execute a contract with Pennoni Associates, Inc. for energy pricing consulting services.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Colón, and Mr. Reynolds, 6.

11. NEW BUSINESS

*Committee of the Whole Meeting and Committee Meeting Announcements*

President Reynolds stated there will be a Committee of the Whole Meeting on Monday, February 27, 2017 at 6 pm in Town Hall to have an informational meeting on the proposed Ethics Ordinance.

Mr. Martell queried if the topic of that meeting will be solely on the Ethics Ordinance that was proposed by Mr. Colón and Ms. Negrón. It seems there are other Resolutions and will they be talked about as well.

President Reynolds would say that this is an informational meeting and we will not be voting on anything, but one thing he stated earlier with the Ethics Ordinance being introduced is that he had other ideas and some he included in Bethlehem 2017. If there are any separate ideas or anything to be discussed that would be the appropriate time for the conversation. There will be no voting at that meeting.

Mr. Waldron announced a Finance Committee Meeting will be held on Wednesday, February 15, 2017 at 6 pm in Town Hall. We will be discussing the 2016 year-end adjustments as well as proposed amendments to Business Privilege, Mercantile Tax Ordinance and Regulations and a Fourth Quarter Financial Review.

*Analytic Reviews*

Mr. Evans commented that Council receives each month the analytics on the General Fund, Water Fund, Sewer, EMS, Recycling and Golf. This is to give us an update as things move along throughout the year. In our packet we got the end of the year analytics, 12/31/2016. In reviewing them what jumped out for Mr. Evans was that the revenues increased in most of them for a variety of reasons. Revenues in Recycling dropped for market conditions, which we talked about, and for Golf remained flat. Mr. Evans noted what jumped out most were the expenses and he wanted to compliment the Mayor and the Administration. There are 70 line items across those divisions - General, Water, Sewer, EMS, Recycling and Golf and each and every one of them, less one which means 60 of the 70 line items under expenses, were under budget, which is very impressive. Mr. Evans believes that is a testament to the hard work in holding the line on expenses. He remarked some things can be controlled, but some are very hard to control. There may be a little bit of luck involved, but there is also a lot of hard work. He just wanted to compliment the Mayor and the Administration on that.

President Reynolds seconded Mr. Evans words on that.

*Recreation Bureau*

Mr. Colón queried about the Recreation Bureau and if the three positions have been filled.

Mr. Brong replied two of the three have been filled.

Mr. Colón asked if Worker I, Worker II or Worker III is still open yet.

Mr. Brong stated it is Maintenance Worker I.

Mr. Colón asked if there is a candidate identified for that position.

Mr. Brong informed preliminary yes, we are trying to work our way through the winter season without disrupting what is already in place and then we will start the Spring accordingly.

*Take Me Home Program*

Mr. Martell stated he wanted to point out and commend the Administration, he knows Ms. Wenrich has already left, but he wanted to mention the Take Me Home program that is being rolled out is a great program that will help a lot of people. There are many programs that the City runs for seniors and folks that have some trouble. Mr. Martell stated it is always nice to see when we can do those types of programs.

*Snow Plows*

Mr. Evans remarked to Michael Alkhal, Director of Public Works that he noticed that the plows are hooked up and ready to go for the snow storm predicted tomorrow.

12. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

ATTEST:

City Clerk