

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

INVOCATION

The Reverend Canon Laura Thomas Howell, Obl. S.B., Trinity 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 Bryan G. Callahan, Michael G. Colón, Eric R. Evans, Shawn M. Martell, Olga Negrón, Adam Waldron and J. William Reynolds, 7.

2. APPROVAL OF MINUTES

The Minutes of February 21, 2017 were approved.

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

Parking on Wood Street

Brian Arnold, 1115 Wood Street mentioned there have been many parking wars and issues on Wood Street. The Police have been called to his home five nights straight and right now he is trying to get the reports on that. He explained the main issue is that the house at 1103 Wood Street has seven cars, the house at 1107 Wood Street has five cars and they both take all of the parking spots on the street. Mr. Arnold understands that it is public parking but what he is looking for is some courtesy and some guidance. He reached out to the Parking Authority who said they cannot do anything. Mr. Arnold informed the family next to him asked if he could speak on their behalf since they could not make it to this meeting and mentioned the resident is afraid to come out at night, as are some other residents in the neighborhood because of all the activity at 1103 Wood Street. Mr. Arnold stressed he does not know what to do or where to go, but he is tired of this and at his wits end with coming home from working long days and not being able to park on his block and having to park a block away. He advised there is constant verbal abuse from the neighbors that are taking all of the parking spots. Mr. Arnold is concerned this may escalate. He commented that he likes the area where he lives but may choose to move.

President Reynolds queried if a member of the Administration could speak to Mr. Arnold after the meeting.

Mayor Donchez reported that Police Chief Mark DiLuzio will speak to Mr. Arnold after the meeting.

Bamboo Ordinance

Paul Szabo, 725 Hayes Street remarked he has an issue with the proposed bamboo ban. He does not believe it is the responsibility of the City to ban a certain plant. He suggested perhaps the Ordinance can be written so that it is more of a quality of life issue, similar to what Allentown has, which is that anyone's problems can be addressed instead of banning. Mr. Szabo highlighted the way the Ordinance is written, the setback would ban it from almost all areas of the City because typical lots are only about 20 feet wide. He believes the ban is 20 feet from the property line so that would exclude most of the City. If it is an area that is contained and there are no complaints from the neighbors, he does not see why it should be addressed and applied to everyone.

President Reynolds related there is a Community Development Committee Meeting coming up on Monday, March 20, 2017 at 6:00 PM in Town Hall and the Committee will be reviewing the proposed Ordinance regarding bamboo.

City Debt/Lehigh River Baptism

Gary Hammond, 1613 West Market Street stated he was at the meeting when City Council voted for the Sands Casino to come inside City limits. At that time he recalls one City Council Member saying that the debt of our City was \$275 million dollars and he asked if that was true. He was reading the Mayor's State of the City address and he said we are approximately \$18 million in debt budgeted over the next five years. He stated he congratulates everyone who participated in removing all that debt if it was \$275 million. Mr. Hammond stated if that was not \$275 million, he would like to know. He continued on to say he was reading the Ordinances and saw the Parks Ordinance - Article 941 was rewritten. It was mentioned that certain areas in the creeks will be monitored for nuisances and disturbances and queried if that includes the Lehigh River. Mr. Hammond communicated that he has been an Ordained Minister for 30 years and thought perhaps someday he would be able to baptize some people in water in the Lehigh River. He was wondering if the Lehigh River is open for that kind of usage.

President Reynolds noted that Jane Persa is our Director of Recreation and she can have a conversation with Mr. Hammond after the meeting.

Ethics Ordinance Proposal

Bill Scheirer, 1890 Eaton Avenue stated the proposed Ethics Ordinance put together by Michael Colón and Olga Negrón for the City of Bethlehem is too generous to campaign contributors. The Ordinance proposes a limit of \$1,000 per individual per election cycle. He provided a scenario such as suppose he does not need anything from City Council during this election cycle but he anticipates requiring something from the Council during the next election cycle. Mr. Scheirer explained if he would like to earn some goodwill he could mobilize family and employees to each contribute \$1,000 dollars during this cycle. Perhaps the overall total could reach \$10,000 which is more than the cost of some City Council campaigns. During the next cycle to avoid recusal he would have to scale back to \$2,500 but hopefully the recipients would remember his large contribution favorably. Mr. Scheirer pointed out perhaps the contributions he engineered enabled to re-elect incumbents to start the next cycle with money in

the bank. He felt the remedy might be extending the recusal period into one or more election cycles but then questioned where do we draw the line. Mr. Scheirer advised the simpler and more meaningful remedy is to limit contributions to \$1,000 per extended family and/or \$1,000 per organization. He continued on to say that in this example total contributions of \$2,500 dollars from an extended family or an organization would not trigger recusal, thus the recusal trigger, whatever it is, should also be per extended family or per organization, not per individual. Mr. Scheirer added that it is not beyond the scale of possibility that somebody, or he, might want to cause a recusal and if the recipient was unwitting enough to accept a contribution large enough, than he could prevent that person from voting.

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

None.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Council President - Amending Resolution 9,939 – Sale of City Owned Property Procedure*

The Clerk read a memorandum dated February 23, 2017 from Council President J. William Reynolds to which is attached a Resolution to amend Resolution 9939 as amended that sets forth procedures governing the sale of City owned property.

President Reynolds stated Resolution 10 A is on the agenda.

B. *Council President – Amending Resolution 11,836 – Gift of Real Estate Procedure*

The Clerk read a memorandum dated February 23, 2017 from Council President J. William Reynolds to which is attached a Resolution to amend Resolution 11,836 that sets forth procedures governing the acceptance or rejection of gifts of real estate.

President Reynolds stated Resolution 10 B is on the agenda

C. *City Solicitor – Use Permit Agreement – ArtsQuest – Sabor Event*

The Clerk read a memorandum dated March 2, 2017 from City Solicitor William P. Leeson, Esq., to which is attached a proposed Resolution and Associated Use Permit Agreement with ArtsQuest for the Sabor Event. The duration of the agreement is June 23, 2017 through June 25, 2017 and the location of the event is First Street from Polk Street to the eastern terminus and Founder’s Way from Second Street to First Street.

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

D. City Solicitor – Use Permit Agreement – ArtsQuest - July 4th Celebration

The Clerk read a memorandum dated March 2, 2017 from City Solicitor William P. Leeson, Esq., to which is attached a proposed Resolution and Associated Use Permit Agreement with ArtsQuest for the July 4th Celebration. The duration of the agreement is July 4, 2017 and the location of the event is First Street from Polk Street to the eastern terminus and Founder's Way from Second Street to First Street.

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

E. City Solicitor – Use Permit Agreement – Oktoberfest (2017)

The Clerk read a memorandum dated March 2, 2017 from City Solicitor William P. Leeson, Esq., City Solicitor, to which is attached a proposed Resolution and Associated Use Permit Agreement between the City of Bethlehem and ArtsQuest for Oktoberfest (2017). The location is First Street from Polk Street to City's eastern terminus and Founder's Way from Second Street to First Street. The duration of the event is October 6, October 7, October 8, October 13, October 14, and October 15, 2017.

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

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

The Clerk read a memorandum dated March 2, 2017 from Allyson Lysaght, Housing and Community Development Planner to which is attached an Ordinance to amend Article 342 entitled Local Economic Revitalization Tax Assistance, and the associated Resolution and area map for the establishment of an expanded LERTA district on the north side of the City. The district now encompasses the properties discussed during the Community Development Committee and City Council meetings last year and fall along Mauch Chunk Road, and property at the corner of Main and Broad Streets. In addition the expanded district contains major development projects in the heart of downtown.

President Reynolds stated he will accept a motion to schedule a Public Hearing on April 4, 2017 at 7:00 PM in Town Hall.

Mr. Martell and Mr. Colón moved to schedule the Public Hearing.

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

President Reynolds stated the Public Hearing will be held on Tuesday, April 4, 2017 at 7:00 PM in Town Hall.

G. Director of Public Works – Recommendation for Award – Joao Bradley Construction Co., Inc.

The Clerk read a memorandum dated February 23, 2017 from Michael Alkhal, Director of Public Works recommending a contract with Joao Bradley Construction for a water main replacement on East Goepf Street between North New Street and Maple Street. The term of the contract is 150 days. The fee for the contract is \$630,000.

President Reynolds stated Resolution 10 F is on the agenda.

H. *Director of Public Works – Recommendation for Award – Pennoni Associates, Inc.*

The Clerk read a memorandum dated March 1, 2017 from Michael Alkhal, Director of Public Works recommending a contract with Pennoni Associates for inspection service for two deteriorated steel beams in the filter room at Memorial Pool, and the design of additional support measures. The term of the contract is 45 days from the Notice to Proceed. The fee for the contract is \$1,800.

President Reynolds stated Resolution 10 G is on the agenda.

7. REPORTS

A. *President of Council*

Committee of the Whole Meeting

President Reynolds reported the Committee of the Whole met on February 27, 2017 at 6:00 PM to review the Ethics Ordinance proposal. This was for information only.

B. *Mayor*

1. *Administrative Order – Diana Hodgson – Board of Historical and Architectural Review*

Mayor Donchez appointed Diana Hodgson to membership on the Board of Historical and Architectural Review to replace Nancy Shelly who resigned effective through January, 2022. Mr. Waldron and Ms. Negrón sponsored Resolution No. 2017-066 to confirm the appointment.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7.

2. *Administrative Order – Anna Affleck Smith – Bethlehem Human Relations Commission*

Mayor Donchez appointed Anna Affleck Smith to membership on the Bethlehem Human Relations Commission effective through March, 2020. Mr. Waldron and Ms. Negrón sponsored Resolution No. 2017-067 to confirm the appointment.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7.

8. ORDINANCES FOR FINAL READING

A. *Bill No. 7 – 2017 – Amending General Fund Budget – Health Bureau – Community Development*

The Clerk read Bill No. 7 – 2017 – Amending General Fund Budget – Health Bureau – Community Development on Final Reading.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. Bill No. 7 – 2017 now known at Ordinance 2017- 06 was adopted on Final Reading.

B. *Bill No. 8 – 2017 – Amending Water Fund Budget – 2016 Year End Adjustments*

The Clerk read Bill No. 8 – 2017 – Amending Water Fund Budget – 2016 Year End Adjustments, on Final Reading.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. Bill No. 8 – 2017 now known at Ordinance 2017- 07 was adopted on Final Reading.

C. *Bill No. 9 – 2017 – Amending 2017 Water Capital Fund Budget – 2016 Year End Adjustments*

The Clerk read Bill No. 9 – 2017 – Amending 2017 Water Capital Fund Budget – 2016 Year End Adjustments, on Final Reading.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. Bill No. 9 – 2017 now known at Ordinance 2017- 08 was adopted on Final Reading.

D. *Bill No. 10 – 2017 – Amending 2017 Sewer Capital Fund Budget – 2016 Year End Adjustments- 2017 Bond Issue*

The Clerk read Bill No. 10 – 2017 – Amending 2017 Sewer Capital Fund Budget – 2016 Year End Adjustments-2017 Bond Issue, on Final Reading.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. Bill No. 10 – 2017 now known at Ordinance 2017- 09 was adopted on Final Reading.

E. *Bill No. 11 – 2017 – Amending 2017 Capital Budget for Non-Utilities – 2016 Year End Adjustments*

The Clerk read Bill No. 11 – 2017 – Amending 2017 Capital Budget for Non-Utilities – 2016 Year End Adjustments on Final Reading.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. Bill No. 11 – 2017 now known at Ordinance 2017- 10 was adopted on Final Reading.

F. *Bill No. 12 – 2017 – Amending 2017 Community Development Budget – CDBG and HOME Programs – 2016 Year End Adjustments*

The Clerk read Bill No. 12 – 2017 –, Amending 2017 Community Development Budget – CDBG and HOME Programs – 2016 Year End Adjustments on Final Reading.

Ms. Negrón stated she will be abstaining from voting on this Ordinance because she is a Board Member for CACLV and they will be receiving funding.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Abstain: Ms. Negrón, 1. Bill No. 12 – 2017 now known at Ordinance 2017- 11 was adopted on Final Reading.

G. *Bill No. 13 – 2017 – Amending Article 341 – Business Privilege and Mercantile Tax*

The Clerk read Bill No. 13 – 2017 – Amending Article 341 – Business Privilege and Mercantile Tax on Final Reading.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. Bill No. 13 – 2017 now known at Ordinance 2017- 12 was adopted on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approving Amendment to Resolution 9939 – Sale of City Owned Property Procedure*

Ms. Negrón and Mr. Waldron sponsored Resolution 2017-068 to amend Resolution No. 9939, as amended by Resolution No. 11,679 which sets forth the procedures governing the sale of City owned property. The following Sections were amended:

Section 2 – “Property Committee”, is deleted.

Sections 4, 5, 6, 7 – “Parks and Public Property Committee” is deleted and replaced with “Public Works Committee”.

Section 8 – “Parks and Public Property” is deleted and replaced with “Public Works”.

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

B. *Approving Amendment to Resolution 11,836 – Gift of Real Estate Procedure*

Ms. Negrón and Mr. Waldron sponsored Resolution 2017-069 to amend Resolution No. 11,836, which sets forth the procedures governing the acceptance or rejection of gifts of real estate. The following Sections were amended:

Section 1 – “Administration’s Property Committee, or the” is deleted.
Sections 3, 4, 5, 6 – “Parks and Public Property Committee” is deleted and replaced with “Public Works Committee”.

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

Motion – Considering Resolutions 10 C through 10 E as a group – Certificates of Appropriateness

Ms. Negrón and Mr. Callahan moved to consider Resolutions 10 C through 10 E as a group.

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

C. Certificate of Appropriateness – 202 West Fourth Street

Mr. Waldron and Mr. Martell sponsored Resolution No. 2016-070 that granted a Certificate of Appropriateness to install window cling signage at 202 West Fourth Street.

D. Certificate of Appropriateness – 412 East Fourth Street

Mr. Waldron and Mr. Martell sponsored Resolution 2017-071 that authorized a Certificate of Appropriateness to place a stickered sign on the main storefront window at 412 East Fourth Street.

E. Certificate of Appropriateness – 3 West Morton Street

Mr. Waldron and Mr. Martell sponsored Resolution No. 2017-072 that authorized a Certificate of Appropriateness to remove and replace three signs at 3 West Morton Street.

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

F. Approving Contract – Joao Bradley Construction Co., Inc.

Mr. Martell and Mr. Evans sponsored Resolution 2017-073 that authorized to execute a contract with Joao Bradley Construction Co., Inc. for a water main replacement on East Goepf Street.

Mr. Callahan queried if this is because the main was failing.

Michael Alkhal, Director of Public Works stated no, it was because of some capacity issue

and that it is an old line.

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

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

Mr. Martell and Mr. Evans sponsored Resolution 2017-074 that authorized to execute a contract with Pennoni Associates, Inc. for Memorial Pool Beam repair engineering.

Mr. Martell asked if this was something that came up through the Parks study.

Mr. Alkhal reported it was identified as part of the Parks study.

Mr. Martell noted whatever the result of this is it would be part of the whole conversation when the Parks study is released and discussed.

Mr. Alkhal stated yes, it will be addressed as part of that, as well as prior to that in order to keep the pool.

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

11. NEW BUSINESS

Committee Meeting Announcements

Chairman Waldron announced a Public Safety Committee Meeting will occur on Tuesday, March 21, 2017 at 6:00 PM in Town Hall prior to the Council Meeting. The subject will be 9-1-1 funding and the Fire Department report for 2016.

Chairman Martell stated he wanted to reiterate the meeting on March 20, 2017 at 6:00 PM in Town Hall to discuss the Regulated Rental Unit Ordinance, the proposed Ordinance to regulate bamboo, and we will be receiving an update from the Bethlehem Food Co-Op.

12. ADJOURNMENT

The meeting was adjourned at 7:29 p.m.

ATTEST:

City Clerk