

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street – Town Hall
Bethlehem, Pennsylvania
Tuesday, March 21, 2017 – 7:00 PM

INVOCATION

President Reynolds asked for a moment of silence 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.

CITATIONS

Honoring James G. Freed, Jacqueline A. Loosbrock, Michael J. Reszek, and Donald Hoffman, Jr.

President Reynolds stated that the Citations for James G. Freed, Jacqueline A. Loosbrock, Michael J. Reszek and Donald Hoffman, Jr. on their retirement from the Police Department will be mailed to them since they were not in attendance this evening.

2. APPROVAL OF MINUTES

The Minutes of March 7, 2017 were approved.

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

Public Comment Acknowledgement

Stephen Antalics, 737 Ridge Street mentioned there are two methods to be acknowledged for public comment; one where a person signs up and the other is random from the audience. He noted that when someone raises their hand to speak at Public Comment they are acknowledged by the President of Council. Mr. Antalics noted if the person is known they are acknowledged by name and with others the President of Council will say “you in the first row” and so forth. He finds it interesting that he and Dana Grubb are not recognized by their names. He continued that the test tonight was that he signed up for public comment tonight because the name is required to be read.

Committee of the Whole Meeting-February 27, 2017-Public Comment Correction

Barbara Diamond, 425 Center Street informed she is at this meeting to correct some information that was stated at the Committee of the Whole Meeting on February 27, 2017 that has

to do with the budget for the Reading Board of Ethics. She noted that she sent Council an email that contained two documents from the Reading City Clerk, which are the actual excel spreadsheets of the 2016 and 2017 budget and expenditures for their Board of Ethics. Ms. Diamond expressed the fact that after a member of the public spoke at that meeting, she spoke and said that the budget for the Reading Board of Ethics is \$10,000 annually. A member of the public spoke and said that it was \$160,000 dollars and has even been as high as \$230,000 dollars. She explained that she contacted the Reading City Clerk whom she had spoken with in September to find out what happened and the Clerk said most likely there was some confusion. There are two Boards with budgets: the Board of Ethics, which she confirmed has a budget of \$10,000, and the Charter Board, which investigates and prosecutes violations of the Charter in the Court of Common Pleas. She continued it is possible those two budget items are combined and that may have given the member of the public the idea that the budget is much larger than it actually is. Ms. Diamond stressed that she wanted to state this for the record and noted the Reading City Clerk can explain this if anyone wishes further clarification.

9-1-1 Center

Bill Scheirer, 1890 Eaton Avenue wanted to speak about the Public Safety Committee meeting that took place tonight. He understands from unimpeachable sources that if the City comes up with anywhere from \$3.1 to \$4 million it can keep its 9-1-1 Center. He mentioned all the people he has talked with seem to stress considerable dismay that the 9-1-1 Center will move to Northampton County. Mr. Scheirer advised the question really becomes are the citizens of this City willing to pay an additional amount to keep the 9-1-1 Center. He expressed that the assumption is being made that the citizens of the City will not be willing to pay what is necessary to keep the 9-1-1 Center. He mentioned the idea of a referendum to Bernie O'Hare who said he would research it, but was not sure if you could have a referendum on a question like this. Mr. Scheirer recommended a comprehensive survey of the citizens of this City to find out how they feel about this matter. Mr. Scheirer noted that very roughly it would cost a \$1 a week per person and \$4 for a family of four. He denoted that at approximately \$52 a year x 75,000 people it would amount to close to \$4 million. He remarked it would equate to about a 15% increase in property tax, which he feels is not a significant amount of money. He concluded the citizens might be willing to pay that amount, and we owe it to them to find out if that is the case.

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

Stephen Antalics, 737 Ridge mentioned he wanted to reiterated something he said a few weeks ago complimenting Mr. Scheirer.

President Reynolds advised that the Second Courtesy of the Floor is for Ordinances and Resolutions to be voted on this evening. President Reynolds affirmed the rules are that the First Courtesy of the Floor allows for comment on any subject and the Second Courtesy of the Floor is for comment on Ordinances and Resolutions to be voted on this evening.

Mr. Antalics noted President Reynolds has the power to make an exception.

President Reynolds pointed out usually he allows people to go beyond the 5 minutes to finish their thought which goes beyond the Council rules but this is a situation where all comments not having to do with Ordinances and Resolutions need to be made during the First Courtesy of the Floor.

Mr. Antalics remarked he will have to wait until the next meeting to make those comments.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *9-1-1 Director/Emergency Management Coordinator – Emergency Operations Plan – Updating City Officials*

The Clerk read a memorandum dated March 3, 2017 from Robert Novatnack, Emergency Management Coordinator to which is attached a Resolution to update the names and phone numbers of City Officials for the Emergency Operations Plan as required by PEMA.

President Reynolds stated Resolution 10 D is on the agenda.

- B. *Director of Planning and Zoning – Zoning Text Amendment – Medical Marijuana*

The Clerk read a memorandum dated March 10, 2017 from Darlene Heller, Director of Planning and Zoning to which is attached a draft zoning amendment proposing provisions for medical marijuana. The zoning amendment is drafted in response to the enactment of Act 16, the PA Medical Marijuana Act and proposes locations within the City for Medical Marijuana Academic Clinical Research Centers, Grower/Processors and Dispensaries, and outlines requirements for each use.

President Reynolds stated he will accept a motion to schedule a Public Hearing on May 2, 2017 at 7:00 PM in Town Hall.

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

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

President Reynolds stated the Public Hearing will be held on Tuesday, May 2, 2017 at 7:00 PM in Town Hall. He will also refer this to the Lehigh Valley Planning Commission for review.

C. *Assistant City Solicitor – Residual Land Swap – Adjacent to 120 West Third Street*

The Clerk read a memorandum dated March 15, 2017 from Edmund J. Healy, Esq., Assistant City Solicitor to which is attached a proposed Resolution to amend Resolution 2017-25 that was necessary under the City's commitment to the Parking Authority's RACP agreement. The Resolution granted the land swap where the City acquired 2,451.24 square feet indirectly from the Best Suites and gave up 2,155 square feet to the Parking Authority. A 210 square foot triangular area was intended to be a part of the swap but the required planning approvals could not be acquired in time for the approval of Resolution 2017-25. The required planning approvals have since been acquired. Despite the transfer of the 210 square feet, the City still acquired a net gain of 86.24 square feet of land contiguous to the Greenway from the overall swaps. Since the overall swap will increase the holdings of the City, the Solicitor's Office recommends City Council to approve this proposed transfer as an amendment to Resolution 2017-25.

President Reynolds stated the Resolution can be listed on the April 4 agenda.

D. *Director of Planning and Zoning – Northampton County Open Space Grant Application – Monocacy Park Trail System*

The Clerk read a memorandum dated March 16, 2017 from Darlene Heller, Director of Planning and Zoning to which is attached a Resolution to forward a grant application to the Northampton County Open Space Advisory Board. The grant request is for the upgrade and expansion of the trail system in and around the Monocacy Park complex. The remaining allocation in Open Space funds is \$285,782.17 and the full amount is being proposed to be matched by DCNR funds so that no municipal funds will be used.

President Reynolds stated the Resolution 10 E is on the agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

C. *Committee Meeting Announcements*

Community Development Committee

Chairman Martell announced the Community Development Committee met on Monday, March 20, 2017 at 6:00 PM in Town Hall. The members of the Committee recommended that City Council adopt the Ordinance to amend Article 1739 – Regulated Rental Unit Occupancy, and adopt an Ordinance to amend Article 1161 – Health Nuisances to provide for regulations related to bamboo. The Committee also received an update from the Bethlehem Food Co-Op.

Public Safety Committee

Chairman Waldron announced the Public Safety Committee met on Tuesday, March 21, 2017 at 6:00 PM in Town Hall. The members of the Committee received an update regarding the 9-1-1 Center and also reviewed the annual Fire Department Report.

8. ORDINANCES FOR FINAL READING

None.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Authorizing Use Permit Agreement – ArtsQuest – Sabor Event*

Mr. Colón and Mr. Evans sponsored Resolution No. 2017-075 that authorized a Use Permit Agreement with ArtsQuest for the Sabor Event June 23, 2017 through June 27, 2017. The premises are First Street from Polk Street to the Eastern Terminus and Founders Way from Second Street to First Street according to the Agreement.

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

B. *Authorizing Use Permit Agreement – ArtsQuest – July 4th Celebration*

Mr. Colón and Mr. Evans sponsored Resolution No. 2017-076 that authorized a Use Permit Agreement with ArtsQuest for the July 4th Celebration July 4, 2017 from 3:00 p.m. to 12:00 midnight. The Premises is First Street from Polk Street to the Eastern Terminus and Founders Way from Second Street to First Street according to the Agreement.

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

C. *Authorizing Use Permit Agreement – ArtsQuest – OktoberFest 2017*

Mr. Colón and Mr. Evans sponsored Resolution 2017-077 that authorized the execution of a Use Permit Agreement between the City and ArtsQuest for use of First Street from Polk Street to the City's Terminus and Founder's Way from Second Street to First Street for OktoberFest 2017 on October 6, 2017, October 7, 2017, October 8, 2017, October 13, 2017, October 14, 2017 and October 15, 2017 according to the Agreement.

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

D. *Emergency Operations Plan – Updating City Officials*

Ms. Negrón and Mr. Colón sponsored Resolution 2017-078 that authorized to adopt the City of Bethlehem Emergency Operations Plan, dated January 1, 2017 which has been developed to outline basic operations and procedures to be implemented in the event of an incident either man-made or natural that requires a coordinated response.

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

E. *Authorizing Grant Application – Northampton County Open Space Grant*

Ms. Negrón and Mr. Colón sponsored Resolution No. 2017-079 that approves the filing of an application for funds under the Park Acquisition and Development Program and to execute and file the appropriate forms with the Northampton County Open Space Advisory Board for trail upgrade and expansion around the Monocacy Park complex.

Mr. Martell queried if Ms. Heller provide a refresher about what this entails and the timeline.

Ms. Heller informed we have applied for money for Monocacy Way before for the portion in Lehigh County. This application is for the Northampton County Open Space funds. This is north of Schoenersville Road, up through Monocacy Park around the pool area, and it will connect with some sidewalk connections to create a loop. She explained we will finish up Monocacy Way for the portion that is in Northampton County. Ms. Heller highlighted the fact that we will apply for a grant in early April through DCNR to match that so those two grants will match each other. We did a trail feasibility study in the City and finished the study about 18 months ago. She highlighted that we did apply for funding for the southern portion in Lehigh County and were not successful, but we can go back again and ask for those grant funds later this year. In response to Mr. Martell's interest in a timeline, Ms. Heller remarked that Northampton County money moves more quickly. We will apply to DCNR in April. It often takes about a year until you get a contract from the State if you are awarded a grant. They will not announce awards until the Fall, and then until you get it contracted, it does take about a year. Ms. Heller continued say that we could possibly do some design work prior to that, but most of that work will have to wait until 2018.

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

11. NEW BUSINESS

Medical Marijuana Zoning

Mr. Callahan queried if he could ask a few questions about a Communication on the Agenda.

President Reynolds remarked that he can.

Mr. Callahan mentioned the zoning text amendment for the medical marijuana and wondered if the growers will probably be in the industrial areas; not in neighborhoods.

Ms. Heller responded that the Act requires that they would be in an enclosed building and we would only permit them in industrial areas; not neighborhoods.

Mr. Callahan continued to say with the dispensaries, which will sell the product that is coming from the growers, he noticed on the map there are many areas within the City for them. He queried is that where the 1,000 foot barriers from schools is required.

Ms. Heller stated yes, you cannot have any of the uses related to medical marijuana dispensaries at all within 1,000 feet of a school or a daycare. Referring to the map, Ms. Heller explained that what we created was to map those uses and then create 1,000 foot separation. She continued most of the core area of the City would not permit any of those uses. When we looked at what commercial areas would be outside of those areas, it would be CG, which is General Commercial, and CS, which is Shopping Center.

Mr. Callahan noted from what he understands there will be two grower licenses to the Lehigh Valley area.

Ms. Heller remarked that she does not really know. We have not had any inquiry from grower/processors. She thinks that is unlikely we would see any in the City of Bethlehem but there would be some in our area.

Mr. Callahan stated assuming that there are only two licensed grower/processors allowed, we could only have two at the maximum in industrial areas. It would not be opened up for others who have licenses from other areas to open up a grower/processor plant, to open a plant in one of our industrial areas.

Ms. Heller stressed the Act is pretty specific and pretty limited. They may be just starting out with the first round of licenses, she does not know. The number of licenses that can go in any area would be very limited.

Mr. Callahan continued regarding the dispensaries he is assuming that there will be security procedures that will have to be followed and asked if any of that has been discussed.

Ms. Heller stated the law is very specific. At the local level we are really not addressing security. We basically say that you have to follow all of the requirements of the State Act and they will have to show us that they have a license from the State before you can get any local permits. All of that will be handled at the State level.

Recent Snow Storm

Mr. Waldron asked Michael Alkhal, Director of Public Works for an update on our recent snowstorm, such as how the snow removal went and any impact on the budget.

Mr. Alkhal stated the easy answer with the budget is that we probably expended somewhere close to \$140,000 to \$150,000 dollars.

Mr. Waldron queried how much we had budgeted for this.

Mr. Alkhal noted typically what we have strictly dedicated to snow operations, to cover overtime and material use is around \$400,000 dollars a year. If the storm would have been worse we would have had to contract outside and that would have doubled the cost. If you do recall we needed to do that last year with the 30 inch snowstorm. Mr. Alkhal mentioned all things considered we did okay money wise and will not go into any deficits. He added, it probably still is on par to be an average expenditure of funds. We will have some money left that we can apply towards our roads management program. Mr. Alkhal denoted as far as the snowstorm we really worked hard around the clock to get the streets in good shape. He pointed out the biggest difficulty was with the type of snow we had. It was 14 inches of snow, but more importantly, we had a few hours of sleet that made the consistency of the snow very difficult to remove off the pavement, and so each street had to be plowed and treated repeatedly. Mr. Alkhal highlighted the fact that this slowed things down so maybe we did not get to some streets as quickly as we would have liked, but overall within 24 hours of the end of the storm we were close to 100% open and passable roads. We had 450 calls and some were repeated calls. As far as complaints, the majority of them were plowing people's driveways shut, and that did occur more than usual because again we plowed repeatedly especially on the side streets. He concluded that overall we did well.

Mr. Waldon did notice that some of the secondary roads had some snow left on them and asked if that was because of the sleet.

Mr. Alkhal replied that is exactly what happened. It was the sleet that made it difficult because it stuck to the road, it iced up and packed on the roads, especially if traffic got on the roads before we got there with the plows. He continued, even with the new blades on the plows it did not get it down to anywhere near pavement. Mr. Alkhal pointed out they had to then come back and treat it with salt and calcium to break it up and melt it a little bit and then plow again. That is why it took a while, but if you took a snapshot of us soon after the storm, you could see we did quite well.

12. ADJOURNMENT

The meeting commenced at 7:20 p.m. and was adjourned at 7:50 p.m.

ATTEST:

City Clerk