

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street – Town Hall  
Bethlehem, Pennsylvania  
Tuesday, April 18, 2017 – 7:00 PM

INVOCATION

Lead Pastor Norman Carlisle, Life in Christ 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

None.

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

*Retaining Wall Crumbling/Cracked Blocks/Police*

Eddie Rodriguez, 701 Main Street informed he wanted to talk about the City seeking grants to improve the Monocacy Way Trail. He is concerned with not only the matching grant if it has been awarded. He requested Darlene Heller, Director of Planning and Zoning to contact him with reference to that or if Michael Alkhal, Director of Public Works can provide more information because of the retaining wall that is failing by the railroad iron bridge. He noted that the stone wall has crumbled for years but the remainder of that particular wall is crumbling even more. Mr. Rodriguez is concerned that someone is going to get hurt. The remainder of that retaining wall is inside the creek more than with the other sections. Mr. Rodriguez also has some concerns about the pavers on the plaza that are cracked and are wobbly. He expressed he walked over two of them and almost fell through. When he sees horses and officers on the plaza, which he remarked are 10 times more the weight, he is concerned. He suggests strongly that those get repaired. Mr. Rodriguez continued to say that Union Boulevard from Main Street to New Street is also in dire need of repair. There has been some junk from property owners that is out there in that particular area for weeks and he does not see anybody doing anything about removing that. Mr. Rodriguez expressed you should not have to put up with all the junk no matter where you live. He continued that he spoke with Mr. Alkhal personally today about it is what he can effectively do to curb the disrespect from one of his secretaries. He noted he does not like disrespect. He move on to speak about the Police Department and a call he made with reference to his concerns about the retaining wall previously mention because he feels there was a public safety issue. He expressed that he does understand there is a change in shift, but noted he waited a full hour and no one showed up. When he called a second time he called the desk Sergeant, who was nice, but he told him that it

was not dispatched. Mr. Rodriguez concluded by expressing his concern about unreturned phone calls from the Police Chief.

*Music is not Noise*

Artie Curatola, 813 Laufer Street advised he wanted to talk about Article 717, Section 717.01 entitled "Unnecessary Noise a Nuisance." He noted noise is when you hear a jackhammer in the early morning; unnecessary noise includes police sirens, and although they also have the lights, people listen to their stereos, and do not hear the sirens anymore, and they should get rid of them. Mr. Curatola stated he, as a musician, has to make a living and the club owners need to make a living. He expressed unnecessary noise is when someone has a stereo blasting while a mother is taking care of her child or someone has to get to work and when it is not turned down as requested they should be cited. Mr. Curatola mentioned that last week a citizen spoke about music from the Wooden Match bothering her and that she is eight blocks away; she never mentioned noise once. He expressed when you look in any dictionary you will see that music is a pleasant sound and noise is an unpleasant sound. He stated try to get this together. If not he will go to motions court and make sure that this gets changed. Mr. Curatola noted he is not threatening, but it is impeding the livelihood of musicians and club owners and has to be taken care of. Noise is an unpleasant sound and music is a pleasant sound and when it becomes unpleasant, that is when it becomes a disturbance to someone else. He would like to see something done with this Article. If you look at the Section regarding music decibels it states forty (40) feet from the location of any such sound reproductive device. If Beethoven or Bach were here today they would have something to say about calling music noise. Mr. Curatola noted that his name is on the Primary Ballot for Mayor of Bethlehem.

*Violence on the South Side of Bethlehem*

Joseph Lee mentioned he did not want to give his address because he is concerned about his safety. He noted that on October 2 he was stabbed and was saved after three surgeries at St. Luke's Hospital. He noted it was a terrifying experience. He expressed there is a lot of violence and gang problems on the south side and feels the Police are doing nothing about it. He stated he was harassed by a well-known gang house that the Police Officers know of very well. These people have been constantly in and out of jail. Mr. Lee explained he has had guns pulled on him on the south side and reiterated that the Bethlehem Police have done nothing. He remarked he was escorted out of the City of Bethlehem Police Department about two years before he was stabbed because he went there demanding some answers for being harassed, and has a video. Mr. Lee stated the Police were called constantly, and reports were made, not just by himself, but by witnesses; friends and family have seen what was going on with these gangs. The Police do not want to do anything about the real killers out there, who are moving in from New York and Philadelphia. A number of Police reports were made and they know about these gangs. Mr. Lee pointed out that eventually these people forced entry into his home on the south side and he has this on video. The Police came and refused to cite anybody even though he has the video. He remarked they did not want to charge anybody, but instead advised him not to demand that they do anything or he will have retribution by these folks against him. Mr. Lee informed a week later he was stabbed. Mr. Lee noted is not anti-Police; he is actually for the Police, and that is why he is here tonight because the only way that justice can be served and something can be changed is that folks demand that these Police be held to the bar and work with them to work with us. He

commented he was called racial slurs when he was attacked; that is a hate crime. Mr. Lee noted the Police came to the ICU days after they were supposed to and after the Police talked to him Detective Del Rosario took a vacation. He remarked that weapon will never be found. He is hoping we can get something done and have the Police do something.

*Foot Bridge Repairs*

Nancy Murnin, 1114 Linden Street stated she wanted to speak about the foot bridges that are being repaired, the wood one and the concrete one down below the Hotel Bethlehem. She thinks it would be a good idea to maybe have the Vo-Tech students do the repairs; it would be a great experience for them and save the City and taxpayers money.

President Reynolds asked Mr. Alkhal to have a brief conversation with Ms. Murnin after the meeting about the challenges with this.

*Ethics Ordinance*

Breena Holland, 379 Carver Drive stated she wanted to make comments on the Ethics Training Ordinance that is proposed. Not long ago two Members of Council proposed an Ethics Ordinance for the City and as soon as that was proposed it appeared to generate a lot of interest. A few other Council Members have been talking about the kinds of things they would like to see, and even tonight something is being proposed by Councilman Martell. She commends the sincerity that lies behind promises and actions, but Ms. Holland does not think that the Ordinance that is on the agenda shows a strong commitment to government ethics. She commented it is committed to a form of ethics training, but it is a rather simplistic effort. Ethics training is important but the Ordinance is meager in comparison to the far more comprehensive proposal that has been laid out in the previously proposed Ordinance in part because what is proposed tonight does not do anything to create an ethics board, which would set up a process for investigating ethics complaints. She highlighted the second limitation is that it is a reduction of a very comprehensive Ordinance into just the training component. She understands that people want to put forward different kinds of components, but feels this one is hardly comprehensive and urged against the piecemeal construction of an ethics code when what we had before us was the opportunity to adopt one that is comprehensive. She pointed out we have a proposed Ordinance that is based on best practices that draws on what we know to be working in other communities. She queried why we want an alternative that waters that Ordinance down making Bethlehem less than a model of best practices. What you have is an opportunity to adopt a comprehensive and sophisticated law that proves Bethlehem government is and will remain ethical. She continued to say even if there is no actual problem with political bias and corruption a comprehensive Ordinance that has teeth in it is still a really good idea. There are two ways in which political bias and corruption can be a problem and if you do not have a law that says what is and is not good behavior, there can be a perception that government and officials are acting unethically. Ms. Holland noted the importance of having a sophisticated law that eliminated loopholes. She expressed that it is the sophistication and the details of the law that actually make it hard to get around the loopholes, so a commitment to rules and consequences is what matters for public perception. Ms. Holland informed the second issue has to do with the political candidates and noted there are no challengers to the four Council seats. She expressed it is possible that people are not running for Council because if you do not have name recognition and relationship with those in power, you are not going to win. An

Ordinance would create a level playing field that makes government seem more accessible for anyone who might want to participate. Ms. Holland thinks that Council should work to understand what has been proposed, and then try to produce something that is sophisticated, and something we can be proud of in this City, because it is a model of best practices.

Bill Scheirer, 1890 Eaton Avenue denoted it is encouraging that more people are becoming involved in the effort to make Bethlehem a paragon of public trust in their local government if not in their State and Federal governments. He refers to the Ethics Training Ordinance communicated this evening by Council Member Martell. The training would be provided by the Pennsylvania State Ethics Commission and would presumably be in the context of their enabling law which their representative said last November could be and has been strengthened by a municipality. Mr. Scheirer stated the State law in his judgment is rather weak, secondly the State Commission requires an attendance of 25 people for training which might be problematic. Nevertheless he compliments Council Member Martell for his contribution and hopes that various productive nuances in his proposal will be incorporated into the much more comprehensive Ordinance proposed by Councilwoman Negrón and Councilman Colón. Mr. Scheirer stated Bethlehem is a special City and that Ordinance would make it even more special.

#### *Pedestrian Crossings*

Stephen Antalics, 737 Ridge stated he would like to follow up on the request made about pedestrian crossings. There has been an improvement on the south side with the four way red lights at the crossing at the Litzenberger Building and the Rooney Building. He understands unofficially someone was killed at the five points crossing because someone took away his right of way, and he noted that a woman had to jump back not to be struck by a car at the Post Office on Fourth Street. Mr. Antalics noted there is a right of way given to a pedestrian when that pedestrian light is white or says walk. If a person took it upon himself to cross without looking left or right they could be injured or killed because many drivers in this City ignore that right of the pedestrian. He paid attention to a few intersections and saw that people made their turns without slowing down even though the pedestrian was in the street. Mr. Antalics stated a solution would be to make all traffic lights red. He remarked that Wayne, PA does this as do similar cities and townships. This allows the pedestrian to cross that intersection on a diagonal line, not corner to corner so it speeds up the crossing. Also the person could be cited for running a red light. Mr. Antalics remarked if the Administration and Council can improve the safety of its citizens by making all lights red at the pedestrian right of way it would dramatically cut down that potential of injury or fatality.

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

#### *Bamboo Ordinance*

Jamie Lantz, 537 Pine Street remarked is here to speak regarding the proposed bamboo Ordinance. He remarked he does not want to put down the Health Bureau, but if he was a school teacher he would give them an F on research. He spent 30 hours gathering information, and he also has expert feedback from his brother who worked for the DCNR as a Forest Ranger for 40 years in Pennsylvania. As in any controversy people can cherry pick certain parts of

what is good and bad. Mr. Lantz noted the Health Department in the previous meetings was asked if bamboo could be eradicated by chemicals and they answered no. Mr. Lantz mentioned that Roundup can take care of this and stated according to the USDA and the Pennsylvania DCNR, Roundup can be bought at any Lowe's or nursery and that will kill the roots of bamboo. He has been growing bamboo for 30 years and he knows how to eradicate it. The Health Department was asked how many species of bamboo are there and they answered 300, but he stated there are between 1,200 and 1,400 species of bamboo known according to USDA Department of Agriculture and the US Department of Forestry and the American Bamboo Society. He remarked that American Bamboo Society is pro-bamboo. There are five bamboos native to the United States; one is a native to Pennsylvania, Maryland and Virginia. It is called the Appalachian Bamboo, the common name is Cane Bamboo and is endangered; you cannot cut it down. Mr. Lantz advised when we talk about species, we need to understand there is good and bad in every species. He queried who will identify all of these species in the City of Bethlehem. Mr. Lantz pointed out that the bamboo on Jennings Street is no longer perennial bamboo; that is a grove. He pointed out the largest owner of bamboo in the City of Bethlehem is the City of Bethlehem. He has used Google Search and found it on Sell Field and the maintenance shop off of Schoenersville Road. He remarked the largest invasive killer of anything is English Ivy and highlighted there is a tree near Thomas Jefferson School that is full of English Ivy, which is much worse than bamboo. He queried who will pay for the tree when it falls down? He expressed if you will attack one, you should attack all of the invasive plants of Bethlehem. We have established that bamboo does not cause a health hazard, has not damaged anything in the City of Bethlehem and also is not a noxious plant. Mr. Lantz also stated that President Obama set an executive order that banned all bamboo or invasive plants in the entire United States on December 8, 2016. The Health Department should not be handling it; it should be Zoning and Planning.

Eddie Rodriguez, 701 Main Street stated he has been hearing comments with reference on how to kill, chop, or spray bamboo. He stated he has tried some of that and it does not work effectively in killing bamboo roots. He pointed out that you have to go to where the original source of the bamboo is coming from, then you can top it off to stop the growth, and eventually it will die. Mr. Rodriguez pointed out bamboo needs water, and so if it is dry in one area and there is a crevice or a crack it will go for the water, no matter how far it has to reach. He raised the question of how do you determine what type of bamboo it is? He believes that this bamboo is an invasive plant that has to be dealt with today, and he will not change his opinion. Council needs to decide for the well-being of these property owners that are affected by what is already in growth. Mr. Rodriguez mentioned on Easton Avenue he saw that it was cut it down and shredded it; that is all good but what happens with the running bamboo is that it is underground and has already grown into the next property. The property on Jennings Street is 30 feet high and still growing. Mr. Rodriguez advised if Council is going to vote on this he urges Council to make sure that whoever had bamboo and has a grove and it is grown to that length, then they should pay for removing it because it destroys property and can affect many properties.

Artie Curatola, 813 Laufer Street stated he has a solution for bamboo. Bamboo actually kills the carbon monoxide in the atmosphere. It gets rid of pollution and is not a bad thing. If it is bothering somebody's land then the City can pass an Ordinance that they would pitch in to go ahead and help that person to clear up the bamboo on their property. Mr. Curatola noted if

it is going on someone else's property, that is a situation where the person that is growing the bamboo has to take care of that matter and pay for the cleaning up or partial clean up on the property it is going onto. Mr. Curatola feels it was ridiculous at the last meeting to talk about bamboo for two hours when there is violence and hazardous parking where pedestrians can be killed and injured by parking by the stop signs. Mr. Curatola advised because they have Lehigh University emblems they get away with it, but the residents get tickets. He spoke to Mayor Donchez two years ago about painting lines and towing offenders that are parked up to the stop signs, but it is never done. Mr. Curatola stated bamboo does not bother him.

*Regulated Rental Unit Occupancy Ordinance/Transient Definition*

James Halleman, 817 Lynn Avenue mentioned the Regulated Rental Unit Occupancy Ordinance that is on the agenda for final passage tonight and that he sent an email to City Council today regarding the ordinance. He stated he wrote to many offices in this City and it is hard unless he gets Pennsylvania State laws backing up what he is asking for. Mr. Halleman stressed what he asked City Council to do was to fine transient tenants. You want to put this into your new law, but you do not define it. Transient occupancy according to Florida can be rebutted two ways. I have my way and you have your way. Mr. Halleman stated it is a rebuttable presumption that when the dwelling unit is not the sole residence of the guest, the occupancy is transient. So if he goes to City Council and has a complaint about one of his neighbors and he says they moved in one of their relatives the response he get is that they can move in family, but Mr. Halleman stated you cannot do that. He remarked that you have a certain amount of occupants in a residence, you have square footage in a bedroom that you are beholden to, and so the more people you move in, you have to watch the size of your bedrooms. Mr. Halleman informed he even sent paperwork along with his complaint, but there was no response. He queried what a transient tenant is. Is it somebody who comes to visit and spends four or more days, a week or more, two weeks or more in a rental unit, and who will go and investigate? What he hears is "what is your proof?" He concluded saying transient is not defined, so when he goes to City Hall and complains about a possible transient tenant, who gets to do the definition?

*LERTA Ordinance*

Bill Scheirer, 1890 Eaton Avenue observed there are two amendments that should be made to the Northside LERTA Ordinance. The first is easily done tonight. The 10% exemption from increases in property taxes, as a result of property improvement, is modest and is less than the average of 55% on the south side LERTA over the 10-year period. He remarked for homeowners who are living in the single family homes why not increase it to 55%. The second amendment will take much longer, and it applies to the north side and the south side LERTA. A LERTA has the unfortunate incentive for conversions of single family homes to multi-family dwellings because rental income is increased thereby the value of the property, and thus the property tax. He understands that there are legal difficulties in preventing this incentive to conversions and the City relies upon the Zoning Officer to dissuade such conversions. Mr. Scheirer noted that zoning officer Ms. Borzak is a very persuasive person and he is sure that even she will agree that it would be better if there were something more binding. He called upon Council and the Mayor to find a way to remove this incentive to convert single family homes into multi-family dwellings on both the north side and the south sides.

Stephen Antalics, 737 Ridge Street queried if the Noise Ordinance or Music Ordinance will be voted on tonight.

President Reynolds informed we are not voting on anything tonight having to do with a Noise or Music Ordinance. President Reynolds remarked it was just brought up during the first courtesy of the floor.

Mr. Antalics apologized.

*Bamboo Ordinance*

Jim Knipe, 2711 Main Street mentioned he was not at the other meetings where bamboo was discussed but he wanted to bring a personal story to this. He has owned a property for 15 years that has an active bamboo patch that he had inherited from previous owners. The bamboo is in the lower corner of his property and is currently split between his residence and a neighbor. We understand that it has been there for decades. Mr. Knipe continued to say the bamboo is bordered by railroad tracks on one side and we maintain our side. The abutting property was maintained by the previous owner but the property was recently sold to new owners. Mr. Knipe stressed if the proposed Ordinance is passed and the new owners decide it should be removed then an issue will arise because we do not know who originally planted it and we will ultimately be responsible for it. Mr. Knipe passed out pictures of his bamboo to Council and they have no trouble maintaining the bamboo without trenches or barriers and he is not sure what species of bamboo they have. He knows it will spread but as with all our bushes, trees and grass we consider the bamboo to be just another one of our items we need to maintain and so far we have had luck doing it. The maybe unfortunate part of that would be if the new owners of the abutting property decided that they do not like the way the previous owners trimmed it and want to challenge it. The issue will be who is responsible for it because we do not know. He expressed our bamboo provides us with privacy, sanctuary for various species of wildlife and the functionality is that it is the low part of their yard and part of Main Street where we have had situations where storm water has been in of excess, extreme downpours have flooded their backyard. The bamboo helps alleviate the issue of standing water. Since the photo he is showing Council of the flooding, they have negotiated with the railroad to put a drainage pipe in to handle some of the excess water, which will take it to the Monocacy Creek. If we remove the bamboo it could be a potential problem from a standing water standpoint. Mr. Knipe added that another factor to consider is that the bamboo is intermingled with mature growth trees which are around 100 years old and if the root system needs to be ripped out most likely we will lose the trees. In closing he would like to say that the property owners should be responsible for the maintenance of their property and government regulation should be limited to overseeing that standards are met. He remarked to please keep in mind that they control the bamboo with standard maintenance practices and the recent trend of passing bamboo Ordinances throughout the Tri-State area has him skeptical of the forces behind who will profit most from the passage of the Ordinance, the bamboo removal companies.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Councilman Martell – Proposed Ordinance – Requirements for Ethics Training for City Council Members*

The Clerk read a memorandum dated April 11, 2017 from Councilman Shawn M. Martell to which is attached a proposed Ordinance requiring Members of City Council to attend ethics training. The requirement is intended to help support the work of Council Members, and to provide proper guidance necessary to continually fulfill the obligations of the office with integrity and character. The training will be open to other City Municipal Elected Officials, employees of the city and the public.

President Reynolds stated the Ordinance can be placed on the May 2, 2017 agenda for First Reading.

- B. *City Solicitor – Parking Lot Lease Agreement – 920 Wyandotte Street and 121 West Union Boulevard*

The Clerk read a memorandum dated April 5, 2017 from William P. Leeson, Esq., City Solicitor to which is attached a proposed Resolution and Associated Parking Lot Lease Agreement between the City of Bethlehem and the Bethlehem Parking Authority for parking lots located at 920 Wyandotte Street and 121 West Union Boulevard.

President Reynolds stated the Resolution can be placed on the May 2, 2017 agenda.

- C. *Assistant City Solicitor – Intergovernmental Cooperation Agreement – East Allen Township*

The Clerk read a memorandum dated April 7, 2017 from Edmund J. Healey, Esq. Assistant City Solicitor to which is attached a proposed Ordinance to approve an Intermunicipal Agreement with East Allen Township that would provide for bulk sanitary sewage treatment services to a portion of East Allen Township and individualized billing and collection services on behalf of the Township.

President Reynolds stated the Ordinance can be placed on the May 2, 2017 agenda.

- D. *Human Resources Director – Recommendation of Award – Paypoint HR, LLC*

The Clerk read a memorandum dated April 10, 2017 from Michelle Cichocki, Director of Human Resources recommending a contract with Paypoint HR, LLC for a Classification and Compensation Study. The term of the contract is four months and the fee is \$37,500.

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

7. REPORTS

A. *President of Council*

*Fine Arts Commission Reception*

President Reynolds informed he wanted to thank the Fine Arts Commission for the work they did to put on the Reception prior this meeting in Town Hall with the art work that is currently in City Hall. He announced there is a public event on Sunday, April 23 from 2 to 4 pm and everyone is welcome to that public reception.

B. *Mayor*

Mayor Donchez echoed the comments made by President Reynolds in terms of the Fine Arts Commission reception that was held today. We do appreciate all the work they have done especially going through City Hall and documenting all of the art that we have in our facility.

1. *Administrative Order – Beverly Hoover – Fine Arts Commission*

Mayor Donchez reappointed Beverly Hoover to membership on the Fine Arts Commission effective through April, 2020. Ms. Negrón and Mr. Martell sponsored Resolution 2017-097 to confirm the reappointment.

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

2. *Administrative Order – Deni Thurman-Eyer - Fine Arts Commission*

Mayor Donchez reappointed Deni Thurman-Eyer to membership on the Fine Arts Commission effective through April, 2020. Ms. Negrón and Mr. Martell sponsored Resolution 2017-098 to confirm the reappointment.

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

3. *Administrative Order – Clint Walker – Fine Arts Commission*

Mayor Donchez reappointed Clint Walker to membership on the Fine Arts Commission effective through April, 2020. Ms. Negrón and Mr. Martell sponsored Resolution 2017-099 to confirm the reappointment.

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

4. *Administrative Order – A. Craig Evans – Historic Conservation Commission – South Bethlehem And Mount Airy*

Mayor Donchez reappointed A. Craig Evans to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy effective through April, 2020. Ms. Negrón and Mr. Martell sponsored Resolution 2017-100 to confirm the reappointment.

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

5. *Administrative Order – Anthony M. Silvoy – Historic Conservation Commission – South Bethlehem and Mount Airy*

Mayor Donchez reappointed Anthony M. Silvoy to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy effective through April, 2020. Ms. Negrón and Mr. Martell sponsored Resolution 2017-101 to confirm the reappointment.

*Regional Police Training Seminar on Current Topics Dealing with Interaction with the Public*

Mayor Donchez pointed out he wanted to ask Solicitor Leeson to give a short summary of the Police Seminar that was attended by about 75 officers from throughout the Lehigh Valley.

Solicitor Leeson informed on Tuesday, April 11, 2017 the City of Bethlehem hosted a rather significant seminar on Police training. This resulted from an open offer that our liability insurance carrier has always extended to the City, as well as with support from our liability insurance agent, Weiss-Schantz Agency in Hellertown. With the support of the insurance carrier they offered this training to bring in speakers from various disciplines to train for Police, employee matters, liability matters. Solicitor Leeson stated he spoke to Chief DiLuzio some months ago about taking them up on that offer and with the Mayor's support they put together this seminar that was held on Tuesday, April 11 from 9 am to almost 3 pm in Town Hall. About 65 Police officers attended with about 25 from Bethlehem, and another approximately 46 from departments in the Lehigh Valley area were also invited to the seminar. Solicitor Leeson stated for example, Hellertown, Moravian College, Bethlehem Township had representatives in attendance. He understands the feedback from Chief DiLuzio was very favorable and that the attendees thought it was an excellent program. The topics were specially selected in light of incidents that have achieved national attention over the past several years, which have escalated local and national discussions about Police interaction with the public. Those topics included use of force, effective communication, pursuit and emergency vehicle operation, care and custody of detainees, bias based policing, documentation, consistency of discipline and off duty conduct. The program was presented by two prominent attorneys with extensive experience in advising Police Departments and defending Police Officers in civil suits. The presenters were Attorney David J. MacMain, Esq., a former Pennsylvania State Trooper who defends cases against the City and other Lehigh Valley municipalities, and Randy Means, Esq. who is nationally recognized for his expertise and an author and instructor of nearly a half-million Police officials. Solicitor Leeson stated both presenters were outstanding. We wanted to report on this very favorable event hosted by the City of Bethlehem and with the Mayor's support and Chief DiLuzio's hard work in bringing the attendees from the other municipalities as well as

making sure the City was well represented. He concluded we pulled off a very successful event for the City's benefit.

President Reynolds thanked Solicitor Leeson, Mayor Donchez and Chief DiLuzio and the officers that attended the seminar. This sounds like it was a great idea and obviously the Administration and Police Department deserve a lot of credit for what sounds like a productive day.

C. *Parks and Recreation Committee*

Chairman Evans stated the Parks and Recreation Committee met on Tuesday, April 11, 2017 at 7:00 PM in Town Hall. The Committee received a presentation from Urban Research and Development Corporation regarding the Comprehensive Parks and Pools Study. He informed it was an excellent report with much to it being a long term project. It was for information only.

8. ORDINANCES FOR FINAL READING

A. *Bill No. 14 - 2017 - Amending Article 342 - Local Economic Revitalization Tax Assistance*

The Clerk read Bill No. 14 - 2017 - Amending Article 342 - Local Economic Revitalization Tax Assistance on Final Reading.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, and Mr. Reynolds, 7. Bill No. 14 -2017 now known as Ordinance 2017-13 was adopted on Final Reading.

B. *Bill No. 15 - 2017 - Amending Article 1739 - Regulated Rental Unit Occupancy*

The Clerk read Bill No. 15 - 2017 - Amending Article 1739 - Regulated Rental Unit Occupancy on Final Reading.

Mr. Waldron remarked an earlier speaker brought up something that caught his attention. He does not know if it was overlooked or intentionally left out, but the definition of a transient occupant was not included in the Ordinance. It seems like there could be some room for interpretation depending on which side of the argument it would be on. Mr. Waldron queried if the Administration had any thoughts on whether that should or should not be included. He does not know whether or not if this question would be for the Legal Bureau.

Ms. Karner stated it is not a question that was supposed to be before us today, so she does not have a prepared answer. The Ordinance before Council is not the entire Regulated Rental Unit Occupancy Article; she does not have that with her. Ms. Karner explained we consult the PA Code and if this definition is not in our Ordinance, or the dictionary, or some standard accepted definition of words, that they are not included within the Ordinance.

Mr. Waldron asked if we have a definition for a transient occupant within the City code.

Ms. Karner expressed the fact that she does not know, she does not have the answer in front of her.

Solicitor Leeson commented that as far as he is familiar with this Ordinance all we did was amend an existing Ordinance by bringing up to date some term references to code officials and things like that. This is just updating some references and terms. He does not think we are reenacting a whole new Ordinance, if he is not mistaken. Solicitor Leeson advised what you would be talking about is really revising and amending an existing Ordinance to add new material beyond what we already have. To the extent, this was an initiative by Craig Hynes, Building Inspector. All he was doing was trying to bring it up to date on some of the references to the officials and some other things. We were not reinventing the wheel with a whole new Ordinance. Solicitor Leeson believes there might be a misinterpretation here that we have a whole new Ordinance before Council, which is not correct.

Mr. Waldron does see on Section (E) 2.19 on page five which is bold and underlined and is a new section it says there shall be no transient occupants. He does not see any other use of the word transient occupant in any other section of this.

Solicitor Leeson remarked we can consult with Mr. Hynes and look through the code books to see if there is a separate transient definition and get back to Council on that. On the premise that this is a whole new Ordinance, and that we left out a definition, would be incorrect.

Mr. Waldron noted there may or may not be a definition of transient on file, but we do not know. It seems as if we are adding it here for the first time.

Solicitor Leeson reiterated that they will get back to Council on this.

Ms. Karner denoted the addition of that paragraph was not so much about no transient occupants; it was about being on a lease. She continued if your recall from Mr. Hynes testimony during our Community Development Committee Meeting, it was about people acting as if boarding houses were regulated rental units and that is not the case. So they are registered as an RRU, but what we are seeing is on a month to month basis people are moving in and out of these houses, but that is not the intent of regulated rental. Ms. Karner advised this is the addition of the language you are talking about. It was more about making sure that all occupants that are registered as regulated rentals that are under our regulated rental Ordinance are all on one lease as opposed to having two people on, three people who do not live there.

Mr. Waldron communicated that makes a lot of sense. He thinks the earlier speaker was getting to the fact that he would like to see enforcement of maybe a transient occupant Ordinance and this speaks to that, but does not give the parameters of defining that term to be able to go to code enforcement or the Police and say this person has been coming and going three days a week for a month.

Ms. Karner stated that might fall under this Ordinance anyway.

Mr. Waldron noted this does not necessarily give a tool to that; it is more for getting everything under one lease.

Ms. Karner informed that is correct. It is to curb boarding house activity as regulated rental.

Mr. Waldron gets the sense that this probably does not answer our previous speakers point. He knows this is a Second Reading of Ordinance, so once we pass this tonight it will be done. Maybe there are some thoughts on tabling this so we could get more information and find out if the definition of transient is in fact in the City definitions or not. He is not making that motion, yet but he may do so.

President Reynolds queried if there are any other thoughts from other Council Members.

Mr. Callahan advised he had a rental property. He does understand where she is coming from and has the same concerns and understands we should get more information on the definition. He had a situation on one of his rental properties where he leased out an apartment and it had multiple bedrooms with one person there and he found out two weeks later that the tenant was subleasing without his knowledge. He queried if there is something in here where the owner can go back to the original lease. He queried if Mr. Hynes went in to do an inspection and he finds out that there are three people living there with only one person on the lease what is the solution.

Ms. Karner asserted Mr. Callahan is not talking about a regulated rental property; he is talking about a regular rental. The first thing Mr. Hynes would do is notify you that you have three people living there, and if you did not know that, we would rely upon the property owner to start the eviction process, or she would assume there would be something in the lease that would allow you to do through the civil court system to have those tenants that were not on the lease removed.

Mr. Callahan queried if this will be for properties with five or more.

Ms. Karner replied no, it is for three to five unrelated parties. That is what a regulated Ordinance covers. We do not allow more than five people who are unrelated in any one rental unit.

Mr. Martell observed that we talked about this extensively at the Community Development Meeting and what was clear to him at that time and through the first vote is what this is attempting to do is to try to stop a situation where this is being misused, a sublet situation or being misused by landlords who are allowing two or three different leases. That is presenting a problem for the City to try to go in there and clean up when there are issues. Mr. Martell noted what they are trying to do with the language in the Ordinance is it is going to give them the tools to regulate situations before that type of rental situation gets out of hand. In his interpretation what Mr. Waldron is talking about, is potentially a similar issue yet different in its own merits and warrants, and something that really deserves its own conversation. There are many issues; there is a fine line between people having guests come over to their house if

you get too strict with the wording. Mr. Martell highlighted this issue is separate from what this is trying to do. He is in favor of going through with this tonight to give the City the tools they need. We can look at what Mr. Waldron is talking about another time.

Mr. Waldron agrees with what Mr. Martell said in that this will give the City the right tools to enforce some of those issues and he would support that. His question would be then with the sentence, "There shall be no transient occupants." He posed the question of whether that gives the City a tool or does it create more questions. He does not feel like we have a solid answer on that because we do not know how transient is defined. That may create more problems, or it could give the City some broad power to enforce it as they see fit. It seems like there is potential there to have some discrepancy depending which side of the argument you are on, whether you are saying your out of town partner who comes in on weekends is not a transient occupant, they are just an out of town guest that comes every weekend. Mr. Waldron expressed that could be offensive to someone else in the neighborhood because there is an extra car there all the time and pushes them out of their favorite parking spot and they could come to the City to complain there is someone on that lease who is transient, there is not enough information to enforce that or have a clear answer. Mr. Waldron is still not sure about this and if we need more information.

Mr. Waldron made the motion to table this Ordinance until next Council Meeting in order to get some more information and a response from the Legal Bureau about the definition of transient occupant. Mr. Callahan seconded the motion.

Mr. Evans queried if he could make a comment.

Solicitor Spirk interjected that a motion to table is not debatable; a motion to postpone to a future date is. Councilman Waldron called it a motion to table, but he said to a future date, so he thinks as Chair you could deem that to be a motion to postpone to a future date if you wish and you could allow debate.

Mr. Waldron could retract that in order to allow conversation. He retracted the motion to table and made a motion to postpone this vote until the next Council Meeting on May 2 so that way we keep the agenda moving in order to get more information. Mr. Callahan seconded that motion.

Mr. Colón stated he will support this motion to satisfy Councilman Waldron's curiosity and he would be interested to see what the codes book has to say to check this off the list before we pass this rather than having to revisit it in the near future.

Ms. Negrón informed she will also support the motion to postpone this to the next Council Meeting. She also has the same question and it is important to put this Ordinance together and be clear in the wording and definitions.

Voting AYE on the motion to postpone: Mr. Colón, Mr. Evans, Ms. Negrón, Mr. Waldron, Mr. Callahan, and Mr. Reynolds, 6. Voting NAY: Mr. Martell, 1. Bill No. 15 -2017 was postponed until the next Council Meeting on May 2, 2017 by a vote of 6-1.

C. *Bill No. 1 - 2017 - Amending Article 1161 - Health Nuisances*

The Clerk ready Bill No. 1 - 2017 - Amending Article 1161 - Health Nuisances on Final Reading.

Ms. Negrón related she voted against this at the First Reading and she thinks even tonight it became more clear with the information we heard on possible ways to control and eliminate bamboo. She will not be supporting this tonight.

President Reynolds queried if Ms. Karner could talk a little bit about the enforcement process going forward if it were to pass tonight. He knows this question has come up in the past and some citizens have talked about this with situations with their neighbors. The biggest question most people have about this is the enforcement piece. President Reynolds asked what is the process that the City would have to work with people and enforce this Ordinance so it accomplishes its goal but understands that people have individual situations?

Ms. Karner highlighted in many instances, whether it is health related complaints or housing complaints, our goal is always compliance. So what we tend to do is to respond on a complaint basis and work with the property owners involved in the situation to try to bring the concern to resolution. We rarely move in a direction of immediately using the penalty provision and citing and fining property owners for infractions of various Ordinances. Ms. Karner stressed they very much want to see compliance and have found that sitting in a magistrates office is not the best way for us to ensure compliance. She highlighted that we have a long track record of really being patient as long as there is progress being shown and ensuring that at the end of the day, we have a resolution to the complaint.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 4. Voting NAY: Ms. Negrón, Mr. Waldron, Mr. Callahan, 3. Bill No. 1 -2017 now known as Ordinance 2017-14 was adopted on Final Reading by a vote of 4-3.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Authorizing Use Permit Agreement - ArtsQuest - Lehigh Valley Grand Prix*

Ms. Negrón and Mr. Martell sponsored Resolution No. 2017-102 that authorized a Use Permit Agreement with ArtsQuest for the Lehigh Valley Grand Prix event on June 18, 2017 (Rain Date July 2, 2017), according to the agreement.

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

B. *LERTA Program – Expanding Boundaries*

Ms. Negrón and Mr. Martell sponsored Resolution 2017-103 that affixes, effective October 1, 2017 the boundaries of an additionally declared deteriorated area within the City of Bethlehem, County of Northampton, authorized for exemptions under Act 76 of 1977 and act 42 of 1977 as more particularly described in the attached exhibit. This Resolution shall have no effect on any area designated under a prior Resolution for exemptions for improvements from real estate tax assessments.

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

C. *Approving Contract – Paypoint HR, LLC*

Mr. Colón and Mr. Waldron sponsored Resolution No. 2017-104 that authorized to execute a contract with Paypoint HR, LLC for a Classification and Compensation Study.

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

*Motion – considering Resolutions 10 D through 10 F as a group – Certificates of Appropriateness*

Mr. Callahan and Mr. Martell moved to consider Resolutions 10 D through 10 F as a group.

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

D. *Certificate of Appropriateness – 2 West Market Street*

Mr. Martell and Mr. Colón sponsored Resolution 2017-105 that granted a Certificate of Appropriateness to repaint and restore the property at 2 West Market Street.

E. *Certificate of Appropriateness – 451 Main Street*

Mr. Martell and Mr. Colón sponsored Resolution 2017-106 that granted a Certificate of Appropriateness to install a sign on an existing bracket and add text/logo window clings to the windows at the front door at 451 Main Street. (The Flying Egg).

F. *Certificate of Appropriateness – 72 East Market Street*

Mr. Martell and Mr. Colón sponsored Resolution 2017-107 that granted a Certificate of Appropriateness to paint the exterior of the home at 72 East Market Street.

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

11. NEW BUSINESS

Mr. Callahan and Mr. Colón moved to reschedule the second City Council Meeting in May to Wednesday, May 17, 2017 at 7:00 PM in Town Hall, since Tuesday, May 16, 2017 is Primary Election Day.

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

*Committee Meeting Announcements*

Chairman Callahan announced a Finance Committee Meeting will occur on Tuesday, May 2, 2017 at 6 pm. The subject will be Budget Adjustments.

12. ADJOURNMENT

The meeting was adjourned at 8:34 p.m.

ATTEST:

City Clerk