

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street – Town Hall  
Bethlehem, Pennsylvania  
Tuesday, June 20, 2017 – 7:00 PM

INVOCATION

Reverend Dale R. Miller, Senior Pastor, First Baptist Church, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Reynolds called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Shawn M. Martell, Olga Negrón, Adam R. Waldron and J. William Reynolds, 6. Eric R. Evans was absent, 1.

PUBLIC HEARING

Prior to the consideration of the regular Agenda items, President Reynolds called to order a Public Hearing to receive public comments on the request for the Inter-municipal Transfer of Restaurant License No. R-7235 owned by Morici's, Inc., having a principal place of business at 218 Cattell Street, Easton to Turkey Hill L.P., 1140 Hellertown Road, Bethlehem, Northampton County, Pennsylvania.

Attorney Paul Namey, Esq., with Flaherty & O'Hara handed out a power point and informed it is important to think of this as a first step in a relatively long process for Turkey Hill. Hopefully this Resolution will be approved tonight and then this approval Resolution is then attached to our PLCB application. The Resolution tonight does not provide zoning approval; it does not provide approval of the liquor license transfer to Turkey Hill. This is just for the limited purpose of allowing a license at this location to Turkey Hill. Attorney Namey explained last summer there was State wide news that Governor Wolf signed Act 39 into law that allows gas station convenience stores to sell beer and wine. Attorney Namey continued to say that what you do not find in those press releases is that this is not a blanket mandate that every gas station convenience store can now sell alcohol. Nor it is anything new or unusual from how the PLCB licenses any licensed area with an interior connection to an unlicensed area such as what you find in grocery stores and clothing department stores across the State. Attorney Namey communicated that Act 39 codified the PLCB's interpretation of various sections of the liquor code unrelated to gasoline. Now in the eyes of the PLCB to obtain a license as a gas station convenience store you must meet all of the requirements of a licensee under the code and there must be a separation of the sales of alcohol from the sales of gasoline. This separation is accomplished through having dedicated registers within the same store for those particular types of sales. Attorney Namey reported it is fairly common now for grocery stores to have their beer gardens that are connected to the main grocery store so when you go to the beer garden there is a separate check out register. It is the same thing with the convenience stores, now it just has been on a tighter scale. Attorney Namey pointed out this interpretation

and licensing process with the PLCB has not changed, what changed is that language and the purpose of that language was to end constant legal challenges by certain interested groups that having licenses locations and sell gasoline and made it an incredibly arduous process to obtain a liquor license. Those transfers faced opposition at the PLCB level and in the court system all the way up to the Supreme Court on multiple occasions. Now that this particular variable has been dealt with you will see more gas station convenience stores getting licenses and indeed across the State. So having the Governor marketing this change really does not matter, what does matter is the General Assembly reasoning for making these changes into the law. The General Assembly gave four specific reasons for enacting Act 39 and really the theme was to promote competition and convenience in furtherance of the health, welfare, peace and morals of the citizens of Pennsylvania. Attorney Namey informed Turkey Hill is an international brand but is also a local Pennsylvania company. The first Turkey Hill mini-market was opened in 1967 and from that single store in 50 years the concept has exploded to over 240 locations in Pennsylvania and 20 locations in Ohio and Indiana. This is a sophisticated company that has experienced not only operating convenience stores but operating convenience stores that sell alcohol. The 20 locations in Ohio and Indiana sell both beer and wine. Attorney Namey noted they understand the responsibilities and privileges that come with serving alcohol in a community and would not jeopardize its hard earned reputation, a reputation that extends far beyond just the mini-market locations by selling in an irresponsible manner. Turkey Hill is instituting strict operational policies and procedures that far exceed your typical retail licensee. As a percentage of in store sales, excluding gasoline, alcohol represents 9.7% of total sales in Ohio and Indiana and we expect that number to be consistent in Pennsylvania. He added that his law firm represents many national chain restaurants that typically see 20 to 25% in what most people would consider a family dining establishment. In regards to Turkey Hill's operations in Pennsylvania they currently have four locations that have been approved by the PLCB, Columbia County, Schuylkill County, and Dauphin County in Luzerne. These stores are not yet operating; they are undergoing remodeling to begin operations. Further there are 16 locations with applications pending with the liquor board, the majority of which have received approved Resolutions like they are asking to approve tonight. Currently no Turkey Hill stores are selling alcohol in Pennsylvania but that will be changing in the very near future.

Attorney Namey continued with the operations of this particular store. There is no change to the footprint of this store and on the floor plan all changes will be to the interior only. The crux of the remodel is the addition of seating for up to 30 patrons which is a technical requirement. Generally there will be an aesthetic and equipment update and a reconfiguration and a refresh of the layout of the store to accommodate those required separations. While they may have to restock more frequently there is no intention to remove items that they currently sell. These plans are about maximizing the use of existing space. Attorney Namey reiterated there are currently three registers within the store and the center of the store with the cashier's island that will remain the same. This remodel will put at least one of those registers to be designated for the sales of alcohol and single serve food items and there will be signage so customers can easily identify where to purchase what items because it can be confusing. Even though it does not look like a lot we estimate that these renovations will be in the hundreds of thousands of dollars. After the remodel is completed at least one new full time position will be added to the store and we expect to have more hours available for current associates and based on tentative modeling we expect two to three new associate positions. Attorney Namey related the current food selection at Turkey Hill will remain pretty much the same. He noted there

might be some kitchen equipment updates, but the current offerings of pre-made sandwiches and subs, etc. will remain a constant as is these operations qualifying as a restaurant under the liquor code. Even with the seating there will be no table service, all orders are still picked up by the customer. Attorney Namey explained our main addition to our food and beverage offerings will be the sale of beer. In the future we may obtain a wine expanded permit if there is a demand for it by consumers in Bethlehem to sell wine by the bottle for take-out, but when the store initially opens for alcohol sales it will be beer only. We anticipate the majority of our sales will be for take-out which we may legally sell up to 192 fluid ounces, typically that is two six packs. The appropriate register will be equipped with software to enforce that limit and not scan a single transaction over that amount. He referred again to the floor plan and explained beer will be displayed in a designated beer cooler which is located on the west side of the plan which would be stocked with a great selection of beers including all the major players but there will be a distinct focus on craft and microbrews. Among premises consumption, if it does occur it will be very limited, a two beer maximum will be enforced and all on premises consumption will be restricted to the new seating area, beer may not be consumed anywhere else on the property. Allowing on premises consumption is required under the Pennsylvania Supreme Court precedent so it is something they allow but nothing we encourage or promote. There are no amusement or games on site to keep customers there and no draft or tap system, bar or televisions. Our business model and the business model of convenience stores in general is not for customers to stay and drink and we do not expect that to be a significant part of our sales. Attorney Namey reported with the seating area he envisions this as a comfortable quick stop to eat if you so choose. This Turkey Hill location is 24/7 but alcohol sales are limited by law 7 am to 2 am Monday through Saturday and from 9 am until 2 am on Sundays, so we will be getting a Sunday sales permit. He mentioned briefly earlier the strict policies and procedures for responsible sales that include 100% carding policy. Any patron who wants to purchase alcohol will be required to produce a valid photo ID. Related to that is a use of a transaction scan device that reads the strip with the bar code on the back of the ID that confirms that it is valid and that the purchaser is over 21 years of age. This location will also be RAMP certified which stands for Responsible Alcohol Management Program. This program was developed by the PLCB and is endorsed by the State Police as an effective means of responsible sales; it is a five step program. Attorney Namey related the store is also equipped with security cameras that cover the entire property, noting all access points; all display areas, the registers and the parking lot. These cameras are monitored by on site personnel and record continuously. Lastly, employees will perform outdoor checks throughout the day in conjunction with the exterior cameras which will be an effective means of preventing any outdoor or any unlawful consumption.

Mr. Callahan mentioned the two drink consumption maximum and that someone could come in and purchase alcohol and they can sit there and have a maximum of two drinks.

Attorney Namey noted that is correct.

Mr. Callahan queried if they open up a container are they allowed to leave with a partial container.

Attorney Namey mentioned the liquor board does not regulate open containers, he is not sure if there is an open container Ordinance in Bethlehem that would not allow open

containers. Obviously our associates would do what we can to stop someone leaving with an open container but the board does not regulate that so someone would be able to.

Mr. Callahan knows there is an open container law in Pennsylvania and asked how this would apply.

Chief DiLuzio stated there is an open container law and it would not be allowed.

Mr. Callahan noted that is his concern, someone could open a beer in there and then take it out on the road with them.

Attorney Namey remarked the way the employees are and the way the store is configured there is an easy site line to people exiting the building so the employees with their Turkey Hill training would be equipped to stop that.

Mr. Callahan mentioned the diagram Attorney Namey handed out asked if the diagram on the left is the new configuration.

Attorney Namey noted that is correct, it is the 30 by 80 proposed.

Mr. Callahan advised in the back by beer cooler there is an exit door and he asked if that is where the beer only cashier is.

Attorney Namey replied no, the cashiers will still be in the L shaped cashier island in the center of the store. The exit he is referring to would be an emergency backroom exit so customers could not enter or exit from that. The main entrance to the facility are the two front doors in the middle. Previously there was a requirement that you have separate entrances for unlicensed and licensed areas and in Act 39 as long as the store hours remain the same the PLCB can no longer require separate entrances.

Mr. Callahan stated he appreciates Attorney Namey and Turkey Hill's investment in the City of Bethlehem and wished them good luck.

President Reynolds noted with no Public Comment he thanked Attorney Namey for the presentation. He does understand these things are not easy to do; this is new to Pennsylvania compared to what has gone on in the past. He is sure a lot of work has gone into this and will continue with this but this is an investment we appreciate as well.

President Reynolds stated the appropriate Resolution will be placed on the July 5, 2017 agenda for consideration.

President Reynold adjourned the Public Hearing at 7:18 PM.

## 2. APPROVAL OF MINUTES

The Minutes of May 27, 2017 and June 6, 2017 were approved.

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

*May 17, 2017 Minutes/Council Civility*

Bill Scheirer, 1890 Eaton Avenue stated he would like to suggest again that the agenda be tweaked a little bit and put the approval of the minutes after the public comment. Once again he has a comment on the minutes. On the minutes from May 17, 2017 page 14 it says Mr. Scheirer said the party in power has its votes distributed as a minority or packed into one district where they have a lot more votes than they need. It should read the party in power has the votes of the other party distributed as a minority or packed into one district where they have a lot more votes than they need. Mr. Scheirer continued to say that what he really came to speak about is that Bethlehem is special in a number of ways. One of these ways has been the relative civility of its City Council Meetings, something that has been remarked upon more than once by citizens of other jurisdictions. Lately however that civility has been diminishing. Mr. Scheirer stated that Council Rule number 12 states that in all other respects Roberts Rules of Order will apply. In the meeting before last when the Ethics Training was approved on the second vote there were four transgressions of Roberts Rules by his count. He and others in the audience were guilty of one of them when we spoke "Nay", exclaimed without being recognized. There were three other transgressions by Members of Council. He does not propose to name these members which itself be a violation of Roberts Rules nor will he specify the nature of their transgressions. Mr. Scheirer will however specify that the discussions of these transgressions can be found on pages 23, 379 and 380 of the 10<sup>th</sup> edition of Roberts Rules. He has a copy of Roberts Rules with him tonight with these pages bookmarked in case anyone has interest in it.

*Unregulated Rentals*

Martin Romeril, 26 West Market Street noted his comments are in regard to the recent discovery that we have residential rentals in residential neighborhoods that do not fit exactly in the zoning code. He wanted to point out that the City already has regulations on rentals and residential districts and he asks that the Administration and Council see that the laws are enforced as written currently. Mr. Romeril remarked that rentals in Bethlehem currently can be apartments according to section 1302.38 (f) of the zoning code or they could be a bed and breakfast which is under 1304.01, see the chart on page 27 of the zoning code. These bed and breakfasts are limited to RT and RG residential districts by special exception only, meaning they have to appear before the Zoning Board. There are requirements on the bed and breakfast, they have to be owner/operated and operate at least six months a year and there is a maximum stay of 14 consecutive days for guests. There are regulations on rentals. Mr. Romeril continued with Boarding Houses and on page 4 of section 1302.13 and page 161 of 1322.03 (h) of the Zoning Code specifies that a minimum of 5 day stay for a Boarding House. Regarding Room Rentals to Transient visitors, this term appears in the zoning code of the City on page 12, of 1302.57, they are allowed in the City limits so this is not a question of people not being allowed to engage in a lawful activity, but transient visitors are only allowed to be rented rooms in zones that are zoned for hotel operation. Those zones are in the chart on page 32 under section 1305 of the City of Bethlehem zoning code. Mr. Romeril informed just because somebody put the words internet sharing in front of a commercial activity does not automatically make it a use by right in all residential zones in our City. He suggests that the Administration and Council consider the zoning changes made in Philadelphia in recent years to address the increase use of residential guest rentals. It is just Philadelphia. People

are quick to jump on laws in Philadelphia and challenge them in court and he is sure you could get a lot of good advice from people in their zoning office. Philadelphia calls these rentals "limited lodging" and they say "limited lodging is the short term rental of your home or a room within your home. These short term rentals may not exceed 30 consecutive days for any visitor. Your home or room can be rented for up to 180 days throughout a calendar year but you will need to meet certain requirements and limitations to utilize your home for limited lodging." Mr. Romeril explained some of the regulations are it has to be resident occupied, so you have to own the home, it has to be your principle residence, your taxed address, you have to live there six months plus one day. This prevents investment properties. You must have a business license, so you pay taxes. Mr. Romeril does not want these people to be operating these rentals in his neighborhood under the table and not paying taxes. They must have a business license, they must pay hotel taxes, and there are also specific smoke alarm and CO2 alarm requirements that must be met under the Philadelphia code. "The home may not be occupied by more than 3 persons including the owner and renters who are unrelated by blood, marriage, adoption, or foster child status or not life partners." This would limit houses in the residential district to a maximum of two rental spaces in addition to the residential space of the person that owns and lives in the home. Apparently that is held up in court because no one has been able to overturn it. Also the City of Philadelphia requires that you must keep records to prove the home is your primary residence, preventing absentee landlords. Mr. Romeril thinks that is something we slipped into the bed and breakfast Ordinance when that was brought up because we were concerned about absentee landlords. He suggests the City also consider regulations requirement for minimum rental to be at least 24 hours or possibly two or three days, to prevent hourly rentals and reduce the transient nature of people moving in and out of the residential neighborhoods. Also they should have to go before zoning in a manner that does not allow rental of a room in a residential neighborhood to transfer with the property. The new owner should have to come before the zoning board. He concluded these regulations are reasonable, prevent the intrusion of investor owned nightly rental properties in residential districts yet allow homeowners to rent out a room or two in a manner that will not be a continuous commercial activity and disruptive to residential neighborhoods.

#### *Curbside Kitchen Waste Composting*

Andrew Goldman, 222 Summit Street informed he is a student at Lehigh University. He is concerned with food sustainability and efforts to mitigate our climate impact as a City. Our current industrial agricultural practices are extremely taxing on the environment and are not sustainable over long periods of time. We use incredible amounts of artificial pesticides to tackle all of these bugs when we create these massive monocultures of crops which we put in various locations in the Country and import massive amounts of synthetic fertilizers because we continually deplete the grounds nutrients. Mr. Goldman explained we then ship all of this food across the Country and that uses incredible amounts of fuel. He continued to say with the recent pull out of the Paris Climate Agreement and newfound commitments from States and cities to tackle our CO2 emissions and reduce our impact on the climate, it is important we are considering issues of food sustainability. One way that Bethlehem can do that is by implementing a curbside kitchen waste composting pickup. Food waste is a tremendous amount of good nutrient rich potential soil that can be used for agricultural purposes in local lands but when we put it in our trash cans and mix it with toxic waste and plastics and other chemicals and then bury it in the ground or burn it in an incinerator it becomes useless. That is why we need to continually import these synthetic fertilizers for our lands. Mr. Goldman explained curbside composting could help

mitigate this effort by taking all of this nitrogen rich organic material and putting it back into soil which could be fed into local community gardens or picked up by residents who want to start gardens on their own similar to the City's yard waste composting except that it has more nutrients in it because it comes from food waste. He also heard recently that Bethlehem has been thinking about selling the City composting facility to a private company. He is not sure if that is true but he would recommend against that if that is the case. In conclusion he wanted to highlight the importance of thinking about food waste and issues of sustainability and closing the food loop so that all of the organic material and nutrients that go into our food and sustain our lives are not being mixed with poison and becoming unusable to the point where we no longer have those nutrients to produce food. That would be ideal locally where it would not need so much transportation.

President Reynolds informed Mr. Goldman that City Council, the Administration and several environmental groups and active citizens are currently investigating a climate action plan to put together for the City of Bethlehem. He will certainly put this on the list of things for us to research and take a look at.

#### *Medical Marijuana/Retaining Wall/Parking Lots*

Eddie Rodriguez, 701 Main Street informed he wanted to speak about the companies that are coming into the area and cutting down curbside trees. He has seen this many times and no one does anything about it, also the trees that are being dropped by inclement weather and windy situations. There was one large on Old York Road that he called the City about this morning. As for the medical marijuana Mr. Rodriguez thinks we have enough problems with drugs already. He stated do we really need this medical marijuana in our neighborhoods? We do not. He has talked about this for many years and as an ex-addict he knows one thing leads to another and that is an addiction. He remarked to think twice before this is voted on. Mr. Rodriguez mentioned the parking lot lease to the Parking Authority and stated he liked what happened when he was at this last meeting. He is concerned about the retaining wall on Old York Road and pointed out that those walls need to be repaired. He expressed he has spoken to Michael Alkhal, Director of Public Works about this matter. His concern is with the ground if a parking lot is there it will need some type of a strong barrier wall so that the ground does not cave in. He believes some type of a walkway between the retaining wall and the parking lot could be a consideration just to protect the people that fish in the area and people that pass by. This also can protect the animals in the area. He noted we do have a problem with the animals and he is grateful to the Parks Department for putting up that picnic table and garbage can and everything they did to make it look so beautiful around the area. Mr. Rodriguez continued with the parking lots and mentioned there should be sufficient lighting. He queried how do you prevent a residential neighborhood from having drugs and drug houses with out of town landlords that do not care about keeping up their houses? Mr. Rodriguez believes if they live out of town they are supposed to have a manager take care of their homes. He does not see that happening, there needs to be a strict follow up with this. Mr. Rodriguez pointed out that fentanyl and heroin are being mixed and we are seeing sudden deaths in the Bethlehem, Allentown and Easton area. We do not want this to appear in our City. We need to deal with the drug dealers out there and not put them back on the street.

*Write In Candidate for Mayor of Bethlehem/Article 717-Noise Ordinance*

Arthur Curatola, 813 Laufer Street stated he commends the City for the Pledge of Allegiance to the flag and the praying before every Council Meeting but by any chance if anyone does not feel right about that you are lying to God sitting here doing that. If you are 100% in with this and you want to see the City run how God would want to run it, to do what is really right then let the people voice their opinion. He does not know if people can ask a question to anyone, he put that up on this website that they cannot, he will take this down if it is wrong. Mr. Curatola noted it says in the press and he mentioned this last week and it was not corrected in the press that he was one day late to have people write him in to run as Mayor of Bethlehem. If you give him one day to have people write him in he will go around on a Friday to every place that he performs and he can guarantee that he will get 1,000 signatures within one day. Mr. Curatola stated he has people behind him to run as Mayor of Bethlehem. He stated he is not getting anywhere with the press or the media for some reason, and he cannot get a debate going where people could openly ask what he would do for the City or what Mayor Donchez would do. Mr. Curatola is a write in candidate for Mayor. He stated he is doing this for the health of every individual in the City. Mr. Curatola informed he has answers for any questions that may be asked and they are right on target to solve many problems. He had mentioned to some Members of Council that he would like to take an IQ test and believes he would surpass anyone in this room. He continued we should have an open forum where people can ask questions to what can be done for the City, economic development, crime, charter schools, etc. He asked to make sure that the press gets this because no one is calling him back. They think he is joking about this, but he expressed he is moving ahead. Mr. Curatola again spoke about Article 717 - Noises, and remarked that it never mentions anything about musicians performing music. He stated music was played in heaven before it hit the earth. Music is pleasant and we should really respect musicians when they get together.

*Lawnmower Accident/Fire Uniforms*

Stephen Antalics, 737 Ridge Street informed a good friend of his had a serious incident a few weeks ago. He was in the process of riding his rather large lawnmower which tipped over the ledge, fell on him and broke many bones but also he was doused with gasoline and it was ignited. Fortunately a City truck was going by and that saved his life. He is in the hospital now and it may take him up to 6 years to get back to 100%. He noted that the gentleman is a retired fireman, and that more than half of his body was covered by his old fireman's uniform. He pointed out that saved his life because the gasoline burned off the surface of his garb and did not penetrate or put his garb on fire. Mr. Antalics noted this next part he is going to explain is hearsay and second hand and he hopes it is wrong but it needs to be said because if there is any accuracy it needs to be looked into. He was told by someone and they asked him if he would say this tonight that the present uniforms or garb worn by firefighters in their line of duty putting out fire is much below the safety of what this gentleman wore. Again, this is hearsay that a test was made by someone and the present garb does not resist fire, the gasoline will burn the garb. The reason given to him was that these new uniforms were \$5 dollars cheaper than the ones that were used before. It came under a cost cutting program. Mr. Antalics finds this disturbing and hopefully it is wrong but putting ones welfare especially a fireman and reduce their safety by wearing an inferior garment is wrong. He reiterated that he hopes this is wrong but he strongly urges someone in the City to prove that he is wrong and to ensure our firefighters that their welfare is 100% concerned with the City Administration and City Council and to protect them to the best of their ability.

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

None.

*District Attorney John M. Morganelli Remarks/Ethics Ordinance*

President Reynolds remarked that Northampton County District Attorney John Morganelli is at this meeting. One thing that has come up the past several months as we have had conversations about transparency and ethics and different Ordinances before us was the fact that we had some questions about the District Attorney's office and the things they already cover in this area. He thought it was a good idea to send out an invitation for Mr. Morganelli to come down and visit us and talk about what his office does as well as any other comments he would like to make. So we will give Mr. Morganelli the opportunity to speak and then at the conclusion Council may ask questions. President Reynolds knows Mr. Morganelli is busy so he appreciates him coming to the meeting tonight.

Mr. Morganelli thanked President Reynolds and pointed out it is always a pleasure to come back to Bethlehem City Council because he served as Solicitor to Council for about 8 or 9 years and also as Assistant City Solicitor for 2 years. He knows all Members of Council personally and has great regard and respect for each and every one. Mr. Morganelli informed on June 12, 2017 he receive a letter from President Reynolds indicating that some members of City Council were interested in having him appear to give an overview of how the Northampton County District Attorney's Office and other law enforcement agencies monitor issues that may be related to some of the issues that you are dealing with in terms of ethics, conflicts of interest and/or other violations of law. He would also like to point out that President Reynolds' office was kind enough to send him a copy of the draft proposed Ethics Ordinance and perhaps the latest one to look over and make any comments. He will try to be brief. Mr. Morganelli hopes tonight to give some information that will be helpful as Council considers the draft proposed Ordinance and also to give insight as to how we deal with these issues. He wanted to state at the beginning that if he makes some comments about the Ordinance that could be done better he does not want to disparage anyone who drafted it because he knows how hard it is to do so. He thinks that all of us in public office and our citizens are interested in good government and are always looking for ways to promote good government and enhance confidence in our government by our citizens. Mr. Morganelli does believe that his 20 years as a DA and his years as a Solicitor in Bethlehem put him in a unique perspective to give some frank observations about what you might want to hear as you consider this. He then mentioned the law enforcement of some of the issues is what Council is concerned about. With respect to the DA's office he can say that over the years we get lots and lots of complaints from all of the municipalities in the County. Mr. Morganelli explained he works with over 30 municipal police departments and many are now regional so it encompasses a number of municipalities. He has always stayed out of local government and he will let the local officials, such as Council run things, but many times there are disputes that go on in local government and many times it spills over into complaints that some members of Boards or Commissions think are criminal in nature, ethic violations, etc. and they often make their way into his office. Mr. Morganelli can assure that his office investigates these matters and generally the first place they start is with our County Detectives. He pointed out he has seven County

Detectives and they are Police Officers essentially who work for the DA's office. The County Detectives go out and investigate matters that Mr. Morganelli sends them out on. He remarked many times when we get complaints from a municipal body such as City Council here we will assign a County Detective to it. The purpose of that is to find out whether or not there is a criminal law violation because our office is in the business of criminal law violations. He continued to say County Detectives often will do investigations, file a report with him, and if we find, and we have had in the past any municipal official, including a Police Officer, that is in violation of a criminal law, we will charge them. The County Detectives have the ability to file to arrest people just like a Police Department will do. Mr. Morganelli pointed out they have brought charges against local officials, Police Officers and he has had at least 40 to 50 Police Officers that his office has arrested throughout this County including in the City of Bethlehem over the years that he has been DA. That is a finding that some criminal law, usually the crimes code has been violated. It could also mean an ethical violation that constitutes a crime under the State Ethics Act which has criminal sanctions for certain crimes, such as conflicts of interest can be a felony. There are some other charges there as well.

Mr. Morganelli explained the second way we evaluate things is with our Grand Jury. We have had a sitting Grand Jury for about 17 years and it is comprised of citizens such as you that sit and help us investigate cases. When we believe that a County Detective's abilities can be enhanced by the Grand Jury's powers to subpoena documents, we can subpoena records from a municipal body, banks, health records, IRS records, or anything. He highlighted they have the power to do that. We will conduct a Grand Jury investigation and that can also lead to criminal charges recommended by the Grand Jury or just filed by our office. A third way that things come about is sometimes we will refer people to what is called a Private Criminal Complaint. If the Police Departments or our office decides that this does not rise to the level of a Police action, private citizens such as yourselves, can file a Private Criminal Complaint, which comes to him for approval and review. Often times he will approve the private complaint and citizens can actually prosecute a case if it gets to the Common Pleas level out from a Magistrate, then we will take the case over and an Assistant DA is assigned to the case. Mr. Morganelli highlighted the fact that there are 67 Counties in Pennsylvania. We are all elected DA's and our job as the chief law enforcement of the County is to enforce all the laws, criminal laws primarily, crimes code and any other areas where we are given jurisdiction and we do bring these kinds of cases. We also can make referrals to other agencies if we feel that we do not have the resources to conduct the investigation. He routinely will refer cases to the State Attorney General's Office. The State Attorney General's Office essentially involves jurisdiction over State officials, not local officials. However, he pointed out there is legislation now rolling in Harrisburg to expand the jurisdiction of the Attorney General's Office to include local officials in their jurisdiction as well. Right now the DA's would be primarily involved if it was a local official that was in violation of the law or an Ethics Act violation under the Pennsylvania Ethics Act. Mr. Morganelli remarked they also work closely with other agencies such as the Federal Bureau of Investigation. He remarked you have seen in Allentown that they are there and monitor things. Federal agencies do monitor local government; that is how they got involved in Allentown. They conduct their own investigations for violations of Federal law, mail fraud and any of those types of referrals. We also have in Pennsylvania the Office of Auditor General which can come in if there are financial irregularities; they can do audits. Sometimes we ask them to come in to do an audit which many lead to some criminal findings as well, but the Auditor General's Office is very useful.

Lastly, we have the Pennsylvania Ethics Act, the Pennsylvania Public Official and Employee Ethics Act. Mr. Morganelli stated looking at the draft Ethics Ordinance that he received what he gets out of this is that it appears to him that the Public Officials Employees Act is to essentially govern ethics in government. He will point out things about the State law first before he comments on the proposed Ordinance. The Act in Pennsylvania is very broad and it covers candidates for public office, public officials, and public employees and it applies to everybody. So the State Ethics Act applies to everybody in local government, candidates, officials and employees. It also has an intent to have an independent commission composed of members that will evaluate these matters that come before them and it sets forth the number of issues and concerns that normally will get there. That includes conflicts of interest by public officials, seeking improper influence, people who seek improper influence with a public official; the public officials who accept the improper influence, honorariums are prohibited under this act. There is a section on contingent severance payments, also on contracts, on former officials or employees; this is all in the State Ethics Act. Mr. Morganelli added that this applies to everyone here in Bethlehem and throughout the State. It also includes voting conflicts of interest. So when you look at the State Ethics Act it is very comprehensive and it also has with it various penalties. He continued to say that you will recall that a lot of our State officials were prosecuted criminally under the conflicts of interest provisions of this Act. Regarding Bonusgate he highlighted that all those that went to jail in Harrisburg were prosecuted under the State Ethics Act, so it does have teeth in it and it has an Ethics Commission and they can make findings and referrals. They actually have the power to refer to law enforcement so if the Ethics Act Commission investigates, they can refer to the DA's or to the Attorney Generals. That applies to everybody; it applies to all the officials and gives us a lot of power.

Mr. Morganelli stated he has some general comments looking at this Ordinance because he was asked to take a look at this Ethics Ordinance that was proposed. He thinks if you look at the State Act and your draft says this, the State Act allows local governments such as Bethlehem to supplement. He continued if you read Section 1111, which is cited in your Ordinance it says that, any government body can supplement the Act. When he reviewed the proposed Ordinance what he got out of it essentially was that the majority of it was just a rewrite of what we already have in the State and already applicable to all of the officials in Bethlehem and every official. So the majority of the conduct that is set forth in the proposed draft is already covered and is applicable to everybody in Pennsylvania under the State Act. He expressed the Declaration Policy in the proposed Ordinance is substantially a rewrite of the State Law. The Definitions Section is substantially the same with the exception of a few additions that were made by the draft Ordinance to deal specifically with the City. Mr. Morganelli continued to say the Restricted Activities Section is identical to the same section with some areas being added such as awarding contracts. Mr. Morganelli emphasized if City Council wants to supplement, which is the power given to it under State law, and make things more restrictive requirements, you can do that, but you do not have to rewrite in your Ordinance the whole State Act. If he was sitting where Mr. Spirk does and sat where the Solicitors were there these days he would recommend that the Ordinance be simplified and that you just incorporate by referencing the State Ethics Act so it becomes part of the Ordinance by reference rather than setting it all forth again and then add in to your Ordinance the areas that you would like to supplement. It would then make the Ordinance much clearer. Similar to a BOCA Code, we do not rewrite the whole BOCA code, but by Ordinance we adopt the BOCA Code, and the same can be done with the

Ethics Act. It would be a lot shorter, more comprehensive and would be very consistent with the State law.

Mr. Morganelli explained he looked at some of the areas that seems like a concern to City Council and he just wanted to address these generally. There was a specific area called No Bid Contracts. He thought that there seems to be a lot of things thrown into the Ethics Act which really could be considered ethics, but are actually stand-alone issues. For example, City Council could if you wanted to pass a No-Bid Contract Ordinance that solely deals with that issue and it really is a stand-alone issue. Council could retain the power to oversee it rather than delegate it to some Board. In Northampton County the County Council has adopted a number of Ordinances and they are on the books right now that deals with No-Bid Contracts. So County Council can oversee the Administration on No-Bid Contracts but it is not part of the Ethics Act because it is mingling issues that are not related. Mr. Morganelli advised rather than inserting a No-Bid Contract issue into the Ethics Act Council could have a stand-alone Ordinance dealing with that issue. He also noticed that Council has an issue about Nepotism and again City Council could pass an Ordinance to deal solely with the issue of Nepotism and not insert it into an Ethics Act type violation. There is also a section dealing with City Property and Personnel and he thinks a lot of those issues could be dealt with by Council. Lastly, he looked at Campaign Contributions limits and the whole area of the Ordinance that deals with campaign contributions and setting limits, in his opinion is completely out of place in an Ethics Act. It really is a subject of its own. He related in Pennsylvania we have a State Ethics Act and we have Campaign Finance Acts. They are not mingled together in the same law, they are set forth in separate laws in order to keep it clear and to have different standards for it, he added. If the City is interested in establishing campaign limits for races for Mayor, Council, Controller, it is a stand-alone issue and Council could address it rather than putting it in the mix of an Ethics Ordinance.

Mr. Morganelli explained there were a few other areas that he thought were problematic. The Ex Parte Communication section is very troubling in his view. Although he does understand the intent of this section by those who drafted it, he believes it has a number of deficiencies. Number one, adjudicated matter is not defined so what that means is unclear and it opens it up to interpretation and challenge. The section also raises constitutional issues and questions of the citizen's ability to communicate with public officials. For example, this section would seem to indicate that no citizen could contact any board member, authority member, commission of the City such as the Parking Authority to complain about action that they might be taking in a public matter unless then contacted some other party who is interested in the issue. How does a citizen know who the other party or parties are, or who may be affected by what is going on? So the way this is written it would apply to citizens and it raises issues of free speech and the ability to contact and complain to your officials. Furthermore this section exempts City Council Members which seems to indicate that a Member of Council could attempt to influence public policy but no citizen of Bethlehem could do so or may be in violation of the Act. It also raises questions as to how the Ethics Board can impose ethics on any "person" who is not a public official or a public employee of the City. Mr. Morganelli stated the way this is written now it applies to any citizen and he would ask what power does this independent board have over citizens who may want to call a Member of the Housing Authority or the Parking Authority to influence a matter before them which may affect other parties. It is his view that any citizen has the right to contact their public officials to complain

and to influence decisions, that is what we do as citizens and he sees no reason why if someone is proposing something that affects the neighborhood they should not be hampered by this section. Mr. Morganelli also spoke about the creation of the Board of Ethics with the Solicitor, Secretary, Investigating Officer, and the provisions of hiring lawyers. He highlighted if someone files a complaint the Board has to hire two lawyers, one to represent the complainant which he never heard a private citizen gets taxpayer dollar lawyers unless they are charged with a criminal offense. But they get a lawyer, anyone who complains and if there is an evidentiary hearing the Board and the taxpayers have to pay for the lawyer, even if it is a frivolous complaint in the subjects view. He thinks what you will see here is lots and lots of dollars that you will have to allocate to this Board to pay three lawyers plus investigators. He does not understand why we would do that when we have the State Board that does this for free. If anyone in Bethlehem files an ethics complaint in Harrisburg there is no charge to the City and you will have the same type of investigation, maybe better by the State. Mr. Morganelli also notes there is no appeals section in this proposed Ordinance so that when the Ethics Board rules in the State law there is an appeal. He remarked you can take the matter higher, but in Bethlehem's Ordinance as proposed there is no appeal process set forth.

Mr. Morganelli observed that he really did not understand why Council would want to delegate all of your power which you have now to this Board. He was really curious about why the list of nominees to serve on the Board are only prepared by three non-partisan designated organizations. Why would Council want to limit that to certain organizations when there might be other people in the City who would like to serve on this Ethics Board if you so create it and why would Council basically give up its authority to consider anybody who might be qualified to serve on the Board? One of the good things about the State Ethics Commission, he has worked with them a lot, is that the people out there are really independent. They generally do not know the local officials who are being complained about. It is a much more objective to have the State Commission do these investigations than to have a local committee where sometimes with personnel issues there might be people that have axes to grind with certain folks and it is not as truly as an objective process as it is when you do not know the people before you.

Mr. Morganelli will say that he is not certain, because he does not come to these meetings, although he is interested because he lives in the City of Bethlehem, what problem you are trying to solve here because there are so many issues. That includes no-bid contracts, campaign contributions, ethical issues, nepotism; it is like a hodgepodge of issues dumped into an Ethics Act and a creation of a Board. He stated in his view respectfully to all who had a hand in this and he does respect everyone here in this room, he believes this Ordinance needs lots and lots of work before being passed. Mr. Morganelli stressed if he were sitting where any of the lawyers are he would never let this become law without this being redrafted in a way that makes more sense. He thinks it has too many inconsistencies, too many unrelated topics thrown together in it and it will be open to challenge and needs a lot work before it would get passed. Mr. Morganelli noted if he would recommend addressing the problems that you may see perhaps with nepotism or conflicts you could pass stand-alone Ordinance that would probably fix those problems better than creating a bureaucratic mess by this Ethics Commission. He related this could go into hundreds of thousands of dollars depending on how many cases there are in a year. He also thought that this part of the no-bid contracts paralyzes government because any Administration in the future has the ability if you do not pass a no-bid Ordinance,

they have to stop all the action, this Board has to convene information and it really paralyzes government. He thinks you should take a look at the County Ordinance on no-bid contracts and you might come up with a better approach.

Lastly, Mr. Morganelli thinks that the intentions are good and some of the issues you are trying to solve could be better addressed by stand-alone Ordinance. That is an overview of his view. He respects City Council and those who are trying to keep all of us honest in public office.

President Reynolds thanked Mr. Morganelli for coming here and taking time out for us and for taking a look at these issues. You are from Bethlehem and so obviously all of your experience in this area as well as your willingness to come down and share your feelings and opinions as your experience as a prosecutor is appreciated. President Reynolds commented that many things were covered and many issues were hit on that have come up among City Council Members. It is a situation where there is a lot of agreement that there are a few things here where people might want to do something to supplement these issues.

Mr. Morganelli informed that can be done.

President Reynolds mentioned over the years on the County level Mr. Morganelli has either suggested or charged people with ethics law violations.

Mr. Morganelli replied yes, absolutely. We recognize that our responsibility to the Ethics Act is the local officials. The Attorney General's office deals with the State officials. With conflict of interest we have had half a dozen of them. Frankly, most of our public officials throughout Northampton County are like all of you in this room who try to do the right thing. Sometimes people run afoul of the law of this Ethics Act not intentionally but because of a lack of knowledge. When you run for City Council you are not an expert in the law. We look at things that way and we decide is this an intentional violation, is someone getting financial gain here or is it a technical violation where we can advise and maybe give a reprimand and life moves forward. Mr. Morganelli highlighted the fact that they have to make those calls every day. The Bonusgate prosecutions were different because there was a big financial gain, and they were prosecuted. We had have a few, in Moore Township a few years ago where we determined someone was selling surplus property and were getting property from the surplus program in the State into the municipality. Rather than using it for the municipality they were using it for themselves. We got that person out of office and we prosecuted that person because we saw a financial gain to it.

President Reynolds pointed out the first thing that Council looked at that was in this original draft Ordinance that we agreed on was something that should be a stand-alone item was that Mr. Martell suggested Ethics Training, provide by the State for Council Members, City Officials, Department Heads, Employees and anyone from the public. That is not something we had. We had a lot of good suggestions over the years about how that is important. President Reynolds noted that Mr. Evans wished that we had something like this when he first started on Council. That is the first education step for us and it did passed nearly unanimously by City Council because of the importance of State Ethics Training. He knows that Mr. Morganelli stated to supplement what is in the State Ethics Act, but one of the things we had a question

about is the inclusion of the word monopoly in this particular Ordinance as far as the proposed Ethics Board should have a monopoly on these issues having to do with ethics. No matter who would be sitting on that Board we know that is an impossibility because of the role of not just the District Attorney's Office and the State Ethics Commission and the Attorney General, but also the City Solicitor as far as personnel matters.

Mr. Morganelli remarked that Council, as you know, has such great power to investigate, you can hold investigative hearings. He sat there where Council has done so and subpoenaed witnesses on just about any issue of City government. This thing is really giving power to a Board that is very narrow. You are limiting the ability of where you are appointing citizens from; you will need a big budget to pay three lawyers and investigators. In his experience as a lawyer you are looking at \$250 to \$300 dollars an hour and if these hearings are lengthy this can add up. Mr. Morganelli pointed out we have a State Commission that does this for free. You can send this to Harrisburg and they will hold these hearings and it will cost Bethlehem nothing and it will be judged by an objective group of people who do not know the people who are involved in whatever complaint is filed. He remarked that he is not here to tell Council what to do. He is just here to explain based on his experience that you as a body could address some of these issues, no-bid contracts, nepotism, awarding contracts without jumping this into an Ethics Act and creating a bureaucratic Board with expenses. You could put penalties on that Ordinance and address these issues. For example, we have campaign finance laws in Harrisburg but they are not dumped into the Ethics Act, they are two separate things but here Bethlehem could pass that. One thing he would be careful about is that it doubles amount you can raise if somebody self-funds their campaign. One of the problems with that is that self-funding could come on the eve of an election when that other candidate has no ability to then raise money. So if I dump in \$5,000 dollars at the last four days of the campaign of my own money and poor "John Jones" is running against me, it does not matter that you can double the limits because you have no time to equal the playing field. Mr. Morganelli noted one of the problems with campaign finance limits is that it really makes it difficult for average folks to run for office because a millionaire can buy it with his own money, but when you are limited it sometimes works against democracy rather than favor it. If you decide to go down that road you should be careful with this. If you do and you think it is necessary, he would recommend that you do it as a stand-alone Ordinance and not put it in the Ethics Act and confuse it. That is his opinion, it is a matter of drafting and to try to keep things simple and understandable, that is how he likes to look at things.

President Reynolds again thanked Mr. Morganelli for coming to this meeting and added that he certainly has given us a lot to think about.

Mr. Waldron thanked Mr. Morganelli for his time. He had mentioned the State Ethics Board and referenced some specific cases where they investigated and prosecuted some politicians. Does he feel that the system works?

Mr. Morganelli stressed that he does, the system works. All around us we are seeing people who are corrupt that are making criminal law violations whether it is under the Ethics Act or the Crimes Code. They are being prosecuted. At the Federal level we have the DA of Philadelphia on trial now and we have had Congressman Fattah convicted and we have had Senators and Congressman in Pennsylvania. In Northampton County Mr. Morganelli has had

investigations and Grand Jury's involving public officials; some were forced out of office. He does think it is working, but it up to Council about what they are trying to address here. If it is the no-bid contract or if it is nepotism or the campaign finance reform that is all well and good but he would suggest that Council address it directly and not create a Board that will be a hodgepodge of all of these various issues. It would be simpler and be more effective for whatever Members of Council goals.

Ms. Negrón related she likes a lot of things that Mr. Morganelli has said. She is one of the authors of the proposed Ethics Ordinance and she appreciates that he took the time in looking at this and provide feedback. She likes the idea to adopt the State Ethics and then add on other Ordinances. She has been working on this for way over a year and she has learned a lot.

Mr. Morganelli mentioned it is not an easy process.

Ms. Negrón shared that we took a lot of information from cityethics.org and that is where we got a lot of the ideas. She personally is not concerned about a specific problem and trying to target a specific problem but actually trying to keep the jewel of a City that Bethlehem is and create a more transparent government. She understands that the State Ethics works very well but she knows in a panel that they had from the State Ethics Commission that there is a lot more that could be done and we could make it tougher.

Mr. Morganelli noted she is right and that is why the Act always has that provision 1111 that says it can be supplemented. No law is perfect and in creating legislation he believes it has to be clear and concise so people understand what is prohibited and what is not. His only critique here is not to her or anyone else's intention dealing with making government better, he just thinks it can be done in a better way by not bringing all of these issues into one document and maybe parceling it out like Mr. Martell taking out the training and putting that into a separate Ordinance that passed. There might be support on this Council for other areas to do that. Mr. Morganelli stated he would be very careful about creating this Board and giving it too much power but again, you can do whatever you want. He lives in Bethlehem and he trusts Council's judgement, but thinks it could create a bureaucratic mess and this Ordinance needs to be shaped up a lot before it could become law.

Ms. Negrón stated she likes the idea of adopting State Ethics and supplementing that.

Mr. Morganelli noted it will make it shorter and it becomes incorporated if you want and then you can supplement it rather than trying to draft the same language, it could become very cumbersome.

Ms. Negrón stated the reason why it looks like it needs a lot of work is because it is just a draft. When she was working with the group of residents it got to the point that she and Mr. Colón thought they should have the conversation with other Members of Council, it was not just for them to decide alone.

Mr. Morganelli informed no one expects her or anyone to do this alone. Legislation takes time to get it done the right way rather than rushing it so he thanks President Reynolds

and all on Council to hear his view on this but it is up to you and your lawyers to advise you. If you can take some of this out and deal with it separately as you did with the training you will find that the final product will be a lot more manageable. Mr. Morganelli informed he has a copy of his comments for Council and the City Clerk.

Mr. Martell thanked Mr. Morganelli for coming to this meeting and giving us a lot of good information and his expertise in this area.

Mr. Colón thanked Mr. Morganelli for coming out tonight to this meeting and added that all of his comments were received and appreciated.

Mr. Callahan pointed out he echoes what everyone else regarding Mr. Morganelli coming to this meeting. With some of the discussions he has had with other Council Members he thinks there are some things we need to look into like campaign contributions as far as the numbers are concerned. Mr. Callahan noted what Mr. Morganelli stated about someone financing their own campaign and how it would put someone else at a disadvantage. He has a family member who had an enormous amount of money dumped on him during the last days of a campaign and that is the area of campaign contributions that we need to look at. As he did say it would stifle and limit the amount of people who would be capable of putting together a well-run campaign.

Mr. Morganelli understands the intention behind it. We all agree on what we would like to see but the problem is that it could create a big advantage to someone who is wealthy and can wait until the last minute and then you have no time. If someone can write a check for \$100,000 dollars five days before the election and someone else cannot because they do not have the money and cannot raise it even though your campaign law says you can double your contributions, it is too late.

Mr. Callahan pointed out if there was an extreme campaign contribution limit there is nothing in State law or in Federal law that would disallow someone from forming a PAC. There are no campaign contribution limits on a PAC.

Mr. Morganelli stated in Pennsylvania that is correct.

Mr. Callahan stated so if someone would want to influence Bethlehem or Lehigh or Northampton County or other races, they could form a PAC and if business people or people of extreme wealth were on board to get certain people elected they could dump enormous amounts of money into that PAC. Then those few people who formed that PAC are now the power brokers that will hand out the money.

Mr. Morganelli informed the answer is yes. It is as simple as this. He has a PAC and if he has a lot of money he can write a check to his PAC for half a million dollars if he wants to and then he can decide to buy television time for a guy running for Mayor. All he has to do is file that he bought it, but meanwhile you are stuck with your limits, and I as a PAC, could fund a campaign.

Mr. Callahan added also if you wanted to you could take a \$500,000 dollar check and do advertisements whether they are mailers or television and do negative ads against someone.

Mr. Morganelli stated he could do anything he wanted; it is free speech, the First Amendment.

Mr. Callahan guesses it came up with the Martin Tower issue that there were some people who were disappointed with that vote. What came up was that there was a small amount of political contributions and that is allowed under State law. It is still allowed in the State of Pennsylvania.

Mr. Morganelli explained there are no limits in Pennsylvania. We have these campaign finance laws for transparency. The idea behind it is that if I am getting money from whoever it is, I have to report it. The citizens can then view it and then make a judgment about whether or not these are good guys funding my campaign or people they maybe do not like and vote against me. Late money is dumped in campaigns all the time and self-funders can dump in a lot of their own money late. If you were to have limits to limit you on City Council and now there is a challenger who is self-funded he can wait and in the last week put in money and then you have no time to raise that kind of money.

Mr. Callahan stated he is on board with what Mr. Morganelli is saying, and knew this but wanted this reaffirmed.

Mr. Morganelli pointed out this problem occurred at the Federal level too because we do have limits at the Federal level for PAC's and individuals. He pointed out that all of these independent expenditure committees came up and they were doing the exact same thing going around these PAC's, millions of dollars outside of the normal fundraising where people are limited. So there are always clever lawyers that know how to get around these laws but it hurts in his view. Mr. Morganelli asserted he has been around City government forever. He added he ran many campaigns for City Council, Mayor, etc. and he never really saw a problem in the money raised. All the candidates sort of raised the same amount of money, maybe some more but he never knew of a Council candidate who raised \$100,000 dollars against someone with \$5,000. Someone maybe raised \$20,000 which is a lot and someone else only had \$9,000 but he does not know what problem Mr. Callahan is trying to address here but that is up to Council.

Mr. Callahan asked if there is anything wrong with an Administration having a conversation with a developer on a project.

Mr. Morganelli informed he is not here to give legal advice. The answer is it could be, it depends on what the content of the conversation is.

President Reynolds again thanked Mr. Morganelli and noted they will take a copy of his outline for the record.

5. OLD BUSINESS

A. Members of Council

- B. Tabled Items
- C. Unfinished Business

6. COMMUNICATIONS

- A. *Director of Public Works – Recommendation of Award – Land Tech Enterprises, Inc.*

The Clerk read a memorandum dated June 8, 2017 from Michael Alkhal, Director of Public Works recommending a contract with Land Tech Enterprises, Inc. for the Eastern Gateway Improvement at East Fourth Street and William Street. The term of the contract is 30 days from the Notice to Proceed and the fee for the contract is \$164,596.

President Reynolds stated Resolution 10 C is on the agenda.

- B. *City Solicitor – Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association – 2017 VegFest*

The Clerk read a memorandum dated June 12, 2017 from City Solicitor William P. Leeson, Esq., to which is attached a proposed Resolution and associated Use Permit Agreement between the City of Bethlehem and the Greater Lehigh Valley Chamber of Commerce, by and through its Downtown Bethlehem Association, for use of the Bethlehem Greenway between Adams and Taylor Streets for the Bethlehem VegFest on August 26, 2017, according to the Agreement.

President Reynolds stated Resolution can be listed on the July 5 agenda.

- C. *Police Chief – Special Event Parking Fines – Musikfest 2017*

The Clerk read a memorandum from Police Chief Mark DiLuzio to which is attached a Resolution and a proposed boundary map for Special Event Parking during Musikfest 2017. The time covered will be from 12:00 PM on Friday, August 4, 2017 and last through 11:59 PM Sunday, August 13, 2017. The Special Events Parking Districts will need to remain the same as last year, including the extension into the South Side.

President Reynolds stated the Resolution can be listed on the July 5, 2017 agenda.

- D. *City Solicitor – Records Destruction – Community and Economic Development*

The Clerk read a memorandum dated June 13, 2017 from William P. Leeson, Esq., City Solicitor requesting Council to consider a Resolution for the Destruction of Records from the Office of Community and Economic Development listed on the attached exhibit. Solicitor Leeson has reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Reynolds stated the Resolution can be listed on the July 5, 2017 agenda.

- E. *City Solicitor – Records Destruction – Health Bureau*

The Clerk read a memorandum dated June 13, 2017 from William P. Leeson, Esq., City Solicitor requesting Council to consider a Resolution for the Destruction of Records from the Office of the Health Bureau listed on the attached exhibit. Solicitor Leeson has reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Reynolds stated the Resolution can be listed on the July 5, 2017 agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

8. ORDINANCES FOR FINAL READING

A. *Bill No. 22 – 2017 – Amendment to Intermunicipal Cooperation Agreement – Griffin Land Subdivision and Land Development in Lower Nazareth Township, City of Bethlehem, Lower Nazareth Township, Bethlehem Township and Bethlehem Township Municipal Authority*

The Clerk read Bill No. 22 – 2017 - Amendment to Intermunicipal Cooperation Agreement – Griffin Land Subdivision and Land Development in Lower Nazareth Township, City of Bethlehem, Lower Nazareth Township, Bethlehem Township and Bethlehem Township Municipal Authority, on Final Reading.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Reynolds, 6. Bill No. 22 – 2017 now known as Ordinance No. 2017-22 was adopted on Final Reading.

B. *Bill No. 23 – 2017 – Amending Article 342 – Local Economic Revitalization Tax Assistance*

The Clerk read Bill No. 23 – 2017 – Amending Article 342 – Local Economic Revitalization Tax Assistance, on Final Reading.

President Reynolds thanked Alicia Karner, Director of Community and Economic Development and her department for their hard work with this and thanked the Administration for all the information that was shared with Council. We have said this several times but it needs to be said again. When you look at a program like LERTA that is working and producing tax revenue that would otherwise not be produced without it and as far as producing jobs these are the types of programs that work. He highlighted that sharing of that information makes our job easier, but also citizens can understand the power and value of these economic tools. President Reynolds mentioned that every municipality across the State and across the Country has access to economic development tools and we need to use them in the most effective way possible. One thing that has come out of this is that we use them when we need to and when they make sense. He once again thanked Ms. Karner, Mayor Donchez and the Administration for bringing this forward.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Reynolds, 6. Bill No. 23 - 2017 now known as Ordinance No. 2017-23 was adopted on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 24 - 2017 - Amending Zoning Ordinance - Articles 1302, 1305, 1322 - Medical Marijuana Definitions and Regulations*

The Clerk read Bill No. 24 - 2017 - Amending Zoning Ordinance - Articles 1302, 1305, 1322 - Medical Marijuana Definitions and Regulations, sponsored by Mr. Callahan and Ms. Negrón, and titled:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, TO INCLUDE REGULATIONS FOR MEDICAL MARIJUANA, ADDING DEFINITIONS AND REGULATIONS.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Reynolds, 6. Bill No. 24 - 2017 was passed on First Reading.

B. *Bill No. 25 - 2017 - Amending Zoning Ordinance - Article 1302 - Clarifying Regulations Pertaining to Hospitals, Behavioral Health Facilities, and Psychiatric Facilities.*

The Clerk read Bill No. 25 - 2017 - Amending Zoning Ordinance - Article 1302 - Clarifying Regulations Pertaining to Hospitals, Behavioral Health Facilities, and Psychiatric Facilities, sponsored by Mr. Callahan and Ms. Negrón, and titled:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, TO CLARIFY REGULATIONS PERTAINING TO HOSPITALS, BEHAVIORAL HEALTH FACILITIES, AND PSYCHIATRIC FACILITIES

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, and Mr. Reynolds, 6. Bill No. 25 - 2017 was passed on First Reading.

10. RESOLUTIONS

A. *LERTA Program - South Side Renewal to December 31, 2022*

Mr. Martell and Mr. Callahan sponsored Resolution 2017-136 that designated the LERTA boundaries in the City of Bethlehem, Northampton County, within which exemptions may be granted for improvements to deteriorated industrial, commercial, or other business properties and/or deteriorated residential property areas authorized for exemption under Act 76 of 1977 and Act 42 of 1977, effective January 1, 2018, described in the attached Exhibit A.

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

*B. Authorize Parking Lot Lease Agreement – Bethlehem Parking Authority – 920 Wyandotte Streets and 121 West Union Boulevard*

Ms. Negrón and Mr. Callahan sponsored Resolution 2017-137 that authorized to execute a Parking Lot Lease Agreement and such other agreements with the Bethlehem Parking Authority for parking lots located at 920 Wyandotte Street and 121 West Union Boulevard, all in accordance with the Parking Lot Lease Agreement made in part hereof.

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

*C. Approving Contract – Land Tech Enterprises, Inc.*

Mr. Callahan and Mr. Colón sponsored Resolution No. 2017-138 that authorized to execute a contract with Land Tech Enterprises, Inc. for the Eastern Gateway Improvements at East Fourth and Williams Streets.

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

*D. Certificate of Appropriateness – 20 West Market Street*

Mr. Callahan and Mr. Colón sponsored Resolution No. 2017-139 that granted a Certificate of Appropriateness to replace the existing roof shingles at 20 West Market Street.

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

*E. Certificate of Appropriateness – 136 East Market Street*

Mr. Callahan and Mr. Colón sponsored Resolution No. 2017-140 that granted a Certificate of Appropriateness to re-roof two garages at the rear of the property at 136 East Market Street.

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

11. NEW BUSINESS

*Next Council Meeting Wednesday July 5, 2017*

President Reynolds stated he wanted to remind everyone that the next Council Meeting will be on Wednesday, July 5, 2017 rather than Tuesday due to the July 4<sup>th</sup> holiday.

*Committee Meeting Announcement*

Chairman Callahan announced a Finance Committee Meeting will be held on Wednesday, July 5, 2017 at 6:00 PM. The subject will be the 2011 Bond Refinancing; Budget adjustments.

*Italian Festival*

Mr. Callahan wanted to thank the Administration and all of the Departments and Mr. Alkhal for all the work they put in helping out the Italian Festival that was held this past Saturday, June 17<sup>th</sup>. It was a good time even though there was some rain. There was a good crowd for their second year and he hopes there will be many more years. He also wanted to thank the Downtown Bethlehem Association for all the work they put into this.

*Committee Meeting Announcement*

Chairman Martell announced a Community Development Committee Meeting will be held on Tuesday, August 29, 2017 at 6:00 PM. The subject will be the Financial Accountability Incentive Reporting Program (F.A.I.R.).

*Recreation*

Mr. Martell queried if Jane Persa; Recreation Director could provide an update on how the Recreation Bureau is doing so far this summer.

Ms. Persa stated everything is going well. We are in the height of our season, the pools are open and the playgrounds and pavilions are all rented and the grass is being cut. There is pretty much no disruption of anything to the citizens and she has had a lot of cooperation from Mr. Alkhal's department and we try to help him out wherever we can. We may be tweaking some things next year but so far it has been going well this year.

12. ADJOURNMENT

The meeting was adjourned at 8:41p.m.

ATTEST:

City Clerk