

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street – Town Hall
Bethlehem, Pennsylvania
Wednesday, July 5, 2017 – 7:00 PM

INVOCATION

Former Councilman Louis N. Stellato offered the invocation 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 R. Waldron and J. William Reynolds, 7.

CITATIONS

Honoring Ashley Heiberger

President Reynolds stated that the Citation for Ashley Heiberger on the occasion of his retirement from the Bethlehem Police Department after 21 years of service will be mailed to him since he was unable to attend this evening.

Honoring William Dosedlo

President Reynolds presented a Citation to William Dosedlo on the occasion of his retirement from the Bethlehem Police Department after 27 years of service. The Members of Council applauded Mr. Dosedlo and wished him well in his retirement.

2. APPROVAL OF MINUTES

The Minutes of June 20, 2017 were approved.

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

President Reynolds stated that this afternoon the Housing and Community Development Planner requested that Council withdraw Resolutions 10 H and 10 I from this evenings agenda. The Resolutions will not be voted on.

Ethics Ordinance

Robert Trotner, 1920 Whitehall Street, Allentown, stated he is a former resident of Bethlehem. He represents the Lehigh Valley Coffee Party which is a national organization devoted to ethical reform in City governments. Mr. Trotner reported that we proposed an Ethics Ordinance

in Allentown exactly the same as the one being considered in Bethlehem so he wanted to get the most immediate update of where that Ethics Bill stood and what is going to be the next step.

President Reynolds stated we had a Committee of the Whole Meeting last Monday and there were no motions or amendments made so it would be up to the authors of the Bill as far as the next step would be concerned.

Mr. Trotner asked if they could propose it.

President Reynolds reported they have a series of different legislative options that they always do.

Mr. Trotner understands that the Solicitor recommended against approval, is that correct?

President Reynolds informed he will not get into the back and forth in answering questions but that is the status update as far as what happened at the meeting last week.

Mr. Trotner noted that would be part of the status update.

President Reynolds advised Mr. Trotner that he has the remainder of his time.

Mr. Trotner is asked if the Solicitor has to approve something or has some affect if it is approved. He wonders what the Solicitor's report was.

President Reynolds reiterated he has the remainder of his time. He expressed that we generally do not go into a back and forth during public comment. He noted he answered the first question for Mr. Trotner. Council is able to ask questions during this and if you want to talk to anyone after the meeting Mr. Trotner certainly can do that. President Reynolds informed that the public comment general rule is that this is not a back and forth where we answer questions.

Mr. Trotner asked if City Solicitor William Leeson could answer that question.

President Reynolds reported this is not the appropriate time to be asking questions of the Administration either. These are the rules of City Council.

Mr. Trotner queried as to which rule that would be.

President Reynolds again stated Mr. Trotner has the remainder of his time.

Mr. Trotner stated he will just stand here until it is done.

South Side Playgrounds/ Pools

Anne Evans, 464 Montclair Avenue informed she would like to speak about some facts about our Parks Department. She continued to say no movies were scheduled at south side playgrounds this summer, only at playgrounds on the north and west sides of town. At a Vision meeting in February she raised the issue of no City sponsored movies on the south side last

summer and that it should not happen again this year and yet it has. Ms. Evans noted that movies at Levitt Pavilion do not take the place of movies in a neighborhood playground. Her second concern is that there are no daytime playground programs at any south side playgrounds this summer. Plenty of children live on the south side and deserve to have local programming to them. Ms. Evans pointed out that four City parks are getting new climbing equipment installed this summer, Martin Luther King Park on the south side is the last one on the schedule. Not only do many neighborhood children use this park but the nearby daycare center also brings their children there to enjoy the fresh air. This playground equipment that has been taken away now but nothing replaced yet has been unusable for at least the past two years. Ms. Evans continued with her fourth point and expressed until Monday, July 3, there was no pool open on the south side. Only after citizen complaints did the Parks Department agree to share staff from the west side pool in alternating days. Even at that four days are set for west side and three for Yosko even though Yosko gets far more patrons than the west side pool does. Just because Yosko has the splash park it does not take the place of a real pool. The reason that not enough people applied for lifeguard jobs this year is valid but this should be looked at as a City wide problem and we need to look at ways to better advertise positions that we have in the City. Ms. Evans explained maybe we have to start working on this during this coming fall for next summer. Also when people apply for a summer job in the City unless there is some hardship for transportation they should be assigned to pools and playgrounds and not select their location. Ms. Evans stated she would like Council to think about these facts but she will not stand idly by while children and their families who live on the south side of Bethlehem are marginalized by our City government because of geography.

South Side/Carlton Avenue

Stephen Antalics, 737 Ridge Street informed he wanted to commend the first speaker because she very eloquently proved Einstein's theory of relativity. Mr. Antalics agrees with Ms. Evans 100 percent. He also has a complaint. Sometime ago he brought to Council's attention the condition of Carlton Avenue and nothing has been done. Mr. Antalics informed he knows someone who has had two axles broken on her car because of the condition of the street. He suggests and urges that every Member of Council take Route 378 south and cross Wyandotte Street and turn left on Summit and turn left on Carlton Avenue and see what you think. He feels this would never happen on Market Street, Church Street, Wall Street or Prospect Avenue on the north side. If it did happen it would be cured in one day. Mr. Antalics urges for the welfare of the people on south side to demand in their name that each and every one of you drive on that street from Summit down to Packer and report to the City Clerk what you think of it by email. Mr. Antalics will then check with the City Clerk for her to forward those emails to him. Council represents the entire City, but a group of people are being ignored and those people are on the south side. Those people suffered the indignity of driving that street every day and they pay the same taxes as everyone else but they are not getting the service. Mr. Antalics believes something is wrong here. Mr. Antalics stated we seem to be falling back on our mentality as to who are the privileged of Bethlehem. It seems that the privileged of Bethlehem are those across the Lehigh River. That river was and seems to be again a social iron curtain. So he would expect Council to take his suggestion and he will check with the City Clerk after Council has driven on Carlton Avenue and have given their honest comments and see whether you would care to put a priority on this street. Those people who voted for you are suffering at an expense for car repairs.

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

Minute Time Limit)

None.

5. OLD BUSINESS

A. Members of Council

Ethics Ordinance/Committee of the Whole Meeting

Ms. Negrón stated she had a meeting last Thursday with Solicitor Spirk to get clarification on the June 26, 2017 Committee of the Whole Meeting. She asked him what he thought he heard and we were both in agreement that we were not on the same page. She wanted to see if there could be a conversation about it. Ms. Negrón knows a lot has to do with starting with one Chair and ending with another Chair and a lot in the transition was lost. She expressed that this is very important to her therefore she needs to be clear. Ms. Negrón informed what she had recommended from the beginning was that Council consider the Ethics Ordinance as presented. She knows President Reynolds was asking for a motion at that point and she was confused about what kind of motion he was looking for and did not understand that it was a motion to move forward with the Ordinance. The first time we had a Committee of the Whole Meeting there was no motion, we were actually discussing pieces of the Ordinance. She thought that was what we were going to do. At the beginning of the meeting she had even recommended that we start with Section 1103, Restricted Activities of the Ethics Ordinance, but we did not get anywhere. Ms. Negrón is asking for clarification.

President Reynolds explained the first Committee of the Whole Meeting was informational based. We said at the beginning we were not going to be voting on anything at that time. The second Committee of the Whole Meeting was last Monday, June 26, 2017. He recognized the Ordinance was worked on to get it in Ordinance form from where it was in January so that it could be voted on if there was the desire to do so. Then that was an opportunity. He clarified that he did not ask for a motion, he said if you would like to make a motion you certainly can. He explained at that point if you so desired you could have made a motion or any amendments to the Ordinance that was before us. There were other things we talked about last week, but were not before us in any type of voting form. So then that was the opportunity for a discussion. President Reynolds remarked that he listened to the whole meeting, and there was an opportunity if Ms. Negrón wanted to make any motions. He continued to say that a lot of comments were made in the past few months from Members of Council, the Solicitor's Office, Council's Solicitor, and Mr. Morganelli, and then there was an opportunity to make any changes or amendments, to move that draft along. This was an opportunity not just for Ms. Negrón; others could have made amendments, but there were no motions or amendments. President Reynolds stated that does not mean that there are no other options available to you. You could make motions at different times to try to do different things with scheduling meetings and things like that. It was his belief, and he thinks it is one shared by most Members of Council, that the majority of Council Members, from conversations we have had, are comfortable moving forward in taking some of these individual pieces and putting them into individual stand-alone Ordinances, although he knows that Ms. Negrón does not agree with that.

President Reynolds mentioned he left that meeting with the idea there was the desire to move forward from Council Members. Some had individual ideas about moving forward. Mr. Callahan had something about the gift ban and President Reynolds noted he has something about contracts. Ms. Negrón did have the full Ordinance that was in front of us, but at that point it becomes a situation by which if there are either motions or changes she would want to make or take a look and maybe change something, those were all her options.

Ms. Negrón explained that is what she understood after her conversation with Solicitor Spirk. What she thought we were going to do at that meeting was to point out specifics of the Ordinance and have conversations about if someone was not in agreement with what was on a certain page, but we were just spinning in the same place.

President Reynolds stated that was her responsibility to offer amendments and changes.

Ms. Negrón stated she has no amendments to offer, she likes it the way it is. If someone does not like it they should bring amendments to it.

President Reynolds mentioned he understands that she and her group spent a lot of time working on this. But if it comes forward to people on City Council and they do not agree with things in there, as with any place like Washington, Harrisburg or Bethlehem, it is then on the author or the person who brought it forward to make the changes to get enough support to pass it. Once again, he does understand there were concerns brought up by Members of City Council, the District Attorney and other Solicitors. It really comes down to your own personal desire that whether or not you believe that is a change that is worth making or not. President Reynolds stated judging by what people have said, and the complexity of what is in the proposed Ordinance is part of the reason why we are looking to take this into individual stand-alone Ordinances. He would say that just about every one of us and the City Solicitor and Council Solicitor and Members of the Public and the District Attorney have weighed in with individual pieces that they think should be different. He would understand when you look at the whole 30 pages and all the different things people want to change but with the seven of us, the goal is to get four people to agree, that would be a majority, and that would pass a law. President Reynolds does not know what to tell Ms. Negrón as far as what she heard from other people that she does not want to change, but that is the way that voting works.

Ms. Negrón stated following the guidance that Solicitor Spirk suggested, she moved that we have another Committee of the Whole Meeting and that we take the Ordinance into parts so we can talk about it in parts and pass it as we go along.

President Reynolds informed he wanted to be clear that Ms. Negrón is making a motion to go ahead and schedule another Committee of the Whole Meeting.

Ms. Negrón replied yes.

President Reynolds asked for a second to that motion for discussion. Mr. Colón seconded the motion.

President Reynolds noted there is a motion on the floor to have another Committee of the Whole Meeting. He asked if there is any discussion.

Mr. Colón reiterated what he said at the Committee of the Whole Meeting on June 26. He continued to say we proposed this as one big Ordinance but as President Reynolds mentioned it will come down to the will of the Council as a majority. We talked about the feedback we got the past few weeks at these meetings, and with conversations it circles back to what is the desire of the majority of Council. If that is to look at everything as one Ordinance in its entirety, so be it, but if it is the majority of Council to pass this one Ordinance at a time as we discussed, so be it. Mr. Colón understands to move forward we need to decide what we are going to do here in terms of that. He understands if a majority wants to look at this one by one like with Mr. Callahan's Gift Ban Ordinance.

President Reynolds believes that moving forward handling these things one by one is a way he is more comfortable with going forward. He does not think we need another Committee of the Whole Meeting when we just had one a week ago. He noted that part of the discussion were the questions of when we are going to have a Committee of the Whole Meeting and is this being stalled. We had the Committee of the Whole Meeting and there was not necessarily any changes made to that Ordinance nor were any motions made to amend it. He thinks that if there would be a different document in front of us that had changes it would be a situation where he would see more of a need for a Committee of the Whole Meeting. But right now we have a document that we have talked about, and we have gone on record saying what we believe are the individual areas of concern. President Reynolds noted those areas have not been necessarily addressed in this particular Ordinance. He believes if we have another Committee of the Whole Meeting it would be another situation where it will not be the people who have an issue with it making changes or amendments. That is not the way this generally works. If there were things that were up for amendments, we would have something new to talk about at a new Committee of the Whole Meeting and that would make more sense. He remarked at this point without changes to the Ethics Ordinance in front of us, and after the meeting we had last week, and the different ideas people are coming forward with, he is comfortable handling this in single stand-alone Ordinances regarding gifts, contracts, campaign contributions, going forward. For that reason he will not be supporting the motion.

Mr. Callahan stressed he agrees with a lot of what President Reynolds just stated and he wanted to reiterate what he said last week at the Committee of the Whole Meeting. As Mr. Morganelli said, there are a number of items in the 34 page proposal that Ms. Negrón had presented that even the District Attorney and several others believe that do not belong together with the findings or contributions and all that. The other thing that there were problems with was the proposed Ethics Board would want a monopoly over ethics in the City. Mr. Callahan noted that everyone is in favor of ethics and ethics training. Mr. Martell's Ordinance for training was a good one and the Mayor has agreed to have all of his Department Heads and himself attend the ethics training. Mr. Callahan mentioned that Mr. Morganelli also stated that a lot of the things that this Ethics Board would do is already covered under the State Ethics law, and already part of their job and the Attorney General and the District Attorney. Mr. Callahan stated his opinion moving forward is that we have Mr. Martell's Ethics Training Ordinance, the proposal that Mr. Callahan is sending through regarding a gift ban and President Reynolds is looking at contracts that the Administration is also in favor of. Mr. Callahan reiterated that

three years ago we passed an Ordinance that required the Administration to come to City Council with any contracts over \$50,000 dollars. Almost all of our contracts are big contracts and those have to go through a Department Head, then to the Business Administrator and the Budget and Finance Director, then to the Mayor and then to Council. So there are a lot of layers of vetting. He is comfortable with what he said last week and is in agreement with President Reynolds in that it is probably better moving forward and taking this in a piece by piece basis with individual Ordinances. He will not be supporting moving forward to another Committee of the Whole Meeting with the 34 page proposal.

President Reynolds mentioned with what everyone has looked at with these pieces is not just a comprehensive Ordinance, but a comprehensive process that reaches out to the people, such as the Administration, who are involved in these different areas of contract, gifts, etc. He pointed out regarding a gift Ordinance, contract Ordinance, campaign contributions Ordinance, it will be easier to get that information and construct Ordinances that are able to be passed; rather than saying we need to wait for a meeting and wait for a memo from someone and someone else to weigh in. He does not think it is a workable way in his opinion.

Mr. Evans believes in general this has been successful. The fact is that we are still talking about ethics since the beginning of the year. Since Ms. Negrón and Mr. Colón have brought this to us we have been talking in some form or the other about this, whether in parts or in whole. Whenever you have something of this size and this many people talking there will be all types of opinions. He related he dealt with this when he proposed something going back to 2012 with the Zoning changes. He had many thoughts about what he wanted to do and brought things forward, although he knew he could not get the votes for all of it. We did chop it up and some were approved, and some of his ideas he thought were good did not have enough support to pass. Mr. Evans realized when he had a large document he could not get it all through because there were just too many different opinions and knowing he would not get four or more votes on the entire package, he broke it up into parts. He remarked that this was effective; he did not get everything he wanted to see in zoning, but there was the will of Council that some were approved and some were not. The same thing kind of happens at budget time when a proposal comes through and some line items get approved and others do not. Mr. Evans does understand both sides of this. There are certain parts of this document that are important, some we have already moved on and has become law. The education piece was discussed, and voted on so that is already in place and we continue to pull out parts that get support. Mr. Evans mentioned that not all parts of that 34 page document will have seven votes or even four votes. So bringing this forward as is, with amendments, he fears it would not pass and it would fail because there are different concerns with different parts. Mr. Evans stated that is what we see often in Harrisburg when the large Bills come through. The Health Care Bill in Washington D. C. is an example. It is being held up because it is too big and too complex. As a result, nothing gets done because there are too many moving parts and they are unable to collect the votes needed and as a result we all suffer. Mr. Evans does think it would be most effective to continue to look at the working document and pull out parts. Anyone of us can do it. He highlighted this has been done by multiple Council Members already and it is good that everyone has been engaged with this. Ms. Negrón and Mr. Colón have kick-started this and now all of us are thinking about this. So in that way this is effective. Not everyone is going home happy, but that is often the way laws are made. You need to get enough support in enough areas and keep doing what you think is right, win the battles you can win, and fight the

battles you want to fight, but realize you cannot win them all. Mr. Evans mentioned if we continue to move down the path with these segments, it is more effective doing it this way and having those small incremental successes versus trying to do the big thing. If we go back to another Committee of the Whole it will be long and detailed and there will probably be several Committee of the Whole meetings to get this done. He encourages the authors of this proposal to get into what is most important to you to get approvals. He reflected to Mr. Colón and Ms. Negrón they might realize they are the only ones who supports something. He noted that has happened to him and then he would just pull back and not go through the steps. Mr. Evans thinks this is part of the process; we have to continue to work through as a Council. He pointed out we have been all working together now for two years and we have done some things that have been very productive for the City of Bethlehem. He hopes that we can continue this down the road in a positive light and follow the path that has been suggested.

Mr. Martell mentioned one of the things he said at that Committee of the Whole and one of his very concerns is that the point is the impact. The point is to get things done and Mr. Callahan has mentioned things that are already on the books, and we have all talked about different ideas to go even further in the interest of more transparency, and cement that idea of trust with the citizens. His concern of going the route to have another Committee of the Whole Meeting and to take it as one whole document is that impact might not come for two, three years or maybe longer down the road. Mr. Martell noted there has been a lot of consensus on a couple of issues, and more than that, we can get it done in a relatively efficient and effective manner, and that is what he is interested in. Mr. Martell thinks there are many questions that were brought up by Mr. Morganelli that would require some answers and some input from the Administration on how processes are going to be affected. We certainly do not want to harm their ability to keep delivering services that the citizens have come to expect. Mr. Martell believes the best way to do this is to focus on splitting it up. He concluded that would be more efficient and will get us to the end result which ultimately is what we are all looking for.

Mr. Waldron advised with the motion on the table to take this back to Committee, he does not see a reason to do so until these topics do get divided. He remarked most all of us are in agreement; if you take the sum of all the parts and it equals the same thing that was proposed we end up with the same goal and it might be smoother and easier to do when they are individual things. So if we were to take that same 34 page report, cut it up into half a dozen pieces so that they are stand-alone Ordinances that would be a good starting point. Mr. Waldron noted some of those things will be much easier to be passed with less conversation and fewer changes and some of the larger ones will be more difficult, but he would not want to hold up the entire thing just because of some disagreements. Mr. Waldron thinks if we were to separate that exact document as is, that would be a good starting point and then we can get the Administration involved as well. When he sees that change he would then support a Committee of the Whole Meeting to start having those conversations individually to talk about the individual Ordinances.

Ms. Negrón stated obviously this is something you are not supporting. She is disappointed, but not surprised. She also wanted to say she is sorry she overwhelmed everyone with the 34 pages, but the first 15 pages are just definitions. What she suggested at the Committee of the Whole Meeting was to take one point at a time. She even mentioned it might take a year to pass this but it is important to keep this as a whole because there is a reason for it.

We even had the piece, although she does not know what will happen to it after changes we got from Solicitor Leeson about Mr. Callahan's proposal, but we need to start the conversation and make changes to it. If you have Don Quixote to read and you decide to read it in one night that will not happen. So you have to take it chapter by chapter and with the comprehensive Ordinance they proposed of course it is overwhelming and huge, but it can be done and it is the right thing to do. Ms. Negrón stated however, if that is not the will of Council she is sorry that you could not understand the importance of a comprehensive Ordinance that has worked in other places.

President Reynolds pointed out that we all have the same goals but it is just the process by which we go about doing it to accomplish the goals. We work and are elected to serve in a government in which there are checks and balances, and there are different powers given to different people. We are one branch, the Administration is another branch. He thinks what is playing out here is, just as others have said, that certain people have different priorities. President Reynolds believes the conversation we are having that a lot of people deserve credit for is about many of these issues that are important that were not necessarily being talked about a year ago or two years ago. He knows there is disagreement here among some people, but looking at these piece by piece is the best. It is not as if people did not read the 34 pages, everyone on Council read the 34 pages. He advised that this led to a lot of different questions and led people to the same conclusion that rather than trying to handle it all as one it would be more effective, we could create better Ordinances and we could do things on a more immediate basis than trying to take all of it at one time. He understands that is something that Ms. Negrón does not agree with but that is the process that has played out here. Ms. Negrón had the opportunity and met with some folks, came up with something and brought it forward, people on City Council took it seriously, the Administration weighed in and citizens weighed in, Mr. Morganelli weighed in and everyone's opinion is important. He noted that no one has a monopoly on what is the best way to go forward. President Reynolds informed that what we do is we debate and we try to make the best decisions we can and find whatever consensus we can, we vote and then go forward. As Mr. Evans said, we have all been on that side sometimes where there is something we think is really important and there are people telling us this is very important and we vote and it just does not go our way. That is democracy and how this process works.

President Reynolds asked the City Clerk to call the roll on the motion to schedule another Committee of the Whole Meeting on the Ethics Ordinance.

Voting AYE: Mr. Colón, Ms. Negrón, 2. Voting NAY: Mr. Callahan, Mr. Evans, Mr. Martell, Mr. Waldron, and Mr. Reynolds, 5. The Motion failed 5-2.

Ms. Negrón informed with her conversation with Solicitor Spirk it was also clear to her as he confirmed according to Roberts Rules that when we have an Ordinance like the comprehensive Ordinance we have in front of us, no other Ordinance could be approved that has pieces, questions related to the one presented that is still there. She just wanted to make that comment. So we have to make sure that if anyone is going to present any pieces of it, that conversation has to happen with Solicitor Spirk so we know how to move forward because the comprehensive Ordinance is still there.

President Reynolds asked Solicitor Spirk to address that particular situation.

Solicitor Spirk stated in general Roberts Rules deals in motions and if there is a motion that has been proposed and has not been finally addressed yet a new motion cannot conflict with that or present substantially the same question as that. So as new Ordinances would be proposed one would have to look to see if they conflicted with the comprehensive Ordinance or if they presented substantially the same question. Now, it may be a two page Ordinance that is proposed and you would be comparing that to a 34 page comprehensive Ordinance and you probably would not be presenting the same question because it would not be 34 pages. That is what Roberts Rules says, and that would have to be analysis that would have to be conducted when we saw what the new Ordinance looked like and if it conflicted with the comprehensive Ordinance or if it was the same as the comprehensive Ordinance. Solicitor Spirk explained in that discussion Roberts Rules suggests one way having to avoid having to make that analysis every time would be to have the comprehensive Ordinance postponed indefinitely. If that were done then Council would be free to consider any new Ordinance that was a piece of it, or the same subject or the same topic or the same anything. That was one way to avoid having to make the piecemeal Ordinance by Ordinance analysis. There could also be other options such as people could move to amend the comprehensive Ordinance, and people could propose a new Ordinance to be substituted for the comprehensive Ordinance. There are different legislative ways that one could proceed, but in the absence of a pending Ordinance or a new Ordinance coming up right now you have to wait and see what you saw.

President Reynolds informed to be clear it would be, and he understands Solicitor Spirk is just giving the other option to kind of solve that indefinitely, but the other option then is when something comes up, and this might be what Ms. Negrón was saying regarding someone coming up with something that addressed one of these individual pieces, that would be the type of thing by which the Council Solicitor would have to make a decision.

Solicitor Spirk stated he would have to advise the Chair as to whether it seems to violate the principle in Roberts Rules about conflicting with the comprehensive Ordinance or not presenting substantially the same question.

Mr. Callahan commented that considering the vote we just took that was 5-2; the Ordinance has not come to us yet.

Solicitor Spirk informed it is still at the Committee of the Whole.

Mr. Callahan queried if it is officially in front of Council.

Solicitor Spirk stated no, it would have to be brought back from the Committee of the Whole first.

Mr. Callahan noted there is nothing in front of us right now.

Solicitor Spirk informed that is right. It is still pending, but it is at the Committee of the Whole. Either the Committee of the Whole would have to vote to send it here or Council could

by two thirds vote to take it back from the Committee of the Whole and bring it here to do whatever they wanted with it.

Mr. Callahan mentioned that is the same for his proposed Ordinance; it is not officially in front of Council yet so we are not violating anything.

Solicitor Spirk stated no, they are not violating anything and this is all for the future.

Mr. Callahan noted regarding the vote that was taken, a majority of Council said that they do not want to move this to another Committee of the Whole meeting. He queried does that stop the debate of that moving forward, and how do we at this point move forward?

Solicitor Spirk stated if an individual Council member has a new Ordinance to propose that deals with some point of it, there would be a Communication, it would be sponsored and seconded and then we have to make a determination as to whether that was conflicting with or presenting substantially the same question as the 34 page Ordinance.

Mr. Callahan queried if he moves his Ordinance to Council as a Communication at the next meeting, his would take precedent over Ms. Negrón's 34 page Ordinance.

Solicitor Spirk stated so long as it does not conflict with the comprehensive Ordinance or present substantially the same question.

President Reynolds informed that will be the determination made by Solicitor Spirk.

Mr. Callahan asked if his came through as a Communication first would not his be before.

President Reynolds replied no because the Comprehensive Ordinance has already been a Communication and got sent to a Committee of the Whole Meeting.

Mr. Callahan asked at this point can one of us make a recommendation or proposal to end discussion on the 34 page Ordinance.

Solicitor Spirk informed you would have to bring it back from the Committee of the Whole to here.

President Reynolds explained the idea of taking it out of a Committee, and noted we had this before back in the old days where you would have a Committee that voted something down 2 to 1, but a majority of City Council thought it was a good idea. You would have two thirds of City Council who would vote to take it out of the Committee to put it in front of Council so people that are on that Committee could not necessarily stop something from going forward with the two votes out of seven. What he thinks Mr. Callahan is suggesting is that there would need to be a motion to take it out of the Committee of the Whole Meeting, and put it in front of Council by which we then would have a vote about what to do with it, which is not something we need to do to continue this conversation.

Mr. Callahan noted we already had a vote.

President Reynolds stated we just had a vote to schedule a meeting or not. That was not a vote up or down on what was in that particular Ordinance. That was a vote on whether or not we were going to move forward to schedule another Committee of the Whole Meeting. There has been no vote on whether or not the comprehensive Ethics Ordinance was moved out of Committee.

Mr. Callahan noted the proposed Ordinance just sits in the Committee of the Whole until Councilwoman Negrón and Councilman Colón move it to Council for a vote.

President Reynolds mentioned he suggested before that there are different options by which to move forward in addressing the draft, as far as changing what is in front of us to build support by which Members of City Council are able to do that. This is the legislative process. From a technical point of view if there is nothing in front of us and it is in the Committee of the Whole. His guess would be that if there was ever going to be a time when we tackle that 34 pages again it would have to be done through a Committee of the Whole Meeting before we have it in front of City Council. President Reynolds believes the answer to Mr. Callahan's question is when your draft Ordinance is complete or when you want to introduce it, at that point the Solicitor would advise the Chair if this violates that particular rule that Ms. Negrón spoke about.

Mr. Callahan queried if we would have to have an up or down vote on the 34 page proposal to consider his Ordinance.

President Reynolds stated once again, we do not know what is in yours Ordinance because it has not been introduced to City Council. So the process by which that determination is made is not until you introduce the actual Ordinance. At that point it is easier to decide then about whether or not that violates the particular rule mentioned by Ms. Negrón.

- B. Tabled Items
- C. Unfinished Business

6. COMMUNICATIONS

- A. *Director of Community and Economic Development - Recommendation of Award - The Reinvestment Fund*

The Clerk read a memorandum dated June 19, 2017 from Alicia Karner, Director of Community and Economic Development recommending a contract with The Reinvestment Fund for technical assistance in creating a blight remediation plan. The term of the contract is August 2017 - April 2018 and the fee for the contract is \$100,000.

President Reynolds stated Resolution 10 F is on the agenda.

B. *Director of Public Works – Recommendation of Award – CMR Construction, Inc.*

The Clerk read a memorandum dated June 29, 2017 from Michael Alkhal, Director of Public Works recommending a contract with CMR Construction, Inc. to construct designated stream bank improvements along the Monocacy Creek at Illick's Mill. The term of the contract is 90 days from the Notice to Proceed and the fee for the contract is \$265,575.

President Reynolds stated Resolution 10 G is on the agenda.

C. *Housing and Community Development Planner – Grant Application Approval – Northampton County CIPP Grant – Façade Improvements*

The Clerk read a memorandum dated June 29, 2017 from Allyson Lehr, Housing and Community Development Planner requesting a Resolution in support of a Community Investment Partnership Program grant offer by Northampton County. The grant request is for \$50,000 for storefront improvements in our two downtowns.

President Reynolds mentioned as stated earlier that Resolution has been withdrawn.

D. *Housing and Community Development Planner – Grant Application Approval – Northampton County CIPP Grant – Blight Remediation Plan and Program*

The Clerk read a memorandum dated June 29, 2017 from Allyson Lehr, Housing and Community Development Planner requesting a Resolution in support of a Community Investment Partnership Program grant offer by Northampton County. The grant request is for \$25,000 to offset cost of the creation and implementation of our blight mitigation plan.

President Reynolds mentioned as stated earlier that Resolution has been withdrawn.

7. REPORTS

A. *President of Council*

Committee of the Whole Meeting – June 26, 2017

President Reynolds stated the Committee of the Whole met on Monday, June 26, 2017 to discuss the proposed Ethics Ordinance. No action was taken.

Open Data Meeting

President Reynolds thanked the Administration and Mr. Brong. He continued to say one of the working groups we currently have between the Administration and City Council has to do with the issue of Open Data. He knows it is one that he and Mr. Martell have been working closely on and Mr. Brong did some research and has taken a look at a few other cities and how they are instituting Open Data. President Reynolds stated they had a meeting last week and he knows that everyone walked out of that meeting knowing that we are on the ball. President Reynolds congratulated the Mayor and the Administration for this. He expressed we

have been talking a lot about cooperation and recognized Mr. Brong is busy and there is a lot going on, but he appreciates his time. President Reynolds thanked Michael Alkhal, Director of Public Works who was also at that meeting. It really showed what the future of government is and they deserve credit for being in front of that.

B. *Mayor*

Parks and Pools

Mayor Donchez noted Jane Persa, Recreation Director is not at this meeting, but last spring she began to reach out to the schools, the Boys Club and the Girls Club and other organizations for lifeguards for the City pools. He pointed out that many may remember last year we did experience a decline in the number of lifeguard applicants. This year is much worse and other communities are experiencing the same trend. Mayor Donchez added that Ms. Persa began to reach out again as a follow-up. He also wanted to thank Mrs. Evans because she has been instrumental in trying to get additional people to apply and they will be interviewed this week. Hopefully we can expedite the background checks. This is an issue that happens and we are taking a hard look at it. He highlighted that the City is doing the Parks and Pool Study and this will probably tie right into it. We may have to look at increasing the salaries and look into the certification fee. When it was brought to his attention that Yosko Pool would not open because of the splash park he told Ms. Persa that we need to figure out a way to open it. We came up with alternate days with Yosko and Westside Park. The numbers from Memorial Pool last year was basically 21,000 people, Stark Pool 5,100, Westside 3,195, and Yosko was 2,862. He continued we figured we would rotate three days at Yosko and four days at Westside for openings, the three days are for Yosko because they have the splash park there. Mayor Donchez was never going to support not opening Yosko Pool at all. Hopefully we will get more lifeguards and then we can expedite the issue with certification and background checks and try to get these lifeguards in place and get all pools open. He thinks we are experiencing an issue that even suburban pools are experiencing, which is a decline in the number of people applying to be lifeguards. It is the same for playground instructors. He continued to say that this is an issue we take seriously and an issue that will have to be explored much earlier for next year. Mayor Donchez explained it is also a good time because the Parks and Pool Study is being done.

Carlton Avenue

Mayor Donchez asked Mr. Alkhal to address Carlton Avenue because he knows this issue has come up and we have discussed it quite a bit in staff meetings.

Mr. Alkhal believes this issue has come up before and all of Council are probably aware that the Carlton Avenue project has been in the works for quite some time, well over five years. It started with the vision of complete replacement of the curbs and sidewalks on that street which is normally the abutting property owner's responsibility, but the City was planning to program CDBG funding to replace all the sidewalks. Part of that project also includes the reconstruction of the street itself, the placement and planting of new trees. Mr. Alkhal stated this is a complete streetscape project that was close to \$1 million dollars to accomplish. Prior to doing this we always check the conditions of utilities underground, under the streets and

sidewalks for obvious reasons, and if they are old and need to be replaced anytime in the near future. It makes no sense for us to do all of those improvements and then the street gets dug up. Even despite our best efforts it can happen anyway. The utility work was also pretty substantial in cost. He expressed in-house water and sewer work was close to \$1 million dollars and it took quite some time to find that money and program and then accomplish that work. That has been done, UGI had to do some utility work. To make a long story short, it has taken a long time to get that project done. Right now we are just ready to start to replace the curb and sidewalk finally. Mr. Alkhal explained in the meantime we do plan to patch the street temporarily because obviously the paving will not be done until we replace all of the curbs and sidewalks. When is all said and done we will end up spending close to \$2 million dollars on that street. So the cause is good, but unfortunately it is taking quite a while to accomplish it.

C. *Finance Committee*

Chairman Callahan stated the Finance Committee met on Wednesday, July 5, 2017 at 6:00 PM in Town Hall. The Committee recommended that City Council approve Resolutions for the following transfer in the Water Capital Budget: Sewer Lines New/Renewal, Replace Rehab Distribution System and Filtration Boiler Replacement. The Committee also recommended that City Council approve Ordinances to amend the General Fund Budget, the Non-Utility Capital Improvements Budget and CDBG and HOME Program budget adjustments. The Committee received a presentation from Scott Shearer and Chris Bamber of PFM on the refinancing of the 2011 Guaranteed Lease Revenue Bond and recommended the appropriate Ordinance for First and Second Reading in August.

8. ORDINANCES FOR FINAL READING

A. *Bill No. 24 - 3017 - 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 on Final Reading.

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 24 - 2017 now known as Ordinance No. 2017-24 was adopted on Final 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 on Final Reading.

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, and Mr. Reynolds, 7. Bill No. 25 - 2017 now known as Ordinance No. 2017-25 was adopted on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approving Intermunicipal Transfer of Liquor License – 1140 Hellertown Road*

Mr. Waldron and Mr. Callahan sponsored Resolution No. 2017-141 that approved the Intermunicipal Transfer of Restaurant License No. R-7235 owned by Morici's Inc., having a principal place of business at 218 Cattell Street, Easton, Northampton County, Pennsylvania to Turkey Hill, 1140 Hellertown Road, Bethlehem, Northampton County, Pennsylvania.

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

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

Mr. Martell and Mr. Waldron sponsored Resolution No. 2017-142 that authorized execution of the Use Permit Agreement between the City of Bethlehem and the Greater Lehigh Valley Chamber of Commerce through the Downtown Bethlehem Association, for use of various City properties for the 2017 VegFest on August 26, 2017 from 7:00 AM to 8:00 PM according to the Agreement.

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

C. *Declaring Special Condition – Parking Fines – Musikfest 2017.*

Mr. Martell and Mr. Waldron sponsored Resolution No. 2017-143 that declared a Special Condition under Article 531 of the Codified Ordinances for increased parking fines during Musikfest 2017 for the period from 12:00 Noon, Friday, August 4, 2017 through 11:59 PM on Sunday, August 13, 2017, with the areas to be affected on the North Side and South Side shown on attached Exhibit A.

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

D. *Approving Records Destruction – Department of Community and Economic Development*

Mr. Martell and Mr. Waldron sponsored Resolution No. 2017-144 that authorized the destruction of records from the Office of Community and Economic Development.

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

E. *Approving Records Destruction – Health Bureau*

Mr. Martell and Mr. Waldron sponsored Resolution No. 2017-145 that authorized the destruction of records from the Office of Community and Economic Development – Health Bureau.

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

F. *Authorizing Contract – The Reinvestment Fund*

Mr. Martell and Mr. Waldron sponsored Resolution No. 2017-146 that approved a contract with the Reinvestment Fund for the creation of a Blight Remediation Plan for the City of Bethlehem.

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

G. *Authorizing Contract – CMR Construction, Inc.*

Mr. Martell and Mr. Callahan sponsored Resolution No. 2017-147 that approved a contract with CMR Construction, Inc. for the Monocacy Creek Stream Restoration at Illick's Mill.

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

11. NEW BUSINESS

Lifeguards/South Side Pools

Ms. Negrón stated she had a few comments related to what Ms. Evans talked about tonight. We always want feedback and support for the south side. Also the comments we received from Mr. Antalics and Members of Council related to the same topic. She has been in conversation with the Administration as well when people were telling her about this issue, and she heard there were no lifeguards. She looked at the website and there was nothing listed. She was told by Ms. Persa that it was under the Parks website rather than the City's general HR website. Ms. Negrón thought it would be a good idea to have these job opportunities of the regular job listings, and as Mr. Evans mentioned, start the recruitment earlier so that we can be better prepared for the summer. Because of what happened last year we can do something different in order to get a different result. She reiterated that making the announcement, not just on the Parks website, but also in the general HR jobs for the City, and also start the recruitment earlier, would be best.

12. ADJOURNMENT

The meeting was adjourned at 8:13 p.m.

ATTEST:

City Clerk