

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street – Town Hall  
Bethlehem, Pennsylvania  
Wednesday, November 8, 2017 – 7:00 PM

INVOCATION

The Reverend Dr. Lynnette Delbridge, Central Moravian Church, 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.

*Public Hearing No. 1*

President Reynolds stated prior to the consideration of the regular Agenda items; City Council will conduct two Public Hearings. The first Public Hearing is to receive public comments on the request for the Inter-Municipal Transfer of a Restaurant Liquor License R-8401 acquired by Giant Food Stores, LLC from the Pennsylvania Liquor Control Board via public auction conducted July, 2017 by Giant Food Stores, LLC to 2174 West Union Boulevard, Bethlehem, Lehigh County Pennsylvania.

Attorney Ellen Freeman of Flaherty and O'Hara explained she is at this meeting on behalf of Giant Food Stores. She noted Mr. Josh Erb, the manager of special projects at Giant Food Stores is also in attendance at the meeting. She will have him answer any questions at the end of her presentation. As mentioned, she is here on behalf of Giant Food Stores to request that the City of Bethlehem approve a Resolution permitting the Intermunicipal transfer of a Restaurant Liquor License from outside of the City to within it. That is pursuant to the revised liquor code Title 47 §461b3. The Restaurant Liquor License will be used by Giant Food Stores in a new restaurant which will be located within its existing grocery store at 2174 West Union Boulevard in the City of Bethlehem. Attorney Freeman is aware that City Council has seen these liquor license transfers before so she will not go into the details of the liquor code unless it is needed. She will just mention that the standard to be applied by the Council Members this evening when making their decision on the Resolution is contained in §7.61 of the Liquor Control Boards regulations which states that "the receiving municipality shall approve the transfer unless it finds that doing so would adversely affect the health, welfare, peace and morals of the municipality." Attorney Freeman expressed the national trend of grocery stores selling beer and wine to go has made its way into Pennsylvania nearly ten years ago. For about a decade now the Pennsylvania Liquor Control Board (PLCB) has approved liquor licenses for grocery store restaurants in Pennsylvania and it is up to about 350 grocery store restaurants that operate liquor licenses within the Commonwealth. Attorney Freeman affirmed Giant Food Stores itself operates 55 of those liquor licenses. The closest restaurant opened earlier this year

in the City of Allentown, so they have been selling and operating beer and wine sales there. Attorney Freeman continued to say what is new in Pennsylvania that is important to acknowledge at tonight's hearing is a change that happened last year in Act 39. Act 39 of 2016 states "It is the purpose of this Act to reform the system by which alcohol is dispensed and controlled within this Commonwealth to reflect changes in the marketplace and provide for the operation of a retail system that promotes competition and convenience." She noted that Giant Food Stores is a prime example of the Pennsylvania legislature intentions to provide consumers with a safe and alternative way to purchase their alcohol products within this Commonwealth. Attorney Freeman explained Giant Food Stores has been a staple in Pennsylvania since 1923 and opened up its first store in Carlisle, Pennsylvania and they are still headquartered there today. Giant operates nearly 200 grocery stores and employs more than 33,000 associates not only across Pennsylvania but Maryland, Virginia and West Virginia. She highlighted that at tonight's hearing she will focus primarily on the safety policies and procedures that Giant will have in place at their restaurant here in the City. It is also important to remember that these safety policies and procedures are also in place at the 55 other stores that Giant operates that have a liquor license within them. At those 55 stores none of them have been cited by the Liquor Control Board for any sales to minors, any sales to any visibly intoxicated persons or any violation of the liquor code that pertains to the sale of alcohol. Attorney Freeman stated Giant Food Stores plans to remodel a portion of the existing grocery store in order to include a restaurant which will have seating for up to 30 patrons. In that restaurant there will be a wide array of food that patrons can either dine in at the seating that is available or they can take that to go with them. You will see foods such as sandwiches, salads, soup, hot entrees, rotating chicken dinners, things of that nature. As a component to this restaurant, Giant Food Stores is requesting the transfer of a liquor license in order to sell beer for on premises consumption and to go and wine to go. Attorney Freeman then handed out a copy of the floor plan and noted that this shows an overview of the entire grocery store with the shaded portion being the back right area of the grocery store. That would be what is licensed by the PLCB and that is where the alcohol sales would take place. The alcohol sales have limited hours. They will be Monday through Saturday from 7:00 am to 10:00 pm and Sunday from 9:00 am to 10:00 pm. Giant will be fully RAMP certified which stands for the Responsible Alcohol Management Program. This was developed by the Pennsylvania Liquor Enforcement Bureau in order to train employees on a safe manner of selling alcohol. As a component of being RAMP certified, each associate that works within that licensed premises will go through the RAMP server training. As a component of that there will be a dedicated restaurant manager who will go through an additional training of being a RAMP manager. Attorney Freeman exemplified that Giant itself has a 100% carding policy, there are no exceptions no matter what your age is, you will be carded by an associate if you wish to purchase alcohol. Giant has single servings of beer for on premises consumption and they also intend to sell 192 fluid ounces of beer to go, which is roughly two six packs in one single sale as well as 3,000 milliliters of wine to go, which is roughly 4 standard bottles of wine. Attorney Freeman continued to say that Giant has a self-imposed two beer limit for on premises consumption and in addition to that limit of on premises consumption Giant's policy is that if a patron wishes to have a beer on the premises they must also order a meal to have a true dine in experience as a restaurant would. The on premises consumption, in past experience of Giant operating the 55 other restaurants in their grocery store is that they have seen very few on premises consumptions sales. She noted that mainly this is a "to go" style restaurant for the alcohol sales. It is very easy for Giant to monitor that on premises consumption and the limit that they have in place as their policy. In addition

to that there is really no advertising for on premises consumption. There are no happy hours; there is no draft beer, no pool table and no televisions. Attorney Freeman explained this is really not a location where someone would come and act like it was a bar and have more than two beers, this is more of a stop and take a six pack to go with your dinner or have a beer with your dinner in the restaurant. There are no sales of any distilled spirits of any kind at the Giant Food Stores restaurant. She communicated that all beer and wine purchases must be made at that shaded area on the handout. The beer and wine SKU's will not scan at any other register throughout the grocery store; it is limited to the register that is within that licensed premises. This also includes the on premises consumption; you cannot have a beer and walk through the grocery store with it and must remain in the licensed premises. In addition to the associates and manager who have been trained who are physically monitoring the licensed premises there will also be video cameras that will monitor the cash register and where the beer is so that it is monitored at all times. The remodel will feature a well-lit area where the consumers can buy their six pack of beer to go with their dinner. As she mentioned previously Giant has a perfect record, which they intend to keep, and they keep that record through the diligent training of their employees and the responsible management that put in place at all of their restaurants.

Josh Erb, Manager of Special Projects for Giant explained if this were approved this evening this would be about a two month project beginning in April and ending at the end of June. He explained that the shaded area on the handout is licensed and will be demarked per PLCB regulations by a series of permanent fixtures that must be four feet in height and no further than ten feet apart. Mr. Erb added this is not gated off; it is very open and accessible to patrons. Those lines of demarcation are open but must be marked one every ten feet. He mentioned there are two distinct areas there, the cold doors for the cold beer and chilled wine, those each have individual locks on them and will be locked upon closing at 10:00 pm, and then the front and the back of aisle would be chained off at 10:00 pm. Mr. Erb advised when establishing their carding policy, not only in Pennsylvania, but elsewhere, although particularly in Pennsylvania, they wanted to develop policies that not only protect their associates but also protect the general public. They feel the best way to accomplish that is to simply remove any guess work; any gray from the equation. He remarked stated simply we card everybody. We accept four forms of identification, State issued identification, State issued driver's license, military identification, or a valid passport. Those are the only forms of identification they accept. Mr. Erb explained we use an identification card reader that will take the driver's license and scan it through the identification card reader, tell us the age of the customer; step two is that we enter the birthdate into the POS, which is the register system. Without entering that birthdate you cannot advance the sale, and so that is a prerequisite of allowing you to scan that six pack or bottle of wine. As Attorney Freeman stated we go through RAMP training and the PLCB help with our training process with what they call the F.E.A.R. method (Feel for, Examine, Ask and Return) which is good old fashioned taking the license, looking at it and if there are any red flags you would ask questions and then return the identification. Mr. Erb explained that we have these policies at all 55 Giant restaurants in Pennsylvania, and we have had no citations.

Mr. Callahan asked if in the dining experience the seating is on the top left shaded area of the map, and is the area they are speaking of for the Liquor License.

Mr. Erb stated it is about half way back in the shaded area.

Attorney Freeman informed that as you go down the seating it is towards the middle of the shaded area.

Mr. Callahan mentioned his only concern is that if someone is having a dining experience, opens up a beer and is halfway done with it and puts a lid on it, is there someone stopping a person from leaving that area so they are not going out with an open container.

Mr. Erb stated that is correct, they would be stopped. We spend a lot of time in our RAMP training process on how we handle on site consumption. To use that example of the open container laws, they would be stopped.

*Public Comment*

None.

President Reynolds thanked Attorney Freeman and Mr. Erb for the presentation and stated Resolution 10 B is on the agenda.

President Reynolds adjourned the First Public Hearing at 7:16 pm.

*Public Hearing No. 2*

President Reynolds stated the Second Public Hearing is to consider a Street Vacation petition from the Redevelopment Authority and Peron Armory LP to vacate Filbert between Rauch Street and Second Avenue, and to vacate a portion of the western side of Second Avenue immediately adjacent to the Armory Project and the Filbert Street Property.

*Communication 6 A – City Planning Commission – Petition to vacate portions of Filbert Street and Second Avenue*

The Clerk read a memorandum dated October 13, 2017 from Darlene Heller, Director of Planning and Zoning to which is attached a communication from Matthew Dorner, Deputy Director of Public Works/Chief of Engineering. The Planning Commission voted 4-0 to recommend approval of the street vacations as submitted by the Bethlehem Redevelopment Authority and Peron Armory with the conditions that all comments of the Public Works memo dated October 6, 2017 shall be met and the lot consideration and land development plans shall be approved prior to or concurrently with the street vacations.

*Communication 6 B – Lehigh Valley Planning Commission – Street Vacation Request*

The Clerk read a correspondence dated October 17, 2017 from Michael S. Donchez, Senior Transportation Planner of the Lehigh Valley Planning Commission. The Lehigh Valley Planning Commission offers no comment on the proposal because it has no regional significance and does not conflict with any transportation improvement plans.

President Reynolds explained this is a Public Hearing related to this street vacation and nothing will be voted on this evening.

Darlene Heller, Director of Planning and Zoning mentioned this is a project that Council is somewhat familiar with. In August of 2016 Council did receive a full presentation of the project by the developers and the Redevelopment Authority. At that time she believes Council approved the acquisition of the parcel pursuant to full public review which would not only be the street vacation tonight but also the Planning Commission's review of the street vacation, which they did previously. Ms. Heller explained there is an ongoing Zoning Hearing Board review and this will come back to the Planning Commission later on for a land development review. Tonight the review is just the street vacation so she will limit her comments specifically to that. Ms. Heller noted this is a joint application between the Redevelopment Authority and Peron Armory, LP. There are two components to this street vacation, one is Filbert Street between Second Avenue and the dead end. She pointed out both the north side and south side of Filbert Street are owned either by the Redevelopment Authority or Peron Armory LP. The street provides no access to anyone other than those two landowners. It is a dead end and cannot be connected to another street because of the grade differences; there are very steep slopes at the dead end of the street. At this point it serves no public purpose. Ms. Heller explained there is no objection from Public Works to the vacation of Filbert Street either and the Planning Commission did vote to recommend approval of that street vacation. The other component is Second Avenue and Second Avenue would remain as an open street, but it is proposed to be narrowed. Between Spring Street and Prospect Avenue, Second Avenue is 112 feet wide, which is very wide for a public street in that urban core. Just north of that, between Prospect and Market Street, the street is actually 70 feet wide, which is a standard street width. What is proposed is that the street vacation would include closing down of the remaining 42 feet, so that between Spring and Prospect that Second Avenue would be returned to a standard street width like you would see any other component of Prospect Avenue or most of the other gridded streets in the City. Ms. Heller continued to say that Second Avenue would still have sidewalks on both sides of the street, curbing on both sides of the street, on-street parking on both sides of the street and two 14 foot travel lanes. It would still remain as a standard street, but the extra width, the 42 feet would be vacated. All of the land abutting that strip of land is owned either by the Redevelopment Authority or Peron Armory, LP; there are no other abutters to that component for that length of street. Ms. Heller stressed this does a few things. First it turns the intersection of Second Avenue and Prospect Avenue back into a standard street intersection. Right now it is exceptionally wide and can be confusing to drivers as far as when to turn left or how to turn left or right, and who has the right of way. The travel lanes are not lined up so it can be a bit confusing. It tends to calm traffic if the travel lanes are narrower, which also increases walkability in the community. Ms. Heller pointed out it also allows for an opportunity for street trees to be placed on the west side of Second Avenue. This will turn it into a street that would be compliant with the general street grid in that area and the land development proposal will look at some of those components too, as far as street trees and other landscaping. In the comments that you have from Public Works there are a few recommendations. First, they request a minor modification to the actually deed description that would accompany the vacation and there are also some catch basins along the existing Second Avenue that they would like to be addressed. Ms. Heller stated those are recommended to be conditions of any formal approval. All of the areas to be vacated either abut Redevelopment Authority land or Peron Armory, LC property. The Planning Commission did recommend vacation of the Second Avenue portion as well with the conditions outlined in the Public Works letter. Also with the condition that since there are several lots here that need to be consolidated that the street vacation would occur in conjunction with the land development and the lot

consolidation that would be approved by the Planning Commission at a later date so that all of this would occur concurrently.

President Reynolds reiterated that Council is not voting on this tonight and added that when you had notified us of the schedule having to do with the project it had included going to the Planning Commission and then the Zoning Hearing Board and then we would have the Public Hearing. We would then vote on this afterwards, but as noted, the Zoning Hearing Board continued their hearing from a few weeks ago and that will be continued until the end of November.

Ms. Heller stated November 30<sup>th</sup>.

President Reynolds remarked this is not something that would be on a Council agenda until after all of that has been decided.

Mr. Colón wondered how many lots would be consolidated.

Ms. Heller explained she believes that Peron Armory LP owns four individual lots south of Filbert Street, and then the Redevelopment Authority owns two parcels that the Armory is on. So those would be consolidated along with the strip that would be vacated for Filbert Street and the strip that would be vacated on Second Avenue.

Mr. Colón recalled that on Second Avenue people currently park in the center of the street.

Ms. Heller noted there is a grass median down the center and her understanding is that you can park on both sides of the east side of that median, but parking is not permitted on the west side of that median. So right now there are two lanes of on-street parking, and when this is finalized there would still be two lanes of on-street parking.

Mr. Waldron related there is also some parking that is perpendicular to the street, maybe three or four spaces. He guesses there would be some of a loss of that on street parking.

Ms. Heller mentioned if you just include what would be along Second Avenue that might be true, but there is one private property that is owned on the west side of Second Avenue at the corner of Spring and Second Avenue. That will not be vacated and in that location there would be ten head in parking spaces that would be created. That should balance it out so there is an even number of existing spaces to be created spaces.

Mr. Waldron asked what the short term or long term plan is for the old Second Avenue ramp that currently gets used mostly during Musikfest for parking or other festivals.

Ms. Heller does not know of any changes at this point in time. One thing that the developer has suggested they would do would be to stripe that for parking. It is open now anyone to park there, but the spaces would be designated spaces. She does not know of any other changes that would be proposed at this time.

Mr. Waldron asked if that would be public parking.

Ms. Heller replied yes.

Mr. Waldron wondered if there is a plan on paper for that.

Ms. Heller mentioned as a part of the street vacation they show the on street parking that would be created and that is one of the things that would be created. It does not really have anything to do with Second Avenue but it is shown as another supplemental area where the public can park.

Mr. Waldron queried if that would be perpendicular to the curb. He mentioned that is how most people park there now or will it be angled parking or parallel parking along the ramp.

Ms. Heller stated it would be head in parking, that is how you get the most parking.

Mr. Waldron remarked that he does not have any more questions specifically for parking about the street vacation, but he is sure there are many other questions that will come up as this process moves along.

*Public Comment*

Daiyana Rodriguez, 315 Rauch Street, informed her concern as a neighbor of the west side of Bethlehem is that she is surprised that we are even bring these kinds of topics here because many of those things depend on the decision that will be taken by the Zoning Hearing Board. She queried if on the day Council would be voting on this project would Mr. Bryan Callahan be part of that voting decision since he is related to John Callahan. She believes this would be a conflict of interest when you are all taking that decision.

President Reynolds believes that when this came up before on another matter before City Council he did not vote, but he would defer to Council Solicitor John Spirk on that.

Solicitor Spirk stated Bryan Callahan would abstain.

Ms. Rodriguez thanked Solicitor Spirk.

Judith Joy Ross, 317 Rauch Street, mentioned her street is the street where the fake Filbert Street goes up to the actual Filbert Street, and that the actual Filbert Street goes on the side of her house. Ms. Ross is confused because she thought there was going to be a big meeting where the public can talk, but this is not it. Ms. Ross queried if she still had a chance to speak and complain about this street vacation, the fact that this building will take away parking from everyone that lives in the three block area.

President Reynolds informed to Ms. Ross that he believes in the first meeting in October we went through the process of how this project will move forward. What she is speaking of he believes is before the Zoning Hearing Board. That was a few weeks ago, but will be continued

on November 30<sup>th</sup>. At that point those issues that were before the Zoning Hearing Board will be continued. President Reynolds pointed out at those meetings the public has an opportunity to speak.

Bill Scheirer, 1890 Eaton Avenue reported it is nice to speak about the Armory without hearing the word objection, he lives too far away. He is pleased to hear that you are not going to vote on this until after the Zoning Hearing Board because he urges you to not vote until you hear from the Planning Commission. Until that happens you do not fully know what the Armory project would look like. There is sometimes when it looks like a venue shopping among the three bodies. The first stop should be the Zoning Hearing Board for variances, then and only then the Planning Commission can weigh in as it considers things like the width of driveways, etc. Then finally the Street Vacation can be considered when the City Council really knows what they are considering. He stated let's hear from the Zoning Hearing Board and the Planning Commission first and get it right this time.

Mary Toulouse, 1528 West Market Street, informed she is President of the Mount Airy Neighborhood Association. At the Association's last meeting they did ask her to speak at the Zoning Hearing Board on this topic. She would say that this meeting is a bit of a surprise to us. We talked earlier about problems in terms of communication and knowing when things are taking place. Ms. Toulouse stated at the Zoning Board Meeting, Mr. Scheirer counted the number of people that came out to it and he stated there were about 75 people. She thinks that if people had known earlier, and part of this could be our fault, there would have been many more people here because this is a concern for the neighborhood; it is a gateway to the entire neighborhood. She does not care to address the integrity of the request for this zoning variance. She would point out that there are 11 variances being requested on this proposal. For some of us who have spent many hours and months over a period of years developing the new Zoning Ordinance, that is quite of a shock. We thought we had something that would last for a period of time. Ms. Toulouse would also like to object to the fact that this is called the Peron Armory. If you look at the proposal you do not see anything in there about the Armory, it is all about the rest of the property. She pointed out that she feels, as Mr. Scheirer said, that it is really inappropriate for us to be even discussing this at this point in time until both sides have had an honest opportunity to discuss this at the Zoning Board. Unfortunately any kind of decision that you make before then puts undue pressure on the Zoning Board one way or the other. We hope that you would just table this whole thing until after the Zoning Hearing has gone on, it just feels rushed.

President Reynolds knows when this previously came up as a Communication, and he has had this conversation with Ms. Toulouse before the meeting, and there were several residents that were here that have asked. Mr. Waldron reached out to the Administration regarding the order of operations. We shared that, and he sent that schedule to a few people who had asked, and there were people here at the City Council Meeting that we sent an email out to regarding a timeline. As far as the Public Hearing is concerned, no one is voting on anything having to do with the street vacation until the Zoning Hearing Board is done. The way the Public Hearing works is that you have to publicly advertise the hearings, you have to pay to advertise them and it has advertised a number of times prior to the Public Hearing. This Public Hearing is really just an opportunity for the public to weigh in on the request and move through that process. President Reynolds stressed that there is no voting on this tonight and

everyone on Council would agree that we would not want to vote on the street vacation until after the Zoning Hearing Board finishes their work.

Ms. Toulouse reported you would be hearing different things tonight if we had more of the community here. She knows that communication is a problem in this day and age, how to get information out to people. She knows that Council has talked about this in the past, and what are the best ways to communicate. She does believe that with this hearing tonight there would have been a larger crowd if people had they known about it earlier.

President Reynolds then noted he will proceed to request that the Law Bureau draft an Ordinance pursuant to the Street Vacation petition that will then come back to Council and we will schedule a date for this to be voted on after the Zoning Hearing Board finishes all of their work.

President Reynolds adjourned the Second Public Hearing at 7:38 pm.

2. APPROVAL OF MINUTES

The minutes of October 3, 2017 and October 17, 2017 were approved.

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

*Safety of Living Creatures/Article 717*

Arthur Curatola, 813 Laufer Street mentioned that many people here are Christian people and as Christians we are supposed to be the protectors of all living creatures. It gets him upset when he is driving and he sees other creatures dead on the road. We get more upset if there is a drunken person crossing the street and he is killed on the highway, he is one of us. The fact remains if we wind up protecting those roads that have wildlife, fences should be built. He noted it will cost, but he would like to see this be a project. He continued to say grants from the federal government could be obtained and each of us who do not give to the church could tithe to this project for the safety of all creatures that have the right to run the earth as much as we do. Every road should have a fence that goes high enough so the deer cannot jump it and so many square feet away have bridges where they can cross over. Mr. Curatola believes we should think about the other creatures that are part of our planet as well and have respect for them. Mr. Curatola also mentioned Article 717-the Noise Ordinance. He would like to point out down further in the ordinance it talks about sirens, about religious organizations having gathering, and about having a political campaign with music. He did not know about this until two days ago otherwise he would have had bands playing when he was campaigning for Mayor. He referred to subsection 717.07 and pointed out that it says everyone in a residential district that owns a business that has music on the outside from 12 pm to 12 am is exempt from the Noise Ordinance. He concluded saying please tell that to all of the Police Officers that they should not be citing the Wooden Match or other places. This is their business.

*Golf Course*

Jack Toy, 621 Main Street, stated he was at the Parks and Recreation Committee meeting where the Golf Course was discussed. He did his homework, and got the income and expense statement that is appropriate to that. He noted that he went to Dickinson College and Seton Hall for his Master's Degree; he played golf for 67 years and learned golf at a Country Club where you had to pass an etiquette test before you could play golf. Mr. Toy played golf at Bethlehem until he was on the Board at Silver Creek. He ran a hundred million dollar business in his life and the bottom line is that he has a good way at looking at everything with the golf course. One of the positive things about the golf course is that the people who work there are very nice, he has never had a problem with them. Also the condition of that public golf course is phenomenal and that is what that man does well, although he does not manage the golf course. Mr. Toy noted in order to save money he narrowed the fairways and cut the grass rough and let it grow longer because of less labor. That will slow the pace of play, that is one negative. Mr. Toy noted that the 9-hole course and driving range has no supervision, the only employee there full time is the cashier. So there are many things that happen that should not happen because no one is a supervisor. He remarked there is also the problem of 9 and 10 years olds driving carts. Mr. Toy stated one day this summer there were no golf balls because they could not get anyone to come over and drive the tractor and retrieve all the balls. He continued the use of the 9-hole course on a Saturday and Sunday to teach is a disgrace. He was not allowed on the first and second hole when 8 and 9 year olds were receiving a lesson at 10:45 at the 9-hole course and he thinks that is atrocious. Mr. Toy looked at the income and expenses with a 9 month report and the salary, including medical insurance, and social security, and if pro-rated over 12 months, it is \$700,000. That is \$700,000 with seven employees to cut grass. The labor is something he has to question. He sees six people on the course, but no one on the 9-hole course. Mr. Toy mentioned a few years back they put in the \$12 trail fee. If you wanted to walk you still had to pay \$12, but if you paid \$15, you got a cart. So the men that played golf and wanted to get physical exercise had to pay to do it. Mr. Toy expressed we lost 40 or 50 prime players at that golf course. He was at Silver Creek for 13 years on the Board of Trustees. These guys play a full round of golf every Saturday and Sunday morning, go in the restaurant have a beer or two and a sandwich, and if 40 or 50 of them are gone this must be at least \$60,000 dollars-worth of income in a year that is lost. We will never get it back because Southmoore golf course has no trail fee.

*Police response/Retiree health care payment/State of the City breakfast*

Dana Grubb, 2420 Henderson Place, advised he wanted to compliment Police Chief Mark DiLuzio regarding a problem with loud music in his neighborhood and he has spoken to him about it a few times. The loud music not only impacts the court he lives on it also impacts streets away from us. He pointed out the Police Chief has been very understanding; the response by the Police Department has been swift and he thinks we are getting to the point where it may be resolved for the long term. Mr. Grubb continued to say he wanted Council to keep two numbers in mind, \$6.56 and \$49 dollars. Regarding \$6.56, the retirees in PMRS get their pension check the last business day of the month, and if they have opted in to continue buying their health insurance the payment is due the next day. He heard from a retiree that on the second day of November a letter was prepared and mailed out certified for \$6.56 to tell them that their payment was late. He heard this has happened to others too. There is no guarantee with the USPS these days that it will be delivered the next day. They are waiting for their pension check to pay their health insurance with the City so certainly a little grace period would seem appropriate. The fact that their checks are not being cashed by the City until 14 or 15 days later makes the use of public funding in the

amount of \$6.56, when a phone call could ask them if the check is in the mail, seem ridiculous. Regarding the \$49 dollars, he recently found out when Mayor Donchez gives his State of the City speech that a number of City administrators attend, but queried who is paying for that. He expressed the taxpayers are paying, because all of those administrators come back and get reimbursed. Mr. Grubb remarked \$49 dollars for breakfast is ridiculous. Even more important is the idea that the EST tax that he is paying, is paying for somebody's \$49 dollar breakfast. If City employees want to attend an event like that, let them pay their own way. Mr. Grubb explained when you cannot manage pennies, you cannot manage dollars, and some of these things really need to change. Also, most people who pay their rent have a grace period, most people who pay their mortgage get a grace period, but to turn around and pay \$6.56 when a phone call would work is ridiculous. He sees enough City employees on Facebook during normal business hours socializing. There is time in City Hall to make a phone call to a retiree to let them know that their check has not been received and is it on its way.

#### *Short Term Lodging Ordinance/Airbnb*

Attorney Tim Stevens, partner of the law firm Davison and McCarthy, stated he wanted to comment on Communication J which is the proposed Ordinance for short term lodging facilities. He was a resident of the City of Bethlehem for over 16 years and raised a family at 54 East Market Street and represents up to 35 individuals in his former neighborhood with respect to this proposed Ordinance. He explained that 12 of these individuals live within one block of two single family homes that have been recently converted over to Airbnb properties and the neighbors are understandably upset. Attorney Stevens reported when they moved into this historic neighborhood they had the expectation that they would be living in a residential neighborhood and not a commercial district where transient residents would be moving in and out at all times of day and night. On behalf of his clients he thanked the City for its responsiveness in formulating a proposed Ordinance that largely addresses the neighbors' very serious concerns of intrusion of short term rental properties into their and other neighborhoods throughout the City of Bethlehem. The neighbors are pleased with the Ordinance's purpose of eliminating or at least minimizing the negative aspects of short term rentals such as excessive noise, overburdened on street parking, higher incidents of inappropriate conduct, increased rubbish and other negative consequences that interfere with these residents daily enjoyment of their neighborhood. Most importantly short term transient lodging must be regulated to assure that the zoned residential district will remain a neighborhood with actual neighbors in it, and not turn into a commercial district with illegal hotels comprised mainly of visitors checking in and out at all hours of the day and night. Attorney Stevens explained what these neighbors want to hear are the sounds of children's voices playing in backyards, they want to hear the chatter of their adult neighbors, Christmas carolers and trick or treaters knocking on their doors when it is the season. What they do not want to hear are the shrieks of these transient visitors at all hours of the night. These individuals simply do not have a stake in their neighborhood like their neighbors do. They also do not want to hear the sounds of the wheels of those carryon luggage pieces scraping against their sidewalk at all hours of the day and night checking into their homes next door. With exception of perhaps a few for purposes of this evening, these 35 individuals have agreed to have him speak on their behalf so he is asking for indulgence of the time because of the comments and concerns of 35 individuals. He is sure that each one of them could stand before you and give their individual problems of when they have had to call the Police to address disturbances at all hours of the night. There have been complaints of having the inability to park their cars because wedding parties have come in and taken all of the

parking spaces on their block. They are observing complementary alcohol being served at these transient properties. There also are no defined quotas of guests who are staying in these transient properties and now trash is being littered on their finely manicured lawns and gardens. Attorney Stevens stressed the main suggestion for vision is in section (3) (b) of the Ordinance. He noted in section (3) (a) there is really no dispute. There is a provision allowing short term rentals in an owner occupied home for up to two bedrooms for no less than 24 hours and not more than 30 consecutive days. The neighbors are particularly pleased with that section, it has the owner occupied provision and it is a rather short duration, so there is no dispute. The main concern with that section is if there is any kind of dilution in section (3) (a) of the Ordinance. Attorney Stevens stated they are suggesting some tweaking of the language in section (3) (b). There the owner may rent his property for a period not to exceed 30 consecutive or non-consecutive days per year and the owner does not have to remain on the premises for the rental period. This provision contemplates a whole house rental used, for example, where the property owner may leave his property and say go off to Florida or Europe or even Hokendauqua. In that scenario it just does not sufficiently regulate this transient aspect of the property. What you can do here is have a situation where you have 15 individual two-day rentals, and that would essentially turn it into a Jersey Shore type property where you have people coming in and out. This language that they are proposing would reduce that. All we are asking in this situation is that we recommend inclusion of language requiring a 7 day minimum rental, or a 4 time a year maximum rental. With this modification we feel it will better adhere to its purpose of maintain the character of the neighborhood. Attorney Stevens emphasized they urge City Council to pass the Ordinance with the slight modification with the concern that what is happening here is the housing stock residential properties and long term residential properties are being bought up by the Airbnb short term rental investors. What that is doing is reducing the housing stock, so it is pushing out the families that want to own these properties, the long term renters, because it is a matter of economics, so they can get a much higher rental rate and what that does, it is a very powerful incentive for them to buy up a lot of homes and push out the residential properties. In the historic neighborhood there are two properties, 258 East Market Street and 265 East Market Street, that have been independent homes that were transformed into Airbnb properties. He pointed out former Councilman Michael Schweder's property at the corner of Church and New Street has been converted into an Airbnb property. Attorney Stevens stated this is just an example of what has happened to this specific neighborhood. What this does is it destabilizes the neighborhoods and it reduces the numbers of neighbors that you actually have in the neighborhood. With respect to the other point, he has a key component we are concerned about and that is there is less security with an Airbnb as compared to a hotel that has a higher security to control disturbances. The neighbors that Attorney Stevens represents are appreciative of the efforts that the City has put forth in proposing this Ordinance to address short term lodging facilities. We simply urge City Council as they review this to seriously consider our slight revision of section (3) (b) of the proposed Ordinance and we further urge this Council not to in anyway dilute the proposed Ordinance because we feel if Council does so it will dilute its purpose of preserving neighborhoods throughout the City of Bethlehem, not just the historic district.

*Law Firm Lawsuit*

Stephen Antalics, 737 Ridge Street, informed a class action lawsuit was brought against a law firm by a group of Pennsylvania real estate property owners alleging that they received delinquent tax communications from the law firm and were charged unauthorized fees, interest,

penalties or attorney's fees. He continued it said that the firm has refused to obey the law by continuing to charge and collect fees, interest, penalties and attorney's fees that were forbidden by the Pennsylvania courts. A verdict was given against the defendant's awarding the class \$2,650,000 dollars for unlawful receiving attorney's fees, \$510,000 for unlawfully collected administrative fees, and \$18,500 for interest on the unlawfully collected administrative fees. Under the Pennsylvania law known as Act 6, the Court doubled the award relating to the administrative fees for a total of \$1,058,796 and assessed a \$500,000 statutory penalty. Additionally, \$1,000,000 was awarded in punitive damages stating that the defendants' intentionally disregarded the rule of law as stated by the Appellate Courts of Pennsylvania. He remarked it also shows a gross disrespect for the citizens' rights under law. What is interesting is that none of the people associated with this law firm went to jail.

#### *Election Discussions*

Mary Kay O'Donnell, 330 13<sup>th</sup> Avenue, related she has lived in Bethlehem for the last seven years and she was quite alarmed at some of the discussions that she heard before the election. It seemed like it was boys against girls. She is concerned for the future of Bethlehem, because she heard a lot of accusations about the men on the Board are women haters. She has worked closely with many of them on campaigns and felt completely respected as a woman. She really objects to the division that it has caused within the Democratic Party in Bethlehem. As a woman she is very embarrassed that these comments are going around; it does not reflect the women's lib feeling at all. Ms. O'Donnell feels this is very dangerous. There is some kind of men hating thing that is not good for the City, and she just could not be silent about it any longer, and is very alarmed about it.

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

##### *Open Data Program and Open Data Online Portal*

Hillary Kwiatek, 638 Spring Street, mentioned she is in support of Bill No. 34 - 2017, establishing an Open Data Program and Open Data Online Portal which is for final passage tonight. She has had the pleasure and privilege of being a member of the working group on open data that was part of the Bethlehem 2017 initiative that President Reynolds created. Ms. Kwiatek explained one of the things she enjoyed about the process has been meeting and working with folks who work for the City and for Mayor Donchez' Administration, and with Councilman Martell and Reynolds. Seeing the integrity, hard work and thoughtfulness of the people who work for the City day in and day out and their desire to move forward and progress in using technology and being more transparent has been good to see. It has been very eye opening for her and a very positive experience. This Ordinance will do three things having seen some of the technology behind open data that can benefit the City as a whole. First, from the efficiency standpoint and the Administrative standpoint, using an open data tool will help the various City departments better understand their own data. They will be able to visualize things including their budgets and utilization of City services, whether emergency services or street services. It will really help them with their decision making to make better decisions. The other piece for the public is the transparency piece where we are all really going to be able to see a lot more of what is going on in our City government through the open data portal. The third piece is the opportunity for collaboration between the City and its large partners like

Lehigh University, Moravian College, and the hospitals, where this data can be shared and brought together from expertise from a lot of different areas. Ms. Kwiatek reported this can help the City move forward in providing better services, and understanding the healthcare needs of our citizens. There is a wide range of opportunities if we move forward boldly into the 21<sup>st</sup> Century and use this kind of approach with our data. She hopes this passes tonight and she has to reiterate how impressed she has been with the City employees that she had the pleasure of meeting and listening to during the course of this process.

*Posting Meetings on City Website*

Martin Romeril, 26 West Market Street, reported he wanted to follow up on some comments about the final reading of Ordinance No. 34 - 2017, the Open Data Program. He thinks that open data is wonderful, it gets people to collaborate and we can find solutions for things, but he hopes that we do not forget to maintain certain things that should be done to enable the public to know what is going on in the City. For instance, today the agenda for the HARB meeting for November was posted and that is nice except the meeting was last Wednesday. In his count that was the third time in the past seven or eight months that the agenda for the meeting was posted three or more days after the meeting occurred. He knows that in past years there were some times that the zoning meeting agenda did not get posted. There are actually some zoning meeting agendas that are still missing in the 2016 and 2015 archives. Mr. Romeril thinks that in order to increase public participation, the City should consider putting zoning meetings and planning commission meetings on the web so that they are broadcast and that the video is archived where people can see it. If you go to Lower Providence Township's website you can look at any of the zoning meetings and watch them in their entirety for the past five years. This helps people to know what is going on, if they have to work and cannot attend a meeting. It also saves neighbors the trouble of scraping together \$800 or \$900 dollars to pay for the production of a transcript to see if something they heard was said at the zoning meeting was actually heard at the zoning meeting. Mr. Romeril believes there are areas of technology that could be used to increase public participation and public knowledge of what is going on that has not been tried in the City. He would also like to request that maybe the Parking Authority and the CRIZ Board put their agenda on the website rather than just say we have meetings twice a month, and if you want to know what is going on call us or email the City. Mr. Romeril came down for the last CRIZ meeting and was few minutes late because he was working elsewhere, and there was no one here. He went out and asked people at the counter and asked what happened to the CRIZ meeting and one person said "what is the CRIZ?" That is okay, not everyone has to know, but if you cancel the meeting at the last second they should hang a note on the front door since there is only one way in and out of City Hall. Mr. Romeril thinks some of the other Boards should have to put their agendas on the website so the neighbors and residents can see them to see if there are any important items on there that would affect their neighborhood. It is not enough to read two weeks later in the Bethlehem Press that something already happened. This Ordinance is nice and this is great, but we have to do the other things to support public participation at all levels of government.

Dana Grubb, 2420 Henderson Place, remarked that the City's website is so underutilized for communicating with the public. The Open Data Ordinance is fine and it will provide additional data to the public, but for example the HARB meetings, the Zoning Hearing Board Meetings, the City's website has the ability to opt in and get notifications. Mr. Grubb wanted to

praise both the Recycling Bureau and the Streets Bureau because street closing, bridge closings are communicated extremely well. Closing the Theis/Cornfeld Recycling Center during cold or warm weather is communicated very well. If there are any changes in the pickup schedules that is communicated very well on the City's website. The rest of the City Hall is like a black hole and this has to be resolved. There are probably 400 to 500 people who have opted in to get these notifications. If you are interested in it you have it, if you are not interested in that particular area you do not have to select it. Mr. Grubb mentioned that meeting agendas when they are posted on the website should automatically go out, a change or cancellation of a meeting should automatically go out so the public is aware. He noted that Mr. Romeril is right; you cannot forget that side of open government and communicating with the community that you are serving.

*Resolution 10 E/Authorizing Contract – Portnoff Law Associates*

Stephen Antalics, 737 Ridge Street, referenced his comments on the first courtesy of the floor about that law firm that breaks the law, abuses private citizens and is fined \$5 million dollars for its unlawful activities. He wanted to get the mindset as to the quality of that law firm because that law firm that you might call predatory or parasitic, is mentioned in Resolution 10 E, the Portnoff Law Firm, for a contract for the collection of unpaid real estate taxes and water/sewer accounts. Mr. Antalics noted that Council will be voting on that to give them the contract. He stated what kind of law firm are you subjecting the citizens of Bethlehem to. Please think about that and read the article that he just handed out. Mr. Antalics also understands that this is a renewal of a contract so the question comes up, were they properly vetted in the first place. He wonders why this information was not known. He noted if he can find it why cannot you find it, especially if you are vetting a company to work with the City to interact with the citizens. If it was vetted, how did they get the contract, which brings up nefarious thoughts. To approve Resolution 10 E would almost be on the edge of criminal giving what you know now if you did not know before. He remarked you have a moral obligation to serve the citizens of Bethlehem by tabling this and doing your own research. Mr. Antalics spoke to a gentleman who knows this company very well and was told that the government allows a person behind on their taxes two years before they take over the property, but this company once they send out a notice, they send a notice out with a signature of an attorney, but the person who sent the notice out is a clerk. They assign a penalty and then they come back and assess a penalty on top of the penalty and charge legal fees when a lawyer was not involved, and that is why they paid \$5 million dollars to the City of Philadelphia. So you are hurting the poverty level people who do not know their rights and have no lawyer to defend them. They are in the position to lose their property. Mr. Antalics asked Council to read his handout and if hears any votes on Resolution 10 E with a yes then he expects each one voting for this to explain that to the citizens of Bethlehem.

5. OLD BUSINESS

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

6. COMMUNICATIONS

C. *Housing and Community Development Planner – Grant Application Resolution Request – PADCED Municipal Assistance Program*

The Clerk read a memorandum dated October 13, 2017 from Allyson Lehr, Housing and Community Development Planner requesting a Resolution in support of a PADCED Municipal Assistance Program grant application in the amount of \$50,000 for the development of the blight remediation plan for the City.

President Reynolds stated Resolution 10 D is on the agenda.

D. *Director of Budget and Finance – Proposed 2018 Budget – Fee Increases – General Fund*

The Clerk read a memorandum from Mark W. Sivak, Director of Budget and Finance to which are attached memos from various Departments on fee increases that will be part of the proposed 2018 Budget.

President Reynold stated the fees will be reviewed during the budget hearings.

E. *Director of Budget and Finance – Recommendation of Award – Portnoff Law Associates*

The Clerk read a memorandum from Mark W. Sivak, Director of Budget and Finance recommending a contract with Portnoff Law Associates for the collection of unpaid real estate taxes and water/sewer accounts owed to the City of Bethlehem. The City does not pay any amount to Portnoff Law Associates. The renewal is on the same terms and conditions bi-annually for two-year terms.

President Reynolds stated Resolution 10 E is on the agenda.

F. *Director of Water and Sewer Resources – Recommendation of Award – Synagro Central, LLC*

The Clerk read a memorandum from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with Synagro Central for transportation and disposal of Class B biosolids from the Wastewater Treatment Plant to beneficial use sites. The term of the contract is three one-year renewals. The various Beneficial Use, Primary Landfill, and Backup Landfill pricing are stated in the request and the fuel and non-fuel component price will be adjusted annually.

President Reynolds stated Resolution 10 F is on the agenda.

G. *Housing and Community Development Planner – Records Destruction*

The Clerk read a memorandum from Allyson Lehr, Housing and Community Development Planner requesting Council to consider a Resolution for the Destruction of Records from the Community and Economic Development Department listed on the attached exhibit.

President Reynolds stated the Resolution can be placed on the November 21 agenda.

*H. Chief Building Inspector – Amending Article 1733 – International Property Maintenance Code*

The Clerk read a memorandum from Craig Hynes, Chief Building Inspector to which is attached a proposed Ordinance to amend Article 1733 – International Property Maintenance Code to add back in to the Ordinance sections that were deleted in a previous adoption to the property maintenance code and changing language to more closely align with that actual published document. One change is to limit the option to go to the Code Board of Appeals when a violation is cited.

President Reynolds stated the Ordinance can be placed on the November 21 agenda for First Reading.

*I. Chief Building Inspector – Amending Article 150 – Board of Appeals*

The Clerk read a memorandum from Craig Hynes, Chief Building Inspector to which is attached a proposed Ordinance to amend Article 150 – Board of Appeals. The change is to limit the option to go to the Code Board of Appeals when a violation is cited.

President Reynolds stated the Ordinance can be placed on the November 21 agenda for First Reading.

*J. Chief Building Inspector – Establishing New Article – Short Term Lodging Facilities*

The Clerk read a memorandum from Craig Hynes, Chief Building Inspector to which is attached a proposed Ordinance to establish Article 1741 – Short Term Rental Properties to provide for the registration and safety standards for owners and visitors of short term lodging facilities.

President Reynolds stated the Ordinance can be placed on the November 21 agenda for First Reading.

*K. Deputy Director of Community & Economic Development – Recommendation of Award – Goldenberg Marketing*

The Clerk read a memorandum from Amy Burkhart, Deputy Director DCED recommending a contract with Goldenberg Marketing to develop a comprehensive Search Engine Optimization and Search Engine Marketing plan that is a coordinated community effort. The term of the contract is 12 months and the fee for the contract is \$18,000.

President Reynolds stated Resolution 10 G is on the agenda.

*L. Director of Water and Sewer Resources – Recommendation of Award – MBR Construction Services Inc.*

The Clerk read a memorandum from Edward Boscola, Director of Water and Sewer Resources recommending a price increase in a contract with MBR Construction Services for electrical work with the biosolids dewatering project at the Wastewater Treatment Plant. The

change orders total \$233,038.84 and covers additional approved work scope, unforeseen field conditions, and time extension.

President Reynolds stated Resolution 10 H is on the agenda.

7. REPORTS

A. *President of Council*

*Host Fee*

President Reynolds remarked in the past couple of weeks the State finally passed their budget and we were made whole as far as the Casino Host Fee is concerned. He knows that is something that many of us have been focused on over the past year or so since that court case came down. It provided a lot of questions about how we will have our budget for 2018 and he knows that the Administration worked closely with Senator Lisa Boscola and her staff and all of our State Legislators to make sure that this was included in the final budget. President Reynolds congratulated them for the hard work. If we did not have that Host Fee our budget would take a serious hit, and as we know, most of our budget is Public Safety and paying for those services. He reiterated his thanks on behalf of Council and the citizens of Bethlehem to the Mayor and the Administration for their efforts to get that money back in the budget. It has been almost a year or over a year since they were negotiating and talking so this is a huge relief.

*Committee of the Whole Meeting*

President Reynolds announced that the Committee of the Whole met this evening, November 8, 2017 at 6:00 pm in Town Hall to review the 2018-2022 Capital Plan. This was for information only.

B. *Mayor*

1. *Administrative Order – Joseph Long – Bethlehem Housing Authority*

Mayor Donchez reappointed Joseph Long to membership on the Bethlehem Housing Authority effective through November, 2022. Mr. Evans and Mr. Martell sponsored Resolution No. 2017-204 to confirm the reappointment.

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

2. *Administrative Order – Joseph Kelly – Bethlehem Revitalization and Improvement Authority*

Mayor Donchez reappointed Joseph Kelly to membership on the Bethlehem Revitalization and Improvement Authority effective through November, 2022. Mr. Evans and Mr. Martell sponsored Resolution No. 2017-205 to confirm the reappointment.

President Reynolds noted there is an amendment to Administrative Order 2017-31 to amend the expiration date of the term.

The Clerk read the amendment to Administrative Order 2017-31 sponsored by Mr. Evans and Mr. Martell:

AMENDMENT TO ADMINISTRATIVE ORDER 2017-31

That the first paragraph which reads as follows:

I hereby re-appoint, Joseph Kelly, 915 Linden Street, Bethlehem, PA 18018, to the Bethlehem Revitalization and Improvement Authority. This appointment is effective through ~~November~~, 2022.

shall be amended to read as follows:

I hereby re-appoint, Joseph Kelly, 915 Linden Street, Bethlehem, PA 18018, to the Bethlehem Revitalization and Improvement Authority. This appointment is effective through October 31, 2022.

Voting AYE on the amendment: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Amendment passed.

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

3. *Administrative Order – Robert Blum – Fine Arts Commission*

Mayor Donchez reappointed Robert Blum to membership on the Fine Arts Commission effective through November, 2020. Mr. Martell and Mr. Evans sponsored Resolution No. 2017-206 to confirm the reappointment.

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

4. *Administrative Order – Thomas Shillea – Fine Arts Commission*

Mayor Donchez reappointed Robert Blum to membership on the Fine Arts Commission effective through November, 2020. Mr. Martell and Mr. Evans sponsored Resolution No. 2017-207 to confirm the reappointment.

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

*Host Fee/City Website*

Mayor Donchez remarked regarding the Host Fee that Senator Boscola and her staff were very involved and instrumental with this throughout the whole year. He pointed out Senator Browne and his staff were also very instrumental with this. Mayor Donchez reported it is his intention that all Boards, Commissions and Authorities, beginning January 1, 2018, will have their agenda and minutes on the City's website.

8. ORDINANCES FOR FINAL READING

A. *Bill No. 34 - 2017 - Establishing Open Data Program and Open Data Online Portal*

The Clerk read Bill No. 34 - 2017 - Establishing Open Data Program and Open Data Online Portal, on Final Reading.

President Reynolds remarked that we had an extensive conversation about open data at our last meeting. He added that he will not repeat what Mrs. Kwiatek said, but he wanted to thank everyone for all of the hard work. When he released Bethlehem 2017 ten months ago he looked at the way people get their information. There was a time when people called or walked in the front door and wanted their pot hole fixed, or wanted to call for information. He expressed we do need to make it easier, and that includes meeting agendas, etc. President Reynolds remarked this Ordinance that we are about to vote on has taken almost eleven months to put together. We passed a Resolution earlier this year to address the need for open data. We worked with our Solicitor John Spirk, the Administration, the Law Bureau, and our City Clerks' Office, to create an Ordinance. He continued to say we talked a lot about this a few weeks ago at the First Reading of Ordinance, but he just wanted to thank Mr. Brong in particular as well as all of the Department Heads and Mayor Donchez who have all supported the idea of open data and the Open Bethlehem Initiative. President Reynolds stressed when you look at what is possible with shared data, community partnerships, educational institutions, hospital networks, sky is the limit with what the City is able to do going forward with transparency and the creativity. He added, hopefully the partnerships with Lehigh University, Moravian College, St. Luke's Hospital and Health Network, and Lehigh Valley Hospital will help to make this initiative really work going into the future. President Reynolds wanted to thank his colleagues, especially Mr. Martell who put a lot research time into this. It is a real good step for us in the right direction with transparency and to really move into the 21<sup>st</sup> Century.

Mr. Martell stated he wanted to echo what Ms. Kwiatek and President Reynolds had said about this particular initiative. It was a very much hardening process and he thanked President Reynolds for bringing this forward and spearheading it. Being able to work with the citizens and seeing their engagement and the various non-profits, City Council Members and the Administration and the work Mr. Brong put into this has been informative. What has been put together is an exciting opportunity to see what the City will be able to do with this and what the citizens will do with it. It is a progressive initiative and many Cities of our size are trying to do this. The long process and much of the input we have acquired over that time period will make this product function on the same level as some of the best that are doing this. Mr. Martell noted it is about good government and will increase transparency and support citizen's efforts to engage. He is excited to see this come fruition and again thanks to everyone who was involved.

President Reynolds related this is just one step in how we need to change and improve the way we communicate with and reach out to the public. He continued early next year we will hopefully talk about how we can do some things with social media that we have been working on with our social media working group for the past ten months. It is really about trying to find different ways to provide information as easy as possible. President Reynolds still thinks that hopefully some day we will roll all of these things, our website, social media into some type of Bethlehem app where people will be able to get all of the things they need from one spot. That is probably a little bit further out, but it is his goal to bring these things together, including the things with the climate action plan that we will be talking about at our December meeting.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. Bill No. 34 – 2017 now known as Ordinance No. 2017 – 34 was passed on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approving 2018 CDBG and HOME Programs*

Mr. Martell and Mr. Evans sponsored Resolution No. 2017-208 that approves the Action Plan for FY 2018 for the City of Bethlehem for the period from January 1, 2018 to December 31, 2018.

Ms. Negrón stated she will be abstaining from voting on this Resolution because she is a Board Member for CACLV.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Abstain: Ms. Negrón, 1. The Resolution passed.

B. *Approving Intermunicipal Transfer of Liquor License – 2174 West Union Boulevard*

Mr. Waldron and Mr. Evans sponsored Resolution No. 2017-209 that approved the Intermunicipal Transfer of Retail Restaurant Liquor License Number R-8401 from the Pennsylvania Liquor Control Board. Giant was the successful bidder for a Lehigh County restaurant liquor license that was part of a public auction of liquor licenses conducted by the PLCB in July, 2017.

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

C. *Approving Rules and Regulation for the Civil Service Board of the City of Bethlehem*

Mr. Evans and Mr. Waldron sponsored Resolution No. 2017-210 that approves the rules and regulations adopted by the Civil Service Board of the City of Bethlehem on October 3, 2017, which are attached to this Resolution as Exhibit A and which shall take immediate effect; and that the said Council hereby repeals, with immediate effect, so far as authorized by law, any and all prior versions of rules and regulations governing the City's Civil Service.

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

*D. Authorizing Grant Application – PADCED Municipal Assistance Program*

Mr. Evans and Mr. Waldron sponsored Resolution No. 2017-211 that approved the grant application for the Municipal Assistance Program from the City of Bethlehem to assist in the payment for the development of a blight remediation plan fund.

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

*E. Authorizing Contract – Portnoff Law Associates*

Adam Waldron and Eric Evans sponsored a Resolution that authorized to execute an agreement with Portnoff Law Associates through December 31, 2018, with renewal provision indicated in the Recommendation of Award of contract amendment dated October 19, 2017.

Mr. Waldron noted that Mr. Antalics had given us a handout with some strong accusations. He looked over this contract and it says that we have used this law firm for the past fifteen years. Mr. Waldron was looking for a few comments from the Administration as to what the process would be to select them if there have been any issues of predatory practices. The contract was vetted and there has not been an issue or else it would not be in front of us. Mr. Waldron wondered what the thoughts are from the Administration.

Mr. Brong reported that Portnoff Law Associates has been around for over a decade and have collected our delinquent real estate taxes. In doing so, it is our opinion that they have done a good job performing an unpopular task. They are not winning any popularity contests with the acts they have to go through in order to collect those taxes. However, at least in this Administration we have not received any notable complaints or comments about anything predatory that has taken place. As he sits here he does not have the benefit of a look at the handout given to Council. If it would be Council's will, he would be willing to take that into consideration and review it, and either take an alternate course of action if necessary or come back to Council at a relatively near term date here to get this approved.

Mr. Waldron asked what the natural timeline is for this selection.

Mr. Brong related this is not something that we went out for with an open RFP; this is an extension of their responsibilities into the water and sewer collections area. So this was essentially an add on responsibility to an existing relationship which is a relationship that we do not change every two or three years because of the familiarity, the data exchanges, the

conventions and so forth that are necessary in order to form this task. We do not do that. We did not have a bunch of other proposers to take a look at and compare.

Mr. Waldron queried about how many customers or homeowners they go after each year or try to collect from.

Mr. Brong knows it is about \$600,000 dollars annually that we have to go after, and we are not paid. He does not know how many property owners there are.

Mr. Waldron wondered what percentage of that comes back to the City.

Mr. Brong stated the vast majority; we write down very little.

Mr. Waldron expressed that he would like to hear what other Members of Council think.

President Reynolds emphasized if the Administration would want to withdraw the request, they are certainly able to.

Ms. Negrón explained she does have concern with this and pointed out we should have more time to make this decision.

Mr. Brong advised the Administration would like to pull this Resolution, and consider what is before us.

President Reynolds communicated that Resolution 10 E is withdrawn.

*F. Authorizing Contract – Synagro Central, LLC*

Mr. Waldron and Mr. Evans sponsored Resolution No. 2017-212 that authorized to execute a contract with Synagro Central, LLC for the Wastewater Treatment Class B Biosolids Beneficial Use.

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

*G. Authorizing Contract – Goldenberg Marketing*

Mr. Evans and Mr. Waldron sponsored Resolution No. 2017-213 that authorized to execute a contract with Goldenberg Marketing LLC to develop a comprehensive Search Engine Optimization and Search Engine Marketing plan.

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

*H. Authorizing Contract – MBR Construction Services, Inc.*

Mr. Evans and Mr. Waldron sponsored Resolution No. 2017-214 that authorized to execute a contract with MBR Construction Services, Inc. for electrical construction for the biosolids dewatering project.

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

*Motion – Considering Resolutions 10 I through 10 K as a group – Certificates of Appropriateness*

Ms. Negrón and Mr. Martell moved to consider Resolutions 10 I through 10 K as a group.

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

I. *Certificate of Appropriateness – 1 East Third Street*

Mr. Waldron and Ms. Negrón sponsored Resolution No. 2017-215 that granted a Certificate of Appropriateness to install signs at 1 East Third Street.

J. *Certificate of Appropriateness – 113 East Third Street*

Mr. Waldron and Ms. Negrón sponsored Resolution No. 2017-216 that granted a Certificate of Appropriateness to install a sign at 113 East Third Street.

K. *Certificate of Appropriateness – 324 South New Street*

Mr. Waldron and Ms. Negrón sponsored Resolution No. 2017-217 that granted a Certificate of Appropriateness to install a canopy mounted sign and a flag mounted sign on the structure at 324 South New Street.

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

11. NEW BUSINESS

*2018 Budget Hearing Schedule*

President Reynolds announced the 2018 Budget Hearing Schedule, as follows:

### **2018 BUDGET HEARING SCHEDULE**

**Thursday, November 16, 2017 – 6:00 PM – Town Hall**

**First Budget Hearing:**

Administration

General Fund Revenue

General Fund Expenditures

General Fund Expenses  
Debt Service  
Recreation Bureau  
Golf Course Enterprise Fund

**Monday, November 20, 2017 - 6:00 PM - Town Hall**

**Second Budget Hearing:**

Council, Mayor, Treasurer, Controller, Law Bureau  
Civic Expenses  
Police Department  
911 Fund  
Fire Department

**Tuesday, November 21, 2017 - 7:00 PM - Town Hall  
City Council Meeting**

First Reading of 2018 Budget Ordinances

**Tuesday, November 28, 2017 - 6:00 PM - Town Hall**

**Third Budget Hearing:**

Community Development Block Grant  
Community and Economic Development Department  
Water Fund Revenue and Expenses  
Water Capital Budget  
Sewer Fund Revenue and Expenses  
Sewer Capital Budget

**Wednesday, November 29, 2017 - 6:00 PM - Town Hall**

**Fourth Budget Hearing:**

Public Works Department  
Liquid Fuels Fund  
Non-Utility Capital Fund

**Monday, December 11, 2017 - 6:00 PM - Town Hall  
Final Budget Meeting**

**Tuesday, December 19, 2017 - 7:00 PM - Town Hall  
City Council Meeting**

Final Reading of 2018 Budget Ordinances

*Committee Meeting Announcement*

Chairman Colón announced the Human Resources and Environment Committee Meeting will meet on Monday, November 13, 2017 at 5:00 pm in Town Hall. The subject will be the 2018 Budget – Personnel.

*Lehigh Valley United for Puerto Rico Concert*

Ms. Negrón communicated that she wanted to say thank you for the great event they had at the Lehigh Valley United for Puerto Rico at Steel Stacks, last Sunday. She thanked Mayor Donchez for being there noting that it made a big difference. She also thanked Councilman Callahan who sponsored an event. Ms. Negrón added that Councilman Martell and Councilman Colón were also in attendance. Everyone there saw how united the Lehigh Valley was. We went across political parties and had a presentation from the Administration from Easton and Allentown, and of course Bethlehem, and the Fountain Hill Mayor was there. We collected a little over \$9,000 and filled six trucks full of clothing, especially jackets and hats. We have families that are already in the United States that were at the concert who were able to leave with coats and hats. Ms. Negrón is recruiting volunteers now to help the Hispanic Center to clear their basement and set up a store with the clothing. She thanked everyone for their support.

President Reynolds praised Ms. Negrón for her hard work.

12. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

ATTEST:

City Clerk