

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, April 17, 2018 - 7:00 PM

INVOCATION

Archbishop Julius L. Licata, D.D., Ph.D., Cathedral Parish of St. Jude, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Waldron called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Shawn M. Martell, Olga Negrón, J. William Reynolds, Paige Van Wirt, and Adam R. Waldron, 7.

2. APPROVAL OF MINUTES

The Minutes of March 20, 2018 and April 3, 2018 were approved.

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

Decriminalization of Marijuana

Jeff Riedy, 905 Seventh Avenue, explained he is the Executive Director of Lehigh Valley NORML, the local chapter of the national organization for the reform of marijuana laws. He is at this meeting to encourage Council's consideration of marijuana decriminalization measures in the City of Bethlehem. He pointed out at its heart, arrests for small amounts of marijuana equate to a bad start for many, for others it is a life sentence without available opportunities. Mr. Riedy offered a brief history lesson based on suppression and racial disparity. He note in 1937 Harold Anslinger, in an effort to suppress blacks and Mexicans as head of the Department of Agriculture placed wrongful prohibition on marijuana by creating the Marijuana Tax Act. This labeled marijuana the demon weed, wrongfully stereotyped its users with reefer madness perfection and insisted on the evils of pot, blacks and jazz musicians. Mr. Riedy then skimmed forward to President Nixon who he said ignored a self-placed commission's findings claim which claimed that there were no ill effects from cannabis use. He emphasized that President Nixon created the Drug Enforcement Agency (DEA) and had marijuana and hemp labeled as a Schedule I narcotic. By definition Schedule I drugs, substances or chemicals are drugs with no currently acceptable medical use and a high potential for abuse. He highlighted examples for Schedule I drugs include heroin, LSD, marijuana, ecstasy, methaqualone and peyote. He continued to say that it should be noted that marijuana is currently prescribed medication in 30 states in the United States. Mr. Riedy remarked that as President Nixon was assembling his DEA thugs, Keith Stroup a young law student at Georgetown took his first puff of weed with friend Hunter Thompson, and soon after NORML was born in response to the ongoing suppression. After 40 years of

pressing back, currently ten States have passed statewide legalization of marijuana, 22 States have statewide decriminalization of marijuana and 30 States including Pennsylvania, operate medical marijuana programs. Mr. Riedy communicated that as we begin to push State law makers for statewide legislation you can act locally as has Philadelphia, Pittsburgh, Harrisburg, York, State College and Erie. We can stop the growing arrest tallies in the Lehigh Valley, end the tyranny of outdated and misinformed courts and set a shiny example across Pennsylvania. Mr. Riedy pointed out that Bethlehem can continue the revolution for reform. Marijuana itself is not harmful, but the needless and unnecessary arrests for small amounts of marijuana have destroyed lives and families. Local decriminalization will ease the workload of law enforcement, lighten the burdens in our courts and begin the process of reforming antiquated laws that adversely affect our young people and minorities in particular. Mr. Riedy supports City Council's anticipated efforts toward passing smart marijuana decriminalization measures in the City. He and Lehigh Valley NORML embrace the bold actions of City Councilwoman Negrón and stand with all Council holding to the belief that you have the ability to pass these measures in Bethlehem. He affirmed that in the end he believes that we are all focused on building community but how do we build that community by placing a senseless stigma and potential roadblocks in a young person's life or into anybody's life for smoking a plant. He concluded by saying please consider making this effort and thanked Council.

Short Term Rental Ordinance

Barbara Diamond, 425 Center Street, affirmed as she mentioned in her email to Council yesterday that she wonders why the Short Term Rental Ordinance passed on December 5, 2017 has apparently not been enforced. In December when the Ordinance was passed, she and her neighbors were so pleased with the way the Administration worked with the community to come up with an Ordinance that seemed to be a good balance of the interest of various property owners. The Chandler House at 258 East Market Street is still listed on Airbnb and had reviews from people who stayed there as recently as March and February. Ms. Diamond communicated that last June the City issued a cease and desist to the operators of the Chandler House. Mr. Brew was quoted in the Morning Call saying "We intend to fully comply with the City and work with the Zoning Board to help create regulations for Airbnb in Bethlehem." She continued to say not only did he not comply, he has since listed two other properties and continued to take reservations in defiance of the cease and desist and the Ordinance. Ms. Diamond knows there are short-term rentals across the City. She is particularly interested in the three properties because they are large houses with the greatest impact on the residential quality of life in her neighborhood. Her question, which she hopes Council will be able to answer this evening is, are the properties at 258 East Market, 265 East Market and the corner of Church and New Streets in compliance with the Short-Term Rental Ordinance. She queried, since they do not appear to be, why have you not enforced the Ordinance and where are you in that process regarding enforcement of those properties and if you make a determination, what are the next steps. Ms. Diamond would like to be more informed about what happens if you pass an Ordinance. She affirmed last June in The Morning Call article, Mr. Brew stated he pays fines of \$500 per day, and she would like to know if fines have been imposed on him. She would like to say that not enforcing an Ordinance sends a bad message to the public. She has several rental properties and she has to have them inspected and brought up to code every time someone moves out before she can re-rent them. She posed the question of whether she is free to ignore that. Ms. Diamond communicated that her neighbor who had hoped to be here this evening, Mary Rose Wilson at 64 Wall Street wrote to her and said that this whole thing reminded her about four years ago they

had mulch delivered and could not get it all in the beds in one day. Part of the delivery was overlapping off their property and into the street by their car. It was barely 8:30 AM when they received a call saying they would be cited if they did not get their tiny pile of mulch out of the street immediately. So that is the question all of us in the community have when we see that the law is not being evenly enforced. Ms. Diamond stressed that a big issue here is that public confidence in government suffers when laws are not applied evenly.

Decriminalization of Marijuana

Maximo Vasquez, 1561 East Ninth Street, stated the decriminalization of marijuana is to be on the right side of history. With the majority of the country supporting legalization, opposition to its eventual decriminalization and legalize status are increasingly being questioned, particularly given the difficulty in conducting thorough research on its use and effects because of its currently misclassified Schedule I status by the Federal government. Mr. Vasquez observed that half of all U. S. States did not come to legalize marijuana in some form without generally assessing the role marijuana has had across society and our institutions as well as the incontrovertible negative impacts tied to its prohibition and underlying framework. This is a framework that may span across different city and county departments at costs in resources and money to the citizens and taxpayers far beyond any reasonable impact on goals or objectives with drug enforcement and marijuana, a mostly victimless crime. According to the Lehigh Valley Research Consortium that conducts annual reports on the state of the Lehigh Valley with a range of different criteria, one of their polling questions regarding race relations Lehigh Valley residents gave them the most negative responses since polling began with that particular question, he said. Not so good or just outright poor. He continued on to say while this may be tied to many factors and historical precedents, as well as disproportionate impacts, such as an unfair impact that the new parking garage will have on the south side's children and residents largely a minority populated area, he does not think this can be separated from implicit bias that has been and continues to be present across institutions including policing and judicial outcomes. Mr. Vasquez expressed, as evidence by numerous Department of Justice and other organizational data and statistics, being a non-white person of color you are disproportionately more likely to be arrested, convicted or go to prison for possession of marijuana, as well as experience harsher outcomes than white counterparts in the exact same scenarios, all the while statistics show equal use of marijuana regardless of race. As the opioid and heroin epidemic claims the number one spot among American deaths, it can only be tackled with evidence based policy that intentionally moves away from incarceration to one of full treatment, away from pursuing victimless crimes, as well as clouding up City resources that can be put to better use, continuing the de-clogging of the overpopulated jail and crime docket that began around 2010. Philadelphia's decriminalization Ordinance carries a fine of \$25 to \$100 dollars with no possibility of jail, probation or a record. This would be an immensely popular impact for many who many have paid their debt to society with past drug crimes, but have been inconsistently denied opportunities in employment, housing, education or credit opportunities.

Santiago Rivera, 1349 Lynn Avenue, explained he is here to speak about the decriminalization of marijuana. He explained, at the age of 17 he and his friend had taken off from school and stood behind the building to smoke a joint. Within minutes, because of the smell, a Police Officer appeared and that potentially could have been a very difficult time in his life from then on. Fortunately at the time there were some kinds of rules that effectively decriminalized this to the effect that the Police Officer took all of our information and wrote out a

citation. He remembers it was a fairly expensive citation, about \$70 dollars, which at the time seemed like a lot of money to him. From there he went on to serve in the military for three years, he graduated college with a 3.9 GPA average, and went on to a career in telecommunications for 16 years and spoke throughout the United States and Europe with the subject matter of which he was most knowledgeable. Mr. Rivera then decided to come to Bethlehem; start a business and helped others start businesses. He wonders how much of that would not have happened if the laws that would have arrested him, could have put him through Rikers Island and whatever could have happened beyond that. He considers himself very fortunate that at that time the City was already considering these types of Ordinances that allowed him to not have to suffer the ramifications of what could have happened as was stated. Mr. Rivera rises in support of the decriminalization of marijuana because of his life experience. He noted he still indulges a marijuana cigarette from time to time in his private home, and knows many others in our community that do exactly the same. We respect the laws, we do not want trouble and we certainly feel that it would be a shame if we got arrested because we were indulging in this personal habit of ours, for the good or the bad.

Bethlehem History

Ed Gallagher, 49 West Greenwich Street, thanked Mayor Donchez, Councilwoman Van Wirt, Councilman Reynolds, and Solicitor Spirk for responding from some communications he has had with them over the past few weeks. He also thanked Stephen Antalics because a few meetings ago he asked all of us to go to the Library and pick up a book, Bethlehem Postcards, from the end of the 19th Century to the middle of the 20th Century. Mr. Gallagher found two copies on free circulation and both have disappeared and not checked out by anybody. He got the book from another Library. The book is called Bethlehem Revisited, Postcard History Series by William Weiner and Karen Samuels. There are three other books on Bethlehem and South Bethlehem from Arcadia publishers which are great books to get a sense of history in Bethlehem. Mr. Gallagher noted that Mr. Antalics wanted us to pick up this book to look at our town and look at the decisions that were made through the lenses of history. We are a town that values history. We have Historic Districts. He expressed if you go to the various Committee and Commission meetings you will always hear people talking about how history enhances livability. The past few meetings of the EAC and Parking Commission group that just met, there are always a few people that will be reflected in the minutes who talk about the quality of life. At the Parking meeting last week a person named Greg put it correctly for Mr. Gallagher by saying that Bethlehem has a Capraesque kind of quality to it, like the movie It's a Wonderful Life. Mr. Gallagher has been looking at this book for a few weeks now and mentioned as he crosses the Fahy Bridge and sees the new building on the other side he wonders where was history when that building was decided on, where was the Capraesque quality then, history was not at the table. He could not find old minutes but he did go through some Morning Call stories and there is a quote from a person who may be in the room here who said "What does this building have to do with Bethlehem." That is also his feeling about it. He knows we are coming on an anniversary where there will be a celebration and he knows that many people worked hard on it. He would suggest a new postcard for the book that will be done 50 years from now. He suggested to look across the street to see the two older buildings rubbing shoulders with the new big one. History was not at the table when that building was designed. Mr. Gallagher explained a few nights ago at the Historic Commission meeting he saw a group of people at the table really stand firm against a developer in a pleasant and thoughtful way, they stood for history. He thought the developer was offering a good deal to fix up the Grace Mansion, but they stood firm on history

although he does think that developer will come back. Mr. Gallagher mentioned the idea of adding a 30 second vignette on the history of Bethlehem beginning every Council Meeting. Maybe young kids or teachers could get a bright student to come every meeting like a Minister or Pastor does and give us 30 seconds of history just to remind us of much of what we value in our town.

Decriminalization of Marijuana

Ryan Hulvat, 2067 West Broad Street, stated he is a resident, a business owner, his wife is a business owner and he is also a marijuana patient. He just wanted to briefly explain that he is strongly in favor of decriminalization of marijuana in Bethlehem. This would be our way of saying that this is our next step towards legalization in Pennsylvania and that this is the right thing to do. Mr. Hulvat goes to the dispensary in Bethlehem and he sits with other patients who are veterans and cancer patients who get that relief. He would like to open that up to other residents of Bethlehem to not have the fear and stigma that goes along with that. He has three children and two step-children and he does not want this to tarnish their history should they get mixed up in something like this. Mr. Hulvat knows as a resident and a business owner that there is a lot of stigma that goes along with marijuana and what he would like City Council to do, decriminalize marijuana so we can remove that stigma. Mr. Hulvat has that fear as a business owner. As a parent, if someone goes and seeks relief from chronic pain, cancer, and other conditions that this is the most effective medicine for himself and for others that they should not live in fear. He knows that the statewide acceptance of this for certain conditions may seem like a solution. It is not for many people because the State is not providing the medicine. He knows firsthand that this is the most effective for so many. Mr. Hulvat believes that decriminalization is Bethlehem's way of saying this is where we stand and what we support and it is moving forward to reforming the laws both statewide and federally.

Human Resources

Dana Grubb, 2420 Henderson Place, stated he received phone messages and an email from two former City employees, each who had over 30 years of service with the City. Unfortunately their reasons for contacting him reflected the ongoing adversarial relationship between the City Human Resources Office and City employees, past and current. One former employee stopped into the Human Resources office the first thing on Monday, April 2nd to pay his healthcare coverage premium and was met with you are late and therefore you will be terminated on this benefit. He queried how can anyone lose coverage because Sunday, April 1st was Easter Sunday they could not come in to pay it and on Friday, Good Friday they could not come in and pay it because City Hall was closed. The first thing they did was come in on April 2nd to pay it, but they no longer have coverage. For the other employee it is the lack of cooperation in setting up Cobra healthcare coverage by the Human Resources office has been met nothing less than frustration, aggravation and some financial duress. This is on top of his own recent experience as the Executor of an estate for a City retiree. He noted that when he needed an insurance form mailed to him it took over a week for that form to arrive in the mail. Mr. Grubb added on March 14th another City Hall retiree requested the updated City retiree's pension address list, so that the City Hall retiree's luncheon invitations could be mailed. It still has not been received and this is for a luncheon in May. For decades these lists have been provided readily to the organizers of these events. He continued to say there is a retiree who mailed their monthly health insurance premium in to Human Resources only to have it returned to them after the due date in a

Department of Sewer and Water envelope. Another retiree dropped their monthly insurance premium into the City drop box only to have it misplaced in City Hall and then received a certified letter asking where the payment was. That retiree later lost healthcare coverage after they delivered another insurance check into the drop box on December 30th because City Hall was closed on New Year's Day. When City Hall reopened on January 2nd the payment was considered late and this eventually led to the termination of this retiree's much needed coverage for his wife. Mr. Grubb stressed there are many more examples. Mr. Grubb commented that Human Resources should be an advocate for City employees and retirees, not an enemy. When you place unqualified individuals in key positions you get amateur results. He remarked that there is no written policy for payment of retirees healthcare premiums, no one has ever gotten any communication on how that will be handled and it is handled differently today than it was by a prior Human Resources director. The checks are cashed weeks after they are due; the current process is arbitrary and capricious. With so many people being affected it is beginning to form a very concerning pattern out of this particular office. There is no grace period. A simple phone call would resolve the matter; that is what the old HR Director would do. There is delayed processing of checks, no empathy, no compassion, just tough luck. One has to wonder what the end game really is. Mr. Grubb stressed it is time to correct this situation. The City workforce past and present is the most valuable asset that this City government has and it is about time that fact is recognized in the way these people are treated.

President Waldron asked Eric Evans, Business Administrator or the Administration to look into this.

Short Term Lodging Ordinance

Steve Diamond, 425 Center Street, commended City Council on the Ordinance that was passed on December 5, 2017 pertaining to the short-term rentals which we refer to as the Airbnb. This shows that you are caring for the City of Bethlehem and its neighborly character. However, Mr. Diamond pointed out that the Airbnb properties or short-term rentals are still functional. He believes in the sincerity in passing the Ordinance but his question is how do you enforce this Ordinance. He knows that City Council not issue cease and desist notifications, and queried, but who does? The Ordinance does not have any teeth unless you have a way to enforce the Ordinance and actually fine those who refuse to follow it. As a parent he learned years ago if you do not deliver on your word in the end children lose respect for you and what you say. He thanked Council for creating the first step in attacking the assault on our communities. Please work out with other agencies of the government of who will take responsibility for the enforcement.

President Waldron queried if anyone from the Administration wants to make a comment now or we could just get something in writing later about what the enforcement will look like moving forward.

Mayor Donchez noted that Alicia Karner, Director of Community and Economic Development will make a comment on this.

Ms. Karner asked if Council is looking for an update on short-term lodging.

President Waldron pointed out it seems like some residents are adamant in the fact that they are still operational.

Ms. Karner stated Michael Simonson, our new Chief Code Official is present at the meeting tonight. This is not a Zoning Ordinance; for clarity sake it is not a function of the Planning Bureau. It is something that falls within the Housing Bureau so Mr. Simonson is the Bureau Chief related to housing. Ms. Karner can say that we did spend the first 30 days trying to license the short-term lodging facilities. We issued the guidance and the documentation to them and we did have many who registered. We also then gave a 15 day grace period or so to those who had not. We had a second communication with them and then we did move into enforcement. Ms. Karner does not know how much of the enforcement Council wanted her to get into, but we do talk about it limitedly because it is an enforcement approach. We did file several citations this week related to a few properties. We are monitoring them closely. It is always an attempt to build a case so that the Magistrates really support our enforcement of our Ordinance. That is where we base a little hesitancy. We worked with the Law Bureau to identify what the steps were. We have had some success in some areas and no success in others. We move forward with the citations, we hear the residents and we will let it play out within the court system.

President Waldron stated typically if we are going to get into a conversation about something the Administration we will do it under New Business, but he just wanted to know if we could expect a comment this evening or something in writing later on.

Ms. Karner can talk about this under New Business if Council would like and get into some of the details.

President Waldron informed he does not want to hold up the agenda for any other folks who want to speak so we will save this until the end of the meeting.

Noise and Behavior-15 East Third Street

Tyler Buck, 19 East Third Street, informed he would like to paint a picture for Council of what late evenings at 19 East Third Street looks like. There is a hookah lounge that operates out of the adjacent building next to 17 East Third Street at 15 East Third Street. As a result of that property, and the belligerence of the people who regularly go there, any given night might result in residents of the area, such as his sister being assaulted; there are fights on a weekly basis at the very least. There is shouting into all hours of the night and morning usually up until 5:00 am, which he thinks violates the Noise Ordinance, Article 717. Mr. Buck explained these problems are dealt with occasionally by Police only when the non-emergency number is called and even then not routinely. There may be no response or there may be a response. His concern is that the allowance of this kind of behavior without any penalty for the business or making clear the onus for the business to keep their patrons under control is having a negative impact on not only the residents but also the businesses in that area. This makes the area feel very unsafe and he is concerned also about our tourists, our visitors and our students.

President Waldron noted that our Police Chief Mark DiLuzio is at this meeting this evening and he can speak to him after this meeting on ways to remedy this problem.

South Side

Stephen Antalics, 737 Ridge Street, informed he wanted to commend Archbishop Licata and Mr. Gallagher for their insightful and thoughtful comments, Mr. Gallagher for his history and Archbishop Licata for his concern about the future. If you do not know what happened in the past it makes it very difficult to make wise decisions in the future. As Mr. Gallagher mentioned the south side continues to suffer from neglect based upon his comments. At the last meeting Mr. Antalics mentioned this neglect started way back with the incorporation of the two boroughs into the City of Bethlehem. Mr. Antalics explained that began the demise of borough of South Bethlehem because the government then turned its back on the south side and North Bethlehem became the focal point. Mr. Antalics noted the history that commenced at that signing of the formation of the City had an effect, as alluded to by Mr. Gallagher. He brings this up because he has great faith in Council's ability to make good decisions when issues like this come up in terms of the welfare of the south side. If you drive through North Bethlehem and South Bethlehem you see a very distinct difference in ambiance. North Bethlehem is essential residential, there is no industry of sort but South Bethlehem is the center of big industry. That was a very profound problem way back when the City was formed and provoked an elder of the Moravian community to make a statement. Mr. Antalics stated that set the tone and still some of this exists. In the 1920's during the days of prohibition the City government turned its back on the south side because of all the ethnic people speaking different languages; no one understood them and they were considered undesirable. He stated organized crime took note of it and moved into the south side. There were speakeasy's, prostitution and gambling and they were not being shut down because the Police were on the take, people were making money on the south side. Mr. Antalics explained that New York City and Philadelphia sent buses and trains to Bethlehem to have a good weekend. Another site was crime centers where contracts were made to shoot people who did not toe the line. What he is trying to say is that this history still exists in a very subtle manner in terms of what is going on.

Short Term Lodging Ordinance

Bruce Haines, 63 West Church Street, informed he is at this meeting to really reinforce the Airbnb situation and the enforcement actions. It is clear that there needs to be a better balance perhaps between enforcement of healthcare payments on time, occurring in the City versus lack of enforcement that has been going on either on the south side to the residents on the south side or to the residents in the Historic District where they are still dealing with six properties that are illegally operating as hotels in the middle of our Historic District. This is despite all of the hard work we have all put in including he does credit the City for their hard work in initiating the effort for the short-term lodging Ordinance. Mr. Haines noted that clearly all that work goes to naught because every one of the six are still functioning as they were a year ago. They are still up on Airbnb and still taking reservations out through the end of the year every day of the week. Mr. Haines met our new Code Enforcement officer Michael Simonson and is encouraged by that meeting. He understands he is new on the scene and there may have been delays as a result of that transition. He feels confident that Mr. Simonson will do his best to try to make this right. Mr. Haines would encourage the Community Development Committee to stay engaged with Mr. Simonson and DCED in this process. Mr. Haines believes Council feels as strongly about this enforcement as we the residents do. It is very difficult as a resident to get the attention of DCED and even get an answer about where we are in the process. Mr. Haines pointed out that we have three houses that we discussed from Mr. Brew but we also have three apartments that have been

running that should have year round residents that are in the middle of our neighborhood that have been functioning illegally for a year. What is more disturbing is that the DCED representative actually facilitated one of those apartment property owners to get around this Ordinance by becoming a Bed and Breakfast and misled the Zoning Hearing Board at the Zoning Hearing Board Meeting that we attended that this particular property would have qualified for a short-term rental license had the person who lived there been the property owner. Since this was the daughter of the property owner it does not qualify for that but it qualifies to be a Bed and Breakfast. That is factually a misstatement of the facts. This property is an apartment; there is no interaction of the guests. When you think of a Bed and Breakfast or a home sharing you think you have a room and have an access to all of the common area of the house where the host lives but that is not the case here. Mr. Haines stated therefore it would not have qualified for a license for a short-term rental nor does it qualify to be a Bed and Breakfast. But we have our own Community and Development representative advising the Zoning Hearing Board improperly that this property would have qualified and so this is a technicality and because it is not the owner let's make it a Bed and Breakfast. That is getting around the whole intent of the Ordinance. So that is even more disturbing to him than the lack of enforcement, the lack of understanding what the Ordinance was designed to do. So now we as property owners have to engage an attorney to appeal the Zoning Hearing Board ruling based on this information provided to the Zoning Hearing Board. So we are going to go through a 9 month process for appeal, maybe a further appeal to the higher courts. We will incur massive expenses to engage that attorney because of misinformation. Mr. Haines is very concerned about the fact that our own DCED does not understand the Ordinance. The squeaky wheel in this whole process has been the residents of the Historic District, we are very passionate about our neighborhood and we were engaged in the development of the Ordinance, and now we want your help for enforcement and no skirting around making them a Bed and Breakfast.

Decriminalization of Marijuana

Peter Bernhardt, 2474 South Law Street, Allentown, emphasized that he wanted to speak about the decriminalization of marijuana in Bethlehem. He thinks that would be a good decision moving forward because he knows many people who are around the same age as him, and people who are older than him whose lives have been affected by past marijuana convictions. This affects people around his age many ways because they could lose financial aid in school, and Bethlehem is a college town. It also affects housing and future employment. As the speaker said before, if the laws had been different when he was arrested he would not have been able to pursue a career in telecommunications or anything like that.

Michael Frassetto, 1232 Brandt Drive, Breinigsville, explained he wanted to thank Council for being receptive with the decriminalization of marijuana with the Ordinance and following the other six municipalities in Pennsylvania that have already passed it. This seems just like the right thing to do. Many of you know that we are trying to get this done in Allentown and Easton. He believes this will happen in Bethlehem first and hope it encourages Allentown and possibly Easton. This would be impactful for the people who live in the Lehigh Valley. Mr. Frassetto pointed out he has been working on a documentary and interviewed over 40 people about decriminalization of marijuana in the Valley. One of the strongest stories he encountered while making this film was one of his friends in Allentown who was always a good person, but got caught up with weed. As a teenager was caught with 7 grams of it and had probation. At 19 years old he got caught again and he went to jail. His cellmate was a 48 year old man that was found

guilty of three rape charges. He was only 19 years old at the time, and woke up every day for six months with the cell mate five feet away from him. Mr. Frassetto thought that was a powerful story. He noted they interviewed Northampton County District Attorney John Morganelli who gave him some statistics about Northampton County marijuana arrests. He said that 565 people were arrested for marijuana in Northampton County and most are kids from 18 to 28 years old.

Sarah Deremer, 4804 Hillside Road, Northampton, explained that her mother passed away in October from long term prescription opioid abuse. She was a middle class, middle aged Caucasian woman and she would have never considered smoking marijuana or using cannabis in any way for the pain that haunted her both physically and mentally, because it was illegal. She would like Council to consider not only our youth, but the stigma that surrounds this is harsh. Her Mom was a mother to five children and a grandmother to thirteen children. She will never know some of her grandchildren because of her opioid abuse. She died at St. Luke's due to a fentanyl overdose from trying to mask pain she had all her life. Had she been able to use cannabis maybe Ms. Deremer would not have to be speaking to Council right now, and if there was no stigma to this maybe her mother would have not taken the opioid route.

4. PUBLIC COMMENT (on ordinances and resolutions to be voted on by Council this evening - 5 Minute Time Limit)

None.

5. OLD BUSINESS

A. Members of Council

Dr. Van Wirt stated she had a few questions for Ms. Karner about the Short Term Lodging Ordinance and wondered if that should be under Old Business.

Council Solicitor John J. Spirk explained that we always had two categories, Old Business and Unfinished Business. If you would ask General Robert who wrote Robert's Rule of Order he would say the only thing that fits under this category is Unfinished Business that was carried over from the last meeting because we would not get to it. We do not necessarily follow that because there are two different categories here. As far as he is concerned if it is Old Business we discussed in the past and if Council deems it appropriate to consider it now, why not.

President Waldron stated his thought was at the end of the agenda under New Business is when he thought it would be most germane to bring up the matter.

Dr. Van Wirt will defer to President Waldron.

B. Tabled Items

C. Unfinished Business

6. COMMUNICATIONS

A. *Director of Recreation - Recommendation of Award - USGA Golf Association*

The Clerk read a memorandum dated April 5, 2018 from Jane Persa, Director of Recreation recommending a contract with the USGA Golf Association for a full assessment of the Municipal Golf Course. The estimated completion date is May 30, 2018. The fee for the contract is \$3,700.

President Waldron stated Resolution 10 A is on the agenda.

B. Director of Budget and Finance – Recommendation of Award – Level One, LLC

The Clerk read a memorandum dated April 11, 2018 from Mark W. Sivak, Director of Budget and Finance recommending a contract with Level One, LLC for printing and mailing services. The term of the contract is one year expiring on December 31, 2018. The fee for the contract is estimated at \$140,000.

President Waldron stated Resolution 10 B is on the agenda.

C. Assistant Director of Planning – Recommendation of Award – Urban Research and Development Corporation

The Clerk read a memorandum dated April 12, 2018 from Tracy Samuelson, Assistant Director of Planning recommending a contract with Urban Research and Development Corporation to prepare an update of the Subdivision and Land Development Ordinance. The term of the contract is 270 calendar days from the Notice to Proceed for completion. The fee for the contract is \$21,000.

President Waldron stated Resolution 10 C is on the agenda.

D. City Solicitor – Amendment to Intermunicipal Cooperation Agreement – Bethlehem Township Municipal Authority and City of Bethlehem

The Clerk read a memorandum dated April 12, 2018 from William P. Leeson, Esq., City Solicitor to which is attached a proposed Ordinance and Associated Amendment to an Intermunicipal Cooperation Agreement between the City of Bethlehem, Palmer Township, Bethlehem Township, and Bethlehem Township Municipal Authority for sewer transportation and treatment at the Bethlehem Wastewater Treatment Plant.

President Waldron stated the Ordinance can be placed on the May 1 agenda for First Reading.

E. City Solicitor – Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association – Tunes at Twilight

The Clerk read a memorandum dated April 11, 2018 from William P. Leeson, Esq., City Solicitor to which is attached a Use Permit Agreement for public property with the Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association for the Tunes at Twilight every Thursday from May 3, 2018 through July 19, 2018, according to the agreement. The location of the event is Nevin Place (adjacent to the Sun Inn Courtyard).

President Waldron stated Resolution 10 D is on the agenda.

F. *City Solicitor – Use Permit Agreement – McCarthy’s Irish Pub Mother’s Day Event*

The Clerk read a memorandum dated April 12, 2018 from William P. Leeson, Esq., City Solicitor to which is attached a Use Permit Agreement for public property with McCarthy’s Irish Pub for their Mother’s Day event. The duration of the event is May 12 and May 13, 2018 and the location is Walnut Street from Main Street to Nevin Place.

President Waldron stated Resolution 10 E is on the agenda.

G. *City Solicitor – Use Permit Agreement – Mount Airy Neighborhood Association (MANA) – West Side Farmers Market*

The Clerk read a memorandum dated April 11, 2018 from William P. Leeson, Esq., City Solicitor to which is attached a Use Permit Agreement for public property with the Mount Airy Neighborhood Association for the West Side Farmer’s Market every Saturday from June 2, 2018 through October 13, 2018, according to the agreement. The location is the Bethlehem Rose Garden.

President Waldron stated the Resolution can be placed on the May 1 agenda.

H. *Councilwoman Negrón – Establishing New Article – Marijuana Possession*

The Clerk read a memorandum dated April 12, 2018 from Council Vice-President Olga Negrón to which is attached a proposed Ordinance to lessen the penalty for possession of marijuana in the City of Bethlehem. State House Bill 195 and House Bill 928 that looks to address the decriminalization of marijuana, statewide, are circulating through Committee. These efforts can be supported by continuing the momentum created by other municipalities in support of such legislation.

President Waldron stated he will refer this Ordinance to the Public Safety Committee for review. Before the time that we search for a date we will reach out to both District Attorney’s as well as the Police Union for comment, before the meeting so we have that information as well as inviting those representatives to the meeting to comment. When a time is set for that Public Safety Committee Meeting it will be announced at a City Council Meeting.

7. REPORTS

A. *President of Council*

B. *Mayor*

Memorial Pool Renovations

Mayor Donchez noted that Members of Council have received a rough sketch of the proposed improvements to Memorial Pool. We did meet with the consultant this past week and the price came in about \$4 million dollars. We told him he has to go back and review this to bring the price down. We are certainly looking at State grants working through Senator Lisa Boscola’s office and considering some recreation fees. The schematic that Council has in front of them

would reduce the swimming lanes from eight to six and we hope to have a final proposal submitted to City Council's Committee for review within the next month and a half. We are looking in the range of \$3 million because we really want to make this more of a pool destination. He continued to say that it needs a lot of work, but we also need to be fiscally responsible, and live within our means. Hopefully we will get a final design within the next month and a half and make a report to City Council.

Bethlehem Recreation Commission/OpenGov/Golf Course RFP

Business Administrator Eric Evans mentioned as a follow up on the Memorial Pool comments he noted that the Bethlehem Recreation Board has opening on the Board. If anyone is interested, he encourages them to contact the Mayor. The Recreation Board is one of our Boards, Commissions or Authorities and gives an opportunity to act as an advisory group to City Council. They meet the third Thursday of every month at City Hall on the fifth floor at 7:00 pm. Mr. Evans explained that Jane Persa, Director of Recreation sets the agenda and it is typically a one hour meeting. Mr. Evans informed he was on the Board for a number of years, as was Dana Grubb. It is an opportunity to get involved and talk about our pools and our parks systems. A few years ago Council rewrote Article 941-Parks, which regulates our parks, and they had a great deal of work for Council getting that set up. This would be an opportunity to get involved in the City especially if you are interested in our recreation and the facilities we offer in the City. There are two openings at this time. It is a seven person Board, there are five members and we are looking to fill the other two seats. This was a Councilmanic appointment but now it an appointment by the Mayor. Mr. Evans emphasized that if anyone is interested they should contact the Mayor's Office, and provide their information.

Mr. Evans continued to say that OpenGov is a vendor that was chosen in response to Council's Open Data initiative which began with the Open Data Working Group resolution adopted last year. The City is teaming with OpenGov to provide an open data platform and portal, both internally and externally. Last Thursday was the kick off. Internally the pilot now was issued and a number in the Administration attended the training session on Thursday. At this point OpenGov reaches out and interfaces with our Finance Plus, which runs our financial capabilities inside City Hall. Every night it automatically downloads that information. OpenGov right now is for internal use because we need to make sure all of the kinks are worked out before it goes live. The Administration can go on and access any kind of number of reports, charts and things that help them make decisions and soon enough it will be available so the public can open up and take a look at what we do. Mr. Evans mentioned when you look at the budget book right now it is tough, it is raw data, but this will provide a great platform. In the future they will also be able to interface with Community Plus which provides a lot of information on permits, development projects and down the road it also will interface with New World, which is our public safety platform and give total access. Mr. Evans just wanted to communicate that this is a work in progress and something we hope to be available by mid-summer. The outside portal will be turned on so citizens or anyone can look at what we offer financially. It is automated so it does not put any excess burden on City workers. It will be automatically updated each night and accurately updated each night. This will be a good tool that we talked about last fall.

Mr. Evans informed he wanted to mention the RFP for the golf course, which went online last week. He reached out to some to talk a little about that. There is not a lot to report at this point. This is just to let you know we are continuing to pursue two tracks. The Golf Course is

something we are working on that includes tonight's Communication 6A. The USGA Golf Pro is coming in on May 15th so that is something Council will be voting on under Resolution 10 A this evening. This is an opportunity to look at playing conditions, the layout from trees to the greens and to identify the pace of play. Mr. Evans explained the Administration is also looking very hard at all of the line items, including the current labor structure at the Golf Course. We feel this lease is now out there and being looked at by a number of different vendors and possible partners and provides us with a great deal of leverage in our current negotiations with the Union. If we do it in that form we will be able to keep control of the Course, but at the same time this RFP will give us a good vision of what is out there in case we want to turn this over to a third party. If we feel we cannot run it to the level we want to then we could consider turning to a third party. This is a big consideration down the road. The RFP is out there until June 8th, and if there are any questions he would be happy to answer them.

8. ORDINANCES FOR FINAL PASSAGE

- A. *Bill No. 10 – 2018 – Amending 2018 General Fund Budget – City Health – Chronic Disease Edu. – Tobacco Program*

The Clerk read Bill No. 10 – 2018 – Amending the 2018 General Fund Budget – City Health – Chronic Disease Edu. – Tobacco Program, on Final Reading.

Voting AYE: Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, and Mr. Waldron, 7. Bill No. 10 – 2018 not known as Ordinance No. 2018-09 was adopted on Final Reading.

- B. *Bill No. 11 – 2018 – Amending 2018 Liquid Fuels Fund Budget – 2017 Year End Adjustments.*

The Clerk read Bill No. 11 – 2018, Amending the 2018 Liquid Fuels Fund Budget – 2017 Year End Adjustments, on Final Reading.

Voting AYE: Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, and Mr. Waldron, 7. Bill No. 11 – 2018 now known as Ordinance No. 2018-10 was adopted on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

- A. *Authorizing Contract – USGA Golf Association*

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-078 that authorized a contract with the USGA Golf Association for a Golf Course Assessment.

Mr. Callahan wondered on that visitation day what they will be doing and queried if they will suggest layout design changes.

Ms. Persa informed they will be just giving recommendations on renovations and maintenance, operations on what needs to be addressed and probably prioritize it as well, the total operation of the Golf Course.

Mr. Callahan asked if they would be able to give us a quote on some of the things they are also recommending.

Ms. Persa does not know if they will get that much into detail. They would recommend for instance cart paths or the irrigation system and then we would get the quotes on that.

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

B. Authorizing Contract – Level One, LLC

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-079 that authorized to execute a contract with Level One, LLC for Printing and Mailing Services.

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

C. Authorizing Contract – Urban Research and Development Corporation

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-080 that authorized to execute a contract with Urban Research and Development Corporation for a Subdivision and Land Development Ordinance Update.

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

D. Authorizing Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association – Tunes at Twilight

Mr. Colón and Ms. Negrón sponsored Resolution 2018-081 that authorized a Use Permit Agreement for the Tunes at Twilight every Thursday from May 3, 2018 through July 19, 2018, according to the agreement.

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

E. Authorizing Use Permit Agreement – McCarthy’s Irish Pub Mother’s Day Event

Mr. Colón and Ms. Negrón sponsored Resolution No. 2018-082 that authorized a Use Permit Agreement for the McCarthy’s Irish Pub Mother’s Day Event on May 12, 2018 and May 13, 2018, according to the agreement.

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

11. NEW BUSINESS

Short Term Lodging Ordinance

Dr. Van Wirt related that she wanted to ask Ms. Karner a few questions about enforcement of the Short Term Lodging Ordinance. She thinks there were some good questions that were brought up by the community tonight and we had a good discussion today. She thinks this is a good opportunity to educate all of us about what the next step will be, although not going into the enforcement mechanisms, but she just wanted to ask a few questions. She wondered if you go before the Magistrate Judge is it possible for the City Attorney to request that the owners who are not in compliance with our codes come before the Judge and the Judge can just ask them if they are operating an Airbnb and not living in it. This would be to just to have that type of direct interaction.

City Solicitor William Leeson explained that a Magistrate Judge does not conduct investigations, so he would say the answer is no.

Dr. Van Wirt noted these are very visible homes and the neighbors are concerned and engaged. If the neighbors see activity in these homes is there a way that they can document it and if so, who should they give that information to once they are bearing witness to what is happening.

Michael Simonson explained that yes we do take calls from any citizen who has any complaint. They can contact the Code Enforcement Office or himself, and we can call them as witnesses in a Magistrate Hearing if they agree to do so.

Dr. Van Wirt mentioned it would be helpful for them to be involved and document what they are witnessing.

Mr. Simonson stated absolutely, the more information they have the better.

Dr. Van Wirt queried how the City can communicate with the citizens on a real time basis to inform them of the status of enforcement efforts. So if they call up and have this whole list and are participating and trying to help out, how do they know what is happening, and whether a citation has been issued, or what is the outcome of all of your efforts.

Mr. Simonson explained we did issue citations. Once they leave our office and go to the Magistrate, we are at the Magistrate's mercy for scheduling appointments, and so we may not be able to give them an exact timeline. We can tell them where we are at in the enforcement process, but to nail down a tight timeline we do not know until we are given dates ourselves. When the Magistrate gives us a hearing date we can inform them then.

Dr. Van Wirt wondered if the public is aware of when a citation is issued. Today was a little bit different with this being put out at this venue, but queried how does the public know when a citation has been issued.

Mr. Simonson stated there is no way the public would be aware. They would have to either enter a Right to Know request with the municipality to get that information or we would just have to give them that information.

Dr. Van Wirt asked if the people who lived in that neighborhood called up and are concerned, can you just tell them.

Mr. Simonson remarked it would be on a case by case basis depending on what the enforcement action was and for what reason.

Dr. Van Wirt observed that the fines are \$500 dollars a day. She is not convinced given the number of rooms in many of these places that this will be a tough enough penalty. If it seems like they are paying the fines and continuing to do their work, is there any recourse for that or can we increase the fines.

Mr. Simonson denoted the fine actually for the Short-Term Lodging Ordinance as was drawn up is \$200 for the first offense, but that being said, as part of the judgement from the Magistrate along with the fine, is an order to come into corrective action. So on top of the \$200 fine there will be an action they will have to correct and then come in line with the Ordinance and additional steps can take place. They have the timeframe to come in order with it, and if not, we can close it down.

Dr. Van Wirt asked if there is still a method that we can increase the fines if we found that the people are just paying the fine.

Mr. Simonson explained there is an escalating clause in this Ordinance so each offense increases the dollar amount of the fine.

Dr. Van Wirt thanked Mr. Simonson and Ms. Karner for their help in letting us all know how this works.

Bethlehem 2017/Climate Action Plan/Bethlehem's Carbon Footprint

Mr. Reynolds informed he wanted to make a few comments about some initiatives and talk about where we are with a few of the Bethlehem 2017 initiatives. He noted that Mr. Evans mentioned one of them, the Open Data, and he wanted to thank Mr. Evans and the Administration and Mayor Donchez for all of the hard work that has occurred for us to be at this place with OpenGov. This is not work that was previously being handled. This was something new, and from the beginning there has not been one complaint or one disagreement with taking on this project. Mr. Reynolds expressed that Mr. Brong, predecessor to Mr. Evans, really dove into this and Mr. Evans is taking this on as well. This is the first phase in really revolutionizing the idea of sharing information and opening the doors of City Hall to create a community of people who are able to use our data, including code violations, permit applications, to name a few. Mr. Reynolds however pointed out that the process to get to this place involved looking at the way that we currently put information into all of our systems, how we are going to bring them together and then how to share them publicly. It was very complicated and involved a lot of back and forth between Sungard and everybody we utilized to share that information. He explained that OpenGov is the leader in this movement. He forwarded an news article to everyone on City Council from the Sunlight Foundation that wrote the article about the way we created this process and City Council's and the Administration's interaction on that. He reiterated his appreciation to Mayor Donchez, Mr. Evans and everyone within the Administration for that hard work.

Mr. Reynolds advised that on Thursday, April 5, we had an Environmental Advisory Council Meeting with the Administration, Michael Alkhal, Director of Public Works, and Edward Boscola, Director of Water and Sewer Resources, and we shared all of the things we are doing internally to reduce our own carbon footprint and greenhouse gases. He highlighted that in the last 13 years the City has reduced our greenhouse gas usage by over 40%. He noted that is not just a one shot deal but that was 4% one year, 3% another year, and that was hard work of City employees on a daily basis. One of the lessons there includes the aggregate savings that we can create over a long period of time. Mr. Reynolds highlighted that this was our first phase. We are looking at how we are going to get a baseline of energy usage across the whole City, not just City operations, but how we will track how much electricity, how much natural gas, transportation so we can create an energy baseline, so we will be able to come up with a City wide energy reduction initiative. Mr. Reynolds stated he had a chance to speak at the March for Science rally this past Saturday and there was enthusiasm about our climate action plan and what this City is doing as far as being a leader in the municipal movement with climate action. We have had people reach out to us not just from our EAC, but citizens, Lehigh University, Moravian College, Northampton Community College, and various businesses that want to be a part of it. That is the goal. We want to come up with a city-wide energy reduction initiative that anybody, whether you are a citizen, a business owner, institution of higher learning, large scale business, will be able to track their energy and be part of the solution, rather than just talking about the problem. Mr. Reynolds stressed that none of that would be possible without the Administration's help on that and all of the hard work.

Ordinance Fee Changes/Marijuana Decriminalization

Ms. Negrón commented that Dr. Van Wirt asked a question that she would like to hear more about from Solicitor Spirk. She asked if we wanted to change the fees we can pull the Short Term Lodging Ordinance and make those changes.

Solicitor Spirk stated that is correct. He informed the Third Class City Code caps what those penalties can be, so you cannot just make any changes, there is the cap.

Ms. Negrón thanked everyone who came in for support on the consideration of marijuana decriminalization. As you heard we will have a Public Safety Committee Meeting and we will let everyone know when that will be so all can be a part of that conversation. She especially wanted to thank the last woman who spoke and that is just one of many reasons why we should move forward with this Ordinance.

Cutting Down Trees on First Avenue

President Waldron then asked about the cutting down of trees on First Avenue. He sees trees being cut down and expressed that this does not make any sense because healthy trees are being cut. President Waldron knows our City Forester was working with PennDot trying to figure out what was going on and what the plan is moving forward. He was hoping for an update on that matter.

Mr. Alkhal replied they have been communicating with PennDot by email and with their Project Manager and contractor to get a clear understanding of their scope of work. To date they still insist that they are removing dead wood, compromised trees and they are also removing invasive trees too. They claim, and our Forester has looked at it with them, and for the most part she does not disagree strongly that there are not a lot of good trees there that, according to PennDot, they would

want to remain there. That was their approach in the work that they completed today. Mr. Alkhal explained they did promise to take a look at their plan again and to try to not remove as much as they have in the first cut, perhaps be a little more lenient on some of the trees that are less than ideal when they do the northbound lanes.

President Waldron recalled in looking at this it looks like the contractor is getting paid for each tree that he cuts down and they are cutting them all down. He does not know what the thought is because if you drive down Route 378 from Route 22 you realize you have the same situation for the whole stretch of the spur route, and in theory all of those trees should come down too. He gets the sense they are not going to do that, but for some reason they are picking these specific ones along First Avenue, which is a shame for all of the folks who live there, because it looks bad.

Mr. Alkhal agrees and stated they were surprised at the extent and scope when they did the first cut. He noted that they relayed to us before they started the work that this is dead wood and there are unsound trees that they would remove. Further discussion was when they also elaborated on invasive trees, which is what could be the discrepancy in terms of what people perceive as healthy trees versus what PennDot claims are not.

President Waldron mentioned maybe the contractor did not follow what PennDot wanted and now they have to go back and change what their order was.

Mr. Alkhal stressed they are talking to them and at the very least we are trying to make sure that they do as little cutting as necessary.

President Waldron remarked when a homeowner cuts down a tree on their curbside they are required to replace it. He would think that PennDot does not have to follow that rule.

Mr. Alkhal explained this is all done within PennDot's right of way. The reason for homeowners to replace trees is that Council passed a Shade Ordinance and that is what governs trees in the City's public right-of-way, but does not have jurisdiction over PennDot.

President Waldron does not know how many consecutive years that Bethlehem has been awarded the tree award.

Mr. Alkhal believes it is 20 or so years.

President Waldron stated for the past 20 years we have been regarded as a City who honors and is a good steward to their environment in caring for our trees. He would hate to see this action jeopardize those efforts. It seems like this is out of our hands completely, but he would encourage Mr. Alkhal, and he has his support to push back and try to limit the scope of the work that is happening.

Mr. Alkhal assured President Waldron that we are engaged with PennDot. We do not have legal jurisdiction over what they are doing, but for the most part, to PennDot's credit, they do listen and they do try to work with us, not always, sometimes they stick to their plan, but they have promised us to be more careful in completing the project.

Mr. Reynolds thinks the thing about those trees is that it was a surprise when people woke up one day and saw that. We do have to be careful with our relationship with PennDot because we do like when they pay for our bridges and things like that, but it seems like that communication process would be the thing. Since there is no City contract it does not come to Council. Mr. Reynolds knows we work with PennDot on those types of things so it might be something else we can look at to talk to their offices about the best way to interact on those potential red flag projects that would raise the ire of the neighbors.

12. ADJOURNMENT

The meeting was adjourned at 8:37 p.m.

ATTEST:

City Clerk