

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, May 1, 2018 - 7:00 PM

INVOCATION

Pastor Robert Rentler, New Covenant Church, 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.

CITATIONS

Honoring Jason Fulmer

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

Honoring James Smith

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

PUBLIC HEARING

President Waldron stated prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to consider Amendments to the Zoning Ordinance to add Sections 1302.29 and 1306.08 to include the definition of a City Revitalization and Improvement Zone qualified project and include related dimensional requirements; amend Sections 1306.01.b.1(b) and 1306.01.B (NOTE 1) to change the maximum percent building coverage in the CB District; and amend Section 1305.01.b to remove a drive-through fast casual restaurant from the CB and CL Zoning Districts.

Communication 6 A - Lehigh Valley Planning Commission - Various Zoning Amendments

The Clerk read a memorandum dated April 25, 2018 from Jillian Seitz, Community Planner with the Lehigh Valley Planning Commission. The LVPC Comprehensive Planning Committee reviewed the proposed Zoning Ordinance Amendments at its April 24, 2018 meeting. All amendments address matters of local concern. A copy of the adopted Ordinance is required to be

sent to the Lehigh Valley Planning Commission per the Pennsylvania Municipal Planning Code once they are adopted.

Darlene Heller, Director of Planning and Zoning explained there are three amendments and the first is to include a definition for City Revitalization and Improvement Zone qualified projects and also to address related dimensional requirements. She believes that everyone is familiar with the CRIZ zone. The Bethlehem Revitalization Improvement Authority (BRIA) oversees those parcels and those projects. One of the requirements is that each of the parcels, each of the projects needs to have its own tax parcel. She explained that the State is requiring that of us. As the City is able to allocate additional CRIZ acreage to new parcels we are trying to do that in a way that is most efficient, the way that we can maximize the designations. Ms. Heller communicated that we really want to designate only the footprint of the building for CRIZ benefit for new projects rather than an entire parcel. She pointed out the CRIZ benefit really only comes from the use of the building itself. We created a definition of a CRIZ qualified project, which is a project that has already been approved by the Bethlehem Revitalization and Improvement Authority (BRIA) as a project that qualifies for CRIZ. In Section 2 of this amendment it states what she just elaborated: in order to maximize the benefit from the City of Bethlehem CRIZ funds and more precisely channel CRIZ funds to CRIZ qualified projects and not adjacent lands, no dimensional setbacks, minimum lot size, building coverage or any other lateral dimensional requirements shall apply to the parcel on which a CRIZ qualified project is located as long as the following is met. The first is that the structures that are to be erected would be placed in a separate lot, a separate tax parcel lot, and it would follow the footprint of the buildings. Ms. Heller affirmed that would be permitted as a CRIZ qualified parcel. It is not required to meet any of the parking requirements, any of the setback requirements, any of the lot width or building coverage requirements. That again is as long as the following are met. The land or the parcel that this is created from, we are referring to as a support lot. The support lot would still continue to meet all of the Zoning Ordinance requirements. Ms. Heller denoted that structures are exempted from any of the lateral dimensional requirements. One of the issues that we discussed with the Planning Commission is that we do not want to provide relief for height but any of the lateral requirements we would be providing relief for as long as the support parcel continues to meet those requirements. The support lot shall be governed by all applicable dimensional setbacks, minimum lot size, building coverage any other lateral dimensional requirements of the Ordinance. As a general example, one of the CRIZ parcels that was recently provided with a benefit is the Dempsey's parcel that is part of the Westgate Mall. The Westgate Mall parcel is very, very large and we really only want to provide benefit to the Dempsey's piece. In order to create a separate tax parcel we would not be able to do that with the current zoning because it would not meet setback requirements, building coverage requirements, etc. The support lot, the lot of the Westgate Mall still would be a requirement to meet all of those requirements. Ms. Heller stated that is basically why this is being laid out. We also note that a support lot could service more than one CRIZ parcel. As a hypothetical, if on the northern end of that same shopping center another CRIZ parcel was designated, another pad site, and as long as the Westgate Mall parcel continued to meet all of the other zoning requirements, that would still be permitted. We allow this as long as certain deed requirements are met. We have gone through these specifically to ensure that the parcels cannot be transferred separately or anything like that. First is that the covenants would be created so that they are continuously held in the same ownership for the length of the CRIZ designation within the City. The second is that appropriate cross access, easements and parking easements would also be accessible. We do require that now as in the Dempsey's requirement. We do require that now for shopping centers so that is how pad sites are actually created. Ms. Heller added that there should be language that states that the deed restrictions run with the land in perpetuity until such time as the

City would be willing to release that. This would be basically the time that the CRIZ designation expires. We had some discussion with this at the Planning Commission because it was a little bit unclear with them. We did tighten up the language with the Solicitor's Office to get the Planning Commission to be a little more comfortable with that.

Ms. Heller continued with the next amendment which is specific to the CB Zoning District. The CB Zone that applies to both of our downtowns, north and south side, is the area that is the densest for development in the City. One of the things that distinguish it from other areas of the City is that we do not require any parking allocation for off street parking. All of that is shared parking through the Parking Authority, the garages or surface lots so that allows more density on each parcel. Right now we do allow a maximum of 100% building coverage if the project is completely non-residential. Ms. Heller explained that we do separate out if it is a mixed use project which would mean it would have residential on at least some of the upper floors. We allow only a maximum of 75% or 80% building coverage. That has been in place since we adopted the Ordinance in 2012 and we have had some discussions about that. She has a memo from Allyson Lysaght who is our Housing and Community Development Planner to address fair housing issues. We talked about the fact that for fair housing and to meet housing requirements, we really need to zone the same equitably between residential and non-residential uses. At this point we are not doing that in the CB zone. As we continue to look at that further there was really no reason to require a 20% open space on mixed use parcels. Ms. Heller expressed initially we did that for greenspace but if we look at the downtown areas it is the area where we want intense development, and we do have greenspace in other areas. On the south side it would be the Greenway and on the north side it would be the Colonial Industrial Quarter. For people who are choosing to live in our downtowns they really are looking for a dense vital downtown experience and that is what we want to provide. As we looked closer at some of the housing considerations we agree that we could make an amendment to the Zoning Ordinance and increase the building coverage for mixed use buildings up to 100%. We had some discussions back and forth with the Planning Commission as we went through that. There was a member of the public who joined us and we agreed that we would make another amendment to this proposal so that it would be in keeping with other districts. There is a note that we added and that is Note B as noted in the amendment. A 20 foot side or a 20 foot rear yard requirement would still be required for a principal non-residential building or multi-family building or dormitory where such side or rear yard would be adjacent to a lot in a residential district that is occupied by one or more existing dwellings. Ms. Heller explained the concern was that we would have significant development up against another residential building in a residential zoning district. Adjacent would be across an alley as well as abutting another property line.

Ms. Heller mentioned the third amendment is to address Fast Casual Restaurants and the drive through that may or may not accompany them. We really do not want to have drive through restaurants in either our downtowns or in the CL Districts. Examples of CL would be East and West Broad Streets, Linden Street, East Fourth Street, parts of Elizabeth Avenue. We want those areas to be walkable and be dense, and we want the buildings to be up to the front with parking in the rear. We are really not allowing at this point drive through restaurants in those zoning districts. But we recently came upon a discrepancy in the Ordinance because there is a section where we specifically state that we do not want a drive through in CB or CL in Section 1322.03, but in the chart of permitted uses, that was not called out. It was still listed as a permitted use for fast casual restaurants. Ms. Heller stated they are proposing that this be changed. She remarked that it is a simple change from permitted to non-permitted for fast casual restaurants with a drive through in either CB or CL.

President Waldron queried if the amendment for the CRIZ was mandated by the State.

Ms. Heller stated they are not mandating the change, they are mandating that each individual CRIZ parcel or project have its own tax designation. The only way we can do that is by revising the lot lines. We cannot do that in a way that also meets our Zoning Ordinance.

President Waldron asked if this Ordinance was drafted in house.

Ms. Heller replied yes.

President Waldron mentioned other CRIZ designated Cities had to make some changes for themselves as well.

Ms. Heller does not know how they accommodate that in Lancaster or other communities.

Mr. Reynolds noted with the CRIZ amendment we are trying to maximize the CRIZ benefit for actual taxable parcels rather than parking lots.

Ms. Heller stated yes, there is no CRIZ benefit to a parking lot.

Mr. Reynolds mentioned there will inevitably be parking lots included in CRIZ projects.

Ms. Heller replied yes, they still need to provide parking, have setbacks, and to meet all other requirements of a project.

Mr. Reynolds remarked when the CRIZ was granted with the current projects, some of those 130 acres will include parking lots.

Ms. Heller stated they already do because they followed the tax parcel boundaries that existed at that time.

Mr. Reynolds queried how will that be applied if you had a 2-acre parcel that is part of our 130 acres of CRIZ, and the actual building is only on 1 acre then with that other 1 acre of the parking lot in the project. He knows we have had projects from other CRIZ acreage that was moved. So whatever piece of CRIZ property that includes a parking lot, that will be able to move at some point.

Ms. Heller stated that is right. The way this is written it would apply to any CRIZ designated project. So there are already some throughout the City and it would also apply to those projects. We have had that question and we did discuss that at the Planning Commission because what then happens, although she does not know that we really know specifically how that would play out, but Mr. Reynolds is correct that the parking areas around existing buildings or on existing lots or parcels that are already designated for CRIZ would have surplus.

Mr. Reynolds observed the projects that are already approved and have parking connected to them, as it currently stands, that parking lot is still included in a CRIZ designation.

Ms. Heller stated yes, it would require minor subdivision.

Alicia Karner, Director of Community and Economic Development explained we only have two approved projects so far that have received increment and there is a delineation that needs to occur. You cannot decertify parcels once increment is expended on that parcel. She stated both of the projects that were approved in expended increment on have maximized the footprint of the building, so it is not an issue on current projects. So there is an opportunity for the projects that are still under construction to come once this passes back to the City to subdivide the parcel off, the difference between the building footprint and the surrounding support parcel and then there is the process that has been identified by the Commonwealth for decertification of these parcels.

Mr. Reynolds noted that potential future excess acreage associated with parking lots that do not need to be CRIZ, what is the process then and by decertification do you mean the process by which the BRIA Board is able to move that land.

Ms. Karner explained technically the owner of the parcel who wants to decertify needs to consent to decertification unless there has been no activity for a period of 8 years, which we have not had yet. The Authority submits the application to the State for decertification so it is really a partnership. She would envision there would be a conversation with each entity that wants to remove acreage. It cannot be obligated. Just because we are doing this does not mean that it will free up 100 of 130 acres, but she expects there to be quite a few conversations as a result of this.

Mr. Reynolds mentioned we do not want CRIZ acreage sitting on a parking lot.

Ms. Karner noted there is a change to the legislation, so originally you could not do this. You had to have designation if you were going to expend CRIZ increment on it so whether that was a parking lot or a pump station or whatever you needed for your project had to have CRIZ land under it. Because that felt a little unnecessary, the State conceded and we made the changes to the legislation that allows for expenditure of increment on infrastructure related items like parking.

President Waldron related that the CRIZ designated owner would have to approach BRIA to decertify their property.

Ms. Karner stated the State obligates the consent of the owner of the property unless it has been more than 8 years or there has been no activity.

President Waldron queried why they would want to do that.

Ms. Karner explained so they may put it to another project where they may have to accelerate development in another area of the City.

President Waldron noted they could also just keep that parking lot as CRIZ designated and sit on it until they had another project they wanted.

Ms. Karner stated once we give them increment, it is no longer eligible for decertification.

President Waldron mentioned it is kind of stuck there.

Ms. Karner would envision this partnership because the developer and property owner cannot do it on their own, and the Authority cannot do it on their own. She would envision a lot of conversations and a lot of opportunity for the City to see benefit in certain locations and property owners to see benefits.

President Waldron asked if it would be germane for BRIA to actively look at some of those future projects and potentially approach the owner to see if that is something they would want to do or do they have to come to you.

Ms. Karner stated no, it is certainly an active conversation. There is very little of that with the Authority without engaging the property owners.

Mr. Reynolds noted theoretically when the acreage was awarded, the 130 acres it was awarded to the specific projects.

Ms. Karner stated certainly to the specific projects.

Mr. Reynolds mentioned that in the legislation that happened after that, we have been on record as saying the fact that they need to sign off to decertify it ties our hands as the City and the BRIA as far as the best place to put that land. So you would expect as far as the public interest was concerned that the BRIA Board and the City would maintain as much leverage as legally possible with trying to get that acreage moved to projects that make sense. He noted if he owned CRIZ land and he had 4 acres and he developed a project on 1 acre and the other 3 acres are tied up on his parking lot, then he could just hold onto his 3 acres until he finds another project and then have the ability to go to the BRIA Board and ask for that change.

Ms. Karner explained with a subdivision, depending on the way that breaks out, they will need to work with us to be able to get that change in designation of the State. There is a lot of partnership that is necessary throughout this process.

Mr. Reynolds mentioned it seems like it makes a lot more sense for the City and BRIA to have influence over where excess property should go rather than individual owners with land that does not need to be used anymore because there is a parking lot.

Ms. Karner stated she agrees.

Dr. Van Wirt expressed that she is picturing Dempsey's as a building with a donut around it and that donut is the support lot. We exempted the support lot from certain dimensional requirements as well, is that correct?

Ms. Heller stated no, only the CRIZ designated parcel has exemption the support lot needs to meet all of the zoning requirements that already apply.

Dr. Van Wirt noted you cannot take a support lot and build another structure on it.

Ms. Heller related that you could do that because we allow more than one project on a lot, but they all have to meet the zoning requirements.

Dr. Van Wirt mentioned she is picturing Martin Tower because it has almost 40% of the CRIZ designation, and wondered if they are one of the two projects that have been awarded.

Ms. Karner stated no, the two projects that have maximized the footprint are the commonly known Social Still project and the Benner Project at Third and New Streets.

Dr. Van Wirt mentioned if they were to build out their commercial as is allowed by rights by zoning, that would have a lot of acreage left over, and so you are saying basically that the City will maintain somewhat of a degree of control of what happens with the rest of that pretty substantial acreage that they cannot use because it will be a support lot, that they can still have control over where that will go if they buy other land.

Ms. Karner wanted to be clear, it is not mandatory to create a support lot.

Dr. Van Wirt stated they will probably want to because it is a free economic benefit.

Ms. Karner noted yes, and what she is saying is that you cannot do one without the other. The Authority cannot force the subdivision and the developer cannot move the parcel without the Authority. She does not have a crystal ball to say exactly the way it works because frankly the Authority has not clearly outlined a process. She thinks the message that Council is very interested in is a partnership. A mutually beneficial relationship is a good message to carry back to them.

Public Comment

Bill Scheirer, 1890 Eaton Avenue explained he has two questions about the second amendment about the CB zone. His concern is with Note 1 where it says multi-family dwelling units are permitted by right uses in existing structures. However, the first floor of a structure must contain a principal retail, restaurant or personal service use along the street frontage. He is wondering about the word principal and what that precisely means.

Ms. Heller would say that in a mixed use building like that we are looking for a retail, restaurant or a personal service storefront, really something that serves as its own use with its own entrance to the front and with its own windows in the front, something that has a storefront presence on main drags in the two downtowns. There is a definition of principal in the Zoning Ordinance, principal use versus an accessory use, but all of those uses she believes would be principal uses because they stand on their own.

Mr. Scheirer mentioned the answer is to consult the definitions elsewhere in the Zoning Ordinance. He also had a question where it says there is no maximum density per acres, as long as all other restrictions are met. The other restrictions would include, he hopes, the 150 foot height limit and so he would like to be reassured that this phrase "no maximum density per acre" is not going to in any way undermine the 150 foot height limit.

Ms. Heller noted it does say specifically as long as all of the restrictions are met so that is conclusive.

President Waldron explained the Ordinances will be placed on the May 16, 2018 agenda for First Reading.

President Waldron adjourned the Public Hearing at 7:31 pm.

2. APPROVAL OF MINUTES

The Minutes of April 17, 2018 were approved.

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

Feral Cats

Pastor Larry Vandever, 331 South Main Street, Nazareth, informed he is the founder and administrator for the Coalition for Feral Cats in the Lehigh Valley. He mentioned that he was at a Council Meeting last year and was approached by someone at that meeting about what we do. Pastor Vandever stated they do TNR; they trap, neuter and return the cats. He went over to the property this woman spoke about and was able to trap one of the kittens, took him to get his shots and gotten everything taken care of and he was adopted out. The TNR Program is needed in Bethlehem. Pastor Vandever received a call from this same woman who was threatened if she continued to feed the cats on her property that she would be arrested. What she was doing was the proper thing because she was waiting for him to come back this year to trap these cats and get them fixed and put them back again. When they are fixed they also get their ears tipped which is a universal sign that these are feral cats and have been taken care of, they will also get all of their shots. We also get rid of the fleas and ticks in these cats. These cats are put back and the reason they are put back, people think if you take the cats away that will work but it does not. If you try to stop people from feeding the cats that does not work either. Pastor Vandever mentioned when he traps in an area he actually walks two blocks in every direction and passes out flyers to let people know he will be trapping, because people have a habit of letting their cats roam free and some of those cats are not fixed and that is why we have all of these cats. We as humans have caused this problem. There is a group out in the west called the Merrimack River Feline Rescue Society and they were founded on the basis of TNR. In 1992 they had 300 cats in colonies and as of 2009 the last cat in that colony died that year. In New York City at Riverside Park in Manhattan they had 70 cats in 2001; today they have 5. People feel that these cats are hurting our birds and animals, but that is a falsehood. What is hurting our birds and animals outside are us with our pesticides and our development encroaching where they live. Pastor Vandever noted that with TNR the fighting stops with the cats. He reiterated that taking the cats away does not work because within 3 to 4 months there will be more cats back. Last week he walked around where they are trapping and he saw at least 3 different other people who are feeding these cats. When they put up a trap they put in cameras to see what is going on there and he put a camera up for 4 days. They took 1,700 pictures and there was not one varmint. The main animal he saw was a squirrel and the second were the birds and third were the cats on the property that were being fed and next were the male cats looking for the females that are in heat. Once you take that female away and she is out of heat the males will no longer come back. Many of these cats roam so there needs to be an Ordinance put up to have these cats stop roaming or have these cats taken care of properly and be fed by people out doing TNR. Even Disneyland since 1955 when it was first built has had feral cat colonies and they actually use the cat colonies to help maintain the

rodent population, not that the cats eat them but the female rodent will not have her litter where there are cats. Pastor Vandever mentioned that people are not having their cats fixed because of the expense. He had his one kitten fixed and it cost \$275 dollars. We do have a set up with different shelters and different veterinarians in the area where you can get the cats fixed for \$35 dollars and that includes shots. The cat will then become healthy. Once a colony is established and controlled other cats will not join their colony, they protect their area. Pastor Vandever explained that two cats within a lifetime can have a total of 4,000 cats and that is because a cat can breed at 5 months of age. He has information for Council and he would be interested in sitting with Council to talk about this. He added that they do not charge you to do this. He pointed out that Easton and Palmer Township put up \$3,500 dollars and that takes care of 100 cats and that is working well. He added that in Pennsylvania it is a criminal offense to harass these cats and if they are killed or maimed it is a second degree misdemeanor with a fine and up to 2 years in jail. If they are poisoned it is a \$15,000 dollar fine and 7 years in jail.

President Waldron noted that Pastor Vandever can speak to our Business Administrator Eric Evans after the meeting.

Meg Schantz, 232 East Union Boulevard, informed she has lived in Bethlehem all her life and she has never been more saddened or disappointed in this City than she is right now. She has spent most of her free time for the last four weeks calling animal shelters trying to find one that would take in a mother cat and her three kittens that lived in her yard. Pastor Larry Vandever of the Coalition of Feral Cats of the Lehigh Valley told her that his shelter was full but he would trap them for her, get them all fixed, and then take them to a shelter if she could find one. So she tried to find another shelter and Forgotten Felines was full. She contacted one of the board members of the Lehigh County Humane Society and was told to call the shelter but her call was never returned. Ms. Schantz stated her next call was Animals in Distress and a woman talked to her for about 20 minutes giving advice, but unfortunately there are more than 300 cats now in her shelter and they are still trying to find homes for the cats they took in last year. A woman who runs a sanctuary told her that she has a small shelter and the kittens need to be friendly so they could be adopted quickly, but unfortunately these kittens are very shy and run away when you get near them. She mentioned The Shelter for Animal Health and Welfare in Easton told her the same thing; Peaceable Kingdom has not returned her call. She was still going down the list she made from all of the shelters she could find from the Morning Call newspaper, the telephone book and recommendations from friends to figure out the next one to try when she received a letter from the City of Bethlehem telling her to stop feeding the cats or face a fine and jail time. Ms. Schantz immediately called Pastor Vandever and told him she had an emergency and explained the letter to him and within a few days he placed a camera in her yard to take pictures and composed and circulated a letter for her neighbors telling them he will be trapping and relocating the cats. He then brought traps and showed her how to bait and set them. The traps are there now and when he captures the kittens he will have them spayed or neutered at her expense and they will be relocated to people he found who will take them, a happy ending for them hopefully, but no thanks to the City of Bethlehem. Ms. Schantz explained out of all of the shelters she called or would have called on her list not one of them is located in this City. She questions why does Bethlehem not have its own animal shelter or even an animal control officer like the City of Allentown? Just two weeks ago someone left a lopped rabbit inside the fence at the toddler playground at the daycare center she works in and Allentown's animal control officer came and picked him up and took him to a shelter within 2 hours of being called. Animals are living, thinking, feeling beings that suffer from hunger, cold, rain, snow and even loneliness.

They are not stuffed toys to be thrown away. She adopted the one kitten that was friendly to her and she finds him to be delightful. Ms. Schantz again will ask why the City of Bethlehem does not have its own animal shelter or even an animal control officer. She thinks her situation would have been solved much more quickly and satisfactorily for everyone concerned, if there were resources in Bethlehem to help homeless and stray cats or other animals. For a City that advertises itself as the Christmas City it seems as far as homeless unwanted animals in Bethlehem go not only is there no room at the inn there is not even an inn.

Billboards

Ed Gallagher, 49 West Greenwich Street, stated he wanted to bring up the issue of billboards. He understands that the first big billboard on the Hill to Hill Bridge was non-digital and the digital billboard caught the City by surprise. He went back through The Morning Call newspapers and Council Meetings at that time. That billboard has been called ugly, an abomination, a weapon of mass distraction, tacky, outrageous, and a board of shame. Please, Mr. Callahan take down that sign was also said. The whole context of that pain and anguish was quality of life, aesthetics because the City characterizes itself as having important history but nothing could be done because the sign was up. Mr. Gallagher noted during that time as he read back through the minutes it looks like the Zoning Ordinance was being redone and a few years later the Zoning Ordinance was passed. He would gather that the people who held that pain and anguish thought that issue was put to rest. There is a line in that new Ordinance about digital billboards that they are okay on Route 378, Route 22, and Route 78. The Adams people with this second billboard are playing on a technicality or a loophole and that seems to be the issue. What he got from The Morning Call was that they are playing on a technicality in the code. So maybe this whole issue with this big meeting coming up on Monday will have to be settled on some very minor and specific legal rendering. He is wondering what can be done with that pain and anguish that was registered back in 2010 and should be registered now. Maybe these kinds of things cannot get into the lawyers arguments. Mr. Gallagher explained that the Mayor is on record in a The Morning Call article as being against the new billboard so he feels there is support in the City. Maybe this kind of pain and anguish can be incentive for the legal team to really feel how the City feels the pain for what is going on here. A few meetings ago Mr. Antalics asked us to look at a book called Postcards of Bethlehem and he would ask Council and Attorney Ed Healy to look at a youtube called Chincoteague Causeway, which is the causeway going into Chincoteague which is one of the great natural beauties of America. The YouTube takes 5 minutes to go that 4.3 miles and there are 65 billboards along the causeway going into one of the most beautiful natural settings in America. If you need a nightmare scenario or an imagination of disaster just look at this and look at all of the signs. He will date himself because they are out of a Monty Python movie; the things on those billboards are crazy. We do not want that so please fight the good fight for us.

Recycling Center-Books

Bill Scheirer, 1890 Eaton Avenue, stated he wanted to speak about another tragedy that is occurring every day in the City of Bethlehem which is in his own mind related to the two previous tragedies heard tonight. He refers to one of the dumpsters at the recycling center, the one for hard cover books. There are actually two dumpsters, they take one away when it is full and put the other one there. One has a sign that says no scrounging and the other does not, however you cannot scrounge out of that one either so he has been told. It is a shame because

every time he is at the recycling center he does take a peek to see what is on top. Mr. Scheirer mentioned three of those books he saw on top were a new Webster's Collegiate Dictionary, a new copy of Henry Kissinger's 800 page history of diplomacy, with jacket, and a copy of the Berlin Diary by William L. Shirer, (no relation) 1939 first edition with book jacket. Mr. Scheirer sees this as a crying shame because every time he peeks in he sees three or four books that could be brought to the Library and sold. The Library would get maybe a few dollars for these books but when you think about the books that are just underneath he estimates that there are half a dozen books sitting there each time. The Recycling Center is open six days a week and that is 36 books a week and with 50 weeks in a year that is 1,800 books. He stated good books that could be sold by the Library that are being pulped unnecessarily. It would only mean about \$2,000 a year for the Library but the important thing is that books are precious and especially in a City that prides itself on education. He expresses there are two solutions to this, one is the no scrounging sign could be scratched or amended to say scrounge at your own risk; that would remove the City from any liability. Mr. Scheirer explained the other has grown out of some discussions he has had with the Friends of the Library who agree with him that something should be done. He has had discussions with the trustees of the Library, of which he was one for about a year. The trustees combined with the Executive Director have sent a letter urging the City to do something about this. The letter he is told went to the Recycling Center itself so it probably has not reached City Hall. Mr. Scheirer has had an extended discussion with the man in charge of the Recycling Center and we have come up with a possible solution. The idea would be to have a small container, maybe the size of the drop in box at the Library, which would be labeled donations to the Library and people who bring books there, even though they do not have the patience to go all the way into town to make the donation, would have the opportunity to put some of their books into the container. This gentleman said it would have to be on wheels so they could move it out of the way when they change the dumpster. That would seem to be a workable solution; it would cost some money but is something he thinks should be done. Mr. Scheirer thinks in a City that prides itself on being literate and educated this is something we ought to do.

President Waldron believes that all of Council would agree with you that this practice should stop and hopefully we can look into that and make that a solution.

North Side/South Side Bethlehem

Stephen Antalics, 737 Ridge Street, stated if you do not know what happened in the past it makes it difficult to make wise decisions in the future. He referenced comments made by Professor Gallagher concerning the Postcard book, these are historic postcards. If you look at the Main Street and Third Street in this book and go tomorrow and take a picture of both streets the Main Street postcard would probably look the same because of its concern of history. But if you look at the Third Street postcard you would not recognize it. What is there historically is gone because you now have a six story building, a gas station and a mini-mall which essentially destroyed the streetscape of Third Street. Mr. Antalics stated there are probably two reasons for this, disregard for history and catering to developers. That is because there is the stigma going back to the borough days and it unconsciously still exists in terms of attitudes towards the south side. So who is to blame? You, figuratively because the Members of Council back then allowed this to happen, which reflects on their concern for the welfare of the south side. Mr. Antalics continued to say that after World War II most cities looked into redevelopment, and Bethlehem being one of them in the mid 1950's saw major problems in the City to be addressed. A flyer was given to most of the citizens inviting all citizens of Bethlehem at 7:30 on Wednesday, October 31,

1956 at Moravian College Hall for a mass meeting for people interested in redevelopment of the City. At that point it was announced the Rapuano plan for redevelopment, and in it they addressed two major problems of the City. One being that City Hall is spread all over the place and this included pictures of City Hall on Broad Street, Police Department on Third Street, City buildings all over the place. The major plan was to consolidate all of that. The second major plan comparable to this was the mention of Five Points and there was a major problem because of the trucks coming down Wyandotte Street could be runaway. This was a major congestion point and in that with PennDOT's approval it was suggested to bypass the Five Points. Mr. Antalics stated he will continue this at the next meeting.

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
- B. Tabled Items
- C. Unfinished Business

6. COMMUNICATIONS

- B. *City Solicitor - Highway Safety Project Grant - DUI Program Sobriety Checkpoints and Enforcement Operations*

The Clerk read a memorandum dated April 16, 2018 from William P. Leeson, Esq., to which is attached a copy of the Highway Safety Project Grant Proposal and Budget Summary and authorizing grant Resolution in connection with the Impaired Driving Program contract.

President Waldron stated Resolution 10 A is on the agenda.

- C. *Director of Public Works - Recommendation of Award - F. A. Rohrbach Pennsylvania, LLC*

The Clerk read a memorandum dated April 18, 2018 from Michael Alkhal, Director of Public Works recommending a contract with F. A. Rohrbach Pennsylvania for the design, preparation of drawing, and permits for the construction of ADA accessible curb ramps. The term of the contract is 90 calendar days from the Notice to Proceed. The fee for the contract is \$420,862.50.

President Waldron stated Resolution 10 B is on the agenda.

- D. *City Solicitor - Use Permit Agreement - McCarthy's Irish Pub - Fergus McCarthy's Birthday Event*

The Clerk read a memorandum dated April 26, 2018 from City Solicitor William P. Leeson, Esq., to which is attached a Use Permit Agreement for public property with McCarthy's Irish Pub

for the Fergus McCarthy Birthday Event. The duration of the agreement is June 9, 2018 and the location is Walnut Street from Main Street to Nevin Place.

President Waldron stated the Resolution can be placed on the May 16 agenda.

E. *City Solicitor – Use Permit Agreement – ArtsQuest – Step Outdoors Lehigh Valley*

The Clerk read a memorandum dated April 26, 2018 from William P. Leeson, Esq., City Solicitor to which is attached a Use Permit Agreement for public property with ArtsQuest for the Step Outdoors Lehigh Valley Event. The duration of the agreement is June 1, 2018 through June 3, 2018 and the location of the event is First Street from Polk Street to the Eastern Terminus and Founder’s Way between First Street and Second Street.

President Waldron stated the Resolution can be placed on the May 16 agenda.

F. *City Solicitor – Use Permit Agreement – Holy Infancy Church – Portuguese Heritage Celebration and Multicultural Festival*

The Clerk read a memorandum dated April 26, 2018 from William P. Leeson, Esq., City Solicitor to which is attached a Use Permit Agreement for public property with Holy Infancy Roman Catholic Church for the Holy Infancy Portuguese Heritage Celebration and Multicultural Festival. The duration of the Agreement is June 8, 2018 through June 9, 2018 and June 15, 2018 through June 16, 2018. The location is Webster Street between Fourth Street and Mechanic Street and the Greenway between Webster Street and Adams Street.

President Waldron stated the Resolution can be placed on the May 16 agenda.

7. REPORTS

A. *President of Council*

1. *Councilmanic Appointment – Elisabeth Cichonski – Environmental Advisory Council*

President Waldron appointed Elisabeth Cichonski to membership on the Environmental Advisory Council to fill the vacant seat that once was a City Council Member seat, effective until January, 2020. Ms. Negrón and Mr. Martell sponsored Resolution No. 2018-083 to confirm the appointment.

President Waldron understands that Ms. Cichonski has been at these meetings thus far and will continue her role in a more official capacity.

Mr. Reynolds thanked President Waldron for appointing Ms. Cichonski. He noted that she has been actively involved in the Climate Action Working Group, has been coming to all of the EAC Meetings and has done a lot of research. He knows that Ms. Rothman and everyone associated with the EAC are excited for her to join as an official member and they wanted to pass along their thanks as well.

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

B. *Mayor*

1. *Administrative Order – Kathy Zelko-Lund – Fine Arts Commission*

Mayor Donchez reappointed Kathy Zelko-Lund to membership on the Fine Arts Commission effective through May, 2021. Ms. Negrón and Mr. Martell sponsored Resolution No. 2018-084 to confirm the reappointment.

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

Golf Course

Eric Evans, Business Administrator, stated he wanted to give a report to Council regarding the Golf Course. He noted this not an agenda item; there is no request that will follow tonight with regard to the Golf Course. The purpose of this report is to explain the reasoning and process that the Administration took at the Golf Course this past week. In addition a memo was sent in response to Mr. Callahan's request; it was a preliminary list of items and prices, projects and equipment that is needed at the Golf complex. It is not our list, not the Administrations' at this point, so we can comment on the list, but the decisions, what will be decided at the course, they have not been made by the Administration. When we do make that decision we will be back to Council with an official request for borrowing, if that is what it is. Mr. Evans noted this evening we will not move too much into the topic, because it is not an agenda item and there are still many moving parts and the full plan is still very much in the works. He would like to go back a little bit to the budget hearings. He remarked quite often in his early tenure on Council we talked very little to not at all about the Golf Course, except at budget time. The Golf Course clicked along year to year. It was pretty successful, well played, and popular and is combined with the restaurant that is also pretty popular. For the most part he will not say it was ignored, but it was a small part of our overall budget, but the success it had worked against us at some level. However, it does remain popular this day. He reviewed the minutes from during the 2016 budget hearing and remembers for the first time talking a little bit about our concern for the margins and operating performance. At the same time we also shared our successes. In his comments he said that he knows that people play the course, give compliments to the course, it does look great and we do appreciate that work. At that time Michael Recchiuti was on Council, and he shared his thoughts, but was concerned a little bit about the projected revenues of \$1.6 million, but that might be overplayed. Other Councilmen had comments; Louis Stellato who was a Councilman at that time said that the course is in great shape and one of the best in the Lehigh Valley. Councilman Callahan expressed that he agreed with Mr. Stellato and thinks that this is a fine Golf Course, and that the guys do a great job with limited resources. President Reynolds followed up saying there are a lot of good changes and the course is in good shape. Mr. Evans noted that we came back in 2017 and again started to show concerns. His comments at that budget hearing was that he was pleased to see the revenue projections down a little bit, we are still getting more positive comments about the Golf Course than anything else, and that playing conditions at the course itself are well received and appreciated by the City. So this is just a matter of two years ago. Mr. Evans mentioned that Mr. Callahan thanked Tom Wilchak, Golf

Course Superintendent and his staff and noted that he goes to the Golf Course 4 to 5 times a year, and every time it is in awesome shape; that we have a jewel of a course in the Lehigh Valley. So this has been recognized by Council. President Reynolds had informed that he plays a bit of golf in the summer, and runs by the course in the summer, and often times sees Mr. Wilchak out there early in the morning at 6:00 am or late at night doing things himself. The point is that we have a course that has been a part of the history of Bethlehem since 1956, and is still highly played with 35,000 rounds, but last fall there were issues identified. Mr. Evans explained that leading up to that point there were many compliments, the concerns really were about some numbers, but they were still making their payments. The bunkers came up as the biggest complaint. Mr. Evans mentioned that his brother is a golf coach at Freedom High School and he asked what his biggest problems were and does this course have any issues. He was perfectly fine with it and he plays a lot and he and his son spend quite bit money there. We know there were some issues; it is a public course, not a private course so some issues were acceptable. Mr. Evans wanted to give credit to Mr. Callahan at this time that he sparked these thoughts. Mr. Evans was on vacation and it came to him that Mr. Callahan called and asked if he would be willing to meet with his friend, Mr. Barker. Mr. Evans thought this was going to be about the bunkers and he will have to tell him we have issues and are struggling on how to fix this, how to spend the money when the margins are tight. The thing about Mr. Barker is that he is a life-long player and his kids are very good players. He plays many golf courses around the Lehigh Valley and the nation and has an attention to detail that goes beyond a typical player. Mr. Evans explained that Mr. Barker pointed out some things that were general upkeep, things that could be fixed relatively budget neutral but it would take time and attention to details. The bigger issue that day was future capital. It was not just the bunkers; it was extension of the pathways and that the cart paths will need attention. Mr. Evans mentioned they talked also about irrigation and all of a sudden this pile of projects became big enough to say this is beyond what we will be able to handle with these slim margins we have. At the Parks and Recreation Committee Meeting last fall we laid it out very clearly that revenues are flat and have been consistent over a 10-year period. Since 2008 this course has not moved up or down more than \$100,000 dollars and the average is \$1.39 million, and what really swings it is weather. Last year it was particularly difficult and that put us in the hole. Mr. Evans mentioned in a good year in May, June, July, and August you can get the ability to drive \$250,000 a month and you can pick up \$1 million really fast in four months. The rest of the months are a lot smaller based on snow events. The money months are May through August and that is where the most work is needed and where the revenue is. So we identified that and we looked at different opportunities with expenses. There has been no taxpayer money that was ever spent on this, but it is getting closer. When he left Council and took this seat as the Business Administrator he was charged by the Mayor to try to find a solution. We would like to find a way to do this ourselves, if we can. We have run this successfully at some level since 1956, and so is it possible. We looked at ways to increase revenue, we looked at pace of play, we looked at course conditions. He noted that a USGA professional was in, and he will invite everyone on Council on May 15th, which is Primary Election Day, to a walk through to talk about conditions and how to improve play and bring out more golfers. This is an industry that is stable. It is not showing a lot of growth, but it is not showing decline, as we can see in the numbers. Golf is on television regularly, but we look at the millennials and there are some challenges there. Mr. Evans stressed golf is still an institutional highly played sport in the United States. Also, what we learned at that Committee Meeting last fall was that for every time we move up some of the fees, one or two people stood up and said they will still play, but then there are the people who stood up and said for \$1 or \$2 they will drive 15 miles to save money and play somewhere else. So we have a price sensitive area with many courses in the market, and that makes it difficult to drive revenue up a whole lot

unless we improve pace of play and conditions. Mr. Evans noted with expenses, we had the Purchasing Director Sandy Steidel look at line by line items to look for generic purchases. She looked at inventory control and was able to maybe squeeze out some marginal incremental differences, but nothing that will be a game changer for us. So this came back to headcount and when we approached the SEIU, the bargaining unit for the non-uniformed employees, we talked to them and told them we need a reduction in employees, that is the only way to make this go forward. The other option is to look at having someone else do it. Initially the SEIU was not welcoming to that proposal, they had other ideas and we came to a standstill. We did start to move forward on two tracks, one was that we do it ourselves and the second was that someone else was going to do this thing. We issued an RFP to lease the Golf Course on April 9th. There was a lot of work put into the RFP. It was a 21 page document, and Ms. Steidel was once again highly involved and the City Solicitor was also involved to make sure the legal matters were set up. So we had set up site visits for a few weeks from today on April 17 and 24, although it did not come to that point, and this was going to come due on May 8 to see what options there were to have someone outside do it. Mr. Evans explained their concerns were guarded, but there is a significant risk with leasing to turn it over to someone else. This is a very large course and it covers a lot of areas with millions of dollars of property, so this was a concern and we also had concerns about the equipment. We learned from Mr. Leeson that if we give this to someone else, even if they are running the mowers and taking care of our equipment in years 5, 6, and 7 and then in year 8 they buy those mowers and use them 8, 9 and 10 years, then at year 10, if you do not renew the agreement, those mowers are theirs and do not stay on the Golf Course. At that point you would get the Course back without the mowers, so there are many things to think about that are of concern. Mr. Evans noted there would also be the ability not to control rates on a course that we call a municipal course. What would it look like if it were turned over to a private enterprise and would their mission be consistent with ours? If we give it to someone else from years 1 to 7, they will take care of it and drive it up, and maybe in years 8, 9, and 10 are fully capable of maximizing profit, so we do not know what shape they would leave the course. Mr. Evans added there is the lack of having a Compliance Officer. Most long term contracts have a Compliance Officer, someone needs to get paid if there is a contract, who will watch to see what they are doing to make sure they are taking care of things. When the USGA came in to visit us their professional shook his head a little bit, and he said he has large concerns. He said your contract better be an inch and a half on this. When someone else is taking over your Course, you better have a good Compliance Officer. He ended by saying good luck. Mr. Evans remarked as this moved and the RFP was issued, the SEIU did come back to us after a few days and sat down with a much different tone, and were open to negotiations, they became much more reasonable. When we got to a number that was good for all of us it was to go from eight full-time workers to four workers. This makes a significant difference on the income statement. He thanked the SEIU for their work to do that. He noted there were some concessions they needed to make for this to move forward. He also thanked Mark Sivak, Director of Budget and Finance, Michelle Cichocki, Human Resources Director and Jane Persa, Recreation Director. They were all a big part of this and spent a lot of time on this to come to this agreement. He continued to say we do not want to lay off anyone, so we set up a staggered release every three months that someone could then move into a position through attrition. We know from the work of Mr. Sivak and Ms. Cichocki that for many years people leave, they quit, they get fired, they resign or they retire and spots open up whether it is in Streets or in Grounds or in the Filtration Plant, there are a number of opportunities in the City. Mr. Evans pointed out that we needed to keep four people on the Golf Course; we needed to keep our Superintendent, our Club Pro, a Mechanic and a Supervisor that can run some heavy equipment. We felt four needed to stay, and the four that will be moving

along will be moving with agreements in place. One employee has already been moved to an opening in the in the Public Works Grounds Department. Mr. Evans explained the next one does not have to move until September, he can move before that if something opens up. The next one would be by December and the next one by March. If jobs and opportunities move up before that, they can take that position. There will be no pay cuts, we did not want to put anybody on the street, and it is not their fault that they are in this position. We met with them and talked about this and they have the understanding of what their options are going forward. We thought it was important to also report this information to City Council. Part of this agreement allows us to back fill. We know with eight people that is many hours of work, if they lose 4, they cannot do it with only four. The plan is that we took the model from Allentown. We add the same number of people, we back filled them, but not with full-time people who are making full-time year round wages, who are on full medical and full pension. It becomes heavy to carry eight full-time employees year round with a seasonal golf course. Mr. Evans confirmed this agreement will allow us to hire the same number of people, the four, so we are at full force; they get paid 80% of the level one, a regular Union employee. They will work 40 hours a week and will work eight months a year. This agreement will allow on rainy days when there is nothing that can be done they can be sent home and take the day off and not be paid. Those winter months when nothing can be done on the course they are also not on the payroll. So the difference in that is shown on our income statement. Mr. Evans stated he and Mr. Sivak worked to give an idea of what this will do, and gave a handout of the Golf Course income statement to Council, which is certainly not our budget for 2019, but gives an idea of this. Starting at the top, we show it going from eight to four employees. In 2018 Council voted for \$1.495 million expenses on the Golf Course budget. These new impacts will have the following effect: we assumed the Superintendent and the Club House Manager will each have 2% increases, we assume that the Golf Course Mechanic is still on there, the Maintenance Worker gets an upgrade so he can handle the backhoe and some other heavy equipment and so he had a movement from an M9 to an M11. You will see those four and the total of their numbers \$263,052, and that \$19,250 that goes out. Since they do support start up and shut down operations at the Ice Rink, some of their salaries are allocated to the Rink. In the old days, you will see the \$430,000 number, and that is a half of two employees who spent their time supporting the Ice Rink. The new one is much less time. We assumed one third of one position, so again we are being conservative, but that person will spend some time at the Ice Rink so that is the allocation to that account. You will see that the salaries are much lower from \$415,000, down to \$257,000. The offset to some degree is temporary help. When you add the four positions at 40 hours a week, so we still have 8 people full time on that course in the busy season for eight months at \$13.56 an hour; you add \$78,000 to temporary help so instead of \$47,000 we moved that to \$123,000 for temporary help. If you move down the page you will see the final personnel number is \$100,000 dollars less, and that is our first gain in the switching of personnel. If you move through Materials and Supplies it is pretty standard. We moved each up a little bit just to be conservative. We did not cut down anything there. Mr. Evans continued with the final section, Purchased Services. We do benefit from a department contract rolling off. You will see in 2018 it shows \$102,525 under Department Contracts, and that will be moved down to \$48,500 for 2019. We do benefit from the carts. They will now be paid; we will not need to replace them. It is much like our ambulances and fire engines, there is a replacement plan. The next plan is that these carts are good for five more years and are under guarantee, warranty and have service plans. So we will benefit \$50,000 there. If we continue to move down the page, you will see that we continue to invest in Maintenance, Plant Maintenance and Equipment Maintenance, so we kept them at \$30,000 and \$20,000. Mr. Evans continued to say you will see a large gain in Pension from \$163,000 down to \$81,522, so we pick up \$80,000 really quick on the reduction of pensions.

We will make our General Fund charge this year. Our Medical Insurance is at \$136,000 and we assume that will go up a percentage and be \$150,000 next year, so we assumed half of the Medical Insurance and that dropped to \$75,000, and so we picked up \$75,000 there. In a quick review with \$100,000 in expenses, \$50,000 on the lease, \$80,000 in the Pension, \$60,000 in Medical and \$10,000 in Social Security, this move picks is up \$300,000 at the Golf Course, keeping personnel the same. You will notice that we inserted just for discussion, we are getting ahead of ourselves, but we start to talk about what we are doing and to be conservative we plugged in a number of \$130,000 at the bottom. That assumes \$1.75 million borrowed for 20 years at 4.25 percent. That is what was given to us by PFM Financial Services who we have used for some time. So if it would be the case that Council wants to borrow \$1.75 million to tackle projects sometime down the line that we would propose, that \$130,000 is the number that would fit in there.

Mr. Evans explained when all this is said and done all the expenses fall to the bottom and that is \$1.32 million for the Golf Course and you will notice even with that \$130,000 in there it is still \$265,000 lower than the numbers for 2014 and 2015. He expressed this is a significant game changer to our income statement. What it means is if we make the \$1.4 million, which we have in the 10 out of 10 years within a \$100,000 deviation one way or the other, it will be an \$86,000 profit and that will be after we pay borrowing \$1.75 million, even if we would go that high and after we pay the General Charge. Mr. Evans mentioned that is also if we get to the \$1.5 million, which we budgeted for this year. Maybe that is a hope that would be a \$186,000 profit after everything is paid for, the debt, the General Fund Charge and everything else. He noted that this plan does not include the fact that not this year, but next year, we expect to see a move of an uptick in golfers in 2019 because we hope they will realize the number of significant improvements we made in the Course. We will see people drawn back to the Golf Course because we made the investments we had talked about for six months. This does not include in revenues the fact that we have a restaurant lease that is up in 2019, and we hope to pick up an additional \$30,000 to \$40,000 based on renegotiation the lease. Mr. Evans explained we are currently in negotiations and hope that comes into play so that can drive up revenues. It also does not include the fact that this plan, as he just explained, does not include any fees. We can get all this accomplished and at the same time make these changes and have no fee increase. He does not know if that is something that Council would be interested in. Or we can say based on the fact that we are putting \$1.75 million into this Course, if we have a \$1 fee increase, you pick up \$35,000 on how many rounds that are being played. So there is significant opportunity on the revenue based on the fact that we will be improving it, and the fact that we have not had a fee increase since 2015. Mr. Evans noted maybe we are due for an increase, and the fact that we hope to put in the money as part of this ongoing building plan. That is the layout of the beginning of this plan.

President Waldron noted that obviously there is a lot of thought that has gone into this on the Administration's side, and he is sure that many Members of Council will have questions and this will be an onward conversation that is just starting. In the interest of getting to hear everyone's opinion on Council he is sure in the near future that we will schedule a Committee Meeting where we can work out some of these details, and have a dialogue with all of the key stakeholders. As he has just spoken to Solicitor Spirk about the protocol, he will not open it up to Members of Council yet, he will save that under New Business. He referenced that at the last Council Meeting Dr. Van Wirt wanted to discuss an issue that was brought up in Public Comment. It did not fit with what was on the agenda, so as this is a New Business item, and there is nothing on the Ordinance, we will push this to New Business. At that time if any Members of Council want to have some macro-questions about this process, he will open it up at that time.

Mr. Evans appreciates that and agrees that we are on a macro level, a strategic point where we do not have all of the nuts and bolts yet, but he will be willing to answer any questions.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

A. *Bill No. 15 - 2018 - Intermunicipal Agreement Amendment - City of Bethlehem, Palmer Township, Bethlehem Township, Bethlehem Township Municipal Authority*

The Clerk read Bill No. 15 - 2018 - Intermunicipal Agreement Amendment - City of Bethlehem, Palmer Township, Bethlehem Township, Bethlehem Township Municipal Authority, sponsored by Dr. Van Wirt and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING AND RATIFYING AN AMENDMENT TO AN AGREEMENT FOR INTERGOVERNMENTAL COOPERATION KNOWN AS THE "AMENDMENT TO THE INTERMUNICIPAL COOPERATION AGREEMENT FOR PARTS OF PHASES 1, II & III OF OLD ORCHARD STONES CROSSING IN PALMER TOWNSHIP FOR TRANSPORTATION THROUGH BETHLEHEM TOWNSHIP MUNICIPAL AUTHORITY LINES AND TREATMENT AT THE CITY OF BETHLEHEM TREATMENT PLANT".

Mr. Reynolds then asked for an explanation of the genesis of what we are talking about there, the Phases I, II & III. He knows how hard it is to get these agreements to get to this stage and how many layers there are.

Edward Boscola, Director of Water and Sewer informed that the City has maybe a dozen or so Intermunicipal agreements, mostly for sewer service. The City is the receiving municipality to receive sanitary sewage from a lot of the surrounding municipalities, so we have intermunicipal agreements, contracts that lay out the terms, conditions, how much flow, the geographic boundaries, etc. He noted that many of those agreements go back decades and those agreements get amended from time to time as developments occur, new housing developments and new commercial developments, so things change over time. Mr. Boscola communicated in this particular case the original agreement for this development was executed back in the year 2000. This was between Palmer Township, Bethlehem Township and the City because there was a development in Palmer Township known as the Phase I, II, & III Old Orchard, which is out Freemansburg Avenue, past Route 33. That sewage flow would come from Palmer Township, through Bethlehem Township to the City. This latest development is called the Rau Lane Subdivision, which he understands is only six houses, which was originally part of the original development but was never built. This is now being added as an amendment to this agreement. This is a group of houses that was a part of the Old Orchard Development in Palmer Township that just got built and so now they are adding them to Palmer Township's flow that comes to Bethlehem Township and then to the City.

Mr. Reynolds noted they have to pay for six more houses.

Mr. Boscola stated that is correct. This actually comes out of Bethlehem Townships' allocation because we do not have an agreement directly with Palmer Township because it has to come through Bethlehem Township. So it is really Bethlehem Township's allocation.

Mr. Reynolds queried if Palmer Township pays Bethlehem Township.

Mr. Boscola stated yes. Those citizens are probably billed by Palmer Township. He pointed out Bethlehem Township bills Palmer Township a bulk service agreement, and then we bill Bethlehem Township a bulk service agreement.

Voting AYE: Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell and Mr. Waldron, 7. Bill No. 15 - 2018 was passed on First Reading.

10. RESOLUTIONS

A. *Authorizing Resolution - PennDOT Highway Safety Project Grant - DUI*

Ms. Negrón and Mr. Martell sponsored Resolution No. 2018-085 that authorized the approval of all necessary grant documents for Highway Safety Project Grant No. IDP-2019-Bethlehem City-00008.

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

B. *Authorizing Contract - F. A. Rohrbach Pennsylvania, LLC*

Dr. Van Wirt and Mr. Colón sponsored Resolution No. 2018-086 that authorized to execute a contract with F. A. Rohrbach, LLC for 2018 curb ramps.

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

C. *Authorizing Use Permit Agreement - Mount Airy Neighborhood Association - West Side Farmers Market*

Ms. Negrón and Mr. Martell sponsored Resolution No. 2018-087 that authorized a Use Permit Agreement 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.

President Waldron mentioned to Michael Alkhal, Director of Public Works about getting the banner worked out this year on Broad Street. He knows that was a big point of contention last year, and we should do whatever we can to help support them.

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

D. Certificate of Appropriateness – 700 Evans Street

Ms. Negrón and Mr. Martell sponsored Resolution No. 2018-088 that granted a Certificate of Appropriateness to retain white adhesive lettering in Times New Roman font depicting the name and telephone number of the company at 700 Evans Street.

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

11. NEW BUSINESS

Rescheduling Second City Council Meeting in May to Wednesday, May 16, 2018

Ms. Negrón and Mr. Reynolds moved to reschedule City Council's second meeting in May to Wednesday, May 16, 2018 since the normal meeting date of Tuesday, May 15, 2018 is Primary Election Day.

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

President Waldron noted he may not be in attendance at the meeting on May 16 due to new arrivals to his family.

Public Safety Committee Meeting/Joint Public Safety Committee Meeting and Community Development Committee Meeting

Chairman Colón announced a Public Safety Committee Meeting will be held on Tuesday, May 22, 2018 at 6:00 pm in Town Hall. The subject will be the proposed Ordinance to establish a New Article titled Marijuana Possession.

Chairman Colón announced a joint Public Safety and Community Development Committee Meeting will be held on Tuesday, June 12, 2018 at 6:00 pm in Town Hall. The subjects will be the opioids impact in Bethlehem and the 9-1-1 Update.

St. Patrick's Parade-South Side and North Side

Mr. Reynolds related he wanted to bring up a topic that might seem a little far in the future but he thought it might be a good idea to put a thought out there that has been bouncing around. This has to do with the St. Patrick's Day Parade. One of the things that comes up is that things happen in the City and gather momentum and there is talk about why things happened or did not happen. Mr. Reynolds noted this year we had a very successful St. Patrick's Day Parade on the south side and it was the first year there was a parade on the south side. For years there was that parade on the north side and then the organization for the parade on the north side, for reasons that were discussed, did not come together. Instead a few people on the south side decided to put together a parade. He knows there was some frustration from some people on the north side on Main Street that the parade was not on the north side. The best solution going forward is the idea of starting a parade on one side of the river and ending it on the other side of the river and then alternating from year to year. Many of us were there this year on the south

side and it was great for Steel Stacks and the south side businesses on Third and Fourth Streets. So if we could start at Steel Stacks and come up across the Fahy Bridge around Noon or 1:00 either on the north or south side and finish on either the north or south side this would allow people in the both business districts a really good day. He was at the Chili Fest on Saturday and talking to some people and saw a great deal of energy on the south side. He noted there are also great things being done on the north side. Mr. Reynolds thinks it is our job on City Council to find a way to bring our business communities together. He pointed out that Mr. Antalics brings up all of the time how the south side and the north side are disconnected in many ways. We have talked about a pedestrian bridge, but this parade just seems like a simple thing that we could do. It may be early to talk about this now, but we could bring our two business districts together because we do not have any parades that cross over our bridges. We have our Halloween Parade and we have the one we just had which was really well attended, but this way we can do right by both of our downtowns. Mr. Reynolds noted it is unfortunate sometimes when you hear through the grapevine that certain people are upset that we are doing things a certain way, but he thinks this would be a good solution and everyone will win if we start this parade on one side and finish on the other. Mr. Reynolds pointed out that everyone in this room loves every side of Bethlehem and every street is important. We talk about the different communities and how to bring them together. It is an idea that we should put our effort in and put our support behind.

President Waldron confirmed that he likes this idea and agrees with Mr. Reynolds.

Golf Course

Mr. Callahan thanked Mr. Evans for all the work he has done with the Golf Course and for his explanation. Everybody's goal with the Golf Course is to try to improve the facility. He wants to move ahead to make this facility the best it can be. Mr. Callahan had very complimentary things to say about this Course a few years ago, but last summer on July 2nd as he was going to go on vacation he got a phone call from three residents. They went to take a tour of the Course and he was appalled by some of the things he saw. Mr. Callahan then called up Mr. Evans because he was the Chair of Parks and Recreation and asked Mr. Evans to handle this and he did. Then Mr. Evans scheduled that Committee Meeting, which was informative and many things came out of that meeting that then changed his mind. Mr. Callahan noted that government does some things well; we do streets; snow plowing, run sewer and water departments to name a few. Mr. Callahan thinks that some of the things that government does not do well is run a restaurant and a golf course. That is why he changed his mind with our Golf Course and that we should go out to an RFP just to see what is out there. We were heading down that direction. We had met with Mr. Wilchak and Jane Persa, Director of Recreation and he laid out a variety of things he thought were a priority. Number one was the irrigation problem, second was the traps, and third was the cart paths. Mr. Callahan mentioned while we were on the tour he asked about some things that he thought were not being taken care of, and he does not know the chain of command. On his way out of town the next day Mr. Callahan made three phone calls and asked about the old starter shack was there for 35 years and was told it would be removed the next day. There was a coke machine that had been plugged in for three years and had not dropped a soda with weeds around it and he was told that would be removed tomorrow. He sees these as basic things that someone is not keeping an eye on. Mr. Callahan noted this was July 2nd, we had no mulch and there were weeds growing all over. He had pictures sent to him from the Allentown Municipal Course showing flowers with mulch and noted that we have free mulch, so that is not even a budgetary issue. That is when he started changing his mind on many things with our Golf Course. Even some of the Union guys have said to him they

think they are taking the brunt of this. He knows that the salaries are an issue, and were addressed, but if you look at the management over there, he is not trying to pick on anyone, but there does not seem to any daily plan at the Golf Course. Mr. Callahan stated he sees trees ready to fall down and he will say that in the last four months he has seen more work done over there with trees being cut down. On the way out of town he asked them a few things about the screening on the driving range. He was told there is new screening, but there was no lift truck. He called Mr. Alkhal and asked if they could borrow one of the bucket trucks and he said they could so that got done. He made another phone call about the mulch and that was taken care of and made another phone call about the fact that they needed trees but had no money for trees. Mr. Callahan called someone he knows and got 150 trees donated for free, all we had to do was pick them up. Also they could not cut down the dead trees because there was no truck but we had a truck we were putting out on auction. Mr. Callahan had the truck sent over to the Golf Course, so now they have a truck. He expressed five things on that list that he thought were major items, were done with phone calls. Mr. Callahan wondered why he had to do these things. Mr. Callahan asked Mr. Evans to have Mr. Wilchak at this meeting tonight and that was the Mayor's and Mr. Evan's prerogative not to have him here. He feels that anytime we have a question on leaf collection, snow removal everyone here is willing to step up and answer questions. Mr. Callahan appreciates the details in the plan Mr. Evans spoke of, but when he was talking about this at the budget season he threw a number out, \$1.5 million to \$2 million which is accurate. At the time, Mr. Brong stated that is a lot of chiclets, and yes that is a lot of chiclets, but his point is that the numbers make sense, but he would much rather be putting that \$1.5 or \$1.6 million into the \$1.5 million dollar overage for the \$4 million total for the Memorial Pool. Mr. Callahan stressed that the Memorial Pool is used so much more than that Golf Course. Those numbers do make sense and he really does appreciate all the research done on this, but if we are going to float a bond there are more families and kids that use the Memorial Pool. It does not make sense to him to dump \$1.6 million into a Golf Course. He loves our Golf Course, he does not ever want to sell it, but he thought we could have kept that RFP out there just to see what we could get. He asked if it is correct that the Union asked for the RFP to be removed.

Mr. Evans stated yes, that was part of it and our concern was holding it to the end. It was not as promising as we had hoped. We would lose all of the leverage. There was a lot to it, but as an agreement, yes.

Mr. Callahan queried if we decided in a year or two, is there a time limit on that?

Mr. Evans replied no, it was to make those changes. This plan that we are pursuing will not happen this year. We are going to work with Mr. Alkhal and get these projects identified. Regarding the \$1.6 million you are talking about, we have not even internally talked about which ones we want to do. Mr. Evans mentioned a couple thoughts such as do we want to do the nine hole, should the golf course be paying for the nine hole parking lot across the street, how far does it extend. There are internal decisions that we need to bring to you. Once they are made and it ends up being \$1.6 million, we can bring these projects to Council. He pointed out that even if Council approved the \$1.6 million there is still the point to put that out to bid and to have the winner to then put it to contract. We would not want to start things like the bunkers mid-season. These are fall projects, although paving could be sooner. Most of the turnaround for these projects is not even until next spring. We will do things in the fall when golfing slows so by next spring we are ready to go. The revenue and expenses are starting to show now as people are showing interest. We will start to see some of this, but this is a plan that will take a year or two to evaluate. Mr. Evans thinks these numbers show this is worth pursuing at this time based on all options. We do have 35,000

rounds a year. He remarked that some golfers are critical, but most are quite happy and loyal to our golf course. It is still a successful course.

Mr. Callahan expressed he was a little offended by the whole roll out and how we were informed about it. He would hope that in the future this would not happen. Mr. Callahan noted that he received a phone call from his barber at 12:38pm saying that the deal was pulled and he sent a text to Mr. Evans, Mayor Donchez and President Waldron. About two hours later was when the press release went out and sent to Council. Mr. Callahan knows this was not personal, but he just thought that the Councilwoman who is in charge of Parks and Recreation Committee probably should have been notified. Had his barber not called him first there would have been the normal notification process. Mr. Callahan expressed he was quite upset and not happy about this.

Mr. Evans stated he wanted to be clear; his biggest concern was for the employees who were being affected at that time. When this agreement came into play it was between us and the Union, and with respect to Council, he did not want the employees finding out they are being moved or displaced before they heard it directly from us. On that morning when we came to an agreement and it was a done deal, he made one call and that was to the President of Council to address this to him. Mr. Evans noted when he hung up from that phone call, they were trying to time it and be sensitive to everyone, but number one was to the employees because word travels quickly. After he talked to him because he knew that the Union President wanted to talk to them directly, he hung up the phone got in his car and drove to the Golf Course to speak to them; that is how fast this happened. When the Union President talked to them we were in meetings for a few hours, and that is why he did not have a chance to talk to anyone else. We talked to the three that would be directly affected over time and then we talked to the people who were staying and explained everything to them. Finally we talked to Tom Wilchak and Paul Viola because their future is also in the wings. We met for a few hours and when he came out of those meetings it was out to the barber and everywhere else. Once they knew he shared the press release with the City Clerk to share this news with Council, but the word got out that quick before that, and a few hours after that we released it to the press. We tried to time this to be respectful to all groups necessary, but what happened is it got out quickly after we told the workers. Mr. Evans explained when he got out of the meetings with those employees he received the text from Mr. Callahan, but the cat was out of the bag. He apologized to Mr. Callahan for finding out that way, but we did try to have consideration for all involved in this. All of the workers were concerned, but all stepped up and do understand the situation, and are interested in staying with the City of Bethlehem.

Mr. Callahan mentioned we have a pothole line and if someone sees a pot hole they call and if someone has a problem with leaves or snow plowing, they call. He queried if it would that be the superintendent at the Golf Course who people would call if there is an issue.

Mr. Evans noted that yes, Mr. Wilchak is the superintendent.

Mr. Callahan asked if he is the supervisor over all of the workers at the Golf Course.

Mr. Evans mentioned they all work in a combination and they report to Ms. Persa at this time. As an Enterprise Fund, they run their own numbers and we get reports, but Mr. Wilchak is responsible for the daily operations and then he reports to Ms. Persa.

Dr. Van Wirt knows there will be more dialogue down the line about this and she thanks Mr. Evans for the time he spent with her to bring her up to speed. She has not been exposed to things that others have on Council. In doing so she was reading some articles on this particular one that was written by Sarah. She understands that Erie, Pennsylvania operates a municipal course the same size as ours, an 18-hole course and a 9-hole course, and they have a total of 2 full-time employees. The remaining workers are seasonal workers. So 60% of their salaries go to seasonal workers without the pensions and healthcare. Dr. Van Wirt mentioned perhaps us on Council, as a little unleashed from the concerns as much as the Administration is with the Union, we can say why are we not operating our same sized course the same way they are with much less costs. The reason she brings this up now is that she has concerns that if we go forward with continuing to own this and run it, that we have not changed the fundamentals of what got us in this position in the first place. That is, how did we have 11 full time employees five years ago, and eight now. She is wondering do we really need that many employees, and how do we manage this in a better way so it gets out of the hole. Dr. Van Wirt stressed those are her concerns right now, she does not expect an answer, but hopes that we can work on that topic as well as we move forward.

St. Patrick's Day Parade/Golf Course

Ms. Negrón explained that she loves the idea of the St. Patrick's Day Parade going to both sides of the City across the Fahy Bridge. It was mentioned that we do not have any parades that does, this but we do. She has organized the Puerto Rican Parade for 10 years and we start on the south side and go to the north side. She mentions this because it is actually an amazing feeling when we talk about the history of the south and the north because it is so symbolic. The Portuguese Community also has a parade every year and they also go from the south side to the north side and that will happen in June. Also on Martin Luther King Jr. Day we had a march and we went from the north side to the south side. She does think that is a great idea with the St. Patrick's Day Parade.

Ms. Negrón noted as for the Golf Course is concerned, last year during budget time she agreed with the idea of doing an RFP. We did talk about this a lot, and she appreciated that meeting that was put together about the Golf Course. She expressed she learned a lot during that meeting. It was very helpful and she agrees that management was a huge problem. She also wanted to touch a little bit on what Mr. Callahan mentioned regarding the way the news passed through. She usually gets phone calls from the press, and she tries to pick up immediately. This time she received a call from Nicole at The Morning Call who she left a message and when she heard about the Golf Course she was surprised. She was lucky to look at the email and be able to see that to be prepared before returning the call. She also wanted to mention that she appreciates the work that Mr. Evans has done with the Golf Course. She was happy to hear that the RFP went out but she is also glad that the Union reacted to that and thinks this has worked out good for our benefit in terms of what we have to rethink of what we are doing. Ms. Negrón noted it makes sense when we can have some of the workers part-time. She appreciates that Mr. Evans insisted to speak to her before this meeting to make sure she understood what he was going to explain. Ms. Negrón sees this as the Administration making a change and bringing something in front of Council. She tries her best to keep up with all of the emails that are sent to her from the Clerk's Office to be informed and to be prepared. She does like what Mr. Evans presented and hopes that we can move forward and be successful.

President Waldron noted in this instance, as far as communication from the Administration, Mr. Evans did reach out to him before that meeting so he was aware, but he can understand how other Members of Council felt a little bit outside. When the RFP went out originally he found out about that from a phone call from Nicole of The Morning Call. So in the interest of those open lines of dialogue that we are all looking for, he would encourage erring on the side of a little bit more communication; we would appreciate that. President Waldron added that we will be looking for some input as to when you might be prepared to have a Public Committee Meeting, whether it is a Parks and Recreation Meeting or a Committee of the Whole Meeting. He remarked to reach out to the City Clerk about what that timeline might look like whether in four weeks or eight weeks so we can start looking at dates to make sure we are available.

12. ADJOURNMENT

The meeting was adjourned at 9:14 p.m.

ATTEST:

City Clerk