

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

INVOCATION

David Rivera, Youth Pastor, Vertical Church Bethlehem, 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, Shawn M. Martell, Olga Negrón, J. William Reynolds, Paige Van Wirt, and Adam R. Waldron, 6. Michael G. Colón was absent, 1.

2. APPROVAL OF MINUTES

The Minutes from July 3, 2018 were approved.

Communication added to Agenda

President Waldron announced a Communication will be added to the agenda this evening.

Communication 6 D – Assistance City Solicitor – Proposed Consumer Fireworks Ordinance

The Clerk read a communication from Assistant City Solicitor Matthew Deschler, Esq. to which is attached a proposed Ordinance to establish a new Article titled Consumer Fireworks, prohibiting the use of consumer fireworks in the City between the hours of 11:00 pm and 7:00 am, unless authorized by permit issued by the Fire Marshall.

Resolution added to Agenda

President Waldron announced a Resolution will be added to the agenda this evening.

Resolution 10 H – City Solicitor – Sierra Club Sublease Agreement for Illick's Mill

The Clerk read a Resolution from City Solicitor William P. Leeson to execute a sublease agreement for Illick's Mill at Monocacy Park between the City of Bethlehem and the Sierra Club Pennsylvania Chapter, a Pennsylvania non-profit corporation.

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 explained he is the administrator for the Coalition of Feral Cats of the Lehigh Valley. He has been at a few of the City Council meetings, and the last time he was here he was approached by Police Chief Mark DiLuzio who was interested in moving forward with TNR (Trap, Neuter and Release). Pastor Vandever then read an article stating "There is a deathly disease that seems to infect politicians in municipalities, this disease kills millions of cats a year and it is a syndrome where municipalities and politicians stick their heads into the sand hoping that when they come out of the sand the problem will have gone away, however the problem will only get worse." Trying to murder these cats does not work, the only humane way of controlling the cat feral population is TNR. This means that we trap, neuter, spay and return. We trap the cat, have them neutered or spayed, give them distemper and a rabies shot, deworm, deflea, detick and their nails are clipped. Then we return them where they were trapped and now you will have a controlled and healthy colony that will not grow. The colony is monitored on a daily basis and the cats will not allow strange cats to join them. They are fed every day, rain, snow or shine. He noted that feline leukemia is not contagious to humans or any other animals. If a cat does have rabies that can be transmitted to a human by a bite, however, that is only true if they are not managed although it was last confirmed cat to human transmission of rabies occurred in 1975. Since TNR has been in affect the murdering of cats in kill shelters has gone down by 72%. Pastor Vandever noted that Trap, Neuter and Return has resulted in the slowing down of birth of new kittens and eventually it will end with all of the cats spayed and neutered. In addition socialized cats and kittens are spayed, neutered and they are often put up for adoption causing an immediate reduction in the population size. We have a colony we started about 2 years ago with 12 cats and today we have 4 left. The kittens were trapped, taken care of and adopted out and the 4 cats that are left no longer look in garbage cans, they do not argue and fight because the female cats are not in heat anymore. Pastor Vandever noted that the cruel costly catch and kill method for feral cats which was used for decades fails to stabilize the cat population. That is why a number of municipalities have endorsed the approach of TNR. Pastor Vandever explained that Joan Brown, President and CEO of the Humane League of Lancaster County, says they made the switch to Trap, Neuter and Return when they started to realize they were not making any headway with catch and kill. These feral cats that are being killed may be someone's pet because people do let cats roam all over the place without being fixed. Other animal control shelter organizations nationwide have also taken this stand after acknowledging a failed result of the catch and kill efforts. Pastor Vandever explained at the last meeting he attended Police Chief DiLuzio approached him and said he was interested in talking about TNR but has not had success in speaking with him about the program. Pastor Vandever stated he contacted the City's Health Bureau and they did not return his call. He asserted it is time for Council to end this syndrome and we have the cure, it is called TNR. It is time for Bethlehem to join their neighbors who have stepped up and did the right thing and become part of the solution and not part of the problem. He explained that the City of Easton put \$5,000 into this, Emmaus, Hellertown, Macungie, and Palmer Township, have each put in \$3,500 and it is working. The colonies we have taken over have dwindled in size and there is one colony within half a mile of here with nine cats in it, and out of those nine cats, five are calico. He informed 99.99% of the calico cats are female; the calico males are sterile.

President Waldron explained to Pastor Vandever that he can speak to our Deputy Police Chief Todd Repsher after this meeting.

Drainage Problem

Gayle Justice, 1619 Maple Street, stated that her backyard is adjacent to the backyard of Dr. Terry Marcincin, 1620 Easton Avenue. On April 3, 2017 a backhoe appeared and began digging up the entire Marcincin yard and laid the stone base for a lot leaving a 6 foot wide strip of mud along the entire back of her property. There had been no prior communication from Dr. Marcincin about his plan to put in a 3 space parking lot thereby having his entire backyard macadam. On April 5, 2017 Don Midway on her behalf went to City Hall and spoke to Peter Kostyk because one of her concerns was about drainage. Mr. Kostyk reviewed the engineers report attached to the permit which indicated that water needed to drain to Easton Avenue. Even though the yard slopes downhill she was assured that Dr. Marcincin was required to follow the engineers report. Ms. Justice explained on April 6, 2017 she contacted Suzanne Borzak, Zoning Officer and was told that the parking lot could be the entire yard because permeable surface laws did not apply to that property. She was told that Dr. Marcincin did not need to speak to adjacent homeowners about his parking lot plan even though it was recommended that he do so and she was told that the water must egress to Easton Avenue. She was assured again that he needed to comply with the drainage requirement for the permit. On April 24, 2018, over one year later the lot was surfaced however there was no indication of drainage to Easton Avenue. On April 25, 2018 she contacted Ms. Borzak again expressing her concern about drainage. On April 27, 2018 her neighbor Dave Ruhf contacted Ms. Borzak expressing his concern about his property and the drainage usage. He was told that the property will now drain to Washington Avenue. This is impossible since that would require the water to run downhill turn right, go over a lip on the alley and travel another 20 feet to Washington Avenue. On May 12, 2018 the backhoe came in to dig holes to plant arborvitae along the back edge of the lot. Ms. Justice noted they told her they would be back to repair the damage to her yard which as of now has not been completed. On May 30, 2018 she went to City Hall to speak to City Engineer Matt Dorner and she expressed her drainage concerns since she did not believe that the lot was in compliance with the permit. On June 28, 2018 he met with her in her yard and confirmed that the permit did require drainage to Easton Avenue and agreed that he water cannot possible drain to Washington Avenue. She was told that anytime now or in the future if damage occurs as a result of this construction that the 1620 Easton Avenue owner will be required to remedy the problem. Everyone including Dr. Marcincin has said if it was their property they would be angry and concerned. Now that the lot is in, no one is willing to force the drainage issue as required by the permit. It appears that there is a very clear reason why everyone is unwilling to challenge. She lives one block away from a recent sinkhole and she cannot help but wonder how this present drainage issue will affect her property. She was given repeated assurances that the water drainage would not run into her yard. She explained that Dr. Marcincin knew that the permit was issued based upon water draining to Easton Avenue, nonetheless construction is completed without this required and now all of a sudden it does not matter. Ms. Justice just does not understand how he is not required to comply with the rules of the permit, or maybe she does. Although everyone who has inspected the property nods in agreement and sympathizes with what they see, no corrective action has been set in place. There may not be an immediate danger with the drainage, but she should not have to worry about one in the future. The requirements of the permit clearly indicated and addressed the potential for drainage problems. She remarked now other questions arise such as how long is the statute of limitations for future owners of either property? Will the 1620 Easton Avenue owner be aware of the liability of an out of compliance parking lot? Does she have a liability if she does not disclose this to a future buyer of her home? Ms. Justice informed sales of such properties could fall through if disclosure to a new buyer indicates improper work. She thought permits were issued to protect all property owners, not just certain ones. She is hoping for a resolution and that someone who has been elected or hired to ensure that all of its residents

are expected to follow the same rules, will find a way to correct this problem. Ms. Justice explained that she has been more than patient and has photos documenting all of this, some of which were included in an email she sent to City Council yesterday.

President Waldron noted that we did receive the email and will forward that to Michael Alkhal, Director of Public Works to review and report back on what his opinion is, and what he can do to move forward and get in contact with Ms. Justice.

Mayor Donchez added that he asked Ms. Borzak and Mr. Dorner to respond to that email.

Industrial Wind Project at the Wild Creek Watershed

Marcus Lawrence, 9 Maple Lane, Jim Thorpe, stated even though he is from Jim Thorpe he is still a neighbor because he is here to talk about the Watershed and the future quality of Bethlehem's water. He thanked Council for the opportunity to share concerns about the Industrial Wind Project proposed for the Bethlehem Authority's property located in the Wild Creek Watershed in Penn Forest Township, Carbon County. The Wild Creek Watershed Coalition is a group of residents of Penn Forest Township and other organizations that oppose the wind project because our research shows that there are numerous negative environmental and community impacts. As you know, the City leases the water system from land owned by the Authority; over 166,000 people receive the highest quality drinking water. This highest quality water exists because the 14,000 acres Wild Creek Watershed is heavily forested, with very few roads and little development. You may remember that the Authority commissioned Maser Consulting to evaluate the potential impacts of the proposed PennEast natural gas pipeline on Wild Creek Watershed. The Maser Report was accepted by the Authority on July 9, 2015. He noted that both the Authority Chairman, John Tallarico, and the Mayor of Bethlehem, Robert Donchez, urged that the pipeline be moved out of the watershed because of the potential, negative impact on the water supply to the thousands of customers in ten Lehigh Valley communities. Surprisingly, no such independent analysis has been conducted to determine the effects of an industrial wind project on the Authority property. He noted they find it extremely troubling that the Authority has leased watershed land for a wind turbine project, failing to fulfill its fiduciary duty to protect and preserve the water supply system so critical to thousands of residents, as well as thousands of commercial and industrial customers. Consequently, Penn Forest residents hired a hydrogeologist and an ornithologist to conduct impact studies if an industrial wind project were built in the watershed. Mr. Lawrence stated a summary of each report is included in a packet that he has handed out to Council. Based on this expert research, we know the watershed contains globally rare plants and rare habitats that are extremely sensitive to development and forest fragmentation. Within these habitats live species of plants and birds that are of state, national, and international conservation concern. The Maser Report also concurs, "The mesic till barrens community found in the Wild Creek Watershed is the only natural community of its kind in the world." In addition, the expert research shows there are real and substantial concerns that an industrial wind project could compromise the quality of water that is critical to all of you. In the past the Authority has been a good steward of the land, working with The Nature Conservancy to develop a Conservation Easement and a Forest Management plan that follows carefully planned timber harvests. The Authority opposed the PennEast Pipeline due to environmental concerns, but now they do not recognize the same issues with industrial wind development. Except for the catastrophic blast concern, the negative impacts listed below from the Maser Report also apply to the Industrial Wind Project. Issues with

ATV's, forest health, and water quality will increase if the wind project is developed, due to the extensive roads, clearings, and increased runoff. Mr. Lawrence highlighted that the PennEast pipeline would disturb 40 acres of forest and replace it with grassy right of way. This project will disturb 292 acres of forest at a minimum and the headwaters of very sensitive area and add 16 miles of roads. Forest fragmentation is the breaking of large forested areas into smaller pieces of forest. Scientific research shows that large blocks of contiguous forest, such as the Wild Creek Watershed, can better withstand damage from wind and ice storms, and provide more ecosystem services from carbon sequestration to water filtration than small patches of forest could. The proposed wind project, with its roads and clearings, will not only create smaller blocks of forest, but will also damage the forest's ability to infiltrate storm water. There will be more runoff, more damage to wetlands and less water recharge. The water recharge is what fills your two reservoirs which supply the water to Bethlehem and also the wells in the surrounding community. Mr. Lawrence noted that John Tallarico, former chair of the Bethlehem Authority supports the wind project, and was quoted in The Morning Call article published on June 25, 2016, saying, "If there were the smallest possibility that the proposed Penn Forest wind project would adversely affect the water supply, the project would not built, period." We have proof that it will affect your water supply. Our research experts say that an industrial wind project will definitely "adversely affect the water supply," but the Authority is ignoring our concerns. We therefore urge the City Council to authorize an independent study to analyze more thoroughly the environmental impacts of the proposed industrial wind project to the Wild Creek Watershed.

Cindy Daley, 410 Hatchery Road, Jim Thorpe, informed that she is following up on what Mr. Lawrence spoke about. She is going to read something from the Environmental Advisory Council, the general meeting that was on February 6, 2013. "The Council Members, George Johanna and Jack G. had attended the Public Works Committee Meeting on January 31, 2013 concerning the proposed wind turbines on Bethlehem Authority Property. Atlantic Wind LLC a creation of Iberdrola the second largest wind energy company in the United States has the approval from the Authority to proceed with a license and development phase on the project which can take up to 10 years to complete. This includes test for wind measurements which will help determine if the project is feasible. During this period the Authority will receive \$5,000 dollars a year for the first 5 years and \$100,000 a year for the remaining 5 years. At any time during this phase the company can proceed to the construction phase which would take approximately one year. Twenty to Thirty turbines are anticipated for the project. The Authority will receive \$1,000 per turbine. The construction phase will include the building of 50 foot wide roads where necessary, a substation, an operation and maintenance building and the installation of above and underground cables. The operation phase will consist of a 25-year agreement which can be extended up to 26 additional years during which the Authority will receive \$100,000 a year or 3% of the gross revenues whichever is greater. A bond will be in place to pay for the decommissioning the turbines. It is understood that bird studies will be conducted, but that the study results are not required by the state to be available to the public. EAC Members agreed that the City should require this information prior to any agreement with Atlantic Wind LLC. The effect on bird migrations and other bird and bat activity and the amount and location of roads and other construction activities should all be available to the EAC and the general public prior to the finalization of any agreements with the applicant. Also, once the turbines are no longer active the area should be returned to a landscape condition which would meet the standards of the state game commission. The EAC members recommended that in order to ensure compliance with any standards listed in any agreement and objective outside agency such as the Nature Conservatory should be consulted by the Authority."

Margaret Toone, 9 Dilldown Drive, Jim Thorpe, stated that the Bethlehem Environmental Advisory Council at their general meeting on February 6, 2013 expressed concerns about the impact of Atlantic Winds proposal and project on the Watershed. The Council agreed that “the effect of bird migrations and other bird and bat activity and the amount and location of roads and other construction activities should all be available to the EAC and the general public prior to the finalization of any agreements with the applicant.” Ms. Toone queried why this request was ignored.

Frank Gola, 120 West Creek Drive, Lehighton, stated his property backs up to where one of these 27 wind turbines, which measure at least 600 feet high, may be placed. Bethlehem received national recognition due to its watershed protection; he read the report from the United States Department of Agriculture published in 2014 that includes a promise made by the City of Bethlehem. “The City of Bethlehem, PA recently agreed to manage their 22,000 acre watershed in the southern Pocono Mountains to a long term conservation easement with the Nature Conservancy, TNC, a non-profit conservation organization. The Bethlehem Water Authority provides water for approximately 115,000 thousand customers in 10 municipalities. The Bethlehem water comes entirely from the surface sources in the Pocono Mountains. Through the TNC working woodlands program, the Bethlehem Watershed will be protected as a working forest throughout the 60 years of the agreement through a combination of easements, stewardship, counsel, forest management certification. There will be no commercial development on the land but recreation will continue.” Your watershed is considered an exceptional value watershed and that term is not lightly given to any watershed in the United States. Mr. Gola noted when we were kids we had little idioms and sayings, “You do not spit in the wind, and you do not pick a fight with Superman.” Now, “You do not mess with your water supply.”

Christmas Lights

Stephen Antalics, 737 Ridge Street, mentioned at the last Council Meeting a member of Council made a statement about the Main Street lights and that happens to be a very fortuitous statement because in July 2, 2018 the Community and Economic Development Department sent out a request for proposals on a Christmas lighting and Décor Plan. This will revise the existing lighting system. The Christmas holiday prompted the Bethlehem Chamber of Commerce to adopt the nickname “Christmas City USA, 1937”. The term Christmas City is actually incidental to what happened then. He remarked the City of Bethlehem instituted a lighting system designed to unite the City because the great anger and animosity between the two boroughs carried over into the City. The President of the Chamber of Commerce, Vernon Melhado was a Sephardic Jew from England living in Bethlehem whose roots went back to the Spanish Inquisition. So he was well aware of discrimination and acutely aware of discrimination in Bethlehem. Mr. Melhado, along with Mrs. Eugene Grace, decided how they could unite the City. Their conclusion was to have Christmas lights throughout the City, north and south of equal color and dimension. This was a big deal, all the church bells rang and it was a major event. Mr. Antalics explained to some degree it made the City look like one City. In 1960 or thereafter, there was a tremendous power shortage and the lights were turned off to conserve energy. Before they were turned on again there was a survey done in the City to see what kinds of lights we should have. A consensus was to go back to the original system, but that did not happen. It then became the white lights on the north side and colored lights on the south side. A number of busses came to the Hotel Bethlehem and Mr. Antalics asked one of the drivers what the difference was and he said the white lights on north Bethlehem represent the purity and coming of Christ while the colored lights on the south

Bethlehem represent the pagan origins of Christmas. Mr. Antalics queried might the City's leaders follow this gesture and reinstall that profound symbol of City unity, the uniform Christmas lights of 1937, thereby protecting the City from lapses into the old borough mentality of ethnic and social differences and discrimination? The point he is trying to make is that the people who will respond to this request for proposal for Christmas lights in Bethlehem should be aware of this. So the question then becomes will the lights again unite the City or go back to the white and colored lights.

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

Appropriate Mental Health Services Ordinance

Adrian Shanker, 522 West Maple Street, Allentown, stated he is the Executive Director of Bradbury-Sullivan LGBT Community Center. He thanked City Council for their vote at the last meeting unanimously advancing the proposal to ban conversion therapy in the City of Bethlehem. We look forward to your final vote this evening. Mr. Shanker explained that conversion therapy is a discredited form of junk science and masquerades as public health, but really harms LGBT youth every day. The UCLA School of Law Williams Institute estimates that more than 20,000 LGBT youth experience conversion therapy by a health care professional across the United States before they turn 18. He related with tonight's vote the City of Bethlehem can make history by becoming the seventh municipality in Pennsylvania to end this degrading and harmful practice and also take a stand for LGBT youth to make it clear this is a City that is welcoming to all.

Corinne Goodwin, 1807 Majestic Drive, Orefield stated she is a leader of Lehigh Valley Renaissance and that they meet here in the City of Bethlehem MCCLV Church. She appreciates Mr. Shanker talking about the statistics around conversion therapy and specifically what the Williams Institute has said. She wanted to make it a little bit more personal. We meet regularly at the MCCLV Church and she met a number of people who have had issues around so called reparative therapy, as well as transgender discrimination. Ms. Goodwin stated one person was a young trans-woman whose family has outright rejected her and sent her to a conversion therapist as a teen. She is now just under 30 years old. The result of that is that she suffers from severe and ongoing anxiety, fear and depression, and we see her regularly at our meetings where we talk to her about some of these issues. Ms. Goodwin noted that just this past week she spent an extended period of time with the parents of a young teen whose best friend recently took their own life in no small part due to the rejection of the parents and the refusal to assist them in coming to terms of being transgender. Another trans-person who Ms. Goodwin spoke with said their spouse, children and broader family have refused to speak with them. In an attempt to redeem her family she actually enrolled herself in a conversion therapy program. The result of that and the confusion and depression it caused resulted in her attempting to take her own life. She took over 200 sleeping pills and the time needed for recovery also resulted in the loss of her job. Luckily her LGBTQ family has been able to surround her and give her the love and support she has needed to get back on her feet. Ms. Goodwin explained it is because of these stories that people like Mr. Shanker and everyone else here really worked hard to support the LGBT family. We ask that you do the same tonight by supporting this Ordinance as you did two weeks ago.

Hillary Kwiatek, 638 Spring Street, stated she is here also to support Council's vote on banning conversion therapy in the City. She expressed that she wanted to add that she thinks in the past we might have thought it was redundant or we would not need these kinds of Ordinances in our little municipality, but the condition that our current larger government is in right now adds to the concern that our LGBTQ citizens in Bethlehem do not have the protection they need. She is glad that Council will continue with another unanimous vote tonight in support of this Ordinance.

Liz Bradbury, Director of the Training Institute of the Bradbury-Sullivan LGBT Community Center at 522 West Maple Street, Allentown, stated she wanted to add to what the people who have already have said in favor of the passage of Bill 20, the ban on conversion therapy. She related that we know conversion therapy is very dangerous for our LGBT youth, it puts them at risk. Transgender youth are at risk for attempted suicide at 57%, but if they have a supportive family that drops to just a risk of 4%. In those instances some kids cannot count on their family. Ms. Bradbury expressed with the passage of this Bill tonight, tomorrow morning they can look at the newspaper and look in the news and say, "Mom and Dad, you may not support me, but Bethlehem City Council does."

Josie, 52 Pine Hill Road, Mt. Pocono, mentioned at a young age saw hatred for the LGBT and because she was different she promised herself she would never experience those things. In a way she has done her own conversion therapy and has read everything about what they do and what she had done to herself is a thousand times harder and more horrible. She was a paratrooper and made it all the way to the 101st Airborne, hated herself and ended up getting kicked out because of anger. She has tried being an outlaw biker and had 40 years of drug addiction, but nothing fixed her. The only thing that worked was that she got sober and transitioned. Now she is happy and has had over three years of sobriety and would not have had that if she had not loved herself. She remarked that as a Council you need to pick up the love that these people are not given because there are no other protections for them. Please give these people what they need.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Director of Water and Sewer Resources - Recommendation of Award - Maher Duessel - PennWorks Grant Program Audit*

The Clerk read a memorandum dated July 5, 2018 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with Maher Duessel for the PennWorks Grant Program Audit. The completion date of the project is December 31, 2018 and the fee for the contract is \$1,750.

President Waldron stated Resolution 10 D is on the agenda.

B. *Councilwoman Negrón – Proposed Resolution for State Legislators – Marijuana Decriminalization*

The Clerk read a memorandum dated July 11, 2018 from Councilwoman Olga Negrón to which is attached a proposed Resolution to be sent to the State Legislators to encourage them to pass statewide legislation that would provide all municipal Police Departments with the option/discretion to process personal possession of a small amount of marijuana and the possession of marijuana paraphernalia as a summary offense, rather than a misdemeanor offense.

President Waldron stated Resolution 10 F is on the agenda.

C. *City Solicitor – Musikfest Lease Amendment – 2018 - Streets*

The Clerk read a memorandum dated July 12, 2018 from City Solicitor William P. Leeson, Esq. to which is attached an Amendment to the lease with ArtsQuest for 2018 Musikfest to include use of streets on Thursday, August, 2, 2018.

President Waldron stated Resolution 10 G is on the agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Steven Fernstrom – Recreation Board*

Mayor Donchez appointed Steven Fernstrom to membership on the Recreation Board effective through August, 2019. Mr. Reynolds and Negrón sponsored Resolution No. 2018-138 to confirm the appointment.

President Waldron explained he knows Mr. Fernstrom in a professional capacity and can say that he is very professional and will fit in with the Recreation Board.

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

C. *Finance Committee Meeting*

Chairman Callahan stated the Finance Committee met on Monday, July 9, 2018 at 5:30 pm in Town Hall. The Committee voted to recommend that City Council adopt Ordinances for the following: Amending the General Fund Budget, Amending the Non-Utility Capital Improvement Budget, and Amending the CDBG and HOME Budget. The Committee also voted to recommend that City Council adopt a Resolution for the Transfer of Funds in the Liquid Fuels Budget and create a new account titled “Broad & Main Traffic Signal Upgrade.”

D. *Parks and Recreation Committee Meeting*

Chairman Negrón stated the Parks and Recreation Committee met today prior to the City Council Meeting, Tuesday, July 17, 2018 at 6:00 pm in Town Hall. The Committee reviewed the Lease Agreement between the City of Bethlehem and the Sierra Club for use of Illick's Mill. The Committee recommended that City Council adopt the Resolution to authorize the lease agreement. Council will be voting later on to add the Resolution to the agenda tonight.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 18 – 2018 – Zoning Map Amendment – Rezoning I to CL District – Parcel bordered by Conestoga Street, Other lands of the FDA, PA Route 378, and 143 West Broad Street*

The Clerk read Bill No. 18 – 2018 – Zoning Map Amendment – Rezoning I to CL District – Parcel bordered by Conestoga Street, Other lands of the FDA, PA Route 378, and 143 West Broad Street, on Final Reading.

Voting AYE: Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Martell, and Mr. Waldron, 6. Bill No. 18 – 2018 now known as Ordinance No. 2018-16 was passed on Final Reading.

B. *Bill No. 19 – 2018 – Amending Article 1501 – Fire Safety and Code Enforcement Inspection Fees*

The Clerk read Bill No. 19 – 2018 – Fire Safety and Code Enforcement Inspection Fees, on Final Reading.

Voting AYE: Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Martell, and Mr. Waldron, 6. Bill No. 19 – 2018 now known as Ordinance No. 2018-17 was passed on Final Reading.

C. *Bill No. 20 – 2018 – Establishing New Article 1122 – Appropriate Mental Health Services*

The Clerk read Bill No. 20 – 2018 – Establishing New Article 1122 – Appropriate Mental Health Services, on Final Reading.

Mr. Martell commented that we all agree there have been many nights discussing this and we can all agree that based on the last vote it is an easy decision to support this Ordinance, but it is a hard night based upon hearing these stories. He is sure that this brings up stories of people we know outside of these chambers and what they went through. The fact that someone can look at a child and tell them that they are wrong because of who they are is one of the worse things that someone can do to a child. Mr. Martell just wanted to thank everyone who came to this meeting and all who worked hard on this Ordinance. Obviously there are scientific reasons to ban this practice. Study after study shows it is not effective and in fact it is rather harmful and has serious negative impacts on our youth. Mr. Martell does not think any serious medical mental health professional would try to use this in their own practice if they are serious about helping people. There is a moral reason to support this, and it ties to what Ms. Bradbury said earlier. It is about Bethlehem saying to all its residents that this is a place of love and compassion and a place where everyone is welcome.

Mr. Callahan thanked Mr. Shanker for helping him to get this Ordinance together. Until they talked he never heard of conversion therapy. Mr. Callahan noted as he has said before he has been teaching in high school for the past 24 years and has seen many kids struggle with who they are. It is a great thing that we are at a time where you can be who you want to be and not be afraid of that. Mr. Callahan thanked all who came out to this meeting tonight. He stressed that being a member of the LGBT community can be a struggle. The people that believe in conversion therapy just think that you woke up on day and thought you wanted to be a member of the LGBT community, but it does not work that way. Conversion therapy is a bizarre medical practice. Being a member of the LGBT community is not a disease or an illness and that is one of the main lines he wanted in the Ordinance. Our job is to protect the physical and psychological wellbeing of minors and that includes the minors in the LGBT community. Mr. Callahan also thanked Council for what he assumes will be a 7-0 vote again.

Mr. Reynolds communicated he wanted to thank everybody who reached out about this particular Ordinance. When he looks out in the room today he sees a lot of people who this body has worked with in the past. He remembers talking to many of you seven years ago when we created our Human Relations Commission. He pointed out that in 2014 the Mayor extended the same sex medical benefits to employees and their spouses. Many of us stood outside several years ago for multiple rallies for marriage equality. Mr. Reynolds is proud that Bethlehem has always stood for inclusion and he, like many other people here, and as Ms. Kwiatek said, in 2018 we have had to reconsider sadly what passes for what other people believe. What this does is this is one important step in that larger conversation that everyone in this room has been trying to have for a long time. This is not just about conversion therapy or reparative therapy, it is also about understanding that not everybody has the same story as I do or you do. People have different stories and even if not everybody these days responds with understanding that they understand everyone is different, that does not mean that you are wrong. There are many reasons for us to feel cynical about the world and cynical about what other people believe and are doing, but the people in this room are inspired every day to get up and do the right thing and stand up for others and say that person may not be like me but it does not matter to me, because I will support them. Mr. Reynolds acknowledge on City Council often times our work does not necessarily step into this realm but he can say that every single person on Council shares the sentiments that this is not only a no-brainer, but is something that we are all proud to do. It is part of a larger message that we are in this together as people, as a community, as a City and we will stand up for what we think is right. This is one of those moments where he looks around the room and he sees people that believe in this. He continued to say that is why we want to run for office. We want to be part of a community and live in Bethlehem. Mr. Reynolds thanked everyone who had a part in this and he is looking forward to voting again for this Ordinance.

Ms. Negrón informed she appreciated to hear that even though a family member is not supportive of LGBTQ, we in Bethlehem do support you. She is a mother of an LGBTQ daughter that she loves dearly and seeing her go through what many of you expressed and share, she knows how important this is. She is also proud to be going Thursday to the Center to support a great art exhibition that they will be presenting. It is a Latino artist and this is huge for the Latino Community. She is honored to be a part of this vote tonight.

Dr. Van Wirt agrees with what her fellow Council Members have said particularly what Mr. Martell said that Bethlehem is a City of love and acceptance. She thanked everyone for coming tonight and sharing their energy.

President Waldron expressed when this first came across his desk and came to his attention his first question was is this something that actually happens in our community. He never got a definitive answer which he does not necessarily need to know, but more to the fact is that he can be confident that it will not happen in our community.

Voting AYE: Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Martell, and Mr. Waldron, 6. Bill No. 20 - 2018 now known as Ordinance No. 2018-18 was passed on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 21 - 2018 - Amending General Fund - Health Bureau - Community and Economic Development*

The Clerk read Bill No. 21 - 2018 - Amending General Fund - Health Bureau - Community and Economic Development, sponsored by Mr. Reynolds and Ms. Negrón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2018 GENERAL FUND BUDGET.

Voting AYE: Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Martell, and Mr. Waldron, 6. Bill No. 21 - 2018 was passed on First Reading.

B. *Bill No. 22 - 2018 - Amending Non-Utility Capital Improvement Fund - Public Works*

The Clerk read Bill No. 22 - 2018 - Amending Non-Utility Capital Improvement Fund - Public Works, sponsored by Mr. Reynolds and Ms. Negrón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2018 CAPITAL BUDGET FOR NON-UTILITIES.

Voting AYE: Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Martell, and Mr. Waldron, 6. Bill No. 22 - 2018 was passed on First Reading.

C. *Bill No. 23 - 2018 - Amending CDBG Budget - 2018 CDBG and HOME Allocation*

The Clerk read Bill No. 23 - 2018 - Amending CDBG Budget - 2018 CDBG and HOME Allocation, sponsored by Mr. Reynolds and Ms. Negrón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2018 COMMUNITY DEVELOPMENT BLOCK GRANT
BUDGET

Voting AYE: Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Martell, and Mr. Waldron, 6. Bill No. 23 – 2018 was passed on First Reading.

10. RESOLUTIONS

A. *Authorizing Records Destruction – Police Department*

Mr. Reynolds and Ms. Negrón sponsored Resolution No. 2018-139 that authorized the disposition of the public records in the Police Department as stated in the attached Exhibit A.

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

B. *Approving Auditors – Maher Duessel – 2018, 2019 and 2020 Audits*

Mr. Reynolds and Ms. Negrón sponsored Resolution 2018-140 that approved Maher Duessel to provide the following audits at the listed rates for 2018, 2019 and 2020: General Purpose Financial Statements, Single Audit Reports, Water Fund, Sewer Fund, Bethlehem Area Public Library, Bethlehem Parking Authority, Bethlehem Authority, and Bethlehem Redevelopment Authority.

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

C. *Authorizing Lease Agreement – Bethlehem Parking Authority – Parking lot between Ohio Road and Monocacy Creek*

Mr. Reynolds and Mr. Martell sponsored Resolution No. 2018-141 that authorized to execute a lease agreement with the Bethlehem Parking Authority to provide paid surface lot parking to Celtic Fest visitors on the parcels stated in the Resolution.

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

D. *Authorizing Contract – Maher Duessel – PennWorks Grant Audit*

Mr. Reynolds and Mr. Martell sponsored Resolution No. 2018-142 that authorized to execute an agreement with Maher Duessel for the PennWorks Grant Program audit.

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

E. *Transfer of Funds – Liquid Fuels Fund – Board & Main Traffic Signal Upgrade*

Mr. Reynolds and Mr. Martell sponsored Resolution No. 2018-143 that approved \$50,000 in the Liquid Fuels Budget be transferred from Street Overlays to a new account titled Broad and Main Traffic Signal Upgrade.

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

F. Authorizing Resolution – Decriminalization of Marijuana

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-144 that the City of Bethlehem City Council encourages the State Legislature to adopt statewide legislation that would provide all municipal Police Departments with the option/discretion to process personal possession of a small amount of marijuana and the possession of marijuana paraphernalia as a summary offense, rather than a misdemeanor offense.

Ms. Negrón commented that we did pass an Ordinance decriminalizing marijuana in the City of Bethlehem but as we encountered the two different Counties which is not the case with the rest of the municipalities in the Commonwealth. This will provide an easier way to be able to enforce this. She thinks that pushing the Resolution to the State will help other municipalities in joining us.

President Waldron explained this does continue to send the message to our legislation in Harrisburg that it is time to make a change about the marijuana law in the State of Pennsylvania. With our vote to decriminalize in the City, that was a positive step but this will just give a little bit more of a nudge to show that the voters of Pennsylvania are serious about reform.

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

G. Authorizing Use Permit Agreement Amendment – Musikfest Lease – 2018 - Streets

Mr. Reynolds and Mr. Martell sponsored Resolution No. 2018-145 that authorized to execute Amendment No. 1 to the Use Permit Agreement with ArtsQuest for 2018 Musikfest for Streets.

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

Motion – Add Resolution 10 H to the agenda

Mr. Callahan and Mr. Martell moved to add Resolution 10 H to the agenda.

Voting AYE: Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Martell, and Mr. Waldron, 6. The Motion passed.

H. Authorize Sublease Agreement – Sierra Club – Illick’s Mill

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-146 that authorized to execute a sublease agreement for Illick’s Mill at Monocacy Park between the City of Bethlehem and the Sierra Club Pennsylvania Chapter.

Ms. Negrón thanked President Waldron to allow consideration for this and Members of Council for moving this forward. She knows this has been a long process but they are ready to roll so it is important to help them so they can move forward.

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

11. NEW BUSINESS

Human Resources and Environment Committee Meeting

Chairman Reynolds announced there will be a Human Resources and Environment Committee Meeting on Tuesday, August 21, 2018 at 6:30 pm in Town Hall. The subject will be the proposed classification change of Water and Sewer Resources Meter Shop.

Bethlehem City Council a Progressive Council

Mr. Callahan mentioned that he is proud of the City of Bethlehem because we are probably one of the most progressive City Council in the State of Pennsylvania. We just passed the LGBT Conversion Therapy ban; we passed a Resolution to address a Climate Action Plan, an Ordinance for Ethics Training Requirement for Council, a Gift Ban Ordinance, the Marijuana Ordinance and the FAIR Ordinance. He pointed out that if you look at the work we have done in the past few years, we are very progressive and he is proud of that.

Reminder – Time change – August 7, 2018 Council Meeting at 5:30 pm

President Waldron reminded everyone that the Council Meeting on August 7, 2018 will be at 5:30 pm instead of 7:00 pm because of Musikfest and the dress code for that Council Meeting will be business casual with the emphasis on casual and he encourages everyone to bring their favorite Musikfest mug.

12. ADJOURNMENT

The meeting was adjourned at 8:14 p.m.

ATTEST:

City Clerk