

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, August 7, 2018 - 5:30 PM

INVOCATION

Reverend Dale R. Miller, Senior Pastor, First Baptist 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, Olga Negrón, J. William Reynolds, Paige Van Wirt, and Adam R. Waldron, 6. Shawn M. Martell was absent.

CITATIONS

*Honoring Eric Schaedel*

President Waldron stated that the Citation for Eric Schaedel on the occasion of his retirement from the Bethlehem Police Department after 20 years of service will be mailed to him since he was unable to attend this evening.

*Honoring Brian Spadaccia*

President Waldron stated that the Citation for Brian Spadaccia on the occasion of his retirement from the Public Works Department, Bureau of Streets after 23 years of service will be mailed to him since he was unable to attend this evening.

2. APPROVAL OF MINUTES

The Minutes from July 17, 2018 were approved.

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

*Public Comment Timer Box*

Stephen Antalics, 737 Ridge Street, stated he wanted to explain the history of the Public Comment timer since Council has shown leniency on the device. He pointed out many people are shy and he has heard from a number of people that the timer is intimidating. What is says to them when the timer starts is that they should speak up, shut up and sit down, and when it goes to zero they are cut off. Mr. Antalics explained that many years ago there was unlimited time for Courtesy of the Floor, and one gentleman would come to City Council meeting and speak at length. Mr. Antalics noted from his interpretation this person was a minority and there was

sensitivity about cutting him off. He asserted the President of Council is in control of the meeting and he noted the gavel can be used to have someone come to a conclusion. Mr. Antalics related that the President of Council has lately shown leniency in letting people speak longer and some people almost double the time, which he feels is considerate of the speaker. He continued on with the history, and remarked one member of Council had the idea to move the speaking time back to 12 minutes and that was voted in, and then someone had the idea to cut the time to 5 minutes and that was voted in. At the time a member of the audience said going to 5 minutes was draconian. The individual ran for Council and was elected and said 5 minutes is good. Mr. Antalics is suggesting using that gavel and get rid of the timer box because it is not friendly, and it would give people a sense that they are being invited to come here and speak their mind rather than saying your time is up, sit down and shut up.

#### *ArtsQuest*

Artie Curatola, 813 Laufer Street, informed he is at this meeting to talk about freedom of speech. He is all for promoting the arts and music, but expressed that ArtsQuest is overstepping their bounds when they stifle him from speaking and doing comedy. He related on July 12 he was on stage at ArtsQuest and Ryan Hill, the head of ArtsQuest comedy did not feel this material was appropriate. He expressed that when he spoke with Mr. Hill, he expressed himself verbally and with hand gestures and Mr. Hill thought he was being pushed. The police came and escorted Mr. Curatola off the site, and then he received a letter from ArtsQuest advising that he cannot perform again at any of the comedy shows or music venues. He feels if Mr. Hill is uncomfortable with him they do not have to speak anymore, not that they wind up making it that you cannot speak through comedy or music and express your freedom of speech. Mr. Curatola believes that is something that Mr. Brogan needs to be put straight on. He asserted if it is not done, he has no alternative but to push the envelope. He expressed he challenges any attorney to look at the video and if there is anything he said or did they could take him to court because if they side with ArtsQuest he will guarantee that they will lose. He remarked ArtsQuest will not do it because they said they do not want to make a name for him.

Bill Scheirer, 1890 Eaton Avenue, explained he will try out an idea tonight that he has been thinking about for some time, and he will be talking like an economist tonight. The basic idea is that ArtsQuest has grown so much that it is now, in effect, a mini-municipality within the City. ArtsQuest is taking some business away from taxpaying businesses, which as requested, he will not name. It is well known that some events that take place at ArtsQuest used to take place at a tax paying business, and so that business has less revenue and eventually this will affect their assessment. That means fewer taxes for the City. So here you have the case where ArtsQuest has increased its revenues, the City has lost some tax revenues. Mr. Scheirer noted that ArtsQuest of course is a non-profit. Steve Barron tried to do away with that designation but failed. Their defense was that any profit they make is really not a profit because they spent it on free events for the public. He continued to explain that this is what a government does; it appropriates revenue and spends this revenue for the benefit of the citizens. So in that sense he hopes that idea is clear that ArtsQuest has grown to the point where it is in effect a mini-municipality within the City. He ended noting that this is not necessarily a bad thing, but we need to keep our eye on ArtsQuest because it has grown and grown.

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

*Resolution 10 B - Contract with TuWay Communications*

Bill Scheirer, 1890 Eaton Avenue, stated he had a few comments on the contract with TuWay Communications for the antenna study on South Mountain to benefit the Water and Sewer Department. He is not an engineer so he has no idea how an antenna on South Mountain is going to help them to read meters but he has a few thoughts on procurement. First the transmission memo says that a proposal or proposals were received. He thinks the form should be amended so we know whether or not it is a sole source contract. The second thing he noticed that this will be a time and materials contract. That may be appropriate in this instance, but in general based on his federal procurement experience, time and materials is the most generous type of contract because it is the easiest on the contractor. Next will come the cost plus and finally a fixed price is the best from the standpoint of the buyer. Mr. Scheirer noted finally he hopes that any antenna that the Water and Sewer Department puts up on South Mountain will not have a light on top of it, especially a blinking light. Mr. Scheirer referenced a prior situation when the FAA wanted to place a radar tower on the top of South Mountain with a blinking light. The FAA representative that came from Washington presented an idea to co-locate the tower with the Star of Bethlehem, and then they would not need their blinking red light. The FAA finally ended up saying they would just replace the one on the airport. Mr. Scheirer hopes that this tower for Water and Sewer Resources will not need a light, especially a blinking light, and in general he would urge the City to absolutely minimize the clutter on South Mountain. He is not saying this tower is not necessary but we should keep our eye on the situation so that the beauty is not taken away from South Mountain.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Director of Public Works - Recommendation of Award - F. A. Rohrbach, LLC - Liberty High School Pedestrian Improvement Project*

The Clerk read a memorandum dated July 18, 2018 from Michael Alkhal, Director of Public Works, recommending a contract with F. A. Rohrbach for the Liberty High School Pedestrian Improvement Project. The term of the contract is 90 days and the fee for the contract is \$103,172.05.

President Waldron stated Resolution 10 A is on the agenda.

*B. Police Department – 2018 Edward Byrne Memorial Justice Assistance Grant (JAG)*

The Clerk read a memorandum dated July 24, 2018 from Police Captain Scott Meixell to which is attached a required Resolution to accept the 2018 Edward Byrne Memorial Justice Assistance Grant, which will be used by the Police Department to continue improvements in computer hardware and software. An application is being made to receive up to \$33,922.

*Motion –Schedule Public Hearing*

President Waldron stated he will accept a motion to schedule a Public Hearing on Tuesday, August 21, 2018 at 7:00 pm in Town Hall.

Mr. Callahan and Mr. Colón moved to schedule the Public Hearing.

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

President Waldron stated the Public Hearing will be held on Tuesday, August 21, 2018 at 7:00 pm in Town Hall.

*C. Request for Intermunicipal Liquor License Transfer – 510-514 East Third Street*

The Clerk read a Communication dated July 24, 2018 from Attorney Seth R. Tipton representing Shelby Brothers LLC, requesting approval for an Intermunicipal Liquor License transfer of License R-9219, from Plainfield Township, Northampton County to 510-514 East Third Street, Bethlehem, Northampton County. The license was purchased at auction from the Pennsylvania Liquor Control Board on or about April 27, 2018.

*Motion –Schedule Public Hearing*

President Waldron stated he will accept a motion to schedule a Public Hearing on Tuesday, August 21, 2018 at 7:00 pm in Town Hall.

Ms. Negrón and Mr. Callahan moved to schedule the Public Hearing.

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

*D. Business Administrator – Golf Course Restaurant Lease – Clubhouse Grille, LLC*

The Clerk read a memorandum dated August 2, 2018 from Business Administrator Eric Evans to which is attached a proposed Resolution and Associated Lease Agreement with the Clubhouse Grille, LLC for the restaurant at the Bethlehem Golf Course. The term of the lease is 7 years beginning on January 1, 2019 and ending December 31, 2025.

President Waldron stated he will refer this to the Parks and Recreation Committee.

E. *Director of Public Works – Recommendation of Award – TuWay Communications – South Mountain Radio Tower Site Mapping Study*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works recommending a contract with TuWay Communications for the South Mountain Radio Tower Site Mapping Study to ensure proper clearance for additional antenna installation. The estimated completion date is August 30, 2018 and the fee for the contract is \$6,836.00.

President Waldron stated Resolution 10 B is on the agenda.

7. REPORTS

A. *President of Council*

1. *Councilmanic Appointment – Anne Felker – Library Board*

President Waldron appointed Anne Felker to membership on the Library Board to fill the vacant seat of Cathy Reuscher. This appointment is effective until January, 2021. Mr. Reynolds and Dr. Van Wirt sponsored Resolution 2018-147 to confirm the appointment.

President Waldron noted that Ms. Felker is at this meeting and pointed out that they thank her for stepping up to the plate and taking on this role.

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

B. *Mayor*

*Area Wide Optimization Program (AWOP) Award*

Mayor Donchez stated he wanted to compliment Edward Boscola, Director of Water and Sewer Resources and his department because for the tenth consecutive year the City has received the Area Wide Optimization Program award for an excellent filtration plant operation. The Mayor congratulated Mr. Boscola and his team.

*Musikfest Flooding*

Mayor Donchez then commented on the flooding at Musikfest. He commended all of the City employees led by the City's Director of Emergency Management, Robert Novatnack. Everyone really stepped up to the plate and worked through the night to restore service as soon as possible at the festival. He pointed out it was another example of great cooperation and partnership with the County, ArtsQuest and Musikfest that we were able to turn this around and get them back up and running. Mayor Donchez just wanted to say it was a great team effort with many people working through the night.

8. ORDINANCES FOR FINAL PASSAGE

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, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Negrón, and Mr. Waldron, 6. Bill No. 21 – 2018 now known as Ordinance No. 2018-19 was passed on Final 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, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Negrón, and Mr. Waldron, 6. Bill No. 22 – 2018 now known as Ordinance No. 2018-20 was passed on Final 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, on Final Reading.

Voting AYE: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Negrón, and Mr. Waldron, 6. Bill No. 23 – 2018 now known as Ordinance No. 2018-21 was passed on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Authorizing Contract – F A. Rohrbach, LLC – Liberty High School Pedestrian Improvement Project*

Ms. Negrón and Dr. Van Wirt sponsored Resolution No. 2018-148 that authorized to execute an agreement with F. A. Rohrbach, LLC for the Liberty High School Pedestrian Improvement Project.

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

B. *Authorizing Contract – TuWay Communications – South Mountain Radio Tower Site Mapping Study*

Ms. Negrón and Dr. Van Wirt sponsored Resolution 2018-149 that authorized to execute an agreement with TuWay Communications for the South Mountain Tower Study and Mapping.

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

*Motion – Considering Resolutions 10 C through 10 G as a group*

Ms. Negrón and Mr. Callahan moved to consider Resolutions 10 C through 10G as a group.

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

C. *Certificate of Appropriateness – 234 East Market Street*

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-150 that granted a Certificate of Appropriateness to install storm windows on approximately 23 windows at 234 East Market Street.

D. *Certificate of Appropriateness – 553 Main Street*

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-151 that granted a Certificate of Appropriateness to install window signs and a blade sign at 553 Main Street.

E. *Certificate of Appropriateness – 81 West Broad Street*

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-152 that granted a Certificate of Appropriateness to repaint the front of the building at 81 West Broad Street.

F. *Certificate of Appropriateness – 55 West Market Street*

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-153 that granted a Certificate of Appropriateness to remove the existing garage doors and install new brick piers and spandrels with new wood garage doors at 55 West Market Street.

G. *Certificate of Appropriateness – 51 East Wall Street*

Ms. Negrón and Mr. Reynolds sponsored Resolution No. 2018-154 that granted a Certificate of Appropriateness to remove and replace the existing fence at 51 East Wall Street.

Mr. Reynolds believes that in the history of Certificates of Appropriateness there will never be a more detailed one than 10 G as it is Mr. Vidoni's house and everyone knows how much he pays attention to detail.

Voting AYE on Resolutions 10 C through 10 G: Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Negrón, and Mr. Waldron, 6. The Resolutions passed.

11. NEW BUSINESS

*Public Safety Committee Meeting*

Chairman Colón announced there will be a Public Safety Committee Meeting on Monday, August 27, 2018 at 6:00 pm in Town Hall. The Committee will review the proposed Ordinance to establish a New Article titled Consumer Fireworks, and receive a post Musikfest report from Police Chief Mark DiLuzio.

*Finance Committee Meeting*

Chairman Callahan announced there will be a Finance Committee Meeting on Wednesday, August 29, 2018 at 6:00 pm in Town Hall. The subject will be Golf Course Improvements Funding.

*Parks and Recreation Committee Meeting*

Chairwoman Negrón announced there will be a Parks and Recreation Committee Meeting on Wednesday, August 29, 2018 at 7:00 pm in Town Hall. The subject will be the Golf Course Restaurant Lease with the Clubhouse Grille.

President Waldron encouraged everyone to go Musikfest to support the local arts and have fun.

12. ADJOURNMENT

The meeting was adjourned at 6:00 p.m.

ATTEST:

City Clerk