

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, June 4, 2019 - 7:00 PM

INVOCATION

Reverend Suzanne M. Trump, St. John's Windish Evangelical Lutheran 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 Martell, Olga Negrón, J. William Reynolds, Paige Van Wirt, and Adam R. Waldron, 7.

President Waldron announced that a Communication and the related Ordinance amending the Non-Utility Capital Improvement Fund will be added to the agenda tonight. Council will vote to add the Ordinance for First Reading when we reach that portion of the agenda. He is referring the Ordinance to the Finance Committee for review prior to the Final Reading. A related Resolution to transfer funds is also attached to the Communication and that Resolution will be placed on the June 18, 2019 agenda, which would also be the same night as the Final Reading of the Ordinance to amend the Non-Utility Capital Improvement Fund.

Adding Communication 6 F and Resolution 9 B to the agenda

The Clerk read a memorandum from Michael Alkhal, Director of Public Works, requesting a transfer of funds in the amount of \$700,000 dollars in connection with construction related to the Memorial Pool.

2. APPROVAL OF MINUTES

None.

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

Solar Panels

Lynn Rothman, 870 Wafford Lane, stated she is at this meeting as a representative of the Bethlehem Environmental Advisory Council (EAC). She noted as the City of Bethlehem continues to grow we have an obligation to increase our sustainability, utilize alternative energy sources and reduce our overall carbon footprint. One way to achieve this is with the development of new policies and regulations that support solar energy. This is consistent with the City's goal of creating a Climate Action Plan. Last month the EAC sent a recommendation for a solar Ordinance to City Council and the Administration. We recommend the City develop an

Ordinance requiring new or retrofitted buildings that are over 10,000 square feet or contain 10 or more residential units to obtain a solar energy system assessment and depending upon the feasibility as determined by that assessment install solar panels. In cases where site includes an uncovered parking structure that structure should also have a solar system that covers a minimum of 90% of its top level which still allows for parking underneath. Other Cities with solar requirements for new construction include Lancaster, Santa Monica, San Francisco, South Miami and Watertown, Massachusetts. With the exception of minor changes their recommendations are similar to the Watertown solar Ordinance. Beginning in 2020 the State of California will have solar requirements for all new construction. Bethlehem has an enormous amount of potential roof top surface area to accommodate solar systems. In terms of economics, the cost associated with the installation of solar panels has decreased at least 15% over the past 4 years. There are Federal tax incentives for solar panels up to 30% through the end of 2019 decreasing to 26% through 2020 and 22% for the year 2021. Ms. Rothman remarked a study of residential solar systems shows that they increase property value which would likely apply to commercial buildings. Commercial Property Assessed Clean Energy known as CPACE was recently enacted in Northampton County, it allows building owners to finance clean energy and water conservation projects through their property tax bill. The investment then is tied to the building even if the ownership of the building changes. We commend City Council and the Administration for allocating funds for a consultant to write a Climate Action Plan and for their continuing support on environmental issues.

Kathy Fox, 1513 Elm Street, remarked she would like to thank Lynn Rothman, the Chair of the EAC for speaking about many of the details of the EAC solar Ordinance proposal. Ms. Fox mentioned as an appointed member of the EAC and a citizen who is concerned she looks forward to working with the Mayor and City Council on the issue of environmental sustainability in all aspects of our City. She is proud of the EAC's dedication, research, writing and submission of several viable proposals for City Council's consideration and implementation. Ms. Fox mentioned the extensive research on the solar Ordinance including multiple conversations with employees from Watertown, Massachusetts City government culminating into what the EAC feels is a good policy for Bethlehem, mandating solar panels on large, new and retrofitted buildings within the City. There is no shortage of developers and businesses interested in building in Bethlehem and mandating clean technology coupled with incentivizing more sustainable development that will keep them investing here. It is time for Bethlehem to update their regulations and Ordinances to reflect the urgency of climate change. Please hold developers accountable for meeting the needs of the present but without compromising the future health and welfare of our residents and our world. Ms. Fox urges the Mayor and Council to write a new Ordinance for the City to require solar panels on large developments. She looks forward to the revamped version of Bethlehem's website to be unveiled soon so residents will have an opportunity to review all the proposals that the EAC has submitted in 2019. For the time being the solar Ordinance proposal is posted on the EAC Facebook page.

Sands Casino Sale Tax Money

Ronald Williams, 1334 Shelbourne Drive, stated he is at this meeting to discuss the financial boon that the City is about to receive from the sale of the Sands Casino, the proceeds from the real estate tax money. He read in the Morning Call newspaper weeks ago that you were all in discussion as to how to spend the proceeds from the sale. Mr. Williams does not know what the big decision is all about because when he drives around the City he can find hundreds of

potholes and dozens of streets in total disrepair that are crying for the City to do something. Main Street is an example, from Moravian College north to Washington Avenue and also East Geopp Street, they are in deplorable condition. It appears whenever an entity digs into a street the street is only patched but is never the same again. Mr. Williams is asking Council to look at the Ordinance for digging and repairing streets and rectify that so that an inspection is done after any dig and fix and require them to make the appropriate repairs. When we drive down the downtown area, those streets are in excellent condition which is driven by the tourism industry. He stressed tourists come and go but we the citizens live here. With this windfall of tax money now is the time to accomplish some City infrastructure repairs.

Reappointments/Letter

Ed Gallagher, 49 West Greenwich Street, stated at the last meeting he asked Council to think about the information you get when you reappoint people to Boards and Commissions. He did a Right-to-Know after that meeting asking what information you would have gotten to make the reappointment. It looks like all you received was curriculum vitae on those folks. He would just remind Council that we the citizens are looking for good people to represent us on these Committees. Mr. Gallagher mentioned that Louis James at the last meeting read a letter addressed to the Mayor and to Council. He hopes that letter gets answered somehow, maybe a personal response to Mr. James or the South Bethlehem Historical Society. It is a sad letter in a way because Mr. James implored Council to look at the streets and the potholes and the development on the south side of Bethlehem. Mr. Gallagher suggests that Mr. Callahan answer that letter because Mr. Callahan over the last 18 months has been speaking for the kind of progress that this letter was upset about.

False Statements/Martin Tower Tract/Solar Energy/Illegal Immigrants

Bill Scheirer, 1890 Eaton Avenue, remarked at the last meeting there was some discussion of false statements. Mr. Scheirer explained that he confused Mr. Melosky with Mr. Malozi and he does apologize for that but Mr. Malozi did forgive him. Mr. Scheirer noted that with the Martin Tower tract the concept plan, according to the press, will have 528 luxury garden apartments. That kind of boggles the mind and he cannot imagine anyone wanting to live in a complex with 528 garden apartments. It is a signal to anyone contemplating the purchase of the entire Martin Tower tract that they can get most anything through the Planning Commission on a 3-2 vote. One of the advantages of speaking late is you can comment on what other people have said. On the question of potholes he had a cab driver tell him that the streets in Allentown are in better shape than the streets of Bethlehem. Mr. Scheirer mentioned with solar energy maybe there could be some way whatever happens in the Martin Tower tract that there is some solar energy provided. He then mentioned false statements about the amount of crime committed by illegal immigrants, there is a study by the Cato Institute which is conservative and they are a very fact driven organization. They have found that in the State of Texas in the year 2015 that illegal immigrants per capita committed less crime than native born Americans.

Martin Tower

Artie Curatola, 813 Laufer Street, remarked in relation to Martin Tower he feels it is sad with all of the energy placed into that project. He is surprised that buildings cannot last at least one century and added that the Eiffel Tower was built in 1887, the Coliseum was built in 1772,

Empire State Building in the 1930's and there are many that are a hundred years old and are still standing. There have been many buildings that have continued standing when there were earthquakes and many still stand today that are hundreds of years old. He wonders if contractors and architects were more knowledgeable back then. Mr. Curatola remarked to just look at the picture of Martin Tower dropping to the ground, it goes to show how many people just do not put their hearts, minds, bodies and souls in the pride of the work they do today, like long ago. It took so long to build Martin Tower but only seconds to tear it down. He thinks this will go down as one of the most terrible things we have done in our City.

South Side

Stephen Antalics, 737 Ridge Street, mentioned the letter from Louis James of the South Bethlehem Historical Society and thought it would be interesting if we could time travel and go back 100 years and tour the area north of the Lehigh River. Then cross the river and tour the area south of the Lehigh River. We could then come back to 2019 and take the same trip. The area north of the river is pretty much the way it was when we did that 100 years ago but you would not recognize what is on the south side. Mr. Antalics noted that Hillside Avenue, Fifth Street, Birkel, Wyandotte, Carlton, Montclair, those were beautiful streets but most of the buildings there are gone or are in a lesser state. He stated that those streets he mentioned are in deplorable condition, the sidewalks and the streets. Mr. Antalics remarked all the back lots have macadam on them, there are no gardens left. It looks like a massive used car lot because 5 students in the house cannot park on the street. Those homes can never go back to be single family homes. The approval of a ten story building at Fourth and Vine Streets, a parking garage and a six story building on New Street, what happened to the Ordinance to preserve south side history? Mr. Antalics finds this sad and this is sadness created by neglect. That history that began in 1892 continues today so that letter from Mr. James says it all. He suggests Council drive through those streets and view what he is talking about.

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

- A. *Director of Water and Sewer Resources - Destruction of Records*

The Clerk read a memorandum dated May 16, 2019 from Edward Boscola, Director of Water and Sewer Resources requesting Council to consider a Resolution for the Destruction of Records from the Water and Sewer Resources Department listed on the attached exhibit. Director Boscola has reviewed the Municipal Records Retention act and the records fall within categories where destruction is permitted.

President Waldron stated the Resolution will be placed on the June 18, 2019 agenda.

B. *Director of Water and Sewer Resources – Recommendation of Award – Instrumentation, Control & Energy Engineering, LLC – Water Filtration Plant Emergency Generator*

The Clerk read a memorandum dated May 28, 2019 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with Instrumentation, Control & Energy Engineering, LLC for the Water Filtration Plant Emergency Generator Replacement – Design Services. The term of the contract shall run eighteen (18) months from the Notice to Proceed and the fee for the contract is \$42,852.50. There are no renewals.

President Waldron stated Resolution 10 D is on the agenda.

C. *City Solicitor – Use Permit Agreement – ArtsQuest – July 4th Celebration*

The Clerk read a memorandum dated May 24, 2019 from City Solicitor William P. Leeson, Esq. to which is attached a Use Permit Agreement for public property with ArtsQuest for the July 4th Celebration. The duration of the agreement is July 4, 2019. The location is First Street from Polk Street to the eastern terminus, Founders Way from Second Street to First Street.

President Waldron stated Resolution 10 E is on the agenda.

D. *Police Chief – Resolution Request – Firearm Purchase*

The Clerk read a memorandum dated May 30, 2019 from Police Chief Mark DiLuzio to which is attached an agreement and Resolution for the purchase of a duty weapon by a retired Officer of the Bethlehem Police Department. Retired Officers purchase their duty firearm at fair market value and according to Third Class City Code regulations.

President Waldron stated Resolution 10 F is on the agenda.

E. *Director of Public Works – Amend Article 925 – Stormwater Management Ordinance*

The Clerk read a memorandum dated April 3, 2019 from Michael Alkhal, Director of Public Works to which is attached a proposed Ordinance amending Article 925 of the Codified Ordinances of the City of Bethlehem titled “Stormwater Management Regulations.”

President Waldron stated the Ordinance can be place on the June 18, 2019 agenda for First Reading.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Lea B. Grigsby – Redevelopment Authority*

Mayor Donchez appointed Lea B. Grigsby to membership on the Redevelopment Authority Board to replace Jason R. Henninger whose term expired March, 2019, effective through March, 2024. Ms. Negrón and Dr. Van Wirt sponsored Resolution No. 2019-139 to confirm the appointment.

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

Grants/Soldiers Monument

Mayor Donchez related they did receive from the Commonwealth Finance Authority a grant for the golf course improvements of \$75,000 dollars and that was announced last week. We are in the process of applying now for the \$60,000 dollar County grant for the Pedestrian Bridge Study that is due the second week in July. He explained they had a very moving ceremony on Saturday with almost four hundred people in attendance honoring Bethlehem soldiers that were killed in Vietnam. Mayor Donchez added Councilman Colón was in attendance with a very moving tribute. Mayor Donchez remarked that Beth Masiado paid for the monument. Mayor Donchez informed he returned to this area around two hours later and there were still about 30 to 40 people in front of the monument.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

A. *Bill No. 23-2019 - Establishing New Article 1719 - Pennsylvania Neighborhood Blight Reclamation and Revitalization Act*

The Clerk read Bill No. 23-2019 - Establishing New Article 1719 - Pennsylvania Neighborhood Blight Reclamation and Revitalization Act, sponsored by Ms. Negrón and Mr. Reynolds and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, ADDING ARTICLE
1719 TO THE CODIFIED ORDINANCES TO IMPLEMENT CERTAIN
POWERS ENABLED BY THE PENNSYLVANIA NEIGHBORHOOD
BLIGHT RECLAMATION AND REVITALIZATION ACT, ACT 2010-90.

Voting AYE: Mr. Callahan, Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, and Mr. Waldron, 7. Bill No. 23-2019 was passed on First Reading.

President Waldron stated he will accept a motion and a second to add Bill 25-2019 to the agenda for First Reading.

Mr. Martell and Mr. Colón moved to add Bill 25-2019 to the agenda for First Reading.

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

B. *Bill No. 25-2019 – Amending the 2019 Capital Budget for Non-Utilities – Memorial Pool work*

The Clerk read Bill No. 25-2019 – Amending the 2019 Capital Budget for Non-Utilities – Memorial Pool Work, sponsored by Ms. Negrón and Dr. Van Wirt and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2019 CAPITAL BUDGET FOR NON-UTILITIES.

President Waldron pointed out he will turn to Eric Evans, Business Administrator for some background. There have been some quick moving parts in the last few days in regards to the Memorial Pool so he asked to get Council informed as to what they are asking of us this evening.

Mr. Evans thanked Council for considering this request. He knows from being a Member of Council for 8 years that for something to come late to an agenda it should have a good reason and we believe it does. As a member of the Administration we took that into consideration and we would like to thank Council for considering this request and also thank Mr. Vidoni for helping us prepare this during the day under short notice. This request is a follow up to bids that were received Friday late afternoon. These are all late breaking adjustments. Mr. Evans continued to say that in the spring of 2018 there were several fatal flaws at Memorial Pool that were discovered. That pool was built in the 1950's and after 60 years of service it was determined to be at the end of its useful life. At that time seeing that Allentown, Palmer Township, Nazareth and Wilson were looking at redesigning their flagship pools we started to go the same steps. We engaged with the URDC at that time, last summer, as well as Wallover Architects to begin the design phase. There were several public meetings held last summer. We realized the summer was lost and even at that when we started getting engaged with the experts, the pool builders they said for what we were looking to do that this summer would not be in play. We made it well known that this would be a two year process. Mr. Evans noted the significant planning and design that is involved would take time. We worked through the fall to rebuild and design our destination pool based on the feedback we got through the summer. In the fall we closed in on the design, made several changes and received a firm estimate and brought that to Council in the fall. When the budget was originally prepared it had an estimate, not actual, and that included the patching together of different funding sources. That included Recreation Fees, \$600,000 dollars, \$1.5 million dollars in grants, remnants of \$87,000 dollars from the 2017 bond, and nearly \$2.4 million dollars in cash that included items we talked about last fall. The 9-1-1 residual from the closing of the 9-1-1 center and the change in the timing of the gaming fees for a total of just under \$4.6 million dollars. We then went into the final design stage. That brings us to the gap between that point and what happened Friday. There are three things we need to talk about and discuss. Number one, what the bids came back in on Friday versus the budgeted amount and the reasons for that. Number two, the timeline of what went on from the budget hearing until now and also why we are asking for this tonight. Number three, is to talk about the proposal to make up the difference in what the estimate was versus what the bids came in to make this plan to

redevelop and redesign our new flagship pool a reality by next summer. For parts one and two the bids and the timeline he will turn to Michael Alkhal, Public Works Director.

Mr. Alkhal remarked obviously this was a significant project that required several months of design time to put together. There were the detailed plans and the specifications to conduct numerous progress meetings at which time the layout of the pool, feedback from staff in terms of changes and modifications and review of estimates as to what the expected engineers opinion of cost would be. That took several months from roughly the beginning of the year. Then once we approved the final plans and specifications and put together a bid package then we went through the bidding process which we allotted 30 days for advertising and to have time to consider the plans and that is what brought us to this past Friday in terms of how long it takes to secure bids. We are now at the front end of going through the contracting which we have allotted roughly 30 days to be in a position for a notice to proceed at the beginning of July. The estimated construction period is 10 months which is aggressive but doable and it puts us at the doorstep of next May, the end of May which is typically early June when we open for the season.

President Waldron queried if Mr. Evans or Mr. Alkhal would talk about the bids specifically.

Mr. Alkhal remarked as mentioned we had numerous meetings where the priority subject was what we expected bids would come in at. The initial concept and estimate were quite a bit higher than what we were hoping for in terms of a budget. We worked closely with the design team to scale that whereby we would still have a very impressive destination pool but one that we would have a reasonable chance of attaining something closer to what the Mayor had set out would be an acceptable expenditure on this project. We were somewhat nervous about what the bid would come in to begin with and because of that and just for good practice we tried along with the design team generated a lot of interest in the project. As we put it for bidding we made contact with contractors and made them aware that it is coming and we encouraged people to bid. We had at least 13 people the indicated they would bid but we also know that construction activity is very good right now. Other projects that we bid so far this year we have gotten sometimes minimal interest and sometimes we got no bids or only one bid. That is another indication of how busy things are. To make a long story short, Friday we received a total of 3 bids for the general contract, which is the bulk of the work, probably 90% of the cost. We were anticipating the bids to come in around \$4 million plus or minus but it came in closer to \$4.5 million dollars. We consulted with our design team and they feel that this is a competitive bid.

President Waldron remarked to get us that gap of what your \$4 million budget was to the \$4.5 million and asking us for a \$700,000 transfer this evening, can you get us through those three numbers?

Mr. Alkhal related a little under \$200,000 as a contingency is what we are asking for beyond the exact numbers to meet and be able to enter into a contract with a successful bidder. It is difficult to predict what we will run into during construction. Of course our goal is not to make any changes or ask for anything in addition to what is in the plan and specs. That amounts to about 3% of the total cost of construction so we would not have to come back to Council for any additional funds, should things come up or arise during construction.

President Waldron mentioned there is also the possibility that with such a large budget that 3% buffer may not be enough so there could be additional monies that are needed to finish it up.

Mr. Alkhal stressed there is always that possibility but we will work along with our team which is under contract through construction supervision to make sure that the project comes in within the budget.

President Waldron stated we had talked about this but not publicly, the other two bids. So he asked Mr. Alkhal to speak about those other two bids we received on Friday.

Mr. Alkhal communicated in totality with the general contract bid the lowest bid was \$4,050,000 and the next one was just a little bit under \$5 million and the third bid was \$6 million.

President Waldron remarked we had the discussion about which one of those was potentially the outlier. Is there a possibility that \$4 million dollar bid was under bid. How are you vetting that and do you feel comfortable.

Mr. Alkhal stated the best thing we can do is, and we normally go through that for any unusual project that we do not routinely do and this falls within that, we go through a vetting process with the contractor. We will look at the contractor's qualifications, experience, projects they have completed in the past. We call references and we are in the middle of that process right now. So far it is actually fairly positive even though initially we were concerned that the contractor has only been in business since 2016 but the subcontractor to the general contractor is a specialty pool contractor that we are familiar with and have heard of. The design team has done previous projects with this contractor. We have already discussed that with them and they had very positive feedback that these folks have performed well on previous projects, followed plans and specs very well and experienced minimal change orders during the course of construction. Mr. Alkhal pointed out as long as we feel confident that we have a competent bid and a competent contractor quite honestly the market dictated where the bids fell and we should be okay proceeding.

President Waldron queried about a bit on the timeline, obviously you just got this information on Friday and came to us for a Communication and First Reading on the same night which is not typical but we can do that if there is a tight timeline. If this moves forward, this transfer that you are asking of Council there would be notice to proceed so they could start in July with a 10 month construction window which if it goes as planned would open the pool in June of 2020.

Mr. Alkhal stated early June.

President Waldron related with that 10 month window some of that work will be weather or temperature dependent as well.

Mr. Alkhal reported that is taken into account when we estimate the 10 month duration, based on past experience, based on what is involved, site specific information. The design team feels like 10 months is reasonable taken all that into account.

President Waldron commented with the budget and where this money is coming from through Recreation Fees and Cash Balance, he wondered if there were other considerations of other funding sources. He knows with a short window some things come up, the Casino Transfer Tax is still looming. When we had this conversation during budget season late last year there was no mention of any of that money going towards the pool. He does not know if Mr. Evans has information about how much the City may be receiving based on the sale of the Casino. He wondered if there is consideration for any of that money.

Mr. Evans expressed that the Casino part is still in the land of the great unknown, we do not have any level of clarity. We had a short conversation with Northampton County yesterday and we attempted to reach out and have a conversation about what that may look like for us. We did learn this is a very complex deal that did close on Friday. We want to reserve any comment until we get confirmation and an explanation of what the amount is and why and what the transfer tax is so we will not make a comment on that. Mr. Evans remarked with the budget last year, that is why we did not put the pool in our list. That is a separate issue. Because of the timing we do want to move forward with this project. We did get indications early on that it would be tough to stay within the budget where we wanted to be. We wanted to build a destination pool and make it worthy of what we expect in our City but also not to build a Taj Mahal and let it get out of hand. Some of the early designs were beautiful and right away we drew back on some of them, we dialed some of them back. Even as early as last fall we decided to get ahead of the game and save money. We did all the demolition of the wading pool as well as the bath house and the filtering down below in house, we took care of that just to reduce costs. We decided to go with the smaller flume slide versus the slide that was originally proposed. We also eliminated some climbing walls. Mr. Evans mentioned we are keeping the existing building, we felt it was structurally strong and is a brick building. The original proposal was to demolish the building because it does need significant upgrades internally and face the ice rink so the parking lot would be split and they would face each other. We thought to save money; the feature should be the pool itself, not the bath house. We are looking to make all of the required upgrades and code infrastructure improvements to it but keep the existing building and limit the expenses there. We were hearing from the architect who had just finished a pool in Quakertown that was around \$4.8 million and the one in Wilson was \$6 million. We knew with a great economy this is a double edged sword. This will increase our investment income on our cash balance and it will be up this year, we budgeted to bring in around \$300,000 dollars on interest income in our savings accounts. As of Monday our financial services now estimate that to be around \$150,000 dollars. That sometimes helps when you have an improving economy. The issue of construction costs became an issue over the last couple of weeks that has been the results we have been seeing. In looking at what the existing capital plan had, we looked to make adjustments in what may be available. What we identified is before you. There was \$80,000 dollars that was remnants of a GIS project from the 2015 bond. That project as it stands is wrapped up for the time being. We can always add to make adjustments but in working with Mr. Sivak and the IT department we identified that \$80,000. Mr. Evans added there was \$175,000 earmarked for a study, a Parks System Master Plan for the 2017 bond. It is a large amount for consultation and a study. We recently completed, before he became Business Administrator, the Parks and Pool Comprehensive Plan which gave us a full inventory of needs. That is still being digested. If there is a next step for another study to be done it does not need to be done right at this time. This is something we may reevaluate. So that number that was in there from 2017 was \$175,000. In addition the growing and steady economy has resulted in development and a positive result from that is that Recreation Fees have reloaded and the balance in that account is

now \$375,000. Those three amounts total \$630,000 and our proposal then would be to make up the difference in cash to reach that \$700,000 dollar number. Our numbers this year continue to move in a positive trend, our expenses especially in personnel are down due to vacancy factors. That is another side effect of our growing economy, low employment. When there is low employment it is tough to find help. Mr. Evans stated that is what we are proposing which we feel would be not interrupting any current Council or Administrative initiatives or programs at this time and could complete this project that we have before you that we have worked on for some time, over a year now from the initial design to where we are at this point and move it down the track to the construction phase.

Mr. Callahan stated he is supportive of moving ahead with the pool. His preference is that we do this the right way. There might be some discussion to put off the pool for another year but he does not think that is a good idea. The bids did come in higher than we thought but he hopes we do not start cutting things from the pool budget. We should make this a facility that will last another 60 years.

Mr. Reynolds queried how much we currently have in our Recreation Fee account.

Mr. Evans stated \$375,000 dollars.

Mr. Reynolds remarked this would be the entirety of the money that is in the Recreation Fee account.

Mr. Evans informed it will continue to grow and we tap it for different projects at different times. As it moves better it will grow quicker and we will see it move up and if it slows down it goes at a slower pace.

Mr. Reynolds asked what we have used for the Recreation Fees so far this year in 2019.

Mr. Evans stated he does not know if we used the Recreation Fees for anything this year. He does not believe anything has been spent from Recreation Fees. Mr. Evans said these fees are usually used for projects not ongoing program costs or operating budget.

Mr. Reynolds noted the \$175,000 dollars that we are decreasing from the Parks System Master Plan takes it down to \$1,000 dollars; he mentioned that is bond money.

Mr. Evans stated that was the 2017 bond.

Mr. Reynolds mentioned with the GIS system going from \$80,000 dollars down to zero, he wondered was included in that potential project.

Mr. Evans reported there is nothing in that project now. That goes back to the 2015 bond and that is the remnants of what was left after the project was worked on for some time.

Mr. Reynolds queried what our plan was going to be for what to do with that \$80,000 as of a week or two weeks ago.

Mr. Alkhal remarked you may recall around 10 years ago we started our efforts to do GIS and obviously when we started there was a tremendous amount of need everywhere, we did not have anything in GIS. We started with the basics with all the infrastructure. We pulled everything from the water distribution system, sewer collection system, streets, and we made a tremendous amount of progress during that time. Quite honestly, with minimal amount of funding from bond or any other source this was kind of an evolving technology. There was a timeframe where the County did an extensive GIS system so we piggybacked and were able to get some benefit from that or our own system. Mr. Alkhal advised we had this \$80,000 dollars and he has been continuously discussing with Wayne Wastler, our GIS manager what to do with that money. You could do another GIS layer for another infrastructure to manage it better so we can keep maintenance records and capital improvement records and better manage that asset. So there are many things we could do. He would say that we have come a long way and there are still some things that can be done but we have been wrestling what to do with the \$80,000 dollars and Mr. Wastler has not come up with anything since 2015 to use with that money. He is not sure that we are ready to do anything that will require that funding this year or next year. If something does come up we will reprogram money for that.

Alicia Karner, Director of Community and Economic Development remarked with the Recreation Fees that is funding that we use as match money. Council approved a Resolution at the last meeting for the Trailways Grant, there was a 15% match requirement, there was \$37,500 dollars. That is typically the fund we look to. When we did the expansion of the Greenway and Phase IV we used some funding to plug some gaps. We go after a lot of grant dollars and there is always some obligation on the part of the City to match it and that is generally our go to source when we are seeking those funds. Beyond that she does not know on an annual basis what those funds are for.

Mr. Reynolds expressed he would like to see that account over the last several years as far as how much we pull in a year, how much do we spend and where do we spend it. He does love the pool and was a lifeguard there and his family had a pass for about 25 years. Everybody wants to see a pool there. He will say that he is concerned and is not particularly confident right now that if we approve this money that this is going to be done by the beginning of June in 2020. Mr. Reynolds mentioned as with Martin Tower that was not something we had a lot of experience watching come down, we do not have a lot of experience watching a \$5 million dollar pool being built either. He does not even know the last time we paid for a pool being built. He agrees that everyone wants this pool to be there for a long time. It feels even if everything goes well and it being open for June, 2020 the one thing is we do not want to rush it. Mr. Reynolds knows we just received this information recently but we should at least consider saying that 2020 is not the year we are promising this to happen because we do not have to look far to see the problems people get into when they build pools. Mr. Reynolds stated that \$700,000 dollars is a lot of money. He does understand the bid situation. We also only received 3 bids to build a \$5 million dollar pool. He thinks there should be strong consideration for waiting and either putting the project back out to bid or further design restrictions if possible. He noted Mr. Alkhal had said this company has only been in business since 2016 but the subcontractor has a lot of experience.

Mr. Alkhal noted that is the bulk of the work.

Mr. Reynolds would ask how many pools has this contractor built that is a \$5 million dollar pool. He queried if they have done that before.

Mr. Alkhal replied yes, they have and in fact he can offer that it is true we have not built a pool every year here in the City. He can assure that the project team, the consultant we hired has done many, many pools, locally as well as nationally. We would be more than happy to share with you the list of all the pools they have designed. They are engaged with the same contract that we have under now through construction oversight. That means they will be on hand to review key construction milestones as well as progress reports and working closely with the City and the contractor to ensure that the project keeps moving and is completed on time within the schedule that we outlined.

Mr. Reynolds asked if the consultant thought this was originally going to be bid at \$4 million dollars.

Mr. Alkhal noted as mentioned earlier their original estimate, based on an initial concept that we scaled back was significantly higher than this. They have always expressed throughout the process including up to the time we went to bid given the environment and what construction is like right now and what they have seen in bids coming in that they were concerned about what we will receive. That is why we also tried to get in front of it, tried to solicit, we made sure that you could put the advertising period for 15 days but we made it 30 days to give people more time to respond because we know people are busy. He also mentioned that we had 13 people indicated that they intended to bid but we got 3 by the time the bids were due.

Mr. Reynolds thinks you take these things individually, he understands but collectively it seems as if we are struggling to get this done to open for 2020. He thinks that is a risky proposition when you are talking about the potential money you need to put into a pool and the potential that at some point in the next year we will have the same conversation about something that completely legitimately occurred, whether it was weather or something else. Mr. Reynolds is not confident this point about voting for these particular transfers. It is not that he does not want to see this project complete, we want the best pool we can build but there is a lot of uncertainty here. This does not mean he is against all of these things but he wonders what else we can spend these Recreation Fees for or the Master Plan money for. Also there is the uncertainty that even if we make these transfers that this is going to be the type of long lasting secure pool that we want. He is not confident at this point. Mr. Reynolds noted this is only the First Reading and there will be a Finance Committee Meeting about this and then we have a Second Reading. We have not even gotten to the thing that he generally avoids the talking about different things we can spend this money on. Sometimes that is comparing apples and oranges but that is \$550,000 dollars that we were not planning as of a week ago to spend on this pool that could go to other things having to do with our parks throughout the City.

President Waldron stressed as Mr. Reynolds stated this will be the First Reading and we do have a Finance Committee Meeting scheduled two weeks from today at 6:00 pm before the next Council Meeting where we can dive into this more. The Second Reading is scheduled for that same evening to move this forward as the Administration has asked us to do so they can give the notice to proceed in July. Again, that 10 month window would be right up to the beginning of June in 2020 which is ambitious. The idea of starting a project behind schedule and over budget makes his nervous as well. If you were halfway through the project and you need more money or it is behind schedule that is a different thing. This is a very ambitious schedule and we are already over budget. It does give him pause but again, we do have some time to have a conversation over the next two weeks about which way we want to proceed. We deserve a great

Memorial Pool but he is not confident that this is the path towards that right now. There was some thought about closing the pool and allowing for additional bids, more time to vet them and maybe a more optimistic construction climate but there is no guarantee that would happen as well. If the construction market cooled off we might get more competitive bids but it may stay the same or there is the possibility it could go up as well. President Waldron commented we might at least have more time to kick this around and have a conversation about if this is the right path forward.

Mr. Colón queried with the Recreation Fees Account where that funding comes from.

Ms. Karner related we charge a fee for every new residential unit in the City for new construction and adaptive reuse projects. There is a small fee associated with new commercial spaces.

Mr. Colón asked if that is a flat rate.

Ms. Karner stated yes, and she thinks it is \$1,500 or \$1,800, along those lines per unit but she can get that information to Council.

Mr. Callahan thinks had we looked at doing this 8 or 9 years ago with the economy the way it goes we would have probably had 20 or so bids. The reason why we only got 3 bids and they were all high is because there is a lot of work out there for them to do. So building a \$5 million dollar pool is a huge thing for us but to some of these construction companies they can probably make more profit on some other things. He does agree with Mr. Reynolds and Mr. Waldron, he does not want to rush anything and does not want to have the problems that some of the other neighboring municipalities have had. As much as we despise the man who is in the White House right now if you look typically in Presidential years the economy does a little better and that is because that person in that position wants to stay in office. He cannot imagine the President now would do anything to harm the economy because that is his only way to get reelected. That leads us to the possibility of next year the economy does not cool down and we have to wait another year and we are looking at two years out. Mr. Callahan believes that next year probably would not be any cheaper because construction will still be booming and possibly materials will escalate. There has been some talk about Democrats and Republicans floating a trillion dollar public funding for roads and bridges which will make everything go up, labor, concrete, everything. Mr. Callahan remarked if we put this off going into a Presidential year we may be looking at worse numbers a year from now than we are looking at now.

Mr. Alkhal expressed that in any economy especially for any complex or large scale projects construction bids can be unpredictable and can vary significantly. It is very difficult to predict whether you would get better bids if you rebid it or not regardless of what the environment would be in the future. He added that if we were to be in the position to give a notice to proceed in the beginning of July we are on the schedule that we set out right from the beginning. We are not behind yet but we could fall behind.

Mayor Donchez remarked if we were to fall behind hypothetically and if we do not open next year, they we do not open next year because it has to be done right. Even if we were to open Labor Day hypothetically for a few weeks just to have a grand opening, that would be fine but it has to be done right. Mayor Donchez noted Mr. Callahan made a few good points about the

economy but we are not going to rush it just to open it next summer. That is not the way we want to operate. It has to be the destination pool and a pool that will last 50 years. We have come back tremendously from the initial designs but we still have something that is attractive and will draw people. The whole team did a very good job on that. But if we do not open, then we do not open, it has to be done right.

Mr. Reynolds queried if we have a Finance Committee scheduled.

President Waldron stated yes, we have a Finance Committee scheduled before the next Council Meeting on June 18, 2019 at 6:00 pm.

Mr. Callahan noted he will be announcing it during New Business.

Mr. Reynolds believes all of this makes sense. He is not against this; he would like more time to review this. Before we even say to postpone this for a year he thinks Council should think postponing this for First Reading until after that Finance Committee Meeting which will be June 18, 2019.

President Waldron stated he had a conversation with Mr. Evans and Mr. Alkhal about this as well, about allowing for more time between a Finance Committee Meeting and Second Reading so it is not done on the same day. It is not ideal to do a Committee Meeting and proceed that immediately with the Second Reading because it does not allow for additional conversation or digestion of that conversation in a Committee Meeting. He noted that June 18, 2019 was the first available date for the Committee Members to get together. The idea is to have the Second Reading on July 2, 2019 and the feedback he got from the Administration was that could push back the construction by two weeks in that timeline. He does not think that would jeopardize us in capturing that lowest bid. So that would not be in jeopardy on the financial side of it. The idea is that it could push back the opening date by two weeks.

Mr. Reynolds noted theoretically the opening would be from Memorial Day to the middle of June. He would say if we are going to do that he is not sure why we would not have the First Reading after the Finance Committee Meeting. What would the point be then for voting tonight rather than having the First Reading after the Finance Committee Meeting if the intention is to have the Second Reading on July 2, 2019?

President Waldron remarked the other thing he talked to Mr. Alkhal about was the City's opportunity to properly vet the proposal which he feels is at this point a solid one and he thinks that contractor could deliver on that price. He thought it makes sense that we should have as much information as possible before we start our voting if possible but this timeline was very compressed. Right now we have it listed for First Reading this evening but there are different options, whether we want to have that First Reading and we could pass it this evening and then have our Finance Committee Meeting scheduled for two weeks from today and then postpone the Second Reading to July 2, 2019 as indicated. The other option would be to take this First Reading and move it to two weeks from today and essentially have the same result of having the Second Reading on July 2, 2019.

Mr. Reynolds thinks we should have the First Reading after the Finance Committee Meeting. To turn around and have the Second Reading after the Finance Committee Meeting, we

all know how that will go with other questions. This pool needs to happen but listening to that timeframe he will make a motion that we postpone the First Reading until June 18, 2019 at our next Council Meeting at the conclusion of all of the comments.

Ms. Negrón informed she agrees with Councilman Reynolds. It feels like this is being pushed and it worries her just because we want to keep the timeframe for the end of May or beginning of June that we might not digest this information. We need a little more time and we should postpone the First Reading to after the Finance Committee Meeting.

President Waldron remarked within that two week period it gives the Administration another opportunity to look at that funding source that you are asking of us to make sure you are most comfortable with that. Take another look at other items because in that two week window we will have the Casino Transfer Tax or if there is any additional State grants we might be able to look at as well. This information just came in on Friday but that does not give much opportunity to look around for other money as well. So that might give some additional time to make sure we have the best proposal in front of us as possible. When we decide to move forward with Memorial Pool we are getting the best result we can. President Waldron queried if we push off the First Reading to July 2, 2019 we are pushing up the timeline of the project by two weeks.

Mr. Alkhal advised the 10 month period we feel is a doable time to get the project done but we could get it done maybe even sooner.

Dr. Van Wirt mentioned she will save a majority of her comments for the Finance Committee Meeting. She just wanted to say that she has a good deal of unease with this. She hopes that the data we can get before the Finance Committee Meeting will more accurately illuminate the opportunity costs and the loss of the Recreation Fees particularly. But also with the Park System Master Plan and the GIS, these are opportunity costs, it is not what else we would spend that on but what was this allotted for and how will the impact the rest of the recreation system. She wondered if it will affect our maintenance or will it affect other projects that may not be anticipated right now but would have been funded by that money. Dr. Van Wirt remarked when big projects get bid out often they have incremental approaches meaning if we are budgeting \$4 million let's have the plan anticipate a variety of bidding so we can drop something that we could not afford. That is a valuable approach.

Mr. Alkhal stated we did exactly that but unfortunately as stated earlier we started with a much higher price tag. We took out everything we could afford and were willing to take out from the project. We often do that, with almost every job we have alternates, things that would be nice to have but we are not sure we can have them. We do that routinely. On this particular project we still have things you could take out, you could take out the slides and now it would not be a destination pool, it would be just like any other pool. Even in this bid we still have things we can removed but the big items that would make an impact would make the project similar to what is out there now and that defeats our goal.

Mr. Callahan queried if any of the Casino Transfer Tax money included in the pool.

Mr. Alkhal replied no.

Mr. Evans added we were not sure about the timing of when that would close and we knew the pool was on the schedule for this spring so that is why we kept it out of that.

Mr. Reynolds made the motion to postpone the First Reading of Bill No. 25-2019, the transfer of funds to the City Council Meeting on June 18, 2019. Ms. Negrón seconded the motion.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, and Mr. Waldron, 6. Voting NAY: Mr. Callahan, 1. Bill No. 25-2019 was postponed until the City Council Meeting on June 18, 2019.

Mr. Evans commented that anyone can visit us any time to review the plans. They have been out for a while and have been publicly vetted. If anyone wants to stop in between now and the Finance Committee, just call or reach out and let us know. We would be happy to sit down and show where we are at with it and what we have cut back and the current status.

President Waldron remarked that as Mr. Callahan said under New Business he will announce that Finance Committee Meeting. At that point he would hope that maybe Mr. Evans could refresh everyone's memory with some visuals about what we are getting with the pool as well as having Jodi Evans at that meeting if possible to discuss the Recreation Fees and how those are used. We may have some conversations in the next two weeks leading up to that Finance Committee Meeting as well.

Mr. Evans remarked they will also reach out to the consultants as well to come to that meeting.

Mayor Donchez queried if one hour will be enough for the Finance Committee Meeting.

President Waldron noted that is a fair question because this has turned into a larger dialogue. He would ask Mr. Vidoni to maybe revisit that and reach out to Members of the Committee to see if they could come in earlier than 6:00 pm with only an hour for that meeting before the Council Meeting at 7:00 pm. Maybe 5:30 pm could be an option for the Committee Members as well as any other Members of Council who would want to attend.

10. RESOLUTIONS

A. *Authorizing Use Permit Agreement – Arts Quest – FIFA World Cup Viewing Event*

Ms. Negrón and Dr. Van Wirt sponsored Resolution No. 2019-140 that authorized to execute a Use Permit Agreement with ArtsQuest for the FIFA World Cup Viewing Event on June 11, 16, and 20 with additional dates for Championship rounds, June 22-25, June 27-29, July 6 and July 7, 2019.

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

B. *Authorizing Use Permit Agreement Amendment – Arts Quest – Musikfest*

Ms. Negrón and Dr. Van Wirt sponsored Resolution No. 2019-141 that authorized to execute a Use Permit Agreement Amendment with ArtsQuest for the 2019 Musikfest Streets.

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

C. *Authorizing Records Destruction – Community and Economic Development Department*

Ms. Negrón and Dr. Van Wirt sponsored Resolution No. 2019-142 that authorized the disposition of the Community and Economic Development Department public records, as stated in Exhibit A.

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

D. *Authorizing Contract – Instrumentation, Control & Energy Engineering, LLC*

Ms. Negrón and Dr. Van Wirt sponsored Resolution No. 2019-143 that authorized to execute an agreement with Instrumentation, Control & Energy Engineering, LLC for the Water Filtration Plant Emergency Generator Replacement Design Services.

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

E. *Authorizing Use Permit Agreement – ArtsQuest*

Ms. Negrón and Dr. Van Wirt sponsored Resolution No. 2019-144 that authorized to execute a Use Permit Agreement Amendment with ArtsQuest for the 2019 July 4th Celebration according to the agreement.

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

F. *Approving Fire arm Purchase – McEllroy*

Ms. Negrón and Dr. Van Wirt sponsored Resolution No. 2019-145 that authorized an agreement to effectuate the transfer of the City issued handgun assigned to Scott McEllroy, Retired City Police Officer.

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

G. *Certificate of Appropriateness – 306 Broadhead Avenue (Couchpota.doh!)*

Ms. Negrón and Dr. Van Wirt sponsored Resolution No. 2019-146 that granted a Certificate of Appropriateness to remove old signage and replace with new logo, paint lower portion of building, add awnings and exterior light fixtures at 306 Broadhead Avenue (Couchpota.doh!)

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

H. *Certificate of Appropriateness – 310-322 East Third Street (Polk Street Housing)*

Ms. Negrón and Dr. Van Wirt sponsored Resolution No. 2019-147 that granted a Certificate of Appropriateness to replace windows in sleeping units to accommodate egress requirements at 310-322 East Third Street (Polk Street Housing).

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

11. NEW BUSINESS

Public Safety Committee Meeting

Chairman Colón announced a Public Safety Committee Meeting will be held on Wednesday, June 5, 2019 at 6:30 pm in Town Hall. The subject will be the proposed Article 961 – Special Event Permits, Demonstrations, and Use Permits.

Finance Committee Meeting

Chairman Callahan announced a Finance Committee Meeting will be held on Tuesday, June 18, 2019 at 6:00 pm in Town Hall but may be changed to 5:30 pm. The subject will be amending the Capital budget for Non-Utilities for the Memorial Pool Construction.

Mr. Callahan mentioned with the Casino Transfer Tax we do not know what the money is at this point.

Mr. Evans remarked that nothing is confirmed.

Wind Creek

Mr. Callahan stressed that if what he is hearing is true you can tell Wind Creek that he is very disappointed in their start in the City of Bethlehem. It is their legal right to use loopholes to lower the tax but from what he has heard, which he thinks is solid, we are looking at \$150,000 dollars. You can tell the representatives from Wind Creek that this is not a neighborly thing to do to start off in the City of Bethlehem and also with the Bethlehem Area School District. To use the loopholes in the law to say you are leasing the property versus owning it, that is one thing but they wanted to come in here as a big community partner which he thought was great news. He hopes that the Number 2 Machine Shop and everything else they want to do will go through but he is very disappointed in what he is hearing. He hopes this can be relayed to the officials at Wind Creek.

South Side

Mr. Callahan stated he does appreciate Mr. Antalics coming to these meetings and his love for the south side of Bethlehem. But he thinks what we have to do also is try to have perspective on some things. One of the questions Mr. Antalics has is what has happened to the south side? Mr. Callahan thinks the big thing that happened was that Bethlehem Steel closed down. We had a variety of people that lived on the south side and unfortunately many of those people moved out after Bethlehem Steel closed. Many of the churches closed because those people were no longer

there. Mr. Callahan informed the City of Bethlehem is not just this current Mayor or current Council but the last three Administrations. Council over the last 15 to 20 years has done a great job to try to right the ship over there a little bit. Everything is not perfect but he thinks if you look back about 25 or 30 years ago there was a huge emphasis by the City under the Mayor, Administration and City Council to fix up Main Street. At that time the Orr's building was boarded up, the Hotel Bethlehem was boarded up and many stores on Main Street were boarded up. After that got fixed up and it looks nice again and people are going down there we spend an enormous amount of money on the south side and rightfully so. We would have been criticized if we did not. The Sands Casino moved in there and he thinks saved the City. He knew it was a very controversial thing at the time. The Sands did not care about the soil remediation, all they wanted was the brand name Sands on that crane. We have the Sands Casino, ArtsQuest, Channel 39, Levitt Pavilion, Hoover-Mason Trestle, and he thinks the Visitors Center was paid by the TIF money. So we are preserving the Steel Stacks, the Number 2 Machine Shop and a lot of other properties down there. Some homes are in disrepair and if you look at Hayes Street, Alan Jennings has done a great job over on Hayes Street. There were 14 to 16 properties where the façade was all done over. We did the street lighting on Third and Fourth Streets.

Mayor Donchez stated that is correct and it was paid for by Community Action.

Mr. Callahan stressed that the west side of Bethlehem is begging us to put that type of lighting over there. The best we can do is we extended it three more blocks. He does not know why we have this south side versus the north side versus the west side versus the northwest side. We are all in the City of Bethlehem and we are all trying to do what is best. We have put a large amount of energy on the south side. We now turned an industrial site to an entertainment/music site with ArtsQuest and Levitt Pavilion. He knows everyone is up in arms about the Benner Building and the Garage on the south side but that was an empty lot for 10 years. Some people do not like the garage but it did win some awards for its design. We on Council are always trying to do what is best for the City. He is not picking on Mr. Antalics; he is just saying people in general will say they do not agree with us on Council. He does appreciate the love that Mr. Antalics has for the south side but what is important to know is that the south side was not forced to join the City, they voted to join the City. If this Casino Transfer Tax goes through and it is not enough, the west side will not get their \$100,000 dollars for the Rose Garden.

Mr. Callahan mentioned as far as the comment about the Martin Tower site by one of the speakers tonight. City Council had three meetings that lasted four and a half hours each when the rezoning of the Martin Tower site came before us a few years ago. From what he remembers this rotunda was filled out to the hallways with Main Street business owners that did not want a third downtown. So we on Council came up with a compromise. There were a lot of different entities, the School District did not want housing, the neighbors wanted more commercial and shops and the downtown did not, they wanted residential. Mr. Callahan remarked in the Zoning Ordinance change we told them we do not want you to have commercial on the first floor and residential above. He asked Ms. Karner if that is correct.

Ms. Karner stated she would have to go back and look.

Mr. Callahan remarked that is what he remembers of this. So the developer got pushed into a corner with something he did not want. The tower sat there for 10 years and now he is trying to develop it. As far as the statement saying who the people are contemplating to live in garden

apartments, if you look behind the Lowe's at Woodmont Mews, those are filled up and are high end apartments and are not cheap. There are many people that want to live in downtown Bethlehem and he thinks that is a great thing. Mr. Callahan wishes in the future that we all look at the City of Bethlehem as one happy place.

Mr. Antalics then asked for a motion to speak. President Waldron stated this is the time for Council to speak.

South Side Development

Ms. Negrón stated she wanted to speak about the letter that was given to us at the last meeting from Louis James who is the President of the South Bethlehem Historical Society. She read that letter a few times and she felt saddened by it. She was sad that she was not in attendance at that meeting. She felt that was her voice speaking with that letter. She is not known for being a tree hugger however she was raised in a way by her parents in Puerto Rico that we have rules and the rules should be followed by everyone especially when it comes to historic areas. Ms. Negrón mentioned we decided to have historic areas on the north side and south side and people got together and implemented rules different than the rest of the City for a very specific reason. Those rules have to be followed by everyone. She read that letter and she wanted to cry because again and again we had allowed individuals and developers to break those same rules that others have had to abide by. That is wrong. She has lived on the south side of Bethlehem for the last 23 years and her daughters went to school there and she went to church there. Walking up and down the streets every day, it is not the same; no one can tell her otherwise. She has seen the change and it is sad. When she was the Executive Director of the Hispanic Center she remembers a building that was dangerous to have up and we did not have the money to fix it up, we were not supposed to tear down an historic building. We did not have the money to fix it in the historical way, those were the rules but it is dangerous because someone could get hurt. It took a long time and a lot of begging for them to allow us to do some medium changes. That is not what is happening now on the south side and it is outrageous. If that is the direction we want to go that is fine, then change the rules so everyone follows the same rules, that is her point. Ms. Negrón remarked we have Ordinances to protect affordable housing as new development is happening and we are not using them we are allowing developers to build without keeping the affordable housing. She hears people at the Hispanic Center saying they cannot afford to pay their rent. It is sad when you hear individuals that are hard-working and they cannot afford to pay their rent and all we worry about is to build luxury apartments. Ms. Negrón informed she lived in Texas where the University of Texas had beautiful student housing for married couples where grad students have a whole community of international families. We all learned English together and our kids played together, it was a beautiful experience in communities built for the grad students. Why cannot Lehigh University figure that out? A few years back when she wanted to sell her house and when she decided to look she wanted to stay on the south side, her daughters were gone, and she did not need a big home. She tried to look for a rental but could not afford to live in a place decent enough that she wanted to live at on the south side, she could not afford it. The Ordinance we have on the books already should force the developers to build affordable housing, but it is allowing them to break so many of the Ordinances in the historic area that homeowners and businesses have had to abide by. That is why when she read that letter from Mr. James it broke her heart and it hurt her. She is not against redevelopment; she loves what happened with ArtsQuest and the Sands Casino. She is with Mr. James when he says let's think about where we are taking our City.

Mr. Callahan read the letter by Mr. James and he agrees with a lot of it in there. He does not know what buildings Ms. Negrón was referring to as far as being demolished. The two new projects down there, 510 Flats was an empty parking lot so nothing was demolished there and it is the same for Third and New Street that was an empty lot with no historical building on it. Mr. Callahan is not sure that we can force anybody through Ordinances to build low income, middle income, or high income housing. You pass the zoning and you can say high density or low density but if a developer wants to build higher income condo units that is what they are going to do. Mr. Callahan informed he would be happy to work with Ms. Negrón to find a developer to build affordable housing. He is not sure the City can tell a developer they cannot build residential units that are higher end. He does not think he has ever voted on an historical structure other than Martin Tower, although he does not know why that was labeled an historical structure. Other than Martin Tower he does not know of any other building that was ripped down in the City that was historic, all the other development over there was on empty land. Mr. Callahan agrees that affordability is a huge issue. He teaches at Northeast Middle School and 75% of the kids there are from Marvine and Pembroke Village and many are struggling every day. He would be more than happy to team up with Ms. Negrón to see if we can find a developer to do low income or moderate income housing on the south side. He does know for a fact that Lehigh University does have graduate housing for married couples and there are around 300 units over there.

12. ADJOURNMENT

The meeting was adjourned at 9:02 p.m.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk