

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, July 2, 2019 - 7:00 PM

INVOCATION

Father Alexandros Petrides, St. Nicholas Greek Orthodox Church, offered the Invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

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

CITATIONS

*Honoring Peter Hepler*

President Waldron presented a Citation to Peter Hepler on the occasion of his retirement from the Department of Public Works after over 42 years of service. The Members of Council applauded Mr. Hepler and wished him well in his retirement.

*Honoring James Hein*

President Waldron stated that the Citation for James Hein on the occasion of his retirement from the Department of Public Works after 31 years of service will be mailed to him since he was unable to attend this evening.

*Honoring Angelo Martinez*

President Waldron stated that the Citation for Angelo Martinez on the occasion of his retirement from the Department of Water and Sewer Resources after 32 years of service will be mailed to him since he was unable to attend this evening.

*Honoring Jodi Schnalzer*

President Waldron stated that the Citation for Jodi Schnalzer on the occasion of her retirement from the Department of Water and Sewer Resources after 32 years of service will be mailed to her since she was unable to attend this evening.

*Honoring Bryon Pryor*

President Waldron stated that the Citation for Bryon Pryor on the occasion of his retirement from the Police Department after 28 years of service will be mailed to him since he was unable to attend this evening.

2. APPROVAL OF MINUTES

None.

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

*Historical Vignette – Gertrude Fox*

Lynn Rothman, 870 Wafford Lane, read a Bethlehem Moment historical vignette about Gertrude Fox, March 22, 1965. While working along Jacksonville Road Arthur Fox, age 15 was struck and killed by a motorist. His mother, Gertrude Fox pressed for a walking path and traffic controls, both of which remain today. Yet this was just the beginning of her environmental and political activism. As Gertrude Fox stated in an interview, "I had two big projects, saving park land and preserving our water resources." Graduating from high school in 1934 where she excelled in mathematics, Gertrude was denied admittance to MIT because she was a woman. She received a degree from Simmons College in Boston where she studied science and engineering holding four jobs to pay her way. There she realized that water "was where our next big shortage was going to be, it will not be oil and it will not be jobs, it will be worse than that, losing our water resources." Two years later Gertrude and her husband moved to Bethlehem, she taught mathematics in a number of schools and worked as an Industrial Biologist and Metallurgical Inspector for Bethlehem Steel. In addition and perhaps more importantly she was an advocate for the protection of our precious waterways particularly the Monocacy Creek. Gertrude Fox had the knowledge and ability to convince developers and property owners to adopt construction practices that would minimize adverse impacts on water quality. She studies plans for proposed developments and then recommended changes to State and local governments as well as to the developers and land owners to protect our environment. Gertrude was President of the Monocacy Creek Watershed Association which is still active today. In the mid 1980's she led a group that petitioned to purchase the last remaining tract of the original 500 acres Burnside Plantation. Their goal was to save and preserve the heart of this 18<sup>th</sup> Century Moravian farm in Bethlehem City which we treasure today. In 1987 the Northampton County Council named a 4 acres tract along the Monocacy Creek near the intersection of Routes 22 and 512 the Gertrude Fox Conservation Area. Three years later President Bush presented her with the first Theodore Roosevelt Conservation Award. On January 4, 1995 Gertrude Fox, an educator, ecologist, engineer, and avid skier died. Her foresight as to the importance of preserving our natural resources has proven correct and her legacy is still with us today.

*Polk Street Garage*

Bruce Haines, 63 West Church Street, stated he wanted to speak about the Polk Street Garage. He pointed out we need to understand the thorough understanding that the loss on this garage is \$700,000 dollars a year. The difference between the revenue coming in from the garage and the bond and the operating expenses, what all of these numbers say is a \$700,000 dollar a year loss. That loss is only covered by virtue of the fact that they will stop paying the \$450,000 dollars towards the budget in the City of Bethlehem to help cover plus the meter increases that took over in the central business district. Mr. Haines remarked this is the first garage to his understanding that will be built outside the central business district. The central business district businesses do not have a requirement to provide a garage. When you get outside the central

business district any entity, building outside that district has a parking requirement. This particular garage is not in that district, it is servicing only one business that is in the central business district and that is the Charter Arts School. The rest of the businesses are outside the district. Granted, a big bulk of it is Northampton Community College but certainly Five 10 Flats and other businesses across the street will benefit from this garage. Therefore he believes the Parking Authority is operating outside your charter or at the very least if you will build a garage outside the central business district the entity should have to pay the full cost of the garage unlike in the central business district. Mr. Haines explained for example the New Street garage was in the central business district and Mr. Benner and others paid \$65 dollars although they got a discount, the proposed rate for contract is \$65 dollars. The fact of the matter is for someone outside the central business district they would have to build a garage and this garage in order for it not to have a loss the contract rate should double that. Just from a matter of principle any involvement here, we are talking about moving into new territory for the City of Bethlehem which is subsidizing a parking business that is outside the central business district. He is not aware of any other parking outside the central business district where this has been done in the past. Mr. Haines remarked the reason the \$450,000 is not going to come to the budget anymore is because of the new garage. Without it in theory they should balance their budget and you can continue to get the \$450,000 dollars a year surplus from the Parking Authority. Mr. Haines stated from his perspective the plan comprehends tearing down the Walnut Street garage in 2024. This is akin from his point of view the Walnut Street garage is only going to be 50 years old. He operates a building that is 100 years old. Martin Tower should never have been torn down at 50 years. The U. S. Steel tower which was built at the same time as Martin Tower is alive and well and will be for the next 50 to 100 years. What are we doing in the City tearing down stuff that is only 50 years old that was built well? There is no reason to tear this garage down and what is even worse is the plan as presented comprehends building a new garage that is 280 spaces smaller than the current Walnut Street garage. His understanding is the Walnut Street garage is pretty full. How are we doing to build a garage 280 spaces smaller, are we shrinking in downtown in terms of our need for parking? They comprehend they will continue to get the same revenue in 2024 from that garage even though it is 35% smaller. One of the ways you will get the revenues is they will increase parking rates again by a total of 15%. That is a piece of it. Mr. Haines does not understand why the Walnut Street garage is considered to be torn down instead of repaired and secondly how can we deal on the north side with a garage that is smaller. Those are questions he would like Kevin Livingston to answer when he comes up to speak.

*South Bethlehem*

Stephen Antalics, 737 Ridge Street, remarked he has an alternate Bethlehem Moment historical vignette relating to the true history of the City. Some months back he read about the proposed consolidation of the three boroughs, West Bethlehem, North Bethlehem and South Bethlehem in 1891. The reaction of North Bethlehem to the south side was "the exhibition of timidity and cowardice displayed by a majority of South Bethlehem's Councilmen was a surprise to the many who believe them made of sterner stuff." Mr. Antalics noted that it was said that "Mr. Klein was antagonistic of Bethlehem from the standpoint consolidation and ridiculed its founders." He said the town would probably be called mud. Had the people of Bethlehem years ago exercised thoughtfulness there would be no South Bethlehem today. In 1865 South Bethlehem consisted of mud holes and some shanty homes which were dubbed by North Bethlehem as Shanty Hill. Had they helped out the right hand when Bethlehem was formed there would not be two boroughs north of the Lehigh River. That stigma essentially has continued over

the years to the present day. Let's consider the 5 points. In 1956 the City had a major redevelopment program with two issues, a City Center which we are in and bypass Wyandotte Hill and the 5 points by going through Black River Road. We have the building here, so that worked but the 5 points issue was held off for a later date. In 1976 there was a plan called the South Side Plan and that was to redress the 5 points issue but it died in discussions. Then most recently there was the Sasaki Plan and that came and went. Then after Sasaki came the plan for looking at the 5 points with one way streets to alleviate the problem. What has come from all of these plans? If you go to the south side, five points it is still the same. Mr. Antalics is trying to say that stigma goes on and on and at further meetings he will speak more about the south side.

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. *Assistant City Solicitor - Amend Civil Service Board Rules and Regulations - Resolution*

The Clerk read a memorandum dated May 29, 2019 from Assistant City Solicitor Matthew J. Deschler, Esq. to which is attached a Resolution to amend the Civil Service Board Rules and Regulations. The Resolution would approve two amendments to the Civil Service Board Rules and Regulations that were adopted by the Bethlehem Civil Service Board on May 22, 2019.

President Waldron stated Resolution 10 D is on the agenda.

B. *Director of Budget and Finance - PMRS Ordinance - Amend Non-Uniform Pension Plan*

The Clerk read a memorandum dated June 20, 2019 from Mark W. Sivak, Director of Budget and Finance with an attached proposed Ordinance authorizing a corrective amendment to the City's Pennsylvania Municipal Retirement System Plan.

President Waldron stated The Ordinance can be placed on the July 16, 2019 Council agenda for First Reading.

C. *Police Chief - Recommendation of Award - Lehigh County Humane Society*

The Clerk read a memorandum dated June 25, 2019 from Police Chief Mark DiLuzio recommending a contract with the Lehigh County Humane Society for veterinary and other animal services. The duration of the agreement is one year with three renewals, each one year. The fee for the contract is \$20,000 per year.

President Waldron stated Resolution 10 E is on the agenda.

- D. *Director of Public Works – Recommendation of Award – Mohawk Contracting & Development – Memorial Pool Replacement – General Construction*

The Clerk read a memorandum dated June 26, 2019 from Michael Alkhal, Director of Public Works recommending a contract with Mohawk Contracting & Development for Memorial Pool replacement general construction. The term of the contract or estimated completion date, subject to standard extensions is May 15<sup>th</sup>, 2020. The fee for the contract is \$4,050,000. There are no renewals contemplated at this time.

President Waldron stated Resolution 10 F is on the agenda.

- E. *Director of Public Works – Recommendation of Award – JBM Mechanical, Inc. – Memorial Pool - HVAC*

The Clerk read a memorandum dated June 26, 2019 from Michael Alkhal, Director of Public Works recommending a contract with JBM Mechanical, Inc. for Memorial Pool replacement HVAC system. The term of the contract or estimated completion date, subject to standard extensions is May 15<sup>th</sup>, 2020. The fee for the contract is \$86,000. There are no renewals contemplated at this time.

President Waldron stated Resolution 10 G is on the agenda.

- F. *Director of Public Works – Recommendation of Award – Billitier Electric – Memorial Pool – Electrical*

The Clerk read a memorandum dated June 26, 2019 from Michael Alkhal, Director of Public Works recommending a contract with Billitier Electric for Memorial Pool replacement Electrical Work. The term of the contract or estimated completion date, subject to standard extensions is May 15<sup>th</sup>, 2020. The fee for the contract is \$220,857.00. There are no renewals contemplated at this time.

President Waldron stated Resolution 10 H is on the agenda.

- G. *Director of Public Works – Recommendation of Award – K. C. Mechanical Service, Inc. – Memorial Pool – Plumbing*

The Clerk read a memorandum dated June 26, 2019 from Michael Alkhal, Director of Public Works recommending a contract with K. C. Mechanical Service, Inc. for Memorial Pool replacement Plumbing Work. The term of the contract or estimated completion date, subject to standard extensions is May 15<sup>th</sup>, 2020. The fee for the contract is \$297,000.00. There are no renewals contemplated at this time.

President Waldron stated Resolution 10 I is on the agenda.

- H. *Director of Community and Economic Development – Recommendation of Award – Gibbs Planning Group – Central Business Districts Analysis*

The Clerk read a memorandum dated June 26, 2019 from Alicia Karner, Director of Community and Economic Development recommending a contract with Gibbs Planning Group for data generation and analysis of the Central Business Districts. The duration of the contract is twelve months to commence on the date of contract execution. The fee for the contract is \$40,000. There are no renewals contemplated at this time.

President Waldron stated Resolution 10 J is on the agenda.

- I. *Director of Water and Sewer Resources – Recommendation of Award – AECOM Technical Services, Inc. – Act 537 Sewage Facilities Planning Review*

The Clerk read a memorandum dated June 27, 2019 from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with AECOM Technical Services, Inc. for the Act 537 Sewage Facilities Planning Review. The duration of the contract is through December 31, 2019. The fee for the contract is \$75,000. The City may extend or renew the contract at its discretion.

President Waldron stated Resolution 10 K is on the agenda.

- J. *Assistant to the Mayor – Recommendation of Award – Hometown Press – Newsletter*

The Clerk read a memorandum dated June 27, 2019 from Kelley Andrade, Assistant to the Mayor recommending a contract with Hometown Press for services related to the creation and distribution of two seasonal newsletters. The duration of the contract is for the creation of two seasonal newsletters, the Fall/Winter 2019 and the Spring/Summer 2020 issues. The fee for the contract is \$13,440. There are no renewals contemplated.

President Waldron stated Resolution 10 L is on the agenda.

## 7. REPORTS

- A. *President of Council*

- B. *Mayor*

### *Rededication of Friendship Park*

Mayor Donchez related they had the official rededication of Friendship Park and he thanked Councilman Reynolds for his leadership on Northside 2027 and City Council for their support on this project. He added also the support of the amount of money Alan Jennings was able to receive on this project, \$30,000 dollars for this project. This is great for this neighborhood and great for Northside 2027.

### *Parking Authority-Polk Street Garage*

Mayor Donchez explained in November of 2018 he informed City Council the Bethlehem Parking Authority's purchase and intent to develop the Polk Street lot into a parking garage. This is a project that has been a priority for him for several years. It has been the top of his list for State

funding for several rounds of RACP money and he believes they have received \$2.5 million dollars of RACP money. It is a critical project to support the parking needs of Northampton Community College and other businesses in that vicinity on the eastern corridor of Third Street. Last year he believes the Parking Authority had the responsibility to research all possible options for financing and proceed in a manner that was in the best interest of the taxpayer. They have done that and members of Council have received the Pro Forma and tonight they are willing to answer any questions regarding and update on the financing and the Pro Forma. Mayor Donchez communicated he strongly supports this project and as he said he has supported this probably since he has become Mayor. He thinks it is important for economic development at the eastern corridor of Third Street. Out of 470, they are roughly 370 commitments for leases. When you look at the New Street garage, in his opinion, in a year and a half since it had opened there are 400 leases without Lehigh Students. He thinks that has exceeded expectations when we went through that debate several years ago. He did make a commitment as Mayor that we would try to wean ourselves off the contribution of the Bethlehem Parking Authority when the TIF would end. He does want to fulfill that commitment and that \$450,000 dollars is something that when the TIF expires the City will receive some additional revenue. This is a good project and the financials that Mr. Livingston will address is very important for the development on the eastern side of Third Street. Mayor Donchez strongly supports this. He added that Scott Shearer and Chris Bamber from PFM Financial Advisors and Desman Parking Consultants are also in attendance.

Kevin Livingston, Parking Authority Director explained the Bethlehem Parking Authority (BPA) would like to provide an update on the status of the Polk Street garage. The Bethlehem Parking Authority explored both the public and private financing of the Polk Street garage. PFM which is the Bethlehem Parking Authority's financial advisor released an RFP to privately finance the garage. He previously sent Council the Polk Street garage Pro Forma outlining the financials. The bank loan does not require a fine increase or a City guarantee of the debt. The garage is currently planned to be a 470 space garage with a 30 space parking lot. In the bids for the construction we intend to add a bid alternate to build the garage 91 spaces larger on an additional 1 ½ floors. The bid alternate will be executed if the pricing of the garage comes in less than anticipated or the BPA realizes new commitments and/or revenue prior to the start of construction. Furthermore, Mr. Livingston stated there is an opportunity for horizontal expansion of the garage of approximately 159 spaces. This would include building additional garage spaces over the parking lot. The maximum size of the garage is approximately 750 spaces. We anticipate knowing the initial sizing of the garage by January, 2020. The \$2.1 million the Bethlehem Parking Authority purchased the land proposed for the garage from the Sands Casino in April of 2019, it is the intention of the BPA to close on the private bank loan in July and hope to start construction in December of 2019 with anticipated completion December, 2020. The BPA also plans to send the official request to Council in the summer of 2019 to consider fine increases to improve the parking system. With him he has the proposed consultants for the Polk Street garage, Tim Tracy from Desman, Ed Flowerdew from Boyle Construction, and Rick Roseberry from Maser Consulting. He also has BPA financial advisors, Scott Shearer and Chris Bamber from PFM and Joe Hoffmeier, Chair of the Bethlehem Parking Authority Board. We are prepared to answer any questions or concerns you may have about the Polk Street Garage.

President Waldron thanked Mr. Livingston and pointed out this has been a long time coming and he appreciates the amount of input given to Council, not only now in the packet but previously in the ability of Mr. Livingston to pick up the phone and have conversations one on one. It has been helpful in understanding what the BPA is looking to do and which direction they

are going. This is a bit different than the past process we had been through with the New Street Garage as far as the City backed bond. President Waldron wondered the reason they are not looking for that City guarantee you most recently did for the New Street Garage.

Mr. Shearer explained when we first became part of the City's finance team back a few years ago when we first looked at the parking debt that was issued, 2003 and 2009, that was actually issued as General Obligation Debt of the City. We became involved and the first transaction that the Parking Authority did was in 2015 where there was a refinancing. Our goal is to always try to kind of move the Parking Authority or the Sewer/Water Authority financially away from the City from a financial perspective. At that point in time with the 2015 refinancing and the 2016 New Street financing the Parking Authority went out and established their own Trust Indenture, issued the debt but guaranteed by the City. So we are starting to give the Parking Authority a bit of its own name, own credit out there but still with the backing of the City. That coincided very nicely with the financial resurgence of the City with all of the initiatives taking place and the board policies where the City's credit rating had been improving substantially from a triple B credit rating up to now it being an A plus. It might be the highest of the 35 City's here in the State. Mr. Shearer noted it was a great job on everyone's part in taking the action to do that. The goal was as the Parking Authority became more financially healthy to have the Authority possibly to be able to do their own financing without the City backing. That is our goal as financial advisors to City's and Parking Authority's is if they are financially stable enough to do that they should do it. This takes some of the liability and risk off of the City taxpayers as well by not having that guarantee. Mr. Shearer explained this is a win/win to be able to secure a financing package for this garage with very good terms and conditions for the Parking Authority but also without having to put the City guarantee and the taxpayer pledge behind the debt as well.

President Waldron noted there is a lot to consider here, a lot of moving parts that go into one garage but also a larger picture of the Parking Authority. Some of the things we talked about the last time you were here, last year with that fine increase that was paired with the rate increase some of the things Council was looking for will come up this evening. He will defer and open this up to others to bring their thoughts in. He imagines this will be an ongoing conversation about which direction the Parking Authority is going in and then when you come back to us in a few months looking for that fine increase and how that rolls into here, after you give us those two options, one with the fine increase and one without. It seems like you and your team feel comfortable that Polk Street can be viable with or without that fine increase.

Mr. Shearer stated that is correct.

Dr. Van Wirt looks at the Parking Authority in terms of increasing transparency and accessibility of your decision making to the citizens as part of our overall discussion. She asked how many monthly meetings the Parking Authority held within the last year.

Mr. Livingston stated he does not know off the top of his head. He knows the last one was cancelled due to the lack of a quorum.

Dr. Van Wirt noted that is a problem, lack of quorum. These are people on the Board who are committed to showing up because when you have someone who wants to appeal a decision by the Parking Authority you are the appeal. If you are not holding a monthly meeting they do

not get to appeal. She can answer the question of how many meetings they had in the last year, it was six. She is shocked at the amount of business according to the Sunshine Law that you guys are able to throw down without having monthly meetings. She is registering her concerns with that process. Along those lines, the Mayor has requested that all of our Commissions and Authorities hold meetings after 6:00 PM at night in City Hall so they can be filmed. She queried if the Parking Authority is ready to accommodate that request.

Mr. Livingston stated that was going to be on the agenda for the June meeting and that will be discussed by the Board at the next meeting which he anticipates will be the July meeting.

Dr. Van Wirt requests that when the Board takes a vote that the individual member's votes are accounted in the minutes because that has not been the case so far. She would like to know who is voting, not just on that matter but on all of the important matters. Her biggest concern about the financial viability of what is been proposed is something she brought up at the last general Parking Authority meeting. She asked Tim Tracy to explain why we were continuing to offer parking rates at \$65 dollars a month when the own study that Desman did with Cities that are similar to us have the average going rate at \$118, almost double. We are raising parking meter rates and you are requesting to raise the fines which affect the citizens of Bethlehem in order to subsidize these spots. They do not pay their own way, they do not pay for the debt service on New Street and they will not pay for the debt service on Polk Street. Some of these leases with Lehigh, she printed these out they are locked in for 20 years at \$65 dollars a month. She wondered why we are not pricing these spots according to the market and subsidizing these larger institutions on the backs of the taxpayer.

Mr. Livingston stated we do have anticipated and it is in the Pro Forma and increase in the off street rate in 2020 from \$65 to \$70 and he believes we have another \$5 dollar increase in the 5 years after. So we do plan on increasing it.

Mr. Tracy remarked to the point of Mr. Livingston, there are scheduled increases along all of the parking rates, on street and off street. Unfortunately we had to do a little bit of catch up because up until the last increase rates were significantly lower than they are now. To develop a program to adjust rates based on market conditions as well as supply and demand within the City there are forecasts to continue to evaluate the rates, balance supply and demand and the cost for the monthly parking spaces.

Dr. Van Wirt would assume that the demand in Bethlehem is commensurate with other Cities our size.

Mr. Tracy explained that it varies, what we are finding in Bethlehem is that the demand for off street parking is somewhat balanced currently, in that there is adequate supply to accommodate demand. One of the things we continue to evaluate is the elasticity of that demand. We have to be conscious of the rate versus opportunity. We do not want to over price the commodity which they would have a negative affect and have the consumer looking for alternatives, whether that is on the private side of the public side. We will continue to monitor this. Mr. Tracy noted one of the other things we looked at was artificially increasing the supply through oversell but the demand has not reached that yet. As we move forward in time and we continue to work with the Parking Authority in terms of supply versus demand and the cost of

providing those services that is when the on street and off street rates will continue to be adjusted.

Dr. Van Wirt stated she takes issue at the pace of the increase. She is very sensitive to elasticity. In fact, what she has asked before and the Mayor had put in one of the memos to consider would be variable demand parking, variable rate parking which is parking rates that fluctuate with the demand of each place. So we would have higher rates on the north side where there is more demand and lower rates on the south side where there is softer demand. She does not see any of that, you are sensitive to the monthly rates but she would expect that same sensitivity to be played out in the parking meters themselves which are impactful for our citizens. She did not see any variable rate parking even mentioned in here.

Mr. Livingston noted the variable rate parking is being looked at by the Parking Authority there are currently two consultants looking at it, we have Desman Parking Consultants who is looking at it and we also brought in a second opinion from Kimley-Horn Parking Consultants. Both of those studies and memos will be provided to Council with the packet asking to increase rates. So they are currently being done and we hope to anticipate in August they will be complete and ready for Council for review.

Dr. Van Wirt thinks those Pro Formas would be part of this financial analysis.

Mr. Livingston explained the studies are looking at whether variable rates are applicable here and can be used in Bethlehem. So before we know the answer to that we cannot really apply it to the Pro Formas or the currently finances of the Parking Authority.

Dr. Van Wirt understands that but thinks they are a little bit incomplete, these are incomplete if they are not going to show you how variable rate parking will impact your revenue. Currently the Parking Authority has about \$25 million in taxpayer backed bonds. Then you are anticipating floating another \$32 million with the Polk Street bonds and the Walnut Street bonds. Those will be revenue bonds.

Mr. Livingston remarked we do not know what Walnut Street will be.

Dr. Van Wirt stated it has 17 in here.

Mr. Livingston remarked if you mean it is a private Note or a public Bond, he is not sure if Walnut Street would be a City guarantee or a private loan. We know Polk Street will be a private loan, not a Bond.

Dr. Van Wirt noted her question is if say something catastrophic happened and in the world we live in that can happen, whether it is a \$4 dollar gallon tax or deregulation of Lyft or something that impacts your ability to pull people into that garage and you cannot pay your note or General Obligation Bond, which one would you not pay first.

Mr. Livingston remarked that is a question for the financial advisors and he will say this is a conservative look and is on the conservative side of the Pro Forma.

Mr. Bamber noted the Trust Indenture would govern that sort of payment structure. Basically the two existing Bonds, the 2015 and 2016 Bonds would be on parity with this private loan. So we would have three senior lien bonds on parity with one another. The trustee would be in charge of disseminating payment to those Bond holders depending on what date it is. The Parking Authority does have a revenue covenant required to have 1.25 times coverage on their debt service coverage for their senior lien debt. So in the event that would basically be covered in the Trust Indenture about how those payments would be made by the trustee.

Dr. Van Wirt queried if he could put that in simpler terms, which one would be paid first.

Mr. Bamber thinks it depends on the availability of funds and the payment structure, meaning the payment dates of the new Bonds whether or not they fall on the beginning part of the calendar year or the end of the calendar year.

Dr. Van Wirt explained while she is relieved that this is not General Obligation Debt you are looking for she is still concerned about the impact of even more leveraging on the debt that you already have and the ability to service that debt. She thinks this is risky, personally. This would be private and she asked if there is insurance required for this private debt.

Mr. Bamber stated no, there is no Bond insurance nor any debt service reserve funds currently.

Dr. Van Wirt remarked when looking at the Pro Forma here she sees that the revenue in 2020 for the New Street garage almost doubled and she queried if that is because of what you mentioned before, that you were able to secure a bunch of leases.

Mr. Livingston noted we have the existing leases of what we have seen as a lot of individual parkers. Before Lehigh left we were higher than 400 but now without Lehigh in session we are at about 400 parkers which includes lease spaces and people that come month to month.

Dr. Van Wirt explained when looking at the Walnut Street garage, and Mr. Haines touched on this point, the revenue that comes in and in 2023 it drops from \$911,000 to \$676,000. Then it kinds of marginally goes back up again but not much of a hit considering that under this plan the garage will get torn down. She would think that the revenue would go to zero even if you are offsetting all of those parkers into surface lots, there are ones being currently used as well. Why did the revenue not show the loss of that construction phase?

Mr. Shearer mentioned to keep in mind within the Pro Forma the plan for Walnut Street is just simply an estimation for almost a place holder to put something in the plan. As Mr. Livingston discussed, no official decision has been made about Walnut Street in terms of what will happen. But in terms of the revenue assumptions at least within the Pro Forma, also in conjunction with that there are planned increases on the transient revenue as well as the contract increases in 2024, in conjunction with all of the other garages of the system. So particularly within that year we are assuming about a \$240,000 dollar reduction in net revenue for that period when it is deconstructed. Eventually after that the size of the month contracts would be reduced to approximately 500 spaces per year starting in 2025.

Dr. Van Wirt remarked there will be no spaces available in the Walnut Street garage when it is demolished, is that correct?

Mr. Shearer stated he can speak more to Kevin or Tim about the solution, the interim solution during that phase but once again, the exact answer to what will occur with Walnut Street is not currently known.

Dr. Van Wirt thinks the last of her questions really concern the idea that it was said that you bought the Polk Street lot from the Sands but really this was bought from BethWorks.

Mr. Livingston believes the agreement is with the Sands Casino but he does not know the exact entity name off the top of his head.

Dr. Van Wirt thinks it is BethWorks which is a 50/50 partnership between the Sands and Perucci Construction. That is the same entity who owns the ruins lots and negotiated the new lease with the new Wind Creek Casino. Her point is why are we not looking at other places to put a garage. She knows this garage has been in the plans for many years but she also thinks that means we have to constantly ask ourselves are the things that make you think that was a good idea 14 year ago still valid. The talk back then was the fact that we could not use the ruins lots because the Sands would not negotiate on it. Now we have a new partner in town and we still have those lots that are just one block back from Polk Street, just like the Walnut Street garage is one block back from Main Street. Dr. Van Wirt stressed this is a totally viable place to put parkers. She does not understand why we are constructing this garage so close to Third Street when we have this huge amount of open space owned by the same entity that we could use for parkers. The demand in south Bethlehem is soft, if you look at the Desman parking analysis the maximum peak on street parking is 46% during peak hours, and you are saying we need to build a garage. Her feeling is there is too much risk, we need to wait until the demand pushes us to need a garage and utilize the ruins lots in the meantime, that to her seems like a sane and sensible approach to parking in south Bethlehem. She knows there was a lot of work put into this but she still needs to be shown the reason why things are the way they are, no variable rates, no really substantial increase in the monthly rates and no reason why we cannot use the ruins.

Mr. Callahan thanked Mr. Livingston, his department and all of the other gentleman who are at this meeting for the hard work they have done. He mentioned right now it is \$1.50 for the meters per hour and asked if that is correct.

Mr. Livingston stated that is correct.

Mr. Callahan asked what Easton and Allentown charge for meters.

Mr. Livingston informed he does not know.

Mr. Callahan mentioned the garage right now is \$1.00 an hour.

Mr. Livingston stated that is correct.

Mr. Callahan remarked he has learned more about parking during the New Street parking garage meetings. He asked if the goal is to have the rates for the garages lower than the rate for an 8 hour period for the meters to get people off the street and into the garages.

Mr. Livingston informed that is correct, we want that balance for the whole system.

Mr. Callahan related if someone is driving down the street, ideally you want to get people off the meters into the garages for long term parking, it is cheaper. Mr. Callahan pointed out if he is driving down the road and sees a pizza shop or a furniture shop and if he does not see a parking spot within a block or two, he will keep driving so the whole goal is to lessen the load off the meter street parking so there is more transient 30 minutes, one hour long parking for people who are coming and going versus long term parkers who are there for 8 hours.

Mr. Livingston noted that is correct.

Mr. Callahan remarked we want to have the rates for the garages lower per hour than it is for the meters.

Mr. Livingston stated that is correct.

Mr. Callahan related as of right now we have \$1.50 rate on the meters and the increase that was instituted by the Mayor.

Mr. Livingston explained that took effect on January 1<sup>st</sup>.

Mr. Callahan mentioned since January 1<sup>st</sup> it is actually cheaper theoretically to take the fine and park for 8 hours than it is to pay the meter.

Mr. Livingston explained off street in the garage daily maximum is \$10 dollars and the fine at a meter is \$10 dollars so it is the same.

Mr. Callahan remarked we have not touched the fines yet and the recommendation for the fine is \$5 dollars to \$15 dollars, is that correct?

Mr. Livingston stated the increase for on street meter is \$10 to \$15.

Mr. Callahan noted with Lehigh out of session there is over 400 long term parking leases at the Third and New Street garage.

Mr. Livingston remarked there are leases and there are people that are month to month. As of this week there are 400.

Mr. Callahan asked what it is when Lehigh is in session.

Mr. Livingston believes we lost 30 to 40 when Lehigh closed for the semester.

Mr. Callahan asked what the capacity of the garage is.

Mr. Livingston explained there are 626 spaces.

Mr. Callahan commented the ask that we got in the packet you sent us, right now the Charter Arts School wants 45 spots for 10 years, Northampton Community College wants 300 spots for 20 years and The Factory wants 25 spots for the Polk Street Garage. He thought that ArtsQuest was interested in spots originally.

Mr. Livingston stated no, those were the three as of today.

Mr. Callahan remarked right now there is an ask for long term leases for 365 spots out of a 470 spot garage.

Mr. Livingston noted that is correct and the letters of intent are what they are asking, we are currently going to negotiate the leases with them. So the terms will not be exactly what are in the intent letters, the exact terms will be negotiated.

Mr. Callahan saw it was \$65 dollars a month.

Mr. Livingston stated that is the rate.

Mr. Callahan asked what Allentown and Easton charges per month.

Mr. Livingston stated it is \$75 dollars for Allentown but he does not know for Easton.

Mr. Tracy stated it is between \$70 and \$75 and that Scranton is \$95 and Harrisburg is \$200 for a general spot and \$225 if you want a reserved spot.

Mr. Callahan mentioned that Harrisburg is certainly different than us.

Mr. Tracy remarked one of the issues you have is when Cities are charging \$100 dollars plus is because with their general budgets their bond ratings have dropped and they have had to push their debt back to the Parking Authority to cover it. We are in a great financial situation where our general operation can help subsidize parking. We can keep our fees below Easton and Allentown and that is great for economic development.

Mr. Callahan has said before he knows the dynamics for the Walnut Street garage are complex because there are over 600 long term leases in there.

Mr. Livingston stated there are around 750.

Mr. Callahan remarked when you take a left turn out of Guetter Street and up into Walnut Street it is kind of a dead end street, there are no stores. It thought it was said it would be \$8 or \$9 million dollars to refurbish Walnut Street and that would get us 15 years.

Mr. Livingston informed 15 years with normal maintenance.

Mr. Callahan thought it was \$18 or \$19 million to knock down Walnut Street and rebuild another Walnut Street garage that would give us around 30 years.

Mr. Livingston believes it is \$17 million. That number is just a placeholder, there is much more planning and many more decisions that have to be made way before we get into the conversation about what will happen to Walnut Street. Are we going to repair or are we not? We are currently looking at that and we will eventually have an answer but not today.

Dr. Van Wirt remarked before that was much discussion about Five 10 Flats and the lot just west of 510 Flats being developed and them needing spots in the garage. But now she does not see any request by Peron for any spots either under contract or not under contract. She queried if there is any discussion with this entity for dedicated spots at any rate or for free.

Mr. Livingston stated no, not at this time.

Dr. Van Wirt remarked it just went away, but do they know what happened to that?

Mr. Livingston reported they got the project from the Redevelopment Authority when it came up from the Redevelopment Authority there was not an ask from them for spaces in the garage.

Mr. Reynolds commented when we have a conversation about parking, these are complicated because parking and parking interests are not uniform; they are not uniform among citizens, businesses and other things. Both Mr. Callahan's and Dr. Van Wirt's questions and comments reflect that. Mr. Reynolds thanked Mr. Livingston for the phone call and conversation they had. We have had a lot of redevelopment conversations where people made decisions at certain times and 30, 40, 50, 60 years later we wonder what we can do with a particular property or redevelopment or revitalization project. He queried if we have seen any revenue effect as ride share programs have increased over the last several years.

Mr. Livingston stated no, our revenue has gone up month over month, year after year for the last 5 years.

Mr. Reynolds wondered about an explanation for that.

Mr. Livingston reported there are so many variables that go into parking it is hard to attribute it to one. He thinks the economy is one reason but he could not pinpoint a reason why.

Mr. Reynolds asked if there is any kind of industry parking standard as far as what they believe the future here. The Parking Authority is creating debt service for a long period of time. It is a legitimate question about what might happen in 20 to 25 years. We just talked about the leases at the New Street Parking Garage, it is clear the demand is there, it is clear there are people willing to pay leases for this Polk Street Lot.

Mr. Tracy noted it is an interesting discussion that we get challenged with every day. It is a highly debated conversation within the industry. Basically there are three factors that the industry focuses on. It is the impact of ride sharing, the impact of the advancement of autonomous vehicles, what will those two things do for the parking industry. They certainly have had an effect. What we are finding in terms of the ride sharing is that the effect is being more felt less on the business side and more on the leisure side. So you get some relief in terms of restaurant, airport, entertainment uses, they are finding some reduction. With business we are

really not finding any reduction in terms of use and demand, the daytime demand and the cross section of that. The other two factors are automobile ownership and population growth are far exceeding all of those innovations. Mr. Tracy added where the industry is kind of falling out on the discussion is that we do not expect any discernable impact in terms of a significant reduction in the need for parking inventory for 25 to 30 years. The advancement of the autonomous vehicle is stagnant so what we are looking at is maybe repurposing curb side. The latest thought and what we are challenged is how do we better manage our curb side parking, that is where the ride sharing and autonomous vehicles will have the quickest effect. Do we get rid of the curb side in lieu of the off street parking? That is where we are evaluating it now, in terms of a discernable impact on parking inventory; we do not expect it really to occur within the foreseeable future.

Mr. Reynolds imagines that is especially true in the Lehigh Valley. When you look at the population trends in the Lehigh Valley and we read where the Valley will be in 20 years the population is growing. Even if there is a reduction in some people, because of population growth he can see that as well. He will take a ride share from his home to downtown which is a mile but many times those people do not live in the City of Bethlehem, they do not live a mile away. We have people who work and go to ArtsQuest, go to eat downtown, and they are probably not yet going to take an Uber from Emmaus or from West Allentown. He queried if we have a breakdown about our revenues in our parking garages with the credit cards or zip codes as to where our users are coming from. He thinks this is an important conversation because many times we talk about these projects and say the people in Bethlehem are paying for this but there is a percent there that he thinks we should be tracking.

Mr. Livingston stated the breakdown is transient monthly and on the transient side there is no way to ask. We could ask people if they are willing to give their zip code to do a study but there is no way to get that from the credit card information, they will not provide that to us. From the monthly side we could but again, some of those contracts have been for 10 years so are they still living there. The last people to get to know an address change would be the Parking Authority. He does not know if he would trust the data as to how many parkers are from Bethlehem or not.

Mr. Reynolds mentioned there will be a time just like demographic trends change, what will you do with all of the 55 and over housing, with the parking garages. Right now there is a parking use but someone 30 or 40 years from now will look at these structures and think of what to do with them. He is happy that in their conversation they talked about what other Cities are doing with parking garages in making them sustainable. Mr. Reynolds asked about the leases and the charge of \$65 dollars. Whoever signs the long term leases for the Polk Street garage at \$65 dollars but what is the rate if way I just wanted to get a spot in the garage for a month.

Mr. Livingston stated it is \$65 dollars which is standard across all of our garages.

Mr. Reynolds queried if it is just the idea that we lower that rate because we do want to get people off of the street or is a combination of that and we want to be helpful with businesses. He wondered why that rate is lower.

Mr. Livingston thinks it is all of those factors. Mr. Tracy had said that we do see it is on the low end of all of the like Cities and we are working to bring it up. It is not something you can bring up suddenly. He believes in 2013 it went from \$55 to \$57 and in 2016 we put it from \$57 to

\$65 dollars. During that time we also standardized all of the garages at \$65 rate because they were all different. We are working towards being more in the middle of the pack. It is not something we want to do suddenly. Like it was said, the parking garages are for the businesses, residents, for development and right now we are able to sustain our parking system at \$65 dollars with the planned increases in 2020 and 2024.

Mr. Reynolds remarked there is the potential for retail development at the Polk Street garage but with Walnut Street for all of the garages is the one that most needs new energy. When you talk to people on Broad Street and you go up Walnut Street the energy kind of dies. He thinks that a complete redo of that structure including how that street fits into our downtown is important going forward rather than just ongoing maintenance. Mr. Reynolds mentioned much was talked about with the ruins lots but who currently owns those lots, is it Wind Creek?

Alicia Karner, Director of Community and Economic Development stated yes.

Mr. Reynolds asked for the best information that can be shared about the potential development there.

Ms. Karner informed she does not have any information on that.

Mr. Reynolds asked how many people park there.

Mr. Livingston stated about 250.

Mr. Reynolds asked if we have a general idea of the uses of that 250.

Ms. Karner noted there are two lots and so there is a familiarity with the lot that is the most eastern lot with ArtsQuest and that the western lot is for the Charter Arts School, teachers and students and of course Northampton Community College but exact identification we do not have.

Mr. Reynolds asked if Wind Creek has talked about building any garages in their area. They have talked about a lot of development there as far as what they want to do by the Casino but he wondered if there was any conversation about any additional garages being built in the area.

Ms. Karner noted outside of what was presented at the Gaming Board we have not talked specific details on their expansion or their development of the facility. She thinks it is a safe assumption that additional parking will be necessary. Any time there is a land development process particularly for a large site we do expect a parking calculation based on square footage, the uses, what is in our Zoning Ordinance. We have said to them that we need to understand what the parking impact is on each of the projects, what the inventory is and how much more parking we will need.

Mr. Reynolds thanked Mr. Livingston again for providing this information. The last time you were here you talked about keeping communication lines open which you always have. He encourages Mr. Livingston to come back to Council with new information. There is nothing we are voting on here today with this. Mr. Reynolds thinks that the willingness of Mr. Livingston

and present this information with no vote is the closest we get to be part of this process to weigh in on our thoughts and ideas.

President Waldron then asked for a more definitive timeframe when we will see you again with that fine increase request.

Mr. Livingston informed he is waiting on the variable parking study to complete and that Mr. Tracy will update his memo that he submitted previously to Council. He hopes by the end of August he will have something in but maybe the beginning of August.

President Waldron added Mr. Livingston has always been good in getting Council that information so we can digest it and then have an open dialogue when you come to us. Just to be clear as Mr. Reynolds said, we are not taking any action on this tonight. Council's role for parking in the City is the fine increases which we did not actually end up getting to a vote last year that was pulled at the request of Mr. Livingston. Then in the event you are requesting a City back Bond, like we did with New Street that would be our other component that we would have any input on in terms of a vote. President Waldron noted Mr. Livingston has always done well to come to us and keep us informed on everything that is happening, not only on things we are voting on but information about the Boards plan in moving forward, he does appreciate that.

Mr. Callahan asked if Mr. Livingston since the meter rate increase if he has seen an uptick in the amount of fines since January.

Mr. Livingston advised he does not have that information with him; it is something we are still preparing to give to Council.

Mr. Callahan asked with the ruins lots if it is 60 days or 6 months that they have to give notice to vacate.

Ms. Karner has seen it but does not know the number right now.

Mr. Callahan remarked we have to stop talking about the ruins lots because we do not own them and they do not want to sell them. He has had a meeting with Brian Carr from Wind Creek last week and had a great discussion and we expressed our views. Mr. Callahan noted he is looking forward to the economic development over there and he thinks if you look at the amount of development they are planning over there we will have a huge need for parking. Having that discussion about the ruins lot is not productive, they are not for sale and they do not intend to sell them. We need to move forward with our plans without the ruins lots being discussed.

President Waldron thanked Mr. Livingston for his presentation.

## 8. ORDINANCES FOR FINAL PASSAGE

### A. *Bill No. 24 - 2019 - Amending Article 925 - Storm Water Management*

The Clerk read Bill No. 24 - 2019 - Amending Article 925 - Storm Water Management, on Final Reading.

Voting AYE: Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, Mr. Colón, and Mr. Waldron, 7. Bill No. 24 – 2019 now known as Ordinance No. 2019-20 was passed on Final Reading.

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

The Clerk read Bill No. 25 – 2019 – Amending Capital Budget for Non-Utilities – Memorial Pool Construction, on Final Reading.

Dr. Van Wirt remarked when she spoke about this at the last meeting her biggest objection to the use of increased funds is really more of a greater overall picture about lack of plans for the remainder of the community pools. In that discussion she went back to the study the City had done in 2017. They go through all of the recommendations and basically the end point to this study which she thinks was used to justify the decision to put a lot of resources into Memorial Pool came to the fact that the City cannot maintain their other pools. There were plans to close pools that are unsafe, need costly repairs are poorly attended and not financial sustainable after the Memorial renovations are completed. It says as a destination pool Memorial Pool could serve the entire City of Bethlehem. Dr. Van Wirt noted it is clear from this report that one of the options we are dancing around but not talking about is closure of the remainder of the pools, maybe not, maybe some and maybe none. But the fact that she has not seen a plan, what does the budget for Memorial Pool look like, what do the passes look like. Pools lose money and that is okay because they are a great benefit to the community. We need an overall financial picture, what does it look like to maintain this expensive pool and what does it look like for the remainder of our pools who need tons of work, the pictures in here are atrocious. Part of the reason we do not have people going to these pools is because they look like this, it is not necessarily because no one wants to go to the community pools anymore. Dr. Van Wirt is not able to support this tonight because she would like to see a much more comprehensive way to address the needs of our community pools and what the plans look like moving forward.

Mr. Evans remarked as part of the discussion from the last meeting it was brought up, because this will be an ongoing discussion among the Administration and Council. At the end of the day each of the communities that have a neighborhood pool are emotionally connected to it. If there is a decision to close a pool, that will be a difficult one. It will probably fill this room as it did a few years ago when we talked about the west side. Mr. Evans grew up with the pools, he worked at the pools for a long time and he saw the drop off several years ago on the west side. His position back then was as long as they are being used they are a great community asset in place and can be sustained, it is a great asset. But if it is being underutilized then we need to look at consolidation that was his point at the time. Based on the reaction and support of the neighborhood Council chose to keep them all open. It will continue to be a dialogue as we move forward. If this Memorial Pool has the votes tonight we will move forward with the construction. This will be a several years collecting metrics to see what the migration pattern is of the pools, how they being used and is it worth keeping them open. Data needs to be collected. Mr. Evans explained he and Michael Alkhal, Director of Public Works took a drive around yesterday and met with the person in charge of maintenance of the pools. He was concerned about what he might see because they have toured the pools a few times last year and it looked favorable. Mr. Evans stated they visited each of the four pools and he would encourage Council to visit the pools. He does think the homework for both the Administration and Council is to visit the pools and take a look at the attendance, what it would mean to keep them open. Yesterday at the west

side pool Mr. Evans was pleasantly surprised about how many people were there. He was happier with what he saw in regards to the guts of it. Mr. Evans explained that Yosko pool other than needing a roof which will be done in-house, the inside has been upgraded and the decking has been upgraded since the pictures that Dr. Van Wirt referred to in the study, much of the things you see in those pictures were handled and addressed in-house.

Mr. Alkhal reported those pictures and study were from 2016.

Mr. Evans added that the bathroom facilities and the pumps at Yosko were all redone and repainted. He pointed out that the staff that take care of the pool have something on their phones that keep them informed about chlorine and the ph level. If anything goes off even a little bit they get an alarm on their phone so they can make those changes. The biggest thing other than the roof at Yosko is the fencing because kids cut in and go pool hopping at night and break the fence. There are some cut marks in the fencing so all of the pools need fencing fixed. We looked around with repairing them. The Splash Park was working well. We moved then from Yosko to the west side which is in the best shape of all of them and they had a nice crowd. Mr. Evans added that Clearview pool had a nice upgrade years ago they went from 12 feet to 6 feet, the high dive is gone but now they have a pool slide. They made those incremental changes to lower the amount of maintenance they need. They have all been power washed recently and painted recently. Clearview's need was fencing and maybe increasing the size of the fencing to capture some of the shade trees. The last pool is Stark which is a very big one and has a big crowd. Most of the people that would have gone to Memorial pool seem to go to Stark. The attendance there was good and the day care people were in attendance. Stark has a brand new filter with a new roof and new pump house. Mr. Evans pointed out with Memorial Pool being worked on we have had time to catch up with the upkeep on the other four pools because they have done a tremendous amount of work since that study. The pools are open every day from 12:30 am to 7:00 pm if anyone from Council wants to see firsthand how the pools look. He added that around 2:00 pm it peaks with people and then the daycares leave around 2:30 to 3:00. We were concerned that we might need to come back and say there are pools that need work but he is happy to say they are all in good standing other than the simple fixes like the roof at Yosko which can be done in-house and some fencing work at some of the pools. We would like to keep all the pools open unless attendance drops drastically. We need to have the ongoing conversation between the Administration and Council about the pools. Mr. Evans thinks the report is favorable for the next few years but like any large capital asset we need to evaluate and keep it up.

Mr. Callahan stated he appreciates all the work Mr. Evans has done. We also need after Memorial pool is done to wait a few years to see what type of attendance we are getting at the other neighborhood pools. He knows that the numbers when we did that study were small at Clearview and West side. He did not vote for West side to be closed at that time because we did not know what we were going to do with Memorial Pool. What we have to do is wait and see what the attendance figures look like down the road once Memorial Pool is open. He is not in favor of closing any pools down at this point. He also agrees with Mr. Evans concern about the effect on property values if we close pools. Mr. Callahan mentioned last year we had a major shortage with lifeguards so he wondered how it is this year.

Jodi Evans, Recreation Director stated that staffing last year was an issue. When she started her position as Recreation Director she acted right away and tried to increase staffing promoting various things we have that no other place has. We increased our hourly wage to

\$9.00, up from \$8.25 last year competitive with the other pools. We also provide certifications for lifeguards so that is attractive. We increased our lifeguard numbers from 25 full time lifeguards last year to 30 which is roughly 8 and 7 at a pool; they cross between different pools based on need. We also have some subs and right now we have 5 active subs. Next year we will have to increase our lifeguard staff by 12. She is thinking that Memorial is one and a half the size of neighborhood pools. We are really going to have to work to get the lifeguard number up in order to maintain the pools. Ms. Evans believes if we are proactive we should obtain that.

Ms. Negrón thanked Mr. Evans for the update on the pools that is helpful to hear. That is especially because we were going by the pictures in the report we had and it looked scary. She is glad that some work has been done to correct those conditions. At the last meeting she learned about pools and the importance of maintenance of the pools, this is a big piece of it. She is also concerned about what is going to happen. She wondered the cost of maintaining Memorial Pool. She also thanked Mr. Evans for the report he sent on the pool, the changes that were made from the original design. She understands that some of the equipment that has been chosen will help with the maintenance. Ms. Negrón stated she still did not hear the cost of the maintenance of the new pool.

Mr. Evans stated he does not have a budget book in front of him but the maintenance is all done in house and the testament to the work they do is the fact that the original Memorial Pool did last 60 years. That is a long lifespan of a pool. What we built in every year which is under the building budget under Public Works is enough to sustain. They are comfortable with their budget; there will be no large jump. Much of it is what we call preventative maintenance to stay ahead of it. We do have crews dedicated to the pools. The startup takes a lot for each of the pools. It is technical but Mr. Evans has great confidence in what they do and that they are comfortable with their budget. We are also monitoring the pools to identify any large capital expenses that may come up in the future.

Ms. Negrón mentioned she does drive around and talks to residents she knows that use the pools. She questions why there was a thought that they were not being used. She goes back to when we were talking during the budget and with the pedestrian bridge and the Rose Garden project because she is upset about the fact that we could not find any money. The money that was going to be used for a match is now being used for Memorial Pool. If we had line items we were not using and all of a sudden we could put money together for Memorial why did we not use it for maintenance on the pools before and why does Yosko still need a roof and fencing work. She thinks it is a blindsided way of doing business and it is not fair that something has to wait because we need to take care of this right now. She will not be supporting this item today.

Mr. Colón thanked Mr. Evans and Mr. Alkhal for forwarding us what features were removed from the initial planning stages. He thinks those were reasonable concessions. Of course in a perfect world we would be able to capture everything, every bell and whistle we would want for the pool. What remains still makes it an attractive pool. He thinks this helps Memorial Pool look like what people expect a pool to look like in 2019. When we talk about Palmer, Wilson, and Nazareth that recently invested in a new pool this will bring Memorial Pool up to what they look like and what the community may expect from a pool. Mr. Colón stated he will be supporting this tonight, not different from the last time. As this relates to the dog park, he asked if the dog park will be moved.

Mr. Evans stated no, one of the early plans that was being proposed in the Monocacy complex was substantial and showed moving the parking lot from the middle to out front and moving the dog park from the back behind the pool up to the side but that was just a proposal.

Mr. Colón noted the dog park will stay in the same place but will it be operational during the construction.

Mr. Evans stated yes.

President Waldron does think the City should be in the business of having a pool and having it accessible to anyone who wants to use it. Ultimately with the trend we have been seeing the need or desire for folks to use a pool may diminish but if we put all of our resources long term into one destination keystone type pool that would be the right idea. President Waldron added that splash pads are a really nice feature that let people get together at a park. The trend down the line would be not to shutter pools completely like what happened with Saucon but kind of shift over to that format because the maintenance is a lot less. We should have at least always one or maybe two pools, one on the north side and one on the south side. That is something that we need to discuss, what is the plan 5, 10, 20 years out and how will we maintain and pay for those things. President Waldron has brought up trying to offset some of the costs potentially of some of the features that Mr. Evans did get to us, some of the items that were cut our like the rock climbing wall, the extra slides. Then possibly looking outside some of our typical funding sources and asking for non-profits or private businesses to sponsor some of those features and he was wondering if that was something that had been considered or could be considered. That would help offset some of the cost that were over projected or maybe we could add some of those features back in partnering with some of our local businesses to say would you want to write a check and put your name on this piece of equipment and sponsor it. This is a good plan and in a difficult position this is responsible. President Waldron does echo some of the concerns of Ms. Negrón how easily when you need to shake the money tree you are able to come up with this money. He hopes in the future for more transparency about what our finances really look like and that we do not get in the position where we have to do these last minute transfers again. We on Council are put into a difficult position here where we are ultimately holding the yes or no vote whether this Memorial Pool gets done or not. He does think this will be successful and he does look forward to it being operational for years to come.

Mr. Callahan added it is also important to understand this has been in the planning for a while now and no one had control over the economy. As for being in a difficult position he does not think we have much choice, it is part of being a vibrant City, it is our duty to have a strong and vibrant parks and recreation program. He thinks that Memorial Pool has lasted its time and the bids came in and we need to move forward. He told Mr. Evans a few days ago he would like to keep it at 8 lanes but he does not want to go out and rebid this again and possibly delay the opening of the pool. When he does something at his house, he tries to do everything right the first time so he does not have to go back and do it again. Mr. Callahan reported the most important part is the pool itself and he does not like cutting it from 8 lanes to 6 lanes but the financials are what they are and the economy is what it is. His preference is to get the pool done and he does like the idea of the parking lot in the front but that can be done later on down the road as the pool house can at some point be rebuilt if we have the funds a few years down the road. As of right now we need to get the pool done and done right so he will be supporting this.

Voting AYE: Mr. Martell, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Mr. Waldron, 5.  
Voting NAY: Ms. Negrón and Dr. Van Wirt Bill, 2. Bill No. 25 - 2019 now known as Ordinance No. 2019-21 was passed on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Authorizing Use Permit Agreement - ArtsQuest - Sangria Fest*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2019-163 that authorized to execute a Use Permit Agreement with ArtsQuest for the Sangria Fest according to the agreement.

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

B. *Authorizing Use Permit Agreement - Greater LV Chamber-DBA-VegFest*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2019-164 that authorized to execute a Use Permit Agreement with the Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association for VegFest according to the agreement.

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

C. *Authorizing Use Permit Agreement - ArtsQuest - Yuengling Concert Series*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2019-165 that authorized to execute a Use Permit Agreement with ArtsQuest for the Yuengling Concert Series according to the agreement.

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

D. *Amend Civil Service Board Rules and Regulations*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2019-166 that authorized to adopt the rules and regulation approved at the Civil Service Board's May 22, 2019 meeting as described in the attached Resolution exhibit.

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

E. *Authorizing Contract - Lehigh Valley Humane Society*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2019-167 that authorized to execute an agreement with the Lehigh County Humane Society for the Police Animal Control Services/Lehigh County Humane Society Contract.

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

*F. Authorizing Contract – Mohawk Contracting & Development*

Mr. Callahan and Mr. Martell sponsored Resolution No. 2019-168 that authorized to execute an agreement with Mohawk Contracting & Development for Memorial Pool Replacement General Construction.

Voting AYE: Mr. Martell, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Mr. Waldron, 5.  
Voting NAY: Ms. Negrón, and Dr. Van Wirt, 2. The Resolution passed.

*G. Authorizing Contract – JBM Mechanical, Inc.*

Mr. Callahan and Mr. Martell sponsored Resolution No. 2019-169 that authorized to execute an agreement with JBM Mechanical, Inc. for Memorial Pool Replacement HVAC work.

Voting AYE: Mr. Martell, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Mr. Waldron, 5.  
Voting NAY: Ms. Negrón, and Dr. Van Wirt, 2. The Resolution passed.

*H. Authorizing Contract – Billitier Electric*

Mr. Callahan and Mr. Martell sponsored Resolution No. 2019-170 that authorized to execute an agreement with Billitier Electric for Memorial Pool Replacement Electrical work.

Voting AYE: Mr. Martell, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Mr. Waldron, 5.  
Voting NAY: Ms. Negrón, and Dr. Van Wirt, 2. The Resolution passed.

*I. Authorizing Contract – K. C. Mechanical Service, Inc.*

Mr. Callahan and Mr. Martell sponsored Resolution No. 2019-171 that authorized to execute an agreement with K. C. Mechanical Service, Inc. for Memorial Pool Replacement Plumbing work.

Voting AYE: Mr. Martell, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Mr. Waldron, 5.  
Voting NAY: Ms. Negrón, and Dr. Van Wirt, 2. The Resolution passed.

*J. Authorizing Contract – Gibbs Planning Group*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2019-172 that authorized to execute an agreement with Gibbs Planning Group for Market Data and Analysis Service for the Central Business Districts.

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

K. *Authorizing Contract – AECOM Technical Services, Inc.*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2019-173 that authorized to execute an agreement with AECOM Technical Services, Inc. for the Act 537 Sewage Facility Planning Review.

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

L. *Authorizing Contract – Hometown Press*

Mr. Callahan and Ms. Negrón sponsored Resolution No. 2019-174 that authorized to execute an agreement with Hometown Press for the Hometown Press Newsletter.

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

11. NEW BUSINESS

*Zoning Hearing Board/Trestle on Route 412*

Mr. Callahan pointed out at the last few meetings we have had some discussion about zoning decisions and there was the innuendo that all of the residents of the City have to abide by different rules than developers and that the developers get special breaks. When someone goes to the Zoning Hearing Board it is because they are asking for relief from something with zoning. This year in 2019 so far we had 21 cases that were heard by the Zoning Hearing Board and 19 of those were by individual property owners, not LLC's or corporation, just the average Joe taxpayer. Only two of the 21 so far involved corporations, one was the Armory and the other was the west side apartment complex. He added that in 2018 there were 27 cases where the average owner, the Joe taxpayer made the presentation themselves and 7 were special hearings, one includes the Adams billboard on the Hill to Hill Bridge, 4 for Atiyeh, he won 2 and lost 2 and the Benner's had one case and then the Wilbur Mansion for the hotel was the other and Lehigh University had one. Mr. Callahan continued to say that in 2017 the average homeowner made a presentation 22 times asking for relief. We are not talking about different paint colors, they were asking for relief to build something above and beyond what zoning would allow, whether it was an addition or a carport or a garage. It is very similar to a developer coming in and asking for some relief to go over 5 feet over something. The only reason why it is more known is because the developer and development projects are much bigger. Mr. Callahan expressed that he does a lot of driving with his driver education business and he drive up Route 412 five or six times a day and there is a huge rusty train trestle that crosses 412 as you enter and leave. It is after you pass the Casino and head south on 412 near Shimersville Road. He has an idea and has a friend who knows the owner of that and thought we should put on that trestle as you are leaving something that says "Thanks for visiting the City of Bethlehem, Christmas City." On the way in coming north we could put a sign that says "Welcome to the Christmas City." He looks at this rusty structure and thought that would be a great place to paint something on there.

He does not know who we would speak to about that and what it would take to paint something on there. Mr. Callahan would like to see us try to get something done with that.

*Zoning Hearing Board/Rose Garden*

Dr. Van Wirt pointed out that not all development decisions occur in front of the Zoning Hearing Board as evidence by the Zest terrace debacle which did not even involve the Zoning Hearing Board. She wanted to clarify that during the last Council Meeting there was a statement made that the City had committed \$50,000 dollars to the Rose Garden and after talking with Mr. Evans and clarifying it she wanted to put it out there. She stated for the record that from her understanding the City has actually committed \$100,000 dollars, \$50,000 which is currently devoted to it from a bond issue and the other \$50,000 would be coming out of the Recreation developer fee but that amount we have right now is being pushed over to the Memorial Pool fund. So we are anticipating another \$100,000 dollars coming into that fund over the next 6 months and of that the Administration has committed \$50,000 dollars to make that \$100,000 dollar matching grant application to the DCNR whole. She queried if she has that correct.

Mr. Evans stated that is correct. Last winter the Council at the last budget hearing made an amendment because the original proposal did not have anything for the Rose Garden and it became clear there was a lot of support from Council to move funding into the Rose Garden project. On that last night \$50,000 dollars was moved from Street Overlays in the bond into the Rose Garden. That was \$50,000 and that bond has been closed and secured, that money is there. Then in the Casino Transfer Tax column if that comes through we had the projects we would like to tackle. We did not know if that would happen and what the amount would be, we know now that it is not all there. So when Council moved \$50,000 from Overlays in the Casino Transfer column into the Rose Garden that was an unknown, if we get the amount that will make it a total of \$100,000 and the neighborhood association had a total of \$5,000 so it was a total of \$55,000 of funding. At that time Darlene Heller, Director of Planning and Zoning moved forward with a \$105,000 dollar matching DCNR grant which required the match. So it is a \$210,000 dollar project and we knew that \$50,000 was always in flux but we thought it was better to go big and look to complete the plan as we would like it to be and if that \$50,000 does not come through we would reevaluate as we always do. We could cut back on the Rose Garden project, if that \$50,000 is not there and cut back on the matching grant or find another way to fund that \$50,000 dollars that is now not going to be available. Mr. Evans remarked the Administration is proposing that we could use that Recreation Fee Account as a \$50,000 dollar match. We understand it to be a resilient account, it is strong and it generated over \$200,000 dollars each and every year throughout its existence, except for the recession years. So far this year it has already generated \$170,000 year to date, that might have been used for the pool but certainly between now and December it is projected to generate another \$100,000 dollars. We are not saying we need \$100,000, we need \$50,000 and that money will be available to complete the match. At the end of the day having said all that, trying to explain all that the Rose Garden project as planned by Council and Mr. Alkhal has a project as well moving through, nothing was planned to take place this year only because of the DCNR grant, we will not know about that until December. We cannot act on anything because it is part of the bigger project, so by December that money will be available and if we get the letter from the DCNR that it is approved the grant would be there for a total of \$210,000. In the meantime the Public Works Department is working on the plans for the project so by springtime time everything should be able to flow, the funding will be there and the planning will be completed by that time.

*Friendship Park*

Mr. Reynolds thanked Mayor Donchez for the official ribbon cutting today at Friendship Park as well as last week with the open house for the just about completed Northside 2027 plan that we had over at William Penn. When we look at the Comprehensive Plan that before us that includes public schools, social services, economic development, sustainability and healthy food options he thinks the comprehensive neighborhood approach over the long run is the most successful. Mr. Reynolds thanked the Administration, many were there today and it is really was a great event. We had financial support from the Community Action Committee; we had the Principals from William Penn and Thomas Jefferson, a bunch of neighbors who walked up. Progress and change is a grind, you come up with the plans and try to find the priorities and then you take care of them as they come up. He can say that walking away from that ribbon cutting at that park and seeing the spirit from some of those neighbors who were happy that something was going on showed him the process was successful. He just wanted to say a thank you to the Mayor for his support as well as everyone in the Administration that helped to make that happen. This is another step in the right direction.

*Pedestrian Bridge Feasibility Study*

Mr. Callahan mentioned with that \$50,000 dollars grant money, he had proposed that \$50,000 dollars at the budget hearing and he did not get a second but then he put a proposal in an amendment for \$50,000 for the Rose Garden and \$50,000 dollars for the feasibility study for the Pedestrian Bridge. There was \$100,000 in his amendment, \$50,000 for the Rose Garden and \$50,000 for the Pedestrian Bridge study and that passed. So please do not forget the \$50,000 dollars for the feasibility study for the Pedestrian Bridge.

Mr. Evans noted Mr. Callahan is correct, that is also an amount we are working on through other opportunities. There is a grant through Northampton County for \$60,000 dollars. We are trying to patch pieces together much like we did with the amendment that night as well as a DCNR grant that will make up that money. Everything we put in that column we knew may or may not be and if not we need to find other ways to make it happen or push it off. The Casino Transfer Tax was never plugged into the operating budget so if it did not happen it would not affect operations in any way. Some of the things we would like to complete we need to find other ways to do it; we regroup and reevaluate and find the priorities and how to get things done. As we came into the spring the opportunity for Northampton County showed support and the Mayor has the support from Executive McClure to pursue that grant, so that one is being taken care of. The paperwork is getting done for that and then the DCNR would match it to either one way or another the \$100,000 would be available if not through the original play but with these other opportunities.

12. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

ATTEST:

Robert G. Vidoni, Esq.  
City Clerk