

Minutes of the Council of the City of Easton, Pa.
March 14, 2012

Easton, Pa
Wednesday
March 14, 2012
6:00 p.m.

City Council met in stated session at the above date and time in Council Chambers, located on the 6th floor of One South Third Street, Easton, Pa. to consider any business that may lawfully be brought before the body, and to conduct a Public Hearings regarding proposed amendments to the City's Zoning Ordinances, and to received an update on the Downtown/Courthouse Area Parking Study.

The invocation was given by Mayor Panto followed by the Pledge of Allegiance.

Roll Call

Present: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)
Absent: None (0)

Also in attendance were Thomas A. Hess, City Clerk, William Murphy, City Solicitor, Joel Scheer, Assistant City Solicitor, Beth Knickerbocker, Assistant City Solicitor and Glenn Steckman, City Administrator. There were approximately sixty other persons present.

APPROVAL OF AGENDA

On motion of Mr. Brown and Mr. Warren the Agenda was approved by the following vote:

Yeas: Panto, Brown, Fleck, Ruggles, Vulcano, Warner, Warren (7)
Nays: None (0)

ACTION ON MINUTES

On motion of Dr. Ruggles and Mr. Warren the February 22, 2012 Council Meeting minutes were approved, as submitted, by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)
Nays: None (0)

PUBLIC HEARING – Proposed Amendments to the City's Zoning Ordinances.

At 6:03 p.m., the Mayor opened the public hearing and turned it over to Dr. Ruggles who introduced Assistant City Solicitor Joel Scheer who also is the Solicitor for the Planning Commission.

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Attorney Scheer presented a background on how the proposed amendments came to be before Council. He said that they have been before the Planning Commission, who have endorsed them, and sent them to Council.

Director Bradley said that the City was required to submit notice to the Lehigh Planning Commission, with a full copy of the proposed amendments for their review against the Regional Comprehensive Plan. She said that the City had done that at the end of January and subsequently the City had received a response that the proposed Ordinance amendments were a matter of local concern and would not negatively impact the Regional Comprehensive Planning goals and objectives. She said that adjoining municipalities were notified on January 30, 2012 and distributed copies of the Ordinances. She said that in mid-February, per Section 609 B 2 I of the Pennsylvania Municipality Planning Code, all property owners were notified, by letter, who would be affected by the Ordinance change. She said that copies of the Ordinance were made available at the City Clerk's Office, at the Easton Area Public Library, at the County Law Library and on the City's Web-Site. She said that the Planning Commission meetings were attended and presented the Lehigh Planning Commissions recommendations. She said that this Public Hearing was advertised more than a week in advance of the hearing, and also posted the properties affected. She said that on March 7, 2012 the Easton Planning Commission adopted a Resolution forwarding the proposed amendments to City Council.

Director Bradley, with the help of a power point presentation, went over the areas of the City which would be classified as Expressway Transitional Zone. She said that the impact that this zone would have on housing, glare standards, and other Ordinances were reviewed, to come up with the proposed amendments. She said that the American Planning Association was consulted to find out what other communities were doing. She said that they had met with a representative from Adams Outdoor Advertising to find out where it made sense to place a sign. She said that they were specifically proposing the areas because of Highway Commercial Traffic and they felt that there would be little to no impact on existing residents or areas where there would be proposed residential development per the existing code.

Mayor Panto said that the proposed areas did not include other locations in the City that advertising signs were now located. He said that if those existing signs fell into disrepair they would not be able to be replaced without another zoning variance. He said that Adams Outdoor had been very amenable to what the City was attempting, to help with their needs as well as the City's.

Director Bradley presented the following list of permitted uses, by right after a filing a zoning application and meeting dimensional criteria, beyond billboards that the City was proposing.

- Cultural Activities and Exhibitions
- Amusements
- Parks
- Hardware

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- General Merchandise
- Eating and Drinking Places
- Furniture and other furnishings
- Post Sale trade
- Auto Parts and Accessories
- Information and Data processing
- Finance, Insurance and Real Estate
- Personal Services
- Business Services
- Repair Services
- Professional Services
- Administrative Offices
- Hotel, Motels, Bed and Breakfasts
- Hospitals
- Passenger, Freight Depots
- Parking Lots or Structures
- Timber activities and Timber harvesting activities

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She said that the following Special exception uses, which were essentially uses that are allowed by right if they meet certain conditions, which are reviewed against the Comprehensive Plan to make sure they meet the goals and objectives of the Plan and other Zoning criteria, and if they met that criteria they would be allowed.

- Shopping Gallery
- Motor Vehicle Sales
- Educational Services
- Liquid Fuels
- Trade Contractors
- Food Processing
- Furniture and other furnishings manufacture
- Publishing
- Textile Mill products
- Repairable and finished products
- Lumber and Wood products
- Warehouse and storage
- Utilities
- Communications
- Advertising

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There were no questions or comments from Council.

Dr. Ruggles asked for any comments or questions from the audience.

Dennis Lieb, 1208 Chidsey Street, a member of the Planning Commission related why he was the only member of the Commission to vote against the proposed amendments.

Mayor Panto said that he agreed with a lot of Mr. Lieb's statements but that the amendments are being required by law.

There were no other questions or comments from the audience or Council.

Dr. Ruggles closed the hearing at 6:28 p.m.

UPDATE ON DOWNTOWN/COURTHOUSE AREA PARKING STUDY

Mayor Panto said that the parking study was primarily to address the parking situation in both the downtown and Courthouse areas and its impact on residential owners. He said that tonight's presentation would make major observations and several recommendations. He said that Council would not be taking any action at this meeting. He said that the Parking Authority would get involved as well as City Council, the Planning Commission, and then the City would have at least one or two, Public hearings before it would ultimately come before Council for action in the future.

Mr. Greg Shumate and Tim Tracy, Desmond Associates representatives provided council and the audience with the final presentation of the Parking Study which included Part VI, Strategic Plan Parking Management, and Part V, Projected Parking System Financial Performance.

The Part VI Strategic Plan for System Management, scope of work, included the following:

- Operating Policies Changes for On-Street System and Off-Street Parking Facilities.
- Propose Parking Rates Changes as Warranted
- Recommend Short and Long Term Parking Management Options
- Identify Potential Future Parking project Undertakings.

The Part V Project Parking System Financial Performance, scope of work, included the following:

- Assess Financial Consequences of Recommended Policy and Rate Changes
- Assess Market for the Intermodal Parking Facility
- Proposed Plan of Operations for the Intermodal Parking Facility
- Prepare Baseline Financial Pro Forma for the Expanded Parking System

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Council members made comments and asked questions regarding debt service, enforcement revenue, parking efficiency, supply and demand, which were answered by Mr. Shumate, Mr. Tracy, Mayor Panto and Director of Finance Mr. Heagele.

The following persons spoke regarding the report, parking availability on the street and in parking garages, residents of downtown, Desmond's recommendations, increase in parking fees, tourists, parking passes, free parking for commuters, and parking hours.

- Lou Ferrone, 1458 Northampton Street, Chairman of the Easton Parking Authority
- Anthony Marraccini, 134 Spring Garden Street, Downtown Business Owner
- Tom Gore, Crayola Experience Operations Manager
- Lanni Abraham, 207 Church Street
- Megan McBride, 728 Brodhead Street, Easton Main Street
- Curt Ehly, 305 W. Monroe Street, President of the Easton Business Association
- Rich Hieshetter, 304 W. Monroe Street

CITIZENS RIGHT TO BE HEARD

Salvatore Pugliese, 2225 Hackett Avenue, spoke to Council regarding traffic lanes on Thirteenth Street, and also on Elm Street, and also regarding Police response to his property at Elm and 13th Street.

Mayor Panto responded to Mr. Pugliese's comments, and said that he would speak with the Police Department and Engineering Department.

Larry Nausbaum, 438 Williams Street, spoke regarding perceived Code and Health violations near his home.

Mayor Panto and Mr. Steckman said that they would speak with the Code and the Health Departments regarding his complaints.

REPORTS RECEIVED BY COUNCIL

The following report was received by Council.

- (a) Easton Area Joint Sewer Authority September 29, October 17, and November 21, 2011 meeting minutes.
- (b) 2011 Annual Police Report
- (c) Monthly Fire Department Report for February 2012.

REPORTS OF COMMITTEES

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Mr. Brown, Chairman of the Finance Committee, spoke regarding legislation that he would have for later in the meeting, regarding establishing a budget for the next phase of the Intermodal Project, reported that a Finance Committee meeting had been held on March 13th and related what had been discussed, and announced that the next Committee meeting would be held on March 27th.

Mrs. Vulcano, Chairman of the Economic Development Committee reported that a Vacant Property Review Committee had been held earlier in the day, and related that six more properties had been added to the blighted list, and that the Committee was looking at more properties. She said that an Economic Development Committee meeting would be held on March 27th. She spoke regarding legislation that she would have for later in the meeting, regarding approving two Permissions for Land Use Agreements with the Community Action Committee of the Lehigh Valley and for approving a Cooperation Agreement with the State Theatre Centre for the Arts.

Dr. Ruggles, Chairman of the Planning Committee, spoke regarding legislation that he would have for later in the meeting regarding amending an RACP Grant for the State Theatre project, for adopting the Annual Comprehensive Plan Review and endorsing its application to begin the rewrite of the Plan, for authorize the filing of a DEP Environmental Covenant, and reported that the Planning Committee had met on March 13th and had discussed the Comprehensive Plan and a new Flood Insurance Study.

Mr. Warren, Chairman of the Public Safety Committee, spoke regarding legislation that he would have for later in the meeting regarding establishing two Police Parking Only zones on S. 4th Street, for making Grant Street between Philadelphia Road and St. John Street one way east, and reported that a Public Safety Committee meeting would be held on March 27th and that Pedestrian Safety at Bushkill Street and N. 3rd Street would be discussed.

Dr. Warner, Chairman of the Public Works Committee reported that she had attended the most recent Ambassador's meeting, and reported that the Ambassador's service area, in the downtown, had shrunk and that the City may be receiving complaints on what now was not being done. She said that she had a lot of legislation for later in the meeting and would answer any questions that Council may have on them. There were no questions or comments.

Mr. Fleck, Chairman of the Administration Committee handed out a copy of the Agenda for the City Home Rule Charter workshop and said that Representative Freeman would be facilitating the workshop at Lafayette College. He also spoke briefly on the Voter ID Law.

Mr. Murphy, Mr. Scheer, and Ms. Knickerbocker, City Solicitors had no reports.

Mayor Panto handed out his recommendations for the allocation of funds for Special Events, spoke regarding the Peace Candle, the Keystone Opportunity Zone and Vacant Properties in the

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City, certified blighted properties and regarding a KOZ presentation at the Economic Development Committee meeting on March 27th.

UNFINISHED BUSINESS

Bill No. 5, (Ordinance 5343) Amending Article III, Traffic Control Map, of Chapter 560, Vehicles and Traffic of the Code of the City of Easton, Pa., was adopted on motion of Mr. Warren and Mr. Fleck by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)

Nays: None (0)

Ordinance 5343 created two Police Only Parking zones on the unit block of S. 4th Street.

Bill No. 6, (Ordinance 5344), Providing Revenues and appropriating Specific Sums to be required for the next phase of the Intermodal Project, was adopted on motion of Mr. Brown and Dr. Ruggles by the following vote:

Yeas: Fleck, Ruggles, Vulcano, Warner, Warren, Panto, Brown (7)

Nays: None (0)

Ordinance 5344 provides Revenues and Expenditures in the amount of \$931,800 for the next phase of the Intermodal Project.

CORRESPONDENCE

There was no correspondence received by Council:

NEW BUSINESS

A March 5, 2012 memorandum regarding City Council Agenda Items was received from David Hopkins.

Bill No. 7, Amending Ordinance No. 3763, Amending Part Five, Traffic code, of the Code of the City of Easton, Pa., was introduced by Mr. Warren and ordered processed for adoption.

This Bill would make Grant Street, from Philadelphia Road to St. John Street one way east.

Bill 8, Approving two, Three year Permissions for Land Use Agreements between the City of Easton, Pa. and Community Action Committee of the Lehigh Valley was introduced by Mrs. Vulcano and ordered processed for adoption.

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This Bill would approve two Three-year Permissions for Land Use Agreements for property at 112 S. 5th Street and Centennial Park, 12th and Ferry Street for Community Gardening projects.

Bill 9, Providing for the vacation of a portion of Terrace Street, a portion of Rockdale Street and a portion of Grant Street, was introduced by Dr. Warner and ordered processed for adoption.

This Bill would vacate portions of Terrace, Rockdale and Grant Streets in Southside.

Bill No. 10, Amending Sections 285-56 B (1) and (2), Season Pass, of Section 285-56, Pool Fees, of the Code of the City of Easton, Pa. was introduced by Dr. Warner and ordered processed for adoption.

This Bill would raise all Pool Pass fees by \$5.00, and change the preseason from June 1 to May 1 for purchasing passes.

Bill No. 11, Approving a Ten Year Cable Franchise Agreement between the City of Easton, Pa., and Service Electric Cable TV, Inc. was introduced by Mr. Fleck and ordered processed for adoption.

This Bill would approve a Ten Year Cable Franchise Agreement with Service Electric Cable TV Inc.

Bill No. 12, Amending Sections in Chapter 500, Solid Waste; Recycling, of the Code of the City of Easton, Pa. was introduced by Dr. Warner and ordered processed for adoption.

This Bill would amend Sections in the Recycling Ordinances of the City's Codes.

A March 8, 2012 e-mail regarding an additional Agenda Item was received from Director Hopkins.

Bill No. 13, Amending Section 560-54, Parking Restrictions for Street Cleaning was introduced by Dr. Warner and ordered processed for adoption.

This Bill would change the time for cleaning on Ferry Street from Fifth to Seventh Street and from Seventh to Fifteenth Street and on Washington Street from Seventh to Ninth Street and from Ninth to Fifteenth Street.

A February 28, 2012 e-mail regarding a requested Resolution was received from Sandy O'Brien-Werner.

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Then next item on the Agenda was a proposed Resolution which would authorizes the Mayor and Administration to submit revised documents to the Pa. Redevelopment Assistance Capital Program to be used for the State Theatre-Easton RACP project.

The following Resolution was introduced by Dr. Ruggles:

27-2012

The above Resolution was adopted on motion of Dr. Ruggles and Mrs. Vulcano by the following vote:

Yeas: Fleck, Ruggles, Vulcano, Warner, Warren, Panto, Brown (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution for approving the appointment of Carl J. Scalzo to the position of Director/Chief of Police.

The following Resolutions were introduced by Mayor Panto:

28-2012

The above Resolution was adopted on motion of Mayor Panto and Mr. Fleck by the following vote:

Yeas: Warner, Warren, Panto, Brown, Fleck, Ruggles, Vulcano (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve an Agreement for the use of the Upper Hackett Hardball Field located in Upper Hacketts Park.

The following Resolution was introduced by Dr. Warner:

29-2012

The above Resolution was adopted on motion of Dr. Warner and Mr. Warren by the following vote:

Yeas: Warren, Panto, Brown, Fleck, Ruggles, Vulcano, Warner (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve an Agreement for the use of Bob Rute Fields 1 & 2 located in Upper Hacketts Park.

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The following Resolution was introduced by Dr. Warner:

30-2012

The above Resolution was adopted on motion of Dr. Warner and Mrs. Vulcano by the following vote:

Yeas: Panto, Brown, Fleck, Ruggles, Vulcano, Warner, Warren (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would direct Met Ed to remove a Street light at the intersection of Route 611 South and Highland Boulevard within the City.

The following Resolution was introduced by Dr. Warner:

31-2012

The above Resolution was adopted on motion of Dr. Warner and Dr. Ruggles by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would grant an easement to Metropolitan Edison Company for a primary wire crossing over a small section of the north side of the Eddyside Parcel for the purpose of providing electric service to the adjoining parcel.

Mayor Panto questioned if the City should have an Easement Agreement signed by both parties.

Mr. Murphy answered in the affirmative.

The proposed Resolution was withdrawn by Dr. Warner.

The next item on the Agenda was a proposed Resolution which would authorize the submission of an application to the DCNR for a grant for the purpose of implementing public improvements at Hugh Moore Park.

The following Resolution was introduced by Dr. Warner:

32-2012

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The above Resolution was adopted on motion of Dr. Warner and Dr. Ruggles by the following vote:

Yeas: Fleck, Ruggles, Vulcano, Warner, Warren, Panto, Brown (7)
Nays: None (0)

The next item on the Agenda was a proposed Resolution which would authorize the mayor and Administration to enter into a cooperative agreement with the State Theatre Center of the Arts.

The following Resolution was introduced by Mrs. Vulcano:

33-2012

The above Resolution was adopted on motion of Mrs. Vulcano and Mr. Warren by the following vote:

Yeas: Brown, Panto, Warren, Warner, Vulcano, Ruggles, Fleck (7)
Nays: None (0)

A March 13, 2012 memorandum regarding approval of an Annual Comprehensive Plan Review was received from Director Becky Bradley.

The next item on the Agenda was a proposed Resolution which would adopt the Annual Comprehensive Plan Review of the year 2011 and endorses its application to begin the rewrite of the Plan.

The following Resolution was introduced by Dr. Ruggles:

34-2012

The above Resolution was adopted on motion of Dr. Ruggles and Mr. Brown by the following vote:

Yeas: Ruggles, Vulcano, Warner, Warren, Panto, Brown, Fleck (7)
Nays: None (0)

The next item on the Agenda was a proposed Resolution which would authorize the filing of a required Department of Environmental Protection Environmental covenant for lands in the Karl Stirner Arts Trail.

The following Resolution was introduced by Dr. Ruggles:

35-2012

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The above Resolution was adopted on motion of Dr. Ruggles and Dr. Warner by the following vote:

Yeas: Vulcano, Warner, Warren, Panto, Brown, Fleck, Ruggles (7)
Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve the allocation of \$10,000 to different organizations for their Special Events.

The proposed Resolution was withdrawn to allow Council more time to make their recommendations and decisions.

CITIZENS RIGHT TO BE HEARD

Council allowed anyone that wanted to address Council on any item to do so at the beginning of the meeting.

ADJOURNMENT

With no further business, the meeting was adjourned at 9:42 p.m. on the motion of Mrs. Vulcano and Dr. Warner by the following vote:

Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Fleck, Brown (7)
Nays: None (0)

Thomas A. Hess City Clerk