

Julio A. Guridy, President
Ray O'Connell, Vice President
Joseph Davis
Jeanette Eichenwald
Jeff Glazier
Cynthia Y. Mota
Peter Schweyer



Allentown City Council
435 Hamilton Street
Allentown, Pa. 18101
AllentownPa.Gov

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COUNCIL MEETING
July 17, 2013
COUNCIL CHAMBERS
435 Hamilton Street

PUBLIC HEARING
July 17, 2013 – 6:45 PM
COUNCIL CHAMBERS

INTERMUNICIPAL LIQUOR LICENSE TRANSFER REQUEST

Allentown City Council will conduct a Public Hearing on Wednesday, July 17, 2013 at 6:45 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to take public testimony on the request for the Intermunicipal Transfer of Liquor License Number R-13940 from 10425 Old 22, Kutztown, PA 19530 to City Center Hospitality Three LLC, at 732 Hamilton Street, Allentown, PA 18103. There will be a resolution on the council meeting that follows the public hearing that will allow City Council to approve or disapprove the transfer.

Council Meeting – 7:00 PM

- 1. Invocation: Ray O'Connell**
- 2. Pledge to the Flag**
- 3. Roll Call**
- 4. Courtesy of the Floor**
- 5. Approval of Minutes: June 19, 2013**
- 6. Old Business**
- 7. Communications**
- 8. Committee Meetings**

Budget and Finance: Chairperson Schweyer

Public Safety: Chairperson Eichenwald

Community and Economic Development: Chairperson Davis

Parks and Recreation: Chairperson Mota

Public Works: Chairperson O'Connell

Human Resources, Administration and Appointments: Chairperson Glazier

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy

Special Committee – Tax Exempt Properties – Chairperson Eichenwald

OTHER COMMITTEE REPORTS

Controller's Report

Managing Director's Report

9. APPOINTMENTS:

Electricians Examining Board

James M. Searfoss 01/25/2016

Human Relations Commission Appointments

Gary Noguera 12/31/2013

Jaime G. Gonzalez 11/01/2014

Abdiel Cancel 04/04/2015

10. ORDINANCES FOR FINAL PASSAGE:

Bill 33 HARB PHMC Funding

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Fifteen Thousand (\$15,000) Dollars of funds received from the Pennsylvania Historical and Museum Commission (PHMC) for consulting services for the City's Historic Architectural Review Board (HARB).

Bill 34 Drinking and Storm Water Protection Act

Amending the 2013 General Fund, Sewer Fund and Water Fund by transferring money from these Enterprise Funds to the General Fund to finance and create positions in the Office of the Ombudsman and the Storm Sewer Program under the Department of Public Works.

Bill 29 RV Permit

Amending Article 532, Limitations on the Parking of Trucks and Trailers, Section 532.05, Permit for Loading or Unloading Recreational Vehicles or Truck Campers, by providing for a 48 hour permit rather than a 24 hour permit for loading or unloading such vehicles.

11. ORDINANCES FOR INTRODUCTION:

Bill 35 Amended Establish CGP accounts Ordinance

Refer to CEDC

Amending the 2013-2014 Consolidated Grants Program budget which consists of the Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant Program (ESG) to provide for an additional appropriation of \$ 429,822 in CDBG funds, \$127,777 in HOME funds and a reduction of \$53,482 in ESG funds, for a net increase of \$504,177 in funds.

Bill 36 Appropriation for Special Events

Refer to CEDC

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Twenty-Nine Thousand Five Hundred and Eighty-Five Dollars (\$29,585) to the DCED Office Expenditure Accounts from the DCED Special Events Revenue Account.

Bill 37 Historic District Ordinance

Refer to CEDC

Amends Article 1391, Historic Districts to more specifically define and outline the duties and responsibilities for the Historic Districts.

Bill 38 Street Sidewalk Vendors

Refer to CEDC

Amending Article 740, Street and Sidewalk Vendors, by providing new regulations, licensing and enforcement provisions for mobile vendors seeking to operate on city streets, the public-right-of-way and parking lots.

12. CONSENT AGENDA:

CA-1 HARB Certificates of Appropriateness for work in the Historic Districts

13. RESOLUTIONS ON SECOND READING:

R17 KOZ Expansion

333 Court Street (Adelaide Mills) and 606 S. 10th (Allentown Metal Works)

Authorizes exemptions, deductions, abatements and credits for real property, earned income tax, net profits, mercantile and business privilege taxes within a specific geographic area in Allentown, PA designated as a proposed keystone opportunity expansion zone ("KOEZ"), in order to foster economic opportunities, stimulate industrial, commercial, and residential improvements and prevent physical and infrastructure deterioration within areas of Allentown, PA, Commonwealth of Pennsylvania, upon certain terms and conditions

14. RESOLUTIONS ON FIRST READING:

R19 - City Center Hospitality LLC Transfer

Requested transfer of a Restaurant Liquor License R-13940 from the Makensa Restaurant, LLC, 10425 Old 22, Kutztown, PA 19530 to City Center Hospitality Three, LLC, 732 Hamilton Street, City of Allentown, Lehigh County, be approved

R20 Supports State/Federal Funding for Railway Study

Refer to Public Works

Supports state and/or federal funding for feasibility and marketing study on rail service in the Lehigh Valley.

R21 Amended Action Plan Resolution

Refer to CEDC

Approves the Submission of the Revised Action Plan to the United States Department of Housing and Urban Development

R22 911 Plan Resolution

Refer to Public Safety

Approving the 9-1-1 Triennial Plan – 2014 through 2016

15. NEW BUSINESS

16. GOOD AND WELFARE

17. ADJOURNED



Allentown
City without limits.

Ed Pawlowski, Mayor
City of Allentown
435 Hamilton Street
Allentown, PA 18101-1699
Office 610.437.7546
fax 610.437.8730
Ed.Pawlowski@allentownpa.gov

TO: Michael Hanlon
City Clerk

FROM: Ed Pawlowski *E.P.*
Mayor

DATE: July 1, 2013

SUBJECT: Authorities, Boards, Commissions Appointments

Mayor Pawlowski has approved the following appointment for City Council's consideration.

<u>Name</u>	<u>Authority/Board/Commission</u>	<u>Term to Expire</u>
James M. Searfoss	Electricians Examining Board	01/25/2016

Mr. Searfoss will replace Jacqueline Morales on this board. Her term expired on 1/25/2013. I have attached his resume for your review.

EP/kal

Attachments



Allentown
City without limits.

Ed Pawlowski, Mayor
City of Allentown
435 Hamilton Street
Allentown, PA 18101-1699
Office 610.437.7546
fax 610.437.8730
Ed.Pawlowski@allentownpa.gov

TO: Michael Hanlon
City Clerk

FROM: Ed Pawlowski *EP*
Mayor

DATE: July 10, 2013

SUBJECT: Authorities, Boards, Commissions Appointments

Mayor Pawlowski has approved the following appointments for City Council's consideration.

<u>Name</u>	<u>Authority/Board/Commission</u>	<u>Term to Expire</u>
Abdiel Cancel	Human Relations Commission	04/04/2015
Gary E. Noguera	Human Relations Commission	12/31/2013
Jaime G. Gonzalez	Human Relations Commission	11/01/2014

Mr. Cancel is replacing Adrian Shanker who resigned from this commission; Mr. Noguera is fulfilling the unexpired term of Leslie Suhr who resigned from this commission and Mr. Gonzalez will be fulfilling the unexpired term of Shalon Easterling who resigned from this commission.

EP/kal

Attachments

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 33 - 2013

INTRODUCED BY

JUNE 19, 2013

AN ORDINANCE

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Fifteen Thousand (\$15,000) Dollars of funds received from the Pennsylvania Historical and Museum Commission (PHMC) for consulting services for the City's Historic Architectural Review Board (HARB).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That City Council authorizes an increase to the unappropriated balance of the General Fund in the amount of Fifteen Thousand (\$15,000) Dollars, reflecting receipt of grant funding from the Pennsylvania Historical and Museum Commission for consulting services for the City's Historic Architectural Review Board (HARB).

SECTION TWO: That City Council authorizes a supplemental appropriation from the unappropriated balance of the General Fund to the Historic and Architectural Preservation Program in the Bureau of Planning and Zoning, in the following amounts to the following accounts:

000-09-0902-0004-46	Contract/Services Fees	<u>\$15,000</u>
TOTAL		\$15,000

SECTION THREE: That this Ordinance takes effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

The Bureau of Planning and Zoning

- **Summary and Facts of the Bill**

The Bill will allow the City to accept a \$15,000 Grant through the PA Historical and Museum Comissions Certified Local Government Program. The grant has been awarded to the City for the purposes of securing the services of Historic Consultant to the Historic Architectural Review Board (HARB).

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

The grant will enhance the City's historic preservation program, through the availability of greater expertise and allow for more efficient delivery of sevicees to the public.

The program activity is consistent with the City's Comprehensive Plan because it furthers the goal: "To recognize preserve and promote the architectural and cultural value of the City's historic structures, neighborhoods, and resources. (Historic Preservation)"

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

The grant is for \$15,000 to hire the expertise of a Historic Preservation Consultant. The reimbursement grant will be matched with existing staff time that is already used to administer the City's Historic preservation Program.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The \$15,000 reimbursement grant has been awarded to the City by the Pennsylvania Historical and Museum Commission.

- **Priority status/Deadlines, if any**

This is a high priority since the grant contract period will begin August 1, 2013.

- **Why should Council unanimously support this bill?**

This will be the 3rd year the City has received funding from this program and obtained the services of a Historic Preservation Consultant. The services have been invaluable and have led to an improved overall historic preservation program.

ADMINISTRATION

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 34 – 2013

INTRODUCED BY

JUNE 19, 2013

AN ORDINANCE

Amending the 2013 General Fund, Sewer Fund and Water Fund by transferring money from these Enterprise Funds to the General Fund to finance and create positions in the Office of the Ombudsman and the Storm Sewer Program under the Department of Public Works.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That City Council authorizes the creation of three (3) positions in the Office of the Ombudsman under the Department of Public Works in the General Fund as follows:

000-03-0701-0002

Office of the Ombudsman:

Create 2 positions	Compliance Auditor Salary Range \$58,626 - \$72,522	14N
Create 1 position	Administrative Supervisor Salary Range \$47,082 - \$57,762	09N

SECTION TWO: That City Council authorizes the creation of twenty-one (21) positions in the Storm Sewer Program under the Department of Public Works in the General Fund as follows:

000-03-0716-0002

Storm Sewer:

Create 1 position	Chief Maintenance Supervisor Salary Range \$56,083 - \$69,289	13N
Create 1 position	Maintenance Supervisor (Maintenance) Salary Range \$51,351 - \$63,185	11N
Create 1 position	Maintenance Supervisor (Construction)	11N

	Salary Range \$51,351 - \$63,185	
Create 1 position	Equipment Operator 5 Salary Range \$39,013 - \$52,797	15M
Create 1 position	Equipment Operator 4 Specialist Salary Range \$38,043 - \$51,432	14M
Create 2 positions	Tradesman Salary Range \$37,085 - \$50,065	13M
Create 4 positions	Equipment Operator 3 Specialist Salary Range \$35,300 - \$47,536	11M
Create 8 positions	Maintenance Worker 2 Salary Range \$32,925 - \$44,174	08M
Create 1 position	Line Locator Salary Range \$32,925 - \$44,174	08M
Create 1 position	Clerk 2 Salary Range \$31,526 - \$42,191	06M

SECTION THREE: That City Council authorizes the transfer of Two Hundred Forty-Eight Thousand, Eight Hundred Twenty-Two (\$248,822) Dollars from the Water Fund Interfund Transfer Account (002-02-2721-0001-88) to the unappropriated balance of the General Fund.

SECTION FOUR: That City Council authorizes the transfer of Two Hundred Forty-Eight Thousand, Eight Hundred Twenty-One (\$248,821) Dollars from the Sewer Fund Interfund Transfer Account (003-03-3731-0001-88) to the unappropriated balance of the General Fund.

SECTION FIVE: That City Council authorizes a supplemental appropriation from the unappropriated balance of the General Fund in the following manner:

Office of the Ombudsman		
000-03-0701-0002-02	Permanent Wages	\$ 78,549
Storm Sewer		
000-03-0716-0002-02	Permanent Wages	\$419,094

SECTION SIX: That this Ordinance take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

What Department or bureau is Bill originating from? Where did the initiative for the bill originate?

Department of Public Works

• **Summary and Facts of the Bill**

This legislation transfers funds from the Water and Sewer Enterprise Funds to the General Fund for the initial financing of newly created positions in the Office of the Ombudsman and the Storm Sewer Program within Public Works.

• **Purpose – Please include the following in your explanation:**

- **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
- **What are the Benefits of doing this/Down-side of doing this**
- **How does this Bill related to the City's Vision/Mission/Priorities**

As a result of the lease of the Water and Sewer Departments, the agreement requires the City to create an Office of the Ombudsman to monitor the activities of the concessionaire. This office will consist of three positions which will report to the Director of Public Works – two Compliance Officers and one Administrative Supervisor.

The Storm Sewer aspect of the Water Department will remain under the City's control. Therefore, 21 employees consisting of one Chief Maintenance Supervisor, one Maintenance Supervisor for Maintenance, one Maintenance Supervisory for Construction, one Equipment Operator 5, one Equipment Operator 4 Specialist, two Tradesmen, four Equipment Operator 3 Specialist, eight Maintenance Worker 2, one Line Locator and one Clerk 1. In total, 18 union positions will be returned to the ranks of City employees.

• **Financial Impact – Please include the following in your explanation:**

- **Cost (Initial and ongoing)**
- **Benefits (initial and ongoing)**

• **Funding Sources – Please include the following in your explanation:**

- **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The monies to fund these positions are being transferred from the Water and Sewer Interfund Transfer Accounts into the appropriate permanent wage accounts. In the next budget year, both offices will be paid from the General Fund.

• **Priority status/Deadlines, if any**

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 29 – 2013

Introduced by Councilperson's Schweyer, O'Connell and Gurdy

MAY 15, 2013

AN ORDINANCE

Amending Article 532, Limitations on the Parking of Trucks and Trailers, Section 532.05, Permit for Loading or Unloading Recreational Vehicles or Truck Campers, by providing for a 48 hour permit rather than a 24 hour permit for loading or unloading such vehicles.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 532 be amended to read as follows:

Article 532
LIMITATIONS ON THE PARKING OF TRUCKS AND TRAILERS

532.01 Purpose

532.02 Definitions

532.03 Prohibitions

532.04 Exceptions

532.05 Permit for Loading or Unloading Recreational Vehicles or Truck Campers

532.99 Penalty

14500 (6/25/07) added the BLI as a prohibited district.

14421 (9/15/06) establishes limits on large vehicles that could parking in residential areas.

14468 (2/8/07) prohibited vehicles that have a Class V license or above and prohibits parking in any district other than industrial districts.

532.01 Purpose

Allentown City Council finds it necessary to regulate the parking of large vehicles and trailers to reduce public safety hazards and maintain the quality of residential neighborhoods, thereby preserving the value of property in those districts. The street grid in Allentown predates the manufacturing and licensing of large vehicles and trailers; over 90% of the streets are 36 feet wide, leaving 8 feet for parking and 10 feet for the flow of two lane traffic. Large vehicles and trailers create safety hazards by encroaching into the abutting lane and moving traffic across the center lane. Such parking and obstructions, besides being a public safety issue, impedes the free flow of traffic. Parked close to an intersection, such vehicles and trailers, negatively impact the distance for vehicles entering the street. Large vehicles and trailers parked in residential areas generate complaints from residential neighborhoods in regard to traffic impediments and safety hazards, as well as noise. (14421 §1 9/15/2006)

532.02 Definitions

Bus: A motor vehicle designed to transport 16 or more passengers, including the driver; or, a motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver. The term does not include a vehicle used in a ridesharing arrangement, as defined in the Act of December 14, 1982 (P.L. 1211, No. 279), entitled, "An act

providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements, or a school bus.

Dual Wheel Motor Home: A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck-camper.

Oversized Vehicle: A motor vehicle that has a Class 5 license or above, or any equivalent license or above, or with a Gross Vehicle Weight of over 11,000 pounds. (14468 2/8/07)

Owner: A person, other than a lien holder, having the property right in or title to a motor vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Park or Parking: When permitted, means the temporary storing of a vehicle, whether occupied or not, off the roadway; and, when prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Recreational Trailer: A trailer designed or adopted and used exclusively for recreational purposes.

School Bus: A motor vehicle which is designed to carry 11 passengers or more including the driver and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.

The term does not include a motor vehicle used to transport preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities, which is designed to carry 11 to 15 passengers, including the driver, and which is registered in this Commonwealth as a bus prior to March 1, 1993; or, a motor vehicle which is designed to carry 11 to 15 passengers, including the driver, and which was titled to any public, private or parochial school on or before March 1, 1993, and which is registered to that public, private or parochial school in this Commonwealth as a bus prior to September 15, 1993.

Tractor Trailer: A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Trailer: Every vehicle, wagon or truck without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

Truck Camper: A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space. (14421 §1 9/15/2006)

532.03 Prohibitions

It shall be unlawful for any person to park, or allow to remain parked, on any street or parts of streets, the following vehicles: Buses, dual wheel motor homes, oversized vehicle, school buses, tractor trailers, trailers, truck campers within the districts listed below as defined and circumscribed in the City's Zoning Ordinance; and, on any street abutting such zone; and, that this prohibition shall apply to any designated district established in the Zoning Code except for I-2, Limited Industrial, and I-3, General Industrial Districts. (14500 §1 6/25/07; 14468 §1 2/8/07; 14500 §1 5/25/07; 14468 §1 2/8/07)

532.04 Exceptions

These provisions of this Ordinance shall not apply to:

Vehicles of the City of Allentown, such as fire apparatus and ambulances, or vehicles engaged in the work of a public utility;

Vehicles of service companies, contractors, repairmen, delivery trucks or others actually engaged in working operations in the vicinity during the actual period of such between the hours of 7:00 AM and 8:00 PM. (14421 §1 9/15/2006)

532.05 Permit for Loading or Unloading Recreational Vehicles or Truck Campers

Permits shall be issued by the Allentown Parking Authority to the owners of Recreation vehicles or truck campers for a forty-eight (48) ~~twenty-four (24)~~ hour permit to unload or load said vehicle (14421 §1 9/15/2006; 14742 §1 9/16/09)

532.99 Penalty

For violation of Section 532, Parking of Trucks and Trailers Prohibited In Residential Areas, the owner or operator, within ten (10) days of the time when such notice was attached to his motor vehicle/conveyance, pay as a penalty in full satisfaction of each violation, the sum of Fifty (\$50) Dollars and after ten (10) days, but within twenty (20) days of violation, the sum of One Hundred (\$100) Dollars. In addition to the fine, the Police Department may have the vehicle or trailer immediately towed if the vehicle is posing an immediate safety hazard. (14421 §1 9/15/2006)

SECTION TWO: That this Ordinance take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 35 - 2013

July 17, 2013

An Ordinance

Amending the 2013-2014 Consolidated Grants Program budget which consists of the Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant Program (ESG) to provide for an additional appropriation of \$ 429,822 in CDBG funds, \$127,777 in HOME funds and a reduction of \$53,482 in ESG funds, for a net increase of \$504,177 in funds.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That City Council authorizes an increase to the 2013-2014 Consolidated Grants Program Budget in the amount of \$504,177.

SECTION TWO: That City Council authorizes the supplemental appropriation and use of these funds as follows:

CODE ENFORCEMENT AND REHABILITATION (CDBG)

700-01-7901-0104	Acquisition	\$275,000
700-01-7901-0104	Property Disposition and Management	40,000

PUBLIC SERVICES (CDBG)

700-01-7903-0114	The Salvation Army	44,492
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ADMINISTRATION AND ECONOMIC DEVELOPMENT (CDBG)

700-01-7905-0107	Administration	20,330
700-01-7905-0106	Planning	<u>50,000</u>
		\$ 429,822

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

700-01-7907-0104	Administration	12,778
700-01-7907-0106	Rehabilitation of RACA Owned Properties	<u>114,99</u>
		\$127,777

EMERGENCY SOLUTIONS GRANT PROGRAM (ESG)

700-01-7908-0103	Salvation Army	(\$44,492)
700-01-7908-0104	Administration	(4,001)
700-01-7908-0105	Lehigh County Conference of Churches	
	Homeless Prevention	<u>(4,989)</u>
		(\$53,482)

SECTION THREE: That this Ordinance will take affect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

The Amended Consolidated Grants Program (CGP) ordinance originates in the Department of Community and Economic Development.

On May 1, 2013, City Council approved the Proposed Consolidated Grants Program legislation allocating the federal Community Development Block Grant Program Funds (CDBG), HOME Investment Partnerships Program funds (HOME) and Emergency Solutions Grant (ESG) Program funds. Since that passage, the United States Department of Housing and Urban Development notified the City of Allentown of changes to its allocations for the 2013-2014 Program year.

- **Summary and Facts of the Bill**

This amendment will serve to allocate the additional funds received from the Community Development Block Grant Program (\$429,822); additional funds from the HOME Investment Partnerships Program Grants funds (\$127,777) and a REDUCTION in the Emergency Solutions Program Grant Funds (\$53,482)

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

This ordinance provides the City to allocate the additional funds to the appropriate HUD eligible activities, and to reduce the ESG funded activities accordingly.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

This ordinance provides the City the ability to expend an additional \$504,177 in federal funds to complete a variety of activities including acquisition and disposition, public services, administration of the programs, etc. This legislation has no adverse financial impact on the City and the General Fund.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The funding sources for this ordinance are the federal Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships Program (HOME) and the Emergency Solutions Grant Program (ESG)

- **Priority status/Deadlines, if any**

This bill has a high priority status.

- **Why should Council unanimously support this bill?**

This Ordinance allows for the expenditure of additional federal dollars.

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 36 - 2013

July 17, 2013

An Ordinance

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Twenty-Nine Thousand Five Hundred and Eighty-Five Dollars (\$29,585) to the DCED Office Expenditure Accounts from the DCED Special Events Revenue Account.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That City Council authorizes an increase to the unappropriated balance of the General Fund in the amount of Twenty-Nine Thousand Five Hundred and Eighty-Five Dollars (\$29,585) reflecting receipt of revenue from special events.

SECTION TWO: That City Council authorizes a supplemental appropriation from the DCED Special Events revenue account in the following manner:

From:

General Fund Revenue DCED Special Events
[[000-6194]] \$29,585

To:

Community and Economic Development
Director - Community Development

Business Development Office

[[000-09-0901-0007-50]]	Other Services and Charges	\$27,785.00
[[000-09-0901-0007-30]]	Rentals	\$1,800.00

SECTION THREE: That this Ordinance will take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

What Department or bureau is Bill originating from? Where did the initiative for the bill originate?

Community and Economic Development - Office of Economic Development

• **Summary and Facts of the Bill**

Purpose of the ordinance is to appropriate funds from a revenue account to and expense

• **Purpose – Please include the following in your explanation:**

- **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
- **What are the Benefits of doing this/Down-side of doing this**
- **How does this Bill related to the City's Vision/Mission/Priorities**

The purpose of the bill is to appropriate funds from the Special Event DCED revenue account to DCED Office Economic Development expenditure accounts. Due to an increase in Special Event activities there have been increased expenses. Revenue that has already been raised will cover these costs.

• **Financial Impact – Please include the following in your explanation:**

- **Cost (Initial and ongoing)**
- **Benefits (initial and ongoing)**

There is no financial impact to the City's 2013 budget. There was no revenue budgeted for this account. Revenue derived from sponsorships, vendor fees, donations and food and beverage sales will cover increased costs. This allows for our events to be sustainable.

• **Funding Sources – Please include the following in your explanation:**

- **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The funding source is the Special Events DCED account. Currently (as of June 26, 2013) we have raised the following:

\$10,300 through sponsorships
\$7,910 through vendor fees
\$13,850 through food and beverage sales
\$305 through admissions
\$220 through raffle
\$29,585 TOTAL

• **Priority status/Deadlines, if any**

Funding is necessary to make payment on accounts for expenditures.

• **Why should Council unanimously support this bill?**

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 37 - 2013

July 17, 2013

An Ordinance

Amends Article 1391, Historic Districts to more specifically define and outline the duties and responsibilities for the Historic Districts.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 1391, Historic Districts be amended to read as follows:

**TITLE NINE
SPECIAL DISTRICTS**

**ARTICLE 1391
HISTORIC DISTRICTS**

- 1391.01 Short Title
- 1391.02 Authorization and Purpose
- 1391.03 Definitions
- 1391.04 Designation of Old Allentown Historic District; Adoption of Map;
- 1391.054 Designation of Old Fairgrounds Historic District; Adoption of Map;
- 1391.065 Designation of West Park Historic District; Adoption of Map;
- 1391.076 Certification by Pennsylvania Historical and Museum Commission
- 1391.087 Board of Historical Architectural Review
- 1391.098 Duties and Responsibilities of City Bureau of Code Enforcement and Rehabilitation Building Standards and Safety
- 1391.1009 Consideration by HARB
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1391.01 SHORT TITLE

This article shall be known and may be cited as the Historic District Ordinance. (12314 §1 9/6/78)

1391.02 AUTHORIZATION AND PURPOSE

A. Authorization

This article is enacted in accordance with the provisions of the Historic District Enabling Act of June 13, 1961, P.L. 282, No. 167, 53 P.S. §8001-8006.

B. Purpose

Because the heritage of the City of Allentown is among its most valued and important educational, cultural, and economic assets, it is the intent of the City to provide for the protection of historically and/or architecturally significant buildings, structures, and sites by designating certain sections of the City as historic districts in order to:

1. Protect and improve the quality of its environment through the identification, recognition, conservation, maintenance, and enhancement of buildings, sites, structures, fixtures and open spaces which constitute or reflect distinctive features of the political, economic, social, cultural or architectural history of the City.
2. Foster appropriate use and wider public knowledge and appreciation of such features, sites, structures and open spaces.
3. Encourage public and private efforts in support of such purposes, and by furthering such purposes, promote the public welfare, to strengthen the cultural, educational and economic life of the City.
4. Encourage new and/or contemporary design which is visually compatible and sensitive to adjacent sites, structures and the immediate environment. (12314 §1 9/6/78)
5. Support other City policies within but not limited to the Comprehensive Plan and programs furthering historic design objectives such as the zoning ordinance to ensure cohesive development strategies.

1391.03 DEFINITIONS

A. For the purpose of this ordinance, all words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory. The word "used" includes "designated, intended, built, or arranged to be used."

B. Terms

1. Alteration – For the purpose of this ordinance an alteration shall mean, a change in design, texture, material, size or shape of an exterior architectural feature that can be seen from a public right-of-way (street, alley, sidewalk etc.)

2. Building – any structure in excess of 150 sq. ft. having a roof and enclosed sides and any unroofed platform, terrace or porch having a vertical face higher than 3 feet above the level of the ground from which the height of the building is measured. All buildings are structures, but only those structures that meet this definition shall be considered buildings.
3. Building, or Demolition Permit – An official document or certificate issued by the City authorizing the construction, erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building located in a designated historic district.
4. Building Permit Application – The request filed by any person with the Building Inspector or Codes Administrator that seeks authorization to erect, alter, reconstruct, repair, restore, demolish, or raze all or a part of any building or structure listed in the municipality's within a historic district that requires a certificate of appropriateness.
5. Bureau of Building Standards and Safety - The City Bureau designated by Ordinance to administer and enforce the City's Building, Housing and Property Maintenance Ordinances.
6. Certificate of Appropriateness – A certificate, approved by Allentown City Council, certifying the historical appropriateness of a particular request for the erection, alteration, reconstruction, restoration, demolition, or razing of all or a part of any building or structure within a historic district and authorizes the issuance of a building permit (if required) for said request.
7. Demolition – The dismantling or tearing down of all or part of any building and all operations incidental thereto, including neglecting routine maintenance and repairs which can lead to deterioration and decay.
8. Demolition by neglect – The absence of routine maintenance and repair which can lead to a building's or structure's structural weakness, decay and deterioration resulting in its demolition.
9. Erection – The result of construction such as a building, structure, monument, sign, or object on the ground or on a structure or building.
10. Historical Architectural Review Board – (HARB) – The agency that advises, Allentown City Council, the City of Allentown and applicants on any requests for authorization to erect, alter, reconstruct, repair, restore, demolish all or part of any building within a historic district.
11. Reconstruction – The act or process of reproducing by new construction the exact form and detail of a demolished building, structure, or object, or a part thereof, as it appeared at a specific period of time but not necessarily of original material.
12. Routine maintenance and repair – For the purpose of this article, routine maintenance and repair shall mean any work done on any building or structure, any replacement of any part of the building or structure for which there is no material change or change in the design, texture or arrangement for which a building permit is not required where the purpose and effect of such maintenance, repairs or replacement is to correct any deterioration, decay or

damage or any part of said building or structure and to restore same as nearly as may be possible, to its condition prior to the occurrence of such deterioration, decay or damage.

13. Sign – Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business.
14. Staff Approval – A written approval from the HARB Secretary or designee for alterations listed and described in the “Guidelines for Historic Districts” adopted by HARB on June 25, 2012 and as amended.
15. Structure – Anything constructed or erected, which requires its permanent location on or below the ground, or which is permanently attached to something having permanent location upon the ground, including among others, buildings, sheds, porches, fences and display signs.

1391.03 04 DESIGNATION OF OLD ALLENTOWN HISTORIC DISTRICT ADOPTION OF MAP; IDENTIFICATION OF MAP

A. Designation of *Old Allentown Historic District*

The limits of Old Allentown Historic District hereby designated an historical district, are defined as follows:

Beginning at a point, said point being the intersection of the center lines of Liberty Street and North Hall Street; thence, in a southwardly direction along the center line of North Hall Street to a point, said point being the intersection of the center lines of North Hall Street and Turner Street; thence, westwardly along the center lines of Turner Street to a point; said point being the intersection of the center lines of Turner Street and North Fountain Street; thence, in a southwardly direction along the center line of North Fountain Street to a point; said point being the intersection of the center lines of North Fountain Street and Linden Street; thence, in a westwardly direction along the center line of Linden Street to a point, said point being the intersection of the center lines of Linden Street and North Howard Street; thence, in a southwardly direction along the center line of North Howard Street to a point, said point being the intersection of the center lines of North Howard Street and Court Street; thence, westwardly along the center line of Court Street to a point; said point being the intersection of the center lines of Court Street and North Blank Street; thence, in a northwardly direction along the center line of North Blank Street to a point, said point being the intersection of the center lines of North Blank Street and Newton Street, thence in an eastwardly direction along the center line of Newton Street to a point, said point being the intersection of the center line of Newton Street and the rear property line of 142 North Twelfth Street; thence, northwardly along the rear property line 142, 144, 146, 148, 150, 152, 154, 156 and 158 North Twelfth Street extended to a point, said point being the intersection of the rear property line of 158 North Twelfth Street extended and the center line of Turner Street, thence, eastwardly along the center line of Turner Street to a point, said point being the intersection of the center lines of Turner Street and North Twelfth Street, thence in a northwardly direction along the center line of North Twelfth Street to a point, said point being the intersection of the center lines of North Twelfth Street and Liberty Street, thence, eastwardly along the center line of Liberty Street to point of beginning.

Beginning at a point along the center line of Turner Street; said point being the intersection of the center line of Turner Street and the eastern property line of 828 Turner Street; thence, southwardly to a

point; said point being the southeast property corner of 828 Turner Street; thence, westwardly along the rear property lines of 828 Turner Street, 834 Turner Street, and 836 Turner Street to a point; said point being the southwest property corner of 836 Turner Street; thence, northwardly along the property line that divides 836 Turner Street and 145 North Ninth Street to a point; said point being the intersection with the centerline of Turner Street; as shown on Exhibit A. (13692 §1 9/3/98)

B. Adoption of Map

Old Allentown Historic District is hereby designated into zones or districts, as shown on the "Old Allentown Historic District Map," which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article.

C. Identification of Map

The Old Allentown Historic District Map shall be identified by the signature of the Mayor, properly attested and bearing the Seal of the City under the following words: "This is to certify that this is the Old Allentown Historic District Map referred to in Section 1391.03 of the Codified Ordinances of the City of Allentown, Pennsylvania," together with the date of the adoption of this ordinance. (12314 §1 9/6/78)

1391.04 05 DESIGNATION OF "OLD FAIRGROUNDS HISTORIC DISTRICT"; ADOPTION OF MAP; IDENTIFICATION OF MAP

A. Designation of *Old Fairgrounds Historic District*

The limits of Old Fairgrounds Historic District hereby designated an historical district, are defined as follows:

Beginning at a point, said point being the intersection of the center lines of Tilghman Street and North Levan Street; thence, in a southwardly direction along the center line of North Levan Street to a point, said point being the intersection of the center lines of North Levan Street and Pratt Street; thence, in a westwardly direction along the center line of Pratt Street to a point, said point being the intersection of the center lines of Pratt Street and North Fifth Street; thence, in a southwardly direction along the center line of North Fifth Street to a point, said point being the intersection of the center lines of North Fifth Street and Liberty Street; thence, in an eastwardly direction along the center line of Liberty Street to a point, said point being the intersection of the center lines of Liberty Street and North Levan Street; thence, in a southwardly direction along the center line of North Levan Street to a point, said point being the intersection of the center lines of North Levan Street extended and the southern property line of 407 North Fifth Street; thence, in a westwardly direction along the southern property line of 407 North Fifth Street to a point, said point being the intersection of the southern property line of 407 North Fifth Street extended and the center line of North Fifth Street; thence, in a southwardly direction along the center line of North Fifth Street to a point, said point being the intersection of the center lines of North Fifth Street and Gordon Street; thence, westwardly along the center line of Gordon Street to a point, said point being the intersection of the center lines of Gordon Street and North Morris Street; thence, in a northwardly direction along the center line of North Morris Street; thence, in a northwardly direction along the center line of North Morris Street extended and traversing in a straight line through the properties of 429, 431, and 433 North Seventh Street to the rear common property lines of 435 and 437 North Seventh Street, and 436, 436-1/2 and 438 North Church Street; thence, continuing in a northwardly direction along said rear common property lines extended and traversing in a straight line through the property of 439 North Seventh Street to the rear common property line of 441 North Seventh Street and 442 North Church Street; thence, continuing in a northwardly direction along said rear common property line to a point, said point being the intersection of the rear common property line to a point, said point being the intersection of the rear common property line of 441 North

Seventh Street and 442 North Church Street and the southern property line of 443 North Seventh Street; thence, continuing in an eastwardly direction along the southern property line of 443 North Seventh Street to a point, said point being the intersection of the southern property line of 443 North Seventh Street and the rear common property line of 443 North Seventh Street and 442-1/2 and 444 North Church Street; thence, continuing in a northwardly direction along said rear common property line to a point, one hundred nineteen and five-tenths (119.5') feet from the intersection of the western property line of 445-447 North Seventh Street and the southern property line of 445-447 North Seventh Street; thence, continuing in a northwardly direction to the intersection of the northern property line of said property and one hundred nineteen and five-tenths (119.5') feet from the intersection of the western property line of 445-447 North Seventh Street and northern property line of 445-447 North Seventh Street; thence, continuing in a northwardly direction from said point to the center line of Liberty Street; thence, continuing in a westwardly direction to a point, said point being the intersection of the center lines of Liberty Street and North Morris Street; thence, continuing in a northwardly direction along the center line of Morris Street to a point, said point being the intersection of the center lines of North Morris Street and Tilghman Streets; thence, continuing in an eastwardly direction along the center line of Tilghman Street to the point of beginning.

B. Adoption of Map

Old Fairgrounds Historic District is hereby designated into zones or districts, as shown on the "Old Fairgrounds Historic District Map", which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article.

C. Identification of Map

The Old Fairgrounds Historic District map shall be identified by the signature of the Mayor, properly attested and bearing the Seal of the City under the following words: "This is to certify that this is the Old Fairgrounds Historic District Map referred to in Section 1391.03.5 of the Codified Ordinances of the City of Allentown, Pennsylvania," together with the date of the adoption of this ordinance. (12467 §1 6/17/81)

1391.05 06 DESIGNATION OF WEST PARK HISTORIC DISTRICT; ADOPTION OF MAP; IDENTIFICATION OF MAP

1. Designation of West Park Historic District

The limits of the West Park Historic District, hereby designated an historical district, are defined as follows:

Beginning at the intersection of the centerline of North West Street with the centerline of Chew Street; thence, northwardly, along the centerline of North West Street to its intersection with the centerline of Monroe Street; thence, eastwardly, along the centerline of Monroe Street to its intersection with the centerline of North 15th Street; thence, southwardly along the centerline of North 15th Street to its intersection with the centerline of Emmett Street; thence, westwardly, along the centerline of Emmett Street to its intersection with the centerline of North Rush Street; thence, southwardly, along the centerline of North Rush Street to its intersection with the centerline of Russell Street; thence, eastwardly, along the centerline of Russell Street to its intersection with the centerline of North 15th Street; thence, southwardly, along the centerline of North 15th Street to its intersection with the centerline of Court Street; thence, westwardly, along the centerline of Court Street to its intersection with the centerline of North Fulton Street; thence, northwardly, along the centerline of North Fulton Street to its intersection with a line located 190 feet, plus or minus, south and parallel to the southern property line of Linden Street, this line bisecting the properties of the Masonic Temple and intended to mark the partition between the original Masonic Temple and its addition;

thence, westwardly, along said line to its intersection with the centerline of North 16th Street; thence, southwardly, along the centerline of North 16th Street to its intersection with the centerline of Court Street; thence, westwardly, along the centerline of Court Street to its intersection with the centerline of North 17th Street; thence, northwardly, along the centerline of North 17th Street to its intersection with the centerline of Linden Street; thence, westwardly, along the centerline of Linden Street to its intersection with the centerline of North St. Cloud Street; thence, northwardly, along a line located 280 feet west and parallel to the western property line of North 17th Street, this line bisecting the William Allen High School property and intended to mark the centerline of North St. Cloud Street if extended north to its intersection with the centerline of Turner Street; thence, eastwardly, along the centerline of Turner Street to its intersection with the centerline of North 17th Street; thence, northwardly, along the centerline of North 17th Street to its intersection with Chew Street; thence, eastwardly, along the centerline of Chew Street to its intersection with the centerline of North West Street, the point or place of beginning.

Beginning at a point along the centerline of North 15th Street, said point being the intersection of the centerline of North 15th Street with the centerline of Webster Street; thence, eastwardly along the centerline of Webster Street to its intersection with the centerline of North 14th Street; thence, southwardly along the centerline of North 14th Street to its intersection with the centerline of Edison Street; thence, westwardly along the centerline of Edison Street to a point, said point being the eastern property line of 33 North 15th Street; thence, southwardly along the eastern property lines of 33 North 15th Street, 31 North 15th Street, 27 North 15th Street and 25 North 15th Street to a point, that point being the centerline of Court Street; thence, westwardly along the centerline of Court Street to its intersection with the centerline of North 15th Street; thence northwardly along the centerline of North 15th Street to its intersection with the centerline of Webster Street, the point or place of beginning; as shown on Exhibit B. (14123 §1 11/6/03)

B. Adoption of Map

West Park Historic District is attached hereto as Exhibit 1 titled, "West Park Historic District Map," which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article.

C. Identification of Map

The West Park Historic District Map shall be identified by the signature of the Mayor, properly attested and bearing the Seal of the City under the following words: "This is to certify that this is the West Park Historic District Map referred to in Section 1391.05 of the Codified Ordinances of the City of Allentown, Pennsylvania," together with the date of the adoption of this Ordinance. (13881 §1 12/21/00)

1391.06 07 CERTIFICATION BY PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

Immediately upon the adoption of this article, the Mayor shall forward a copy thereof to the Pennsylvania Historical Museum Commission. This article shall not take effect until the said Commission has certified by resolution to the historical and/or architectural significance of the district. The Mayor and the City Clerk are further directed to place such certification among the municipal records of the City. (12314 §1 9/6/78)

1391.07 08 ~~BOARD OF~~ HISTORICAL ARCHITECTURAL REVIEW BOARD

A. Creation & Composition

A Board of Historical Architectural Review hereinafter HARB is hereby established and shall be composed of seven (7) members and four (4) alternate members appointed by City Council. The members of the HARB shall be as follows: One member and one alternate member shall be a registered architect; one member and one alternate member shall be a licensed real estate broker; one member and one alternate member shall be a building inspector; four (4) members and one alternate shall be persons with knowledge of and interest in the preservation of the historic district(s) and at least three (3) members of the HARB shall be residents or property owners of the historic district(s). All members and alternate members shall be City residents, or at the discretion of Council, persons not residents of the City but who have a significant property or business interest in the City may be selected to serve. (14321 §1 9/22/05 14952 §1 12/26/2011)

B. Terms

The initial terms of the first seven (7) members shall be as follows: Three (3) shall serve until the first Monday of January, 1980, two (2) shall serve until the first Monday of January, 1981; and two (2) shall serve until the first Monday of January, 1982. Alternate members' terms shall run concurrently with those of the respective HARB members. Their successors shall be appointed on the expiration of their respective terms to serve three (3) years.

C. Vacancies

The position of any member of the HARB appointed in his capacity as a registered architect, a licensed real estate broker, City building inspector, a contractor, or resident of the historic district who ceases to be so engaged, shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

D. Removal

Council may remove any member for cause after a public hearing.

E. Quorum & Voting

A majority of the HARB shall constitute a quorum and action take at any meeting shall require the affirmative vote of a majority of the HARB.

F. Duties and Powers

The HARB shall have the following duties and powers:

1. Give counsel to the City Council regarding the advisability of issuing any Certificates of Appropriateness required to be issued pursuant to said Act of June, 1961, P.L. 282, No. 167, and this article. For this purpose, the HARB may adopt and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the municipality and the laws of the Commonwealth.

2. Develop and continue an effective program of historic preservation with the Bureau of Planning, and act in collaboration with other appropriate agencies that may be able to provide assistance.

3. To propose from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts. Any proposed new or expansion of existing districts must be considered historically significant by the Pennsylvania Historical and Museum Commission's Bureau for Historic Preservation and will follow the designation process outlined in the Historic District Enabling Act of June 13, 1961, P.L. 282, No. 167, 53 P.S. §8001-8006.

4. To cooperate with and advise the City Council and other municipal agencies, boards and commissions in matters involving the historic significance or historic preservation of districts, sites, structures and buildings of historical or architectural significance.

5. To advise owners of buildings on ~~problems~~ the benefits of historic preservation.

6. To promote public interest in the purpose of this article.

7. To encourage those owning buildings in an historic district to consult with the HARB concerning such physical aspects promoting maintenance that is in keeping with the general historic and architectural character of the district.

G. Meetings

Meetings shall be held at least once a month and at the call of the Chairman or at such other times as the Board may determine. The Board shall fix a reasonable time for their meetings so that City Council can consider the issuance of the Certificate of Appropriateness and Council's action shall not exceed seventy-five (75) days from the date of the application for the Certificate of Appropriateness. (12614 §1 8/1/84)

1391.08 09 DUTIES AND RESPONSIBILITIES OF CITY BUREAU OF CODE ENFORCEMENT AND REHABILITATION PROCEDURES FOR OBTAINING A BUILDING PERMIT IN A HISTORIC DISTRICT

A. A.—Permit Issuance

~~A Building Permit shall be required from t~~ The Bureau of Building Standards and Safety for any erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure in an historic district which will affect the exterior historic or architectural features that are visible from a public right-of-way or nature of the district ~~The building permit shall not be issued until:~~

1. ~~the City Council has reviewed the recommendations of the HARB and has issued a Certificate of Appropriateness or~~
2. the HARB Secretary has reviewed the application and determined the permit request meets the criteria for a Staff Approval described in the publication *Guidelines for Historic Districts*, adopted June 25, 2012 and as updated by the HARB and approved by resolution of City Council.

B. Upon receipt of an application for a building permit for work to be done within the limits of the historic district that is visible from a public right-of-way, the Bureau of Building Standards and Safety Code Enforcement and Rehabilitation shall act in accordance with the ordinances, regulations and practices then in effect with regard to the issuance of such permits and in addition:

1. ~~The Bureau shall~~ Shall immediately forward to the ~~Office of the~~ HARB Secretary a copy of the application for a building permit together with a copy of the plot plan, building plan and specifications filed by the applicant.

2. ~~The Bureau shall~~ Shall maintain a record of all such applications and the final disposition of the same, which shall be in addition to and appropriately cross-referenced to the Bureau's other records.

3. ~~The Bureau shall~~ Shall require applicants to submit post said property by displaying conspicuously a sign (at least six (6") inches by twelve (12) inches) indicating that an application for a building permit has been filed and a sufficient number of additional copies of materials to be attached to an application for a building permit, together with such additional information and materials as may be reasonably required by the regulations of the HARB in order to permit compliance with the foregoing requirements.

C. ~~The HARB Secretary shall be advised of all zoning applications for all properties within the limits of the historic district that are filed with the Bureau of Code Enforcement and Rehabilitation have the authority to provide staff approvals for permit requests that meet the criteria described in the publication Guidelines for Historic~~ have the authority to provide staff approvals for permit requests that meet the criteria described in the publication *Guidelines for Historic Districts*, adopted June 25, 2012 and as updated by the HARB and approved by resolution of City Council.

~~DC.~~ Upon receipt of the written Staff Approval from the HARB Secretary or from City Council of the written approval of an application for a Certificate of Appropriateness from City Council, the Bureau of Building Standards and Safety shall issue a building permit for the work covered.

~~ED.~~ Upon receipt from City Council of the written disapproval of an application for a Certificate of Appropriateness, the Bureau of Building Safety and Standards shall disapprove the application for a building permit and so advise the applicant. (12314 §1 9/6/78)

1391.0910 CONSIDERATION BY HARB

Upon receipt by the HARB ~~Secretary~~ of a notice that an application for a building permit has been filed ~~with the Bureau of Code Enforcement and Rehabilitation~~, the HARB ~~Secretary~~ shall determine whether this article applies and notify the Bureau of Building Standards and Safety and transmit its recommendations to City Council or statement that this article is not applicable to the Bureau of Code Enforcement and Rehabilitation. If this article applies, the HARB shall consider the application at a public meeting. The person(s) applying for the permit shall be advised of the time and place of the meeting at least six (6) days prior to said meeting and shall be invited to submit testimony. The HARB shall submit its recommendations in writing to the City Council within ten (10) days following the meeting at which an application is considered. (12314 §1 9/6/78)

1391.4011 CRITERIA FOR ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

In determining the recommendations to be presented to the Council concerning the issuing of a Certificate of Appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure within the limits of the historic districts, the HARB shall consider the criteria below and the *Guidelines for Historic Districts: Restoring, Maintaining and Preserving the Old Allentown, Old Fairgrounds, and West Park Historic Districts*, dated June 25, 2012. These guidelines may be periodically updated by the HARB and approved by resolution of City Council. (15006 §3 7/18/12)

A. Review Criteria

- 1 The effect of the proposed changes upon the general historic and architectural nature of the district.
2. The appropriateness of exterior architectural features which can be seen from a public street or way only.

3. The general design, arrangement, texture, material, and color (only when integral to a product such as shingles or siding, but not including paint color) of the building or structure and the relation of such factors to similar features of buildings, structures, or sites in the district. (15006 §3 7/18/12)
4. Any matter pertinent to the preservation of the historic aspect and nature of the district. (12314 §1 9/6/78; 15006 § 7/18/12)

1391.4412 MODIFICATIONS IN APPLICATIONS

If the HARB, on the basis of the information received at the meeting and from its general background and knowledge, decides to disapprove the granting of a Certificate of Appropriateness, it shall indicate to the applicant for a building permit, the changes in plans and specifications, if any, which in the opinion of the HARB would protect the distinctive historical/architectural character of the district and thereby enable the Certificate of Appropriateness to be issued. The HARB shall withhold its report to City Council for a period of five (5) days following its decision to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that the suggested changes will be made, ~~he~~ the applicant shall so advise the HARB which shall advise the City Council accordingly. (12314 §1 9/6/78)

1391.4213 RECOMMENDATIONS TO CITY COUNCIL

The HARB, after compliance with 1391.0810 and 1391.1109 of this article, shall submit to City Council, in writing, recommendations concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure within the limits of the historic district. The written report shall set out the following matters:

1. The exact location of the area in which the work is to be done.
2. The proposed exterior changes to be made or the proposed exterior character of the structure to be erected.
3. The general design, arrangement, texture, material, and exterior architectural features of the building or structure and the relation of such factors to be similar features of buildings, structures and sites within reasonable proximity to said structure.
4. The opinion of the HARB, including any dissent, as to the appropriateness of the work proposed as it will preserve or destroy the historic architectural aspect and nature of the district.
5. The specific recommendations of the HARB as to be issuance by the City Council or its refusal to issue a Certificate of Appropriateness. (12314 §1 9/6/78)

1391.4314 ACTIONS OF CITY COUNCIL CONCERNING APPLICATIONS

Upon receipt of the written recommendations of the HARB as provided in Section 1391.4013 of this article, the City Council shall consider at the next regular meeting or a special meeting, the question of issuing to the Bureau of Building Standards and Safety Code Enforcement and Rehabilitation a Certificate of Appropriateness authorizing a permit for the work to be covered by the application. The applicant shall be advised by the City Clerk of the time and place of the meeting at which time his application will be

considered and the applicant shall have the right to attend and be heard in support of the application. In determining whether or not to certify to the appropriateness of the proposed erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure, within the limits of the historic district, the City Council shall consider the same factors as the HARB as set forth in Section 1391.0811 of this article, and the report of the HARB. If the City Council approves the application, it shall issue a Certificate of Appropriateness authorizing the Bureau of Building Standards and Safety Code Enforcement and Rehabilitation to issue a permit for the work covered. If the City Council disapproves, it shall do so in writing and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historic or architectural character of the district. Council shall not consider any matters not pertinent to the historical/architectural aspect and nature of the district. (12314 §1 9/6/78)

1391.1415 APPEALS

Any person desiring to appeal City Council's disapproval of a certificate of appropriateness may file an appeal to the Lehigh County Court of Common Pleas as provided for by laws of the commonwealth. Any person aggrieved by failure of the Bureau of Code Enforcement and Rehabilitation to issue a permit for such building, structure, or site changes by reason of the disapproval may appeal therefrom as provided by law and the Ordinances of the City of Allentown. (12314 §1 9/6/78)

1391.16 EXCLUSIONS

The provisions of this article shall not be construed to:

A. Require the issuance of a Certificate of Appropriateness prior to undertaking any routine maintenance or repair of any exterior architectural feature of any building or structure which does not involve a change in design, arrangement, texture or material. For the purpose of this article, routine maintenance and repair shall mean any work done on any building or structure, any replacement of any part of the building or structure (for which there is no material change or change in the design, texture or arrangement) for which a building permit is not required where the purpose and effect of such maintenance, repairs or replacement is to correct any deterioration, decay or damage or any part of said building or structure and to restore same as nearly as may be possible, to its condition prior to the occurrence of such deterioration, decay or damage.

B. Require any action by the owner (other than preservation against decay, deterioration, repair and routine maintenance as stipulated in this section) to comply with the intent of this article before the said owner voluntarily chooses to erect, reconstruct, alter, restore, demolish, or raze all or part of the exterior of a building or structure. Routine maintenance is encouraged to maintain the City's architectural heritage, property values and avoidance of demolition by neglect.

C. Require a level of maintenance greater than that required under provisions of other pertinent municipal regulations. (12314 §1 9/6/78)

1391.17 UNREASONABLE ECONOMIC HARDSHIP

A. When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner of record must present evidence sufficient to prove that as a result of council's action, he is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The owner of record shall submit by affidavit to the review board some or all of the information below at the discretion of the HARB, which shall include but not be limited to the following:

1. Date the property was acquired by its current owner.
 2. Price paid for the property (if acquired by purchase) and a description of the relationship, if any, between the buyer and the seller of the property.
 3. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two (2) years.
 4. Current market value of the property.
 5. Equity in the property.
 6. Past and current income and expense statements for the past two (2) years.
 7. Past capital expenditures during ownership of current owner.
 8. Appraisals of the property obtained within the previous two years.
 9. Income and property tax factors affecting the property.
 10. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none was obtained.
 11. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
 12. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the review board for changes necessary for it to approve a certificate of appropriateness.
 13. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.
 14. The review board may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.
- B. Should the review board determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The review board may choose to recommend to the City that special economic incentives be developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.
- C. The review board may seek the assistance of appropriateness local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If the review board chooses to explore such options, the review board may delay issuing

a Certificate of Appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.

- D. Should the applicant satisfy the review board that he will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the review board and property owner be unable to develop a solution which can relieve the owner's economic hardship, the review board must recommend a Certificate of Appropriateness for the proposed demolition or alteration, or new construction.

1391.98 SEVERABILITY

If any section, paragraph, subsection, clause or provisions of this article shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this article as a whole, or any part thereof. (12314 §1 9/6/78)

1391.99 PENALTY AND ENFORCEMENT

A. Penalty

Any person, property owner, occupant, firm or contractor failing to obtain a building permit or Certificate of Appropriateness pursuant to this Ordinance shall be fined the sum of \$300.00 for each day the violation is unabated. ~~Any person, owner, occupant, firm, corporation or contractor who does work or attempts to do work on all or part of any building or structure within the limits of the Historic Districts without first obtaining a permit of Certificate of Appropriateness in compliance with this article, shall be fined not more than Three Hundred (\$300.00) Dollars or imprisoned not more than ninety (90) days or both. (12492 §1 12/16/81)~~

B. Enforcement

The City shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article the same as in its enforcement of the Building Code of the City of Allentown, as amended. (12492 §1 12/16/81; 13881 §1 12/21/00)

SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Bureau of Planning and Zoning

- **Summary and Facts of the Bill**

The Bureau performed a comprehensive review of Ordinance #1391, the Historic District Ordinance. Much of the ordinance has not been updated since it was enacted in 1978. The proposed updated ordinance has relatively minor changes with no real policy implications. The most significant change is a section that was added at the urging of the SHPO which provides an applicant a path to make a case of economic hardship when he/she feels that the results of an action by the HARB and City Council has the effect of keeping them from obtaining a reasonable return or use of their property. The state supplied the final language for that section.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

The purpose of the update is three fold. 1. Update the ordinance to reflect current City policies and procedures. 2. Incorporate best practices from around the state. 3. Streamline the Historic review process. The proposed changes will improve efficiency and enforcement of the Historic District Ordinance. The ordinance is consistent with the Allentown Comprehensive Plan goal: "To Recognize, preserve, and promote the architectural and cultural value of the City's historic structures, neighborhoods and resources."

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

There is no financial impact anticipated.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

There are no funds associated with this request.

- **Priority status/Deadlines, if any**

In order to comply with conditions of the Certified Local Government Program the City participates in the ordinance should be introduced at the July 17th council meeting

- **Why should Council unanimously support this bill?**

The proposed changes update the ordinance to reflect best practices from around the state and improve efficiency. There are no controversial policy changes made in the update.

- **Committee Action**
- **Public Comments**
- **Body/Text of the Bill**
- **Exhibits**
- **Vote**

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 38 - 2013

July 17, 2013

An Ordinance

Amending Article 740, Street and Sidewalk Vendors, by providing new regulations, licensing and enforcement provisions for mobile vendors seeking to operate on city streets, the public-right-of-way and parking lots.

SECTION ONE: That Article 740 Street and Sidewalk Vendors, be amended to read as follows:

**ARTICLE 740
STREET AND SIDEWALK VENDORS**

- 740.01 Definitions
- 740.02 License Required
- 740.03 Special Events, ~~and~~ Programs and Geographical Areas
- 740.04 Applications
- 740.05 Fee
- 740.06 Issuance
- 740.07 Vending Prohibited in Certain Locations
- 740.08 Limitations on Vending
- 740.09 Prohibited Conduct
- 740.10 Health and Sanitation Requirements for Food Vending
- 740.11 License Expiration and Renewal
- 740.12 ~~Denial, Suspension and Revocation~~ License Suspension or Revocation
- 740.13 Appeal to Vendor Application Review Committee ~~Council~~; Notice and Hearing
- 740.14 ~~Expiration of License~~ Transfer and Display of License
- 740.15 Regulations
- 740.98 Severability
- 740.99 Penalty Enforcement

740.01 DEFINITIONS

For the purposes of this ordinance the following definitions shall apply:

1. **Food** is defined as solid food and beverages allowed to be sold in accordance with this ordinance.
2. **Motor vehicle** is defined as any vehicle used for the displaying, storing, or transporting of articles offered for sale by a vendor, which is required to be licensed and registered by the Department of Motor Vehicles.

3. **Person** is defined as any natural individual firm, trust, partnership, association, or corporation, in his or its own capacity or an administrator, conservator, executor, trustee, receiver, or other representative appointed by a court. Whenever the word "person" is used in any section of this ordinance prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners (both general and limited) or members thereof and such word as applied to corporations shall include the offices, agents, or employees thereof who are responsible for any violation of said section.

4. **Pushcart** is defined as a non-motorized wheeled vehicle propelled solely by human strength.

5. **Stand** is defined as any table, showcase, bench, booth, rack, pushcart, or any other wheeled vehicle or fixture which may be removed without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for displaying, storing or transporting of articles offered for sale by a vendor.

6. **Vending** is defined as the act of selling, offering for sale, transferring, or offering to transfer to another for pecuniary gain.

7. **Vendor** is defined as any person engaged in the selling or offering for sale of food, beverages, services or merchandise on the public streets or sidewalks from a stand, pushcart or motor vehicle. Vendor is not considered a canvasser. (12870 §1 10/5/88)

8. **Notice of violation** is defined as a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

9. **Private Property** is defined as any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

10. **Public Officer** is defined as any police officer, authorized inspector, or public official sworn to enforce the City Ordinances.

11. **Sidewalk Area** is defined as the public right-of-way between the property line and the curb line or the established edge of the roadway.

12. **Violation Ticket** is defined as a ticket issued by a police officer or public officer to a person who violates a provision of this Article. (14365 §1 3/7/06; 15003 §1 6/20/12)

13. **Vendor License Review Committee** is defined as an appeal body, whose members are appointed by the Director of Community and Economic Development Director or designee, who reviews vendor applications, issues or denies vendor licenses and hears appeals by vendor applicants who are denied a license.

14. **Exception** is defined as a rule or documented ordinance requirement that does not apply in a particular situation or circumstance.

740.02 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale any food, beverage, service or merchandise on any street, ~~alley, sidewalk, or public park parking lot~~ within the City from any ~~wagon, truck, auto, pushcart, stand, pushcart or motor vehicle upon the streets, sidewalks, alleys or parking lots of the City until the proper~~ unless a street and sidewalk vendor license has been issued by the Department of ~~Administration and Finance~~ Community and Economic Development, at which time a license tag shall be furnished, upon which license tag shall be the words describing the kind of vendor, ~~and the year or part of the year for which the license is paid, and the following words, "The issuance of this license does not constitute an endorsement by the City of Allentown of any article sold pursuant to the terms of this license."~~ Such license tag shall be, at all times during the period for which the license is paid, securely affixed and attached in a conspicuous place upon the stand, ~~wagon, truck, auto, pushcart or motor vehicle~~ other vehicle used in the business by the vendor. (12876 §1 10/5/88)

Vendors shall be required to obtain a Business License prior to opening and shall be required to pay Occupational Privilege Tax for all employees. When obtaining a Business License, stationary vendor locations must be approved through the City of Allentown Zoning Office. Those selling food shall be required to obtain a Health License. A Health License does not give a vendor privilege to sell food in prohibited locations as described in Section 740.07

740.03 SPECIAL EVENTS, PROGRAMS AND GEOGRAPHICAL AREAS

A. Licenses issued to vendors shall not be applicable within certain areas of the City designated by the ~~Mayor and~~ Director of Community and Economic Development during specific time periods designated for authorized special events. The areas so designated shall not encompass more than five (5%) percent of the total land area of the City; the total of the time periods so specified shall not exceed thirty (30) days in any year.

B. For specific City authorized events and programs, the Director of Community and Economic Development or designee ~~and the Mayor~~ may grant written permission for exceptions to the provisions of Section 740.07 regarding vending locations, Section 740.05 regarding vending fee and Section 740.08 regarding merchandise vended and vending hours according to written guidelines for the specific event. (12876 §1 10/5/88)

C. For specific geographical areas of the City, the Director of Community and Economic Development or designee may grant written permission for exceptions to 740.07 regarding vending prohibited in certain locations, 740.08 regarding limitations on vending and 740.09 regarding prohibited conduct according to written guidelines for the geographical areas.

740.04 APPLICATIONS

The application for a vendor's license shall include:

1. Name, daytime and evening phone number, home and business address of the owner applicant ~~and the name and address of the owner, if other than the applicant,~~ of the vending business, stand, pushcart or motor vehicle to be used in the operation of the vending business. ~~If employed, the applicant together with credentials establishing the exact relationship.~~
2. A description of the type of food, service, or merchandise to be sold.
3. The place or places where applicant proposes to vend.
4. The days and hours of operation.

5. A description, dimensions and photograph, blueprint or drawing of any stand, pushcart or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business. Include in the description any tables, crates, cartons, racks or other devices to be used to increase the displaying capacity of the stand, pushcart or motor vehicle. Photograph shall be of standard motor vehicle in operational mode. Stand or pushcart may not have dimensions which exceed 4 feet in width, 8 feet in length and 8 feet in height without additional encroachment approval from the Allentown Department of Engineering.

~~5. Three (3) two-inch (2") by two-inch (2") prints of a full face photograph, taken not more than thirty (30) days prior to the date of the application, of any person who shall sell, or offer for sale, any food, service, or merchandise on any street or sidewalk within the City. (12870 §1 10/5/88)~~

6. Submission of a current liability insurance policy with a \$1,000,000 coverage that must remain active during the term of the vendor license. City of Allentown must be listed as an additional insured.

7. A signed lease from the property owner if the vendor plans to operate on commercial private property.

740.05 FEE

A. A non-refundable application fee of Fifty (\$50) Dollars shall be required from all applicants. An approved vendor shall be required to pay an additional Two Hundred Fifty (\$250) Dollars prior to receiving their license.

~~A. The license fees as required herein are to be established in accordance with the requirements of the Charter.~~

~~B. None of the license fees provided for by this ordinance shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the Department of Administration and Finance for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. The application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the officer may deem necessary in order to determine the extent, if any, of the undue burden on such commerce. The Department shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make finds of fact from which he shall determine whether the fee fixed by this ordinance is unfair, unreasonable or discriminatory as to applicant's business, and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the officer shall have the power to base the fee upon a percentage of gross sales or any other method which shall assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection (a) hereof. Should the Department determine the gross sales measure of the fee to be the fair basis, he may required the applicant to submit, either at the time of termination of applicant's business in the City or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor. However, no additional fee during any one calendar year shall be required after the licensee has paid an amount equal to the annual license as prescribed in Section 710.05(a).~~

BG. No fee shall be charged of any member of a chartered nonprofit charitable service or youth organization for vending at City authorized events or programs, but any such member engaged in vending as defined herein shall obtain a license as aforesaid. (12870 §1 10/5/88)

740.06 ISSUANCE

Not later than thirty (30) days after the filing of a completed application for a vendor's license, the applicant shall be notified by the Department of Administration and Finance of the decision on the issuance or denial of the license. Failure of the Department to place notification of said decision in the mail or personally notify the applicant with acknowledgment shall require immediate issuance of the requested license to the applicant. The Director of Community and Economic Development or designee shall determine whether to approve or deny the license application based on recommendations by the Vendor License Review Committee. The Director or his designee and the Vendor License Review Committee shall consider the standards set forth in Sections 740.07 through 740.10, in determining whether to grant a license. If the issuance of the license is approved, the Department shall issue the license. If the license is denied, the applicant shall be provided with a statement of the reason therefore, which reasons shall be entered in writing on the application. The applicant shall be entitled to a hearing, pursuant to Section 740.13. (12870 §1 10/5/88)

740.07 VENDING PROHIBITED IN CERTAIN LOCATIONS

Vending is prohibited in the following locations, unless the vendor is granted an exception by the Director of Community and Economic Development or designee: (The securing of a Health License per Section 740.02 does not pre-empt this section.)

1. Within a City park.
2. On the streets adjacent to or bordering a City park. ~~which is designated by the Mayor and the Director of Community Development.~~
3. From a publicly-owned parking lot or metered or controlled parking space, unless the vendor is granted an exception by the Director of the Parking Authority or designee and the Director of Community and Economic Development or designee.
4. Within one hundred (100') feet of any property used for school purposes (elementary and secondary) during school hours.
5. On any sidewalk less than six (6') feet in width.
6. Within fifty (50') feet of any driveway entrance to a police or fire station, or within fifteen (15') feet of any other driveway.
7. Within fifteen (15') feet of any bus stop zone.
8. Within fifteen (15') feet of the pedestrian crosswalk at any intersection, or designated pedestrian crossing point.
9. Within fifteen (15') feet of any handicapped parking space, or access ramp.
10. Within any private property without the written approval of the property owner and the City Zoning Office.
11. Within any sidewalk six (6') feet or more in width without the written approval of the property owner responsible for maintenance of the sidewalk and/or right-of-way area to be obstructed, the City Zoning Office approval and any encroachment permit required by the Bureau of Engineering.

12. Within a residential zoning district (excluding motor food vehicles when the vendors have received written permission from the Director of Community and Economic Development or designee).

~~12. Within the boundaries of the Hamilton Mall except under the provisions of Article 961, as amended, of the Codified Ordinances of the City of Allentown, Hamilton Mall Ordinance. (12870 §1 10/5/88)~~

740.08 LIMITATIONS ON VENDING

Vending shall be subject to all rules and regulations in this ordinance and in addition:

1. No merchandise or service shall be vended or displayed other than food and fresh cut flowers except upon written permission by the Director of Community and Economic Development or designee and the Mayor.

~~2. No vending shall be permitted except between the hours of 9:00 A.M. and thirty (30) minutes after sunset. (12870 §1 10/5/88)~~

2. Vending shall be regulated by operating hours. General hours of operation throughout the City shall be determined by the Director of Community and Economic Development. Special exceptions to the established operating hours shall only be permitted upon written permission by the Director of Community and Economic Development or designee.

3. Merchants may not transact business on the public right-of-way in an area in front of their business unless the merchant is granted an exception from the Director of Community and Economic Development or designee.

4. All approved vendors utilizing City sidewalks for vending shall establish themselves, their displays and the product they are holding out for sale as close as is reasonably possible to the curb line. At no time shall a vendor interfere with or obstruct the free passage of pedestrians upon a sidewalk. Five (5') feet of clearance must be maintained at all times for pedestrian right-of-way.

740.09 PROHIBITED CONDUCT

No vendor shall:

1. Leave any stand, pushcart or motor vehicle unattended.
2. Store, park, or leave any stand or pushcart overnight on any street or sidewalk, or park any motorized vendor vehicle other than in a lawful parking space, in conformance with City and State parking regulations.
3. Sell food for immediate consumption unless he has available for public use his/her own litter trash and recycling receptacle. ~~which is available for his patrons' use.~~
4. Allow or keep any animals in the stand, pushcart or motor vehicle. ~~or stands.~~
5. Leave any location or vending zone without first picking up, removing, recycling and disposing of all trash and refuse remaining within a thirty (30') foot radius. Each vendor shall be responsible for maintaining a thirty (30') foot radius trash and refuse clear area around himself the stand, pushcart or motor vehicle. Said area shall overlap other vendor clean-up areas and no vendor shall leave a location, or vending zone, without cleaning up as required.
6. Allow any items relating to the operating of the vending business to be placed anywhere other than in, on, or under the stand, pushcart or motor vehicle.

7. Set up, maintain, or permit the use of any table, crate, carton, rack, or any other device to increase the selling or displaying capacity of his/her stand, pushcart or motor vehicle, where such items have not been described in his/her application.

8. Solicit or conduct business with persons in motor vehicles located on traffic lanes of public streets and highways.

9. Sell anything other than that for which he is licensed to vend.

10. Use any noise-making device.

11. Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property.

12. Allow any animals to remain within twenty-five (25') feet of a stand for a period longer than necessary to complete a sale to the person having possession, or control of said animal.

13. Expose inventory stock at or near the stand, pushcart or motor vehicle.

~~13.~~14. No vendor vending from a motor vehicle shall:

A. Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.

B. Stop, stand or park his/her motor vehicle upon any street, or permit to remain there except on the approved roadway at the curb for the purpose of vending therefrom; or

Stop, stand or park his/her motor vehicle upon any street for the purpose of selling, or sell on any street under any circumstances during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance, except by special permission for City-sponsored or supported events that result in the closing of that thoroughfare.

C. Stop, stand or park his/her motor vehicle within thirty (30') feet of any intersection, except that vehicles vending products likely to attract children as customers shall park curbside when stopping to make a sale, as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

D. Vend anywhere prohibited by Section 740.07. (12870 §1 10/5/88)

15. Operate on commercial private property without a signed lease from the property owner. A copy of the lease shall be included with the application. Vendors cannot operate on residential private property.

16. Use sidewalk marketing signs on City sidewalks or public parking spaces.

740.10 HEALTH AND SANITATION REQUIREMENTS FOR FOOD VENDING

Vendors of food shall comply with the requirements and standards of all applicable local ordinances, state laws, and federal statutes pertaining to food safety as enforced by the Bureau of Health and other authorized regulatory agencies. (12876 §1 10/5/88)

740.11 LICENSE EXPIRATION AND RENEWAL

Subject to the provisions of Section 710.03

A. All annual licenses issued under the provisions of this ordinance shall expire on December 31 in the year of issue. (12870 §1 10/5/88)

B. All licenses are valid for the entire licensing period unless revoked or suspended prior to expiration.

C. Application to renew a license shall be made not later than thirty (30) days before the expiration of the current license. (12870 §1 10/5/88)

740.12 DENIAL LICENSE SUSPENSION AND OR REVOCATION

~~A. Any license or permit may be denied, suspended or revoked after notice and hearing for any of the following causes:~~

A. The City may suspend or revoke a license without providing any rebate of fees to the license holder if the license holder:

1. Commits fraud or misrepresentation falsifies information contained in the application for the license or permit;

2. Commits fraud or misrepresentation falsifies information made in the course of carrying on the business of vending;

3. Conducts Conduct of the licensed or permitted business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare or morals;

~~4. Conduct which is contrary to the provisions of this ordinance.~~

4. Is issued a violation ticket for violation of this article;

5. Has exposed inventory stock at or near the stand, pushcart or motor vehicle;

6. Has a display stand, pushcart or motor vehicle which differs from that submitted in the photograph to the City;

7. Has a display stand, pushcart or motor vehicle whose dimensions substantially differ from those approved by the City;

8. Fails to keep the area surrounding the stand, pushcart or motor vehicle clear of trash, debris, snow or ice for a distance of thirty (30') feet;

9. Uses a stand, pushcart or motor vehicle for the purpose of selling merchandise;

10. Keeps animals near the stand, pushcart or motor vehicle;

11. Uses parking meters, utility poles, trees, or property other than the vendors own stand, pushcart or motor vehicle to advertise in any manner;

12. Fails to remove the stand, pushcart or motor vehicle at the end of every business day;

13. Fails to operate from the site specified by the City (excluding motor vehicle vendors);

14. Fails to display the license issued at all times while vending;

15. Or in any other manner violates any provision of this section or violates any of the terms and conditions of the license issued.

~~B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing. (12870 §1 10/5/88)~~

B. When a license is suspended, vending operations shall immediately cease. Whenever a license is suspended, the holder of the license shall be afforded an opportunity for hearing within twenty (20) days of receipt of a request for hearing. Prior to suspending or revoking a license, the City shall notify the license holder of the time, place and nature of the hearing; shall specify the legal authority and jurisdiction under which the hearing is to be held; shall reference the particular section of the Ordinance or regulations involved; shall set forth a short and plain statement of the matters at issue; and shall provide the license holder with a date for an opportunity to respond to any charges and present evidence and argument on all issues involved.

C. When a license is suspended, the holder of the license or the person in charge shall be notified in writing that the license is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the Department of Community and Economic Development by the holder of the license within ten (10) days. If no written request for hearing is filed within ten (10) days, the suspension is sustained. The Department of Community and Economic Development may end the suspension at any time if reasons for suspension no longer exist.

D. A notice provided for in this article is properly served when it is delivered to the holder of the license, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, or hand delivered to the last known address of the holder of the license or is conspicuously posted at the food service establishment.

740.13 APPEAL TO COUNCIL THE VENDOR APPLICATION REVIEW COMMITTEE; NOTICE AND HEARING

Any person aggrieved by the action of the Department of Community and Economic Development in the denial of the license as provided in Section 740.06 or the action of the Department of Administration and Finance in the assessing of the fee as provided in Section 740.05 shall have the right of appeal to Council the Vendor Application Review Committee. An appeal shall be taken by filing with Council the Vendor Application Review Committee within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Council The Vendor Application Review Committee shall set a time and place for a hearing on such appeal and notice of the hearing shall be given to the appellant in the same manner as provided in Section for notice of hearing on revocation. The decision and order of Council the Vendor Application Review Committee on such appeal shall be final and conclusive. (12870 §1 10/5/88)

740.14 EXPIRATION OF LICENSE

~~All annual licenses issued under the provisions of this ordinance shall expire on December 31 in the year of issue. (12870 §1 10/5/88)~~

740.14 TRANSFER AND DISPLAY OF LICENSE

No license issued under the provisions of this section shall be used or worn at any time by any person other than the one to whom it was issued or that person's employee. A license holder or his employee shall display the license at all times while that person is vending. Failure to do so shall be considered a violation of this Article and/or cause for revocation of such license. Such revocation shall not entitle the former license holder to any rebate on fees paid.

740.15 REGULATIONS

The City may publish and post any regulations governing the procedures and enforcement of any provisions of this Article.

740.98 SEVERABILITY

The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this article shall stand notwithstanding the invalidity of any part. (12870 §2 10/5/88)

740.99 PENALTY

~~Any person violating any provision of this ordinance shall, upon conviction, shall be punished by a fine not to exceed Three Hundred (\$300.00) Dollars or imprisonment not more than ninety (90) days or by both fine and imprisonment. (12870 §1 10/5/88)~~

740.99 ENFORCEMENT

A. Penalties

1. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

2. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it to an adult member of the household or other person in charge of the residence at the residence of the person to be served, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

3. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

4. A public officer is authorized and empowered to cause a violation to be corrected.

5. If the City has affected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Director of Community and Economic Development or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

6. Violation Ticket Appeals Process

a. A person in receipt of a violation ticket may appeal to the Hearing Officer designated by the Director of Community and Economic Development or designee by filing a request within ten (10) days of receipt of the violation ticket.

b. The Hearing Officer, designated by the Director of Community and Economic Development may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts.

7. Violation Ticket Fines

a. Violation tickets shall be issued in the amount of One Hundred (\$100) Dollars.

b. Any person who receives a violation ticket for any violation of this Article, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction, as indicated on the violation ticket.

8. Violation Ticket Penalties

a. If the person in receipt of an one hundred (\$100) Dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Twenty-five (\$25) Dollar penalty for days eleven (11) through twenty (20).

b. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation.

9. Citation Fines

a. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Article, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction in a summary proceeding, be ordered to pay a fine not less than One Hundred (\$100) Dollars, nor more than One Thousand (\$1000) Dollars on each offense or imprisoned no more than ninety (90) days, or both.

b. The Magisterial District Judge may order the violator to make restitution for damage to any real or personal property or for any remediation or abatement expense.

SECTION TWO: That this Ordinance takes effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Community and Economic Development

- **Summary and Facts of the Bill**

The bill offers a consolidated, city-wide ordinance that addresses the licensing and enforcement of mobile vendors on City streets, sidewalks and parking lots.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

The primary goal of the bill is to ensure that appropriate regulation and enforcement are in place for mobile vendors seeking to operate on City streets, sidewalks and parking lots while clearly identifying prohibited locations.

The benefits of approving this bill will ensure proper oversight and a level playing field of mobile vending in the entire City. Existing ordinances are fragmented and only focus on limited areas of regulation and enforcement. The bill also increases fees for mobile vending operations to create greater equity between brick-and-mortar operations.

It is the goal of the City to encourage and broaden all aspects of economic activity and at the same time ensure equity and a level playing field.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

The increase in fees will benefit the City and is more reflective of fees applied by other municipalities within the state for similar mobile vendor operations.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

No funding is required to enact this bill into ordinance.

- **Priority status/Deadlines, if any**

As a result of the slow and recovering economy, those seeking to operate mobile vending operations has increased substantially. The sooner this city-wide bill becomes ordinance, the sooner the administration will be able to address the increased interest and applications for mobile vending in all locations of the city.

- **Why should Council unanimously support this bill?**

With the coming of the downtown public Arena, increased employment and developments city-wide it is imperative that the City of Allentown is prepared to address the changing landscape and increased interest of mobile vending operations. If this bill is not approved, we will witness mobile vending operations that will start and continue without proper and appropriate oversight.

CITY OF ALLENTOWN

No. CA-1

RESOLUTION

2013

Introduced by the Administration on July 17, 2013

Certificates of Appropriateness for work in the Historic Districts

Resolved by the Council of the City of Allentown, That

WHEREAS, Certificates of Appropriateness are required under the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania No. 167, June 13, 1961 (P.L. 282) and City of Allentown Ordinance No. 12314; and

WHEREAS, the following owners and/or applicants propose exterior alterations of the listed properties as indicated on the attached Case Reports:

Iboya Balog
1522½ W Chew Street

Maria Torres & Steve Francis
917 W Gordon Street

Timothy & Amy Driscoll
348 N 9th Street

Shane Adams
1127 W Emmett Street

Feliciano Minyety
1653 W Linden Street

Dwayne Glover/ Timothy Kline, Alvin H Butz Inc
345 N 10th Street

WHEREAS, on July 1, 2013, the Allentown Historical Architectural Review Board recommended approval of the above applications or offered modifications, which were subsequently accepted by the property owners, to City Council; and

WHEREAS, after reviewing the above-mentioned HARB Case Reports, it is the opinion of City Council that the proposed work is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Allentown that Certificates of Appropriateness are hereby granted for the above referenced work.



CITY OF ALLENTOWN

No. 17

RESOLUTION

R - 2013

Introduced by the Administration on June 19, 2013

Authorizes exemptions, deductions, abatements and credits for real property, earned income tax, net profits, mercantile and business privilege taxes within a specific geographic area in Allentown, PA designated as a proposed keystone opportunity expansion zone ("KOEZ"), in order to foster economic opportunities, stimulate industrial, commercial, and residential improvements and prevent physical and infrastructure deterioration within areas of Allentown, PA, Commonwealth of Pennsylvania, upon certain terms and conditions

Resolved by the Council of the City of Allentown, That

WHEREAS, the City of Allentown, Pennsylvania recognizes the need to encourage investment in a defined geographical area of Allentown, PA, as shown on Attachments A and B that is experiencing distress characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial and residential structures, deteriorated tax base; and

WHEREAS, the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (Act of October 6, 1998, P.L. 705, No. 92), as amended, hereinafter referred to as the "Act," authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) for designation of an area within the respective political subdivision as a KOEZ granting exemptions, deductions, abatements or credits from all local taxes identified in the Act; and

WHEREAS, approval of benefits provided in the Act will result in improving the economic, physical, and social conditions within the Proposed KOEZ by stimulating existing businesses employment, creating new employment and diminishing blight; and

WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the Proposed KOEZ by the time of its termination; and

WHEREAS, the Proposed KOEZ is not less than ten acres but not more than 350 acres in the aggregate; and

WHEREAS, the Proposed KOEZ is comprised of parcels which are (i) deteriorated, underutilized or unoccupied or (ii) are occupied by a business which creates or retains at least 1,400 full-time jobs in Pennsylvania within three years from the designation by DCED of the Proposed KOEZ and makes a capital investment of at least \$750,000,000 in the Proposed KOEZ within three years from the designation by DCED of the Proposed KOEZ.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Allentown, Lehigh County that effective as of this date, contingent only upon DCED's approval of the application for the proposed new KOEZ, the following provisions shall apply:

1. Real Property Tax on the Proposed KOEZ is 100% exempt in accordance with the provisions and limitations hereinafter set forth in accordance with the Act, such exemption to begin on January 1, 2014 and to terminate December 31, 2023.
2. Earned Income and Net Profits Taxes; Business Privilege and Mercantile Taxes. The City of Allentown also waives business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the Proposed KOEZ attributable to business activity conducted with said zone and benefits to begin on January 1, 2014 and to terminate on December 31, 2023.
3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this resolution by reference.
4. This resolution shall be effective upon execution, conditioned upon the approval of the application by DCED.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Community and Economic Development

- **Summary and Facts of the Bill**

Resolution authorizing exemption of local taxes for the following two properties pursuant to Pennsylvania KOZ legislation.

333 Court Street: This property is a vacant mill building originally known as "Adelaide Mills." In addition to being a significant physical presence, this facility is also historically significant in that it had previously been determined as being eligible for the "National Register of Historic Places." A developer has the property under an agreement of sale and is interested in rehabilitating the existing structure into a mixed use facility consisting of residential, commercial and office uses.

606 S. Tenth Street: This is a vacant industrial site that has recently been purchased by the Allentown Commercial and Industrial Development Authority. With funds secured through a HUD Regional Sustainability Planning Grant, the City and its economic development partner, the Allentown Economic Development Corporation will be performing a site reuse study as part of a larger re-industrialization strategy. The redevelopment of this site for industrial reuse that can serve as an inner city employment center is a high priority.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

The city has had past success in the use of the benefits provided by the KOZ program in the redevelopment/reuse of various properties. As described above, the two subject properties are significant vacant structures, each of which offers potential for redevelopment.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

The current financial impact is limited to the potential loss of city real estates (\$5,940) for 333 Court Street. The former Allentown Metal Works property has been acquired by ACIDA and thus, has been taken off the tax rolls pending its redevelopment. As has been experienced in the past with successful KOZ properties, future tax revenues generated by the property far exceed those lost during the exemption period. Further, the removal of blight and the economic activity generated either from additional employment opportunities and/or new downtown residential uses and related commercial activity are net positives.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

n/a

- **Priority status/Deadlines, if any**

This proposal will be made to the state as part of a larger regional application. It is intended to submit that application toward the end of July. Similar actions are being requested of the Allentown School Board and Lehigh County Commissioners.

- **Why should Council unanimously support this bill?**

As the above narrative describes, this proposal seeks to influence and facilitate the redevelopment of two large, significant properties in the middle of the city, each with a specific intended reuse/benefit to the community.



CITY OF ALLENTOWN

No. 20

RESOLUTION

R - 2013

Supports Funding for Lehigh Valley Railroad Marketing and Feasibility Study

Resolved by the Council of the City of Allentown, That

WHEREAS, the Lehigh Valley has lacked Passenger Rail service since 1962, losing rail access to the New Jersey/New York and Philadelphia networks and easy access to Amtrak's northeast corridor; and

WHEREAS, such rail service would provide economic and quality of life benefits to the greater Lehigh Valley; and

WHEREAS, the Mayor and Council of the City of Allentown support exploring reestablishing rail service and multi-modes of transportation to connect the Lehigh Valley to New Jersey/New York and Philadelphia areas.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Allentown hereby go on record supporting and requesting state and/or federal funding for feasibility and marketing studies on rail service in the Lehigh Valley.

BE IT FURTHER RESOLVED that a copy of the resolution be sent to Lehigh Valley legislators and local municipal governments and authorities requesting they support the funding of such a study.



CITY OF ALLENTOWN

No. R-21

RESOLUTION

2013

Introduced by the Administration on July 17, 2013

Approves the Submission of the Revised Action Plan to the United States Department of Housing and Urban Development.

Resolved by the Council of the City of Allentown,

WHEREAS, the City of Allentown is eligible to apply for funding through federal housing and community development programs for use within the City; and

WHEREAS, the United States Department of Housing and Urban Development requires the City to prepare an Action Plan to receive such funding; and

WHEREAS, the United States Department of Housing and Urban Development made changes to the city of Allentown's Consolidated Grants Program allocations; and

WHEREAS, the Action Plan serves as the application for Community Development Block Grant Program, HOME Investment Partnerships Program and Emergency Solutions Grants Program Funds, and describes how the City plans to use the federal funds.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Allentown hereby approves of the submission to the United States Department of Housing and Urban Development of the Revised Action Plan for the period July 1, 2013 to June 30, 2014.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

The Resolution originated in the City's Department of Community and Economic Development

- **Summary and Facts of the Bill**

This legislation will allow the City to submit its Revised annual One-year Action Plan for the use of federal Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant (ESG) Program funds, to reflect the changes made to accommodate the changes HUD made to the City's grant allocations.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

This resolution authorizes the City to submit the Revised One Year Action plan to HUD. This plan serves as the application for federal CDBG, HOME and ESG funds.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

With the application to HUD, the City adds an additional \$504,177 in funds to achieve Community and Economic Development goals, as described in the Five Year Consolidated Plan for the use of federal funds.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The funding sources for this resolution are the federal Community Development Block Grant Program, HOME Investment Partnerships Program and Emergency Solutions Grant Program.

- **Priority status/Deadlines, if any**

This bill has a high priority status.

- **Why should Council unanimously support this bill?**

This resolution allows us to submit our One Year Action Plan- application to bring additional grant dollars into the City.



CITY OF ALLENTOWN

No. 22

RESOLUTION

2013

Approving the 9-1-1 Triennial Plan – 2014 through 2016

Resolved by the Council of the City of Allentown, That

WHEREAS, the City of Allentown has provided 9-1-1 service to its residents since 1973 and has developed the 9-1-1 Triennial Plan as an integral part of its public safety system as required by law; and

WHEREAS, as a Third Class City, which established a 9-1-1 system prior to September 7, 1990, the City of Allentown has exercised the powers and duties of a County as described in the Pennsylvania Title 35, Part III, Emergency Telephone Services, Section 5304(c); and

WHEREAS, this three (3) year plan was developed in accordance with Pennsylvania Title 35, Part III, Emergency Telephone Services, Section 5305, Act 78 of 1990 as amended, and Title 4, Part V, Chapter 120B, as amended;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the City of Allentown that the 9-1-1 Triennial Plan for 2014-2016 is hereby approved.

BE IT FURTHER RESOLVED that Michael D. Hilbert, the 9-1-1 Coordinator for the City of Allentown is authorized to file said plan and all related material to the appropriate agency for approval.

LEGISLATIVE TEMPLATE

Template for Bills and Resolutions:

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

This ordinance originates from the Bureau of Communications, Department of Police.

- **Summary and Facts of the Bill**

This Resolution authorizes the submission of the City's Triennial 9-1-1 Plan for 2014-2016 to the Pennsylvania Emergency Management Agency as required by **The Emergency Services Act, Title 35, Chapter 53**. (Former Act 78 of 1990 as amended.)

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

The Triennial 9-1-1 Plan details the estimated fundable expenses for the City's 9-1-1 system for the next 3 years. These estimates form the basis for the continued justification of the Wireline 9-1-1 contribution rate of \$1.25 per telephone line per month.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

The submission of the Triennial 9-1-1 Plan allows the City to remain compliant with 9-1-1 legislation, requirements and continue with the current wire line contribution rate of \$1.25 per telephone line per month. *(Which is the maximum allowed under the Act)*

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

N/A

- **Priority status/Deadlines, if any**

The 9-1-1 Plan must be submitted to PEMA in August 2013 to allow for official review and approval by PEMA and the PUC.

- **Why should Council unanimously support this bill?**

Council should support this resolution and allow the submission of the Triennial 9-1-1 Plan so the City remains in compliance with The Emergency Services Act, Title 35, Chapter 53. (*Former Act 78 of 1990 as amended*) requirements and can continue to receive 9-1-1 funding via the wireline contribution rate.

- **Committee Action**
- **Public Comments**
- **Body/Text of the Bill**
- **Exhibits**
- **Vote**