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

Facebook: Allentown City Council

COUNCIL MEETING
June 19, 2013
COUNCIL CHAMBERS
435 Hamilton Street

Community and Economic Development Committee – 6:15 PM

Bill 27 2013 Chamber Main Street Grant
Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Eighty Thousand Dollars ($80,000) for a grant from the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania to provide funding for a New Communities – Main Street Grant Program for the Lehigh Valley Chamber of Commerce.

Public Safety Committee Meeting – 6:30 PM

Bill 30A Fire Station Appropriation
Amending the 2013 General Fund and Capital Fund Budgets to provide for a supplemental appropriation of Twenty Six Thousand Ten ($26,010) Dollars as a result of funds received from the City of Bethlehem to the City of Allentown Fire Department.

Council Meeting – 7:00 PM

1. Invocation: Julio A. Guridy
2. Pledge to the Flag
3. Roll Call:
4. Courtesy of the Floor
5. Approval of Minutes: May 15, 2013 and June 5, 2013
6. Old Business
7. Communications
Copies of transfers that have been signed are on the back desk and will be included in tonight's minutes.

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:

Sharon Lee Glassman	**Allentown Arts Commission**	**01/06/17**
Jason Laubach	**Sheet Metal Technician Board**	**05/06/16**

10. ORDINANCES FOR FINAL PASSAGE:

Bill 27 Chamber Main Street Grant
Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Eighty Thousand Dollars ($80,000) for a grant from the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania to provide funding for a New Communities – Main Street Grant Program for the Lehigh Valley Chamber of Commerce.

Bill 30A Fire Station Appropriation
Amending the 2013 General Fund and Capital Fund Budgets to provide for a supplemental appropriation of Twenty Six Thousand Ten ($26,010) Dollars as a result of funds received from the City of Bethlehem to the City of Allentown Fire Department.

Bill 30B Street Vacation N Gilmore St
Providing for the vacation of N. Gilmore Street from E. Washington Street to E. Jeans Street in the Fifteenth Ward of the City of Allentown:

Bill 31 Street Vacation Sycamore St
Providing for the vacation of Sycamore Street from east property line of 13 Sycamore Street to the eastern limit in the Sixth Ward of the City of Allentown:

Bill 26 Clean Air Ordinance
The purpose and intent of this ordinance is to ensure that accurate and complete information is available to the City and general public about pollutants released from new air polluting facilities within the City of Allentown, Lehigh County, Pennsylvania, and to exercise the authority granted to the City under the Pa. Air Pollution Control Act.

11. ORDINANCES FOR INTRODUCTION:

Bill 32 Zoning Ordinance Amendment
An amendment to the city of Allentown zoning ordinance to permit "pocket neighborhood development" in the R-M Medium Density Residential District, to establish requirements for a pocket neighborhood development, and to amend the zoning map to change an area of land south of Cumberland St. that is east of S. Virginia St. to the R-M district.

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.

12. CONSENT AGENDA:

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

13. RESOLUTIONS ON SECOND READING:

R 2 Sale Mack South Fire Training Grounds
Authorizes the Administration to Sell a Portion of the City-owned Real Property located at 1902 Lehigh Street, Allentown, Pennsylvania

R3 Right of First Refusal
Authorizes the Administration to Execute a Right of First Refusal Agreement for the Sale of a Portion of the City-owned Real Property located at 1902 Lehigh Street, Allentown, Pennsylvania

14. RESOLUTIONS ON FIRST 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

R18 Cancels July 3rd Meeting
Cancels the July 3, 2013 Council Meeting

15. NEW BUSINESS

16. GOOD AND WELFARE

17. ADJOURNED

Council meetings are held on the first and third Wednesday of each month beginning at 7:00 pm in Council Chambers. For copies of the agenda or meeting announcements, please visit our website at www.allentownpa.gov or contact the Clerk at Michael.Hanlon@allentownpa.gov to receive an email notice of the meetings.

Allentown
City without limits.

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

TO: Michael Hanlon
City Clerk

FROM: Ed Pawlowski
Mayor

DATE: June 14, 2013

SUBJECT: Authorities, Boards, Commissions Appointments

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

Name	Authority/Board/Commission	Term to Expire
Sharon Lee Glassman	Allentown Arts Commission	01/06/2017
Jason Laubach	Sheet Metal Technician Board	05/06/2016

Ms. Glassman is currently a member of the Allentown Arts Commission. Mr. Laubach is a city employee serving on the Sheet Metal Technical Board as an alternate. Their resumes are attached.

EP/kal

Attachments

ADMINISTRATION

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 27 - 2013

MAY 15, 2013

AN ORDINANCE

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Eighty Thousand Dollars ($80,000) for a grant from the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania to provide funding for a New Communities – Main Street Grant Program for the Lehigh Valley Chamber of Commerce.

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 2013 General Fund in the amount of Eighty Thousand ($80,000) Dollars.

SECTION TWO: That City Council authorizes a supplemental appropriation from the unappropriated balance of the 2013 General Fund in the following manner.

Department of Community & Economic Development
Office of Economic Development:

000-09-0901-0007-48	Grant, Non-City Charges	$80,000

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?

1. Community and Economic Development/Business Development. 2. Main Street Grant Program for the Lehigh Valley Chamber of Commerce.

- **Summary and Facts of the Bill**

Amend the 2013 General Fund Budget to provide for supplemental appropriation of eighty thousand ($80,000) dollars from the Pennsylvania Department of Community and Economic Development for New Communities - Main Street Grant Program for the Lehigh Valley Chamber of Commerce to fund the year two and three operations of the Hamilton District Main Street Program.

- **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**

1. This Bill will allow the City of Allentown to fulfill the obligation of the Pennsylvania Grant by utlizing a pass through of monies from the City to the Chamber. 2. The benefit is for the Hamilton District Main Street Program to continue its good work of strengthening Allentown's Central Business District through façade improvements, events, clean and green initiatives, etc. 3. This fits the Cities vision by providing a better place to live, work and play.

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

1. There is no cost to the City since this is a pass through grant. 2. The benefits are improvement to the continued operation of and improvements to the Hamilton District Main Street Program area.

- **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.**

1. This is a Pennsylvania Community and Economic Development Grant for the Hamilton District Main Street Program.

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

The funds represent the state's match of year two and three operations of the Hamilton District Main Street Program. Program year two ended June 30, 2012 and program year three will end June 30, 2013. The Lehigh Valley Chamber of Commerce needs these funds to cover expenses already incurred.

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

The Hamilton District Main Street Program, as all Main Street programs do, represent opportunities to enhance critical districts of urban areas. The funds support a full-time manager and give the district priority selection when applying for other state funding programs.

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 30A - 2013

MAY 15, 2013

AN ORDINANCE

Amending the 2013 General Fund and Capital Fund Budgets to provide for a supplemental appropriation of Twenty Six Thousand Ten ($26,010) Dollars as a result of funds received from the City of Bethlehem to the City of Allentown Fire Department.

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-Six Thousand Ten ($26,010) Dollars reflecting receipt of funds from the City of Bethlehem.

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

General and Civic

000-01-0609-0001-84	**Capital Fund Contribution**	**$26,010**

SECTION THREE: That City Council authorizes a supplemental appropriation from the Capital Fund Contribution Account of the General Fund to the Capital Fund in the following manner:

East Side Fire House Reconstruction

001-03-1690-1312-76	**Construction Contracts**	**$26,010**

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

SECTION FIVE: 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?

Fire

- **Summary and Facts of the Bill**
  The Fire Department received payment in the amount of $26,010.00 from the City of Bethlehem for recruit training provided through at the Allentown Fire Academy. This bill will allow the funds received from the City of Bethlehem to cover additional expenses with construction of the East Side Fire Station.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
    This bill will provide additional funding for the construction of the East Side Fire Station.

  - **What are the Benefits of doing this/Down-side of doing this**
    Allow the Fire Department to use the funds received for services provided by the Allentown Fire Department to the City of Bethlehem.

    Helps to ensure the cost are fully covered for the construction of the East Side Station

  - **How does this Bill related to the City's Vision/Mission/Priorities**

    The bill will assist in creating a new Fire Station for the East Side of Allentown where proper Fire and EMS services are needed.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
    N/A

  - **Benefits (initial and ongoing)**

  Benefits include building and maintaining a new Fire Station, keeping the new station operational and providing proper emergency services to the residents of the East Side. Create a temporary shelter for citizens during a power outage or disaster.

- **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.**

    Funds received from City of Bethlehem $26,010.00

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

  ASAP

Why should Council unanimously support this bill?

To create a self- sufficient Fire station and provide proper Emergency Services for the City's East Side.

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 30B - 2013

June 5, 2013

Providing for the vacation of N. Gilmore Street from E. Washington Street to E. Jeans Street in the Fifteenth Ward of the City of Allentown:

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

SECTION 1. That N. Gilmore Street, a forty (40') foot wide street, from the southerly right-of-way line of E. Washington Street to the centerline of E. Jeans Street, in the Fifteenth Ward of the City of Allentown be and the same is hereby vacated.

SECTION 2. That this ordinance shall not become effective until such time as a deed of easement for any existing utilities has been filed in the Lehigh County Office of the Recorder of Deeds which Easement shall be within the limits of the right-of-way lines of proposed vacated streets or as required by the affected utilities, if any.

SECTION 3. That if said deed of easement is not recorded within one year from the effective date of this Ordinance, then this Ordinance shall become null and void.

SECTION 4. Subject to the provisions set forth in Ordinance No. 12245, passed April 6, 1977.

SECTION 5. That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

ADMINISTRATION

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 31 - 2013

June 5, 2013

AN ORDINANCE

Providing for the vacation of Sycamore Street from east property line of 13 Sycamore Street to the eastern limit in the Sixth Ward of the City of Allentown:

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

SECTION 1. That Sycamore Street, a thirty (30') foot wide street, from the eastern property line on 13 Sycamore Street to the eastern limit, in the sixth Ward of the City of Allentown be and the same is hereby vacated.

SECTION 2. That this ordinance shall not become effective until such time as a deed of easement for any existing utilities has been filed in the Lehigh County Office of the Recorder of Deeds which Easement shall be within the limits of the right-of-way lines of proposed vacated streets or as required by the affected utilities, if any.

SECTION 3. That this ordinance shall not become effective until such time as a Land Development Plan is submitted and approved by the Allentown City Planning Commission for improvements for the Waterfront project.

SECTION 4. That if said deed of easement is not recorded within one year from the effective date of this Ordinance, then this Ordinance shall become null and void.

SECTION 5. Subject to the provisions set forth in Ordinance No. 12245, passed April 6, 1977.

SECTION 6. That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 26 – 2013

INITIATIVE

MAY 15, 2013

City of Allentown Clean Air Ordinance

CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA
ORDINANCE NO. _____

AN ORDINANCE OF CITY OF ALLENTOWN, LEHIGH COUNTY, PENNSYLVANIA ESTABLISHING AIR QUALITY MONITORING AND EMISSION STANDARDS AND PROVIDING FOR CRIMINAL AND CIVIL PENALTIES AND OTHER ENFORCEMENT ACTIONS

WHEREAS, the United States of America Clean Air Act, as amended, including Amendments of 1989, and the Pennsylvania Air Pollution Control Act of January 9, 1960 (P.L. 2119), as amended, provide in part for the better protection of the health, general welfare and property of the people of the Commonwealth by the abatement, reduction and prevention of the pollution of the air by smokes, fumes, gases, odors, mists, vapors, and similar matter, or any combination thereof; and

WHEREAS, the Federal and Commonwealth Legislatures have granted the power to local municipalities to adopt more stringent air pollution standards than those provided within the cited Acts, as affirmed by the adoption of section 12 of Act 95 of 1992, 35 P.S.§4012; and

WHEREAS, local municipalities have thus been empowered with the right to enact ordinances in protecting and preserving the ambient air quality; and

WHEREAS, Allentown's ambient air quality is a matter of vital concern to the residents of the City; and

WHEREAS, the City of Allentown is of the opinion that increased introduction of air contaminants within the City would have an adverse effect on the ambient air quality; and

WHEREAS, the City of Allentown has determined that the impact of increased air contaminants should be borne by those introducing the contaminants; and

WHEREAS, the City of Allentown has determined that existing Federal and Commonwealth standards for air pollution monitoring and control are less stringent than desired, as they do not require state-of-the-art pollution prevention, monitoring or emissions reduction technology, do not reflect the current scientific understanding of the impact of environmental toxins on human health, and do not account for multiple, additive, cumulative and synergistic effects of pollutants on health; and

WHEREAS, pursuant to 53 P.S. § 37403, the City is empowered to prohibit nuisances, including, but not limited to accumulations of garbage and rubbish, and the storage of abandoned or junked automobiles, on private or public property, and the carrying on any offensive manufacture or business;

WHEREAS, the City of Allentown finds that the Pennsylvania Department of Environmental Protection does not possess sufficient staff, funding, or resources to continuously verify compliance with applicable environmental protection requirements;

WHEREAS, there are many pollutants that could be released into the City's air for which no monitoring is required or for which monitoring is too infrequent to serve as an accurate indicator of annual emissions, given that occasional tests

do not capture or measure emissions during start-up, shutdown or malfunction conditions, and do not capture or measure variations in emissions due to variability in fuels, feedstocks, processes, or changes in operating conditions;

WHEREAS, as required by 35 P.S. §4012(a), the City of Allentown finds that the provisions of this Ordinance are not less stringent than those of the Clean Air Act, the Pennsylvania Air Pollution Control Act, or the rules and regulations promulgated thereunder;

WHEREAS, the residents of Allentown deserve to be protected from unnecessary air pollution by having the City's industries operate as good neighbors, using the cleanest, least-polluting operating methods and technologies as are available in their industry;

WHEREAS, the Precautionary Principle states that: "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof;"

WHEREAS, the City of Allentown finds that the Precautionary Principle is a more appropriate risk management method than the traditional risk assessment model used by environmental regulatory agencies;

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE PEOPLE OF THE CITY OF ALLENTOWN, AS FOLLOWS:

ARTICLE I – TITLE, PURPOSE AND AUTHORITY

Section 1. Short Title

This Ordinance shall be known and may be cited as the "City of Allentown Clean Air Ordinance."

Section 2. Purpose

The purpose and intent of this ordinance is to ensure that accurate and complete information is available to the City and general public about pollutants released from new air polluting facilities within the City of Allentown, Lehigh County, Pennsylvania, and to exercise the authority granted to the City under the Pa. Air Pollution Control Act.

Section 3. Applicability

This ordinance shall apply and be in full force and effect in City of Allentown, Lehigh County, Pennsylvania.

Section 4. Authority

This Ordinance is enacted pursuant to the authority granted to the City of Allentown by all relevant Federal and State laws and their corresponding regulations, including, without limitation, the following:

Pennsylvania Constitution, Article I, Section 27;

Pennsylvania Air Pollution Control Act, 35 P.S. § 4012, which preserves the rights of municipalities to adopt air

pollution ordinances and regulations not less stringent than the requirements of the Clean Air Act, the Pennsylvania Air Pollution Control Act, or rules and regulations promulgated thereunder.

ARTICLE II – DEFINITIONS

The following words and phrases when used within this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this Article:

(a) Air pollution permit – any authorization from the Department allowing a facility to legally emit air pollutants, including an Air Quality Plan Approval, Title V Operating Permit, Federally Enforceable State Operating Permit, conditions placed on a facility in a Request for Determination (RFD) of Requirement for Plan Approval, or a Consent Order and Agreement.

(b) City – The City of Allentown, Pennsylvania.

(c) Commercially available – A system that is currently offered for purchase by equipment vendors for the proposed application, and for which service contracts can be obtained for a fee. The determination of commercial availability does not include an analysis of the costs of the system.

(d) Continuous Emissions Monitoring System (or "CEMS") – A pollution monitoring system capable of sampling, conditioning, analyzing, and providing a record of emissions at frequent intervals and meets U.S. Environmental Protection Agency or Department data acquisition and availability requirements. The sampling frequency capability sufficient to qualify a system as a CEMS for the purposes of this ordinance shall at a minimum deliver a monitoring sample (i) once per minute or (ii) any lesser frequency of interval that still provides sufficient data for a direct determination of compliance with all applicable emission limitations imposed by the Department for the Facility, but in no case may the frequency of interval for monitoring samples be less than once per hour.

(e) Department – The Pennsylvania Department of Environmental Protection, or any successor state agency responsible for air pollution permitting.

(f) Entity – All entities which are the subject of legal rights and duties, including those which possess limited liability characteristics, corporations, companies, partnerships, limited partnerships, limited liability partnerships, non-profit organizations, business trusts, limited liability corporations, societies, foundations, institutions or other association of persons, governmental bodies and municipal authorities organized under the laws of any state or the United States or any country.

(g) Facility – A New Air Polluting Facility, as defined by this ordinance.

(h) Hazardous Air Pollutants (HAPs) – A pollutant regulated under Section 112 of the Clean Air Act.

(i) New Air Polluting Facility – Any facility, located in the City of Allentown, that commences operation after the effective date of this ordinance, which produces energy or disposes of waste by combusting a Solid Fuel or Waste or gases produced from Solid Fuel or Waste, and which is capable of processing at least one ton per day.

(j) Person – Natural persons, not including corporations or other entities.

(k) Owner – The person or Entity that has the legal right of proprietorship of a Facility.

(l) Operator – Each person or Entity that operates a Facility.

(m) Responsible Party – If the facility is owned and operated by a person, the responsible party is that natural person. If the facility is owned and/or operated by an Entity, this term shall include the Entity and all officers, directors, and general partners or trustees of any Entity that owns or operates the facility. If the Owner and Operator are separate entities, both Owner and Operator shall be considered responsible parties and shall be jointly and fully responsible for compliance with all aspects of this ordinance.

(n) Solid Fuel or Waste – Any municipal waste, residual waste or hazardous waste as defined by 25 Pa. Code §271.1 or 25 Pa. Code §287.1, coal refuse as defined by 52 P.S. §§30.51–30.101, biomass as defined by 52 Pa. Code § 75.1, or other material that is solid at ambient temperatures.

(o) TEQ_{DF}-WHO_{98} – A unit of measurement for dioxins and furans, standardized to toxic equivalents, calculated in accordance with the World Health Organization's 1998 method.

ARTICLE III – MONITORING REQUIREMENTS

Section 1. Air Pollution Monitoring

(a) The Owner and Operator of any New Air Polluting Facility operating within the City of Allentown shall install and operate continuous emissions monitoring systems (CEMS) for all pollutants listed in Section 2 and shall monitor and disclose information on emission of pollutants as required under Sections 2 and 3 at all times when the Facility is in operation.

(b) CEMS for which there exist U.S. Environmental Protection Agency or Pennsylvania Department of Environmental Protection standards must also comply with such applicable standards. The facility shall observe the requirements and procedures in 25 Pa. Code 139.101 and the latest revision of the Department's Continuous Source Monitoring Manual to the extent that the requirements in that manual do not conflict with the requirements of this ordinance. The facility shall seek certification and approval for each CEMS without respect to whether the facility's plan approval or operating permit from the Department requires continuous emission monitoring for a given pollutant. CEMS operation required under this ordinance shall be conducted regardless of whether the Department has certified and approved the CEMS. In the event of denial, the facility shall make necessary adjustments to CEMS equipment or procedures in order to obtain Department certification and approval, unless: (1) the Department indicates that it cannot provide the same for that particular pollutant, (2) the approval could only be obtained by adjusting monitoring to the extent that it would no longer satisfy minimum standards of "continuous" monitoring as defined in this ordinance, or (3) the Department refuses to certify CEMS that are not required under permits issued by the Department.

(c) Pollution monitoring results shall become the property of the City of Allentown. All costs of monitoring shall be borne by the person or Entity owning the Facility.

(d) Emissions monitors must be started up at least twelve (12) hours before the commencement of Facility operation, unless the manufacturer of the monitors certify that the equipment can sample accurately with a

shorter warm-up time.

(e) Exhaust gases may not be released into the atmosphere until they have cooled to below 200 degrees Centigrade in order that all dioxins and furans can be monitored accurately and completely. Dioxin/furan emissions monitors must be placed at a point where the exhaust gases have cooled to below 200 degrees Centigrade. Dioxin and furan measurements must be standardized to TEQ_{DF}-WHO_{98} units for reporting purposes under this Ordinance. Reporting of dioxins and furans shall be in TEQ_{DF}-WHO_{98} units as well as all other measurement methods available from the dioxin/furan CEMS.

(f) Where applicable, non-detects shall be reported as half the minimum detection limit.

(g) The Facility Owner and Operator shall furnish to the City written consent for the inspection of the Facility at any time by the designees of the City for the purpose of assuring compliance with this Ordinance. Such designees shall be permitted entry upon any property or into any building, premises or place on which or within which a New Air Polluting Facility may be located and to inspect the emissions monitoring equipment as may be necessary to ensure that such equipment is operational, is operating properly and is being used as intended by the manufacturer and in accordance with this Ordinance.

(h) If additional chemicals can be monitored with the equipment required to monitor the pollutants regulated under this Ordinance, the emissions of these additional chemicals shall also be reported. If CEMS equipment is capable of reporting categories of chemicals in more detail (for example, separate readings for NO and NO_2 as opposed to a total reading for NOx), this increased level of detail must be reported.

Section 2. Pollutants to be Continuously Monitored

(a) Continuous Emissions Monitoring Systems ("CEMS") equipment shall be used to monitor, measure and disclose the emission of all pollutants for which the Department sets permitted emissions limits (or limits under which the facility must remain in order to avoid more stringent regulation) in the Facility's air pollution permit, provided that CEMS for the pollutant are commercially available. The determination of commercial availability shall be made according to the 5-year review schedule in Section 3. If there are multiple emission point sources at a facility, separate CEMS shall be installed on each and every non-fugitive emission point source at the Facility for which permit limits apply.

(b) If a Facility's air pollution permit sets a limit for Hazardous Air Pollutants as a category or on a single generic, non-specified Hazardous Air Pollutant or both, the Facility must use CEMS to monitor and disclose emissions of all chemicals and chemical groups classified by the U.S. Environmental Protection Agency as Hazardous Air Pollutants in Section 112 of the Clean Air Act, provided that CEMS for such chemicals or chemical groups are commercially available.

(c) A Facility must continuously monitor and disclose emissions of dioxins and furans, even if dioxins and furans are not specifically regulated by the facility's air permit, if:

i. the facility is regulated, classified or otherwise known as being of an industry listed as a known or suspected source of dioxin and furans in Chapter 1, Table 1-5 of the U.S. Environmental Protection Agency's "Inventory of Sources and Environmental Releases of Dioxin-Like Compounds in the United States: The Year 2000 Update" or a substantially similar chart in any succeeding report; or

ii. any process connected to or leading to the non-fugitive air emission point source exceeds 300 degrees Celsius.

(d) A Facility operating any type of fluidized bed combustor must continuously monitor and disclose emissions of nitrous oxide (N_2O) even if this pollutant is not specifically regulated by the facility's air permit.

(e) A Facility operating air pollution control devices that inject ammonia to control emissions must continuously monitor and disclose emissions of ammonia even if this pollutant is not specifically regulated by the facility's air permit.

(f) A Facility operating any combustion source must continuously monitor and disclose emissions of the following pollutants even if these pollutants are not specifically regulated by the facility's air permit:

i. Carbon Dioxide (CO_2) & Carbon Monoxide (CO)
ii. Hydrochloric Acid (HCl) & Hydrofluoric Acid (HF)
iii. Nitrogen Oxides (NOx)
iv. Sulfur Oxides (SOx)
v. Particulate Matter (PM)
vi. Volatile Organic Compounds (VOCs)
vii. Polycyclic Aromatic Hydrocarbons (PAHs)
viii. Arsenic, Cadmium, Chromium, Lead, Manganese, Mercury, Nickel, Selenium & Zinc

Section 3. Five Year Review for Commercial Availability

(a) New Air Polluting Facilities must go through the following process in order to determine which pollutants must be continuously monitored. Nothing in this section shall prevent the City from making a determination of which CEMS are commercially available and must be used by a Facility that has not yet gone through this review process. The review process shall be conducted every five years, with the initial review commencing 60 days after the effective date of this ordinance and subsequent reviews commencing one year prior to every fifth anniversary of the effective date of this ordinance (years 4, 9, 14, 19, etc.).

(b) New Air Polluting Facilities must submit a list of all air pollutants regulated by their air pollution permits to the City, specifying which of those pollutants can be monitored by CEMS that are currently commercially available at the time of submission. The list shall separately include and evaluate CEMS availability of each Hazardous Air Pollutant if Hazardous Air Pollutants are regulated generically in their permit. These submissions shall be made to an official designated by the city. Submissions shall be made by all Facilities and are due to the City on the day that the review process commences.

(c) The City shall make the submissions available for public review within two business days of when the City receives them. Within 60 days of the commencement of the review process, the City shall publicly notice and conduct a public meeting where Facility owners, operators and the general public may comment on the submissions and on whether CEMS technology is available for the pollutants regulated under this ordinance. The City shall accept public comments for a period of 30 days after the public meeting.

(d) If there is any dispute over whether CEMS technology is commercially available for any of the pollutants regulated under this ordinance or for the specific application of CEMS at one or more specific Facilities, the City shall hire an environmental consultant to research and evaluate whether the technology is available for the

proposed application. The consultant must be familiar with current state-of-the-art CEMS technology and the U.S. Environmental Protection Agency's Environmental Technology Verification (ETV) Program. Facility owners and operators must provide pertinent information to the consultant at the consultant's request. The consultant shall report to the city on whether CEMS are commercially available for the proposed application. The consultant shall report to the city no later than 60 days after the closing of the public comment period. The consultant shall be paid with application fees described in Article VIII.

(e) The City shall make public the consultant's report within two business days of receipt of the report. Based on the consultant's report and public comments, the City shall release a final list of the pollutants for which CEMS shall be considered commercially available for the period until the next five-year review. If there are special circumstances that make CEMS technology for a given pollutant available for some Facilities and not others, the list may include facility-specific qualifications. The City shall publish the final list which shall be released no more than 180 days after the commencement of the review process. In order to evaluate the consultant's report and the public comments, the City may convene a seven-to-nine (7-9) person CEMS evaluation committee to meet in an open, public meeting to make recommendations to the City. No persons with financial, organizational or familial ties to any owner or operator of a Facility shall be eligible for committee membership.

(f) CEMS required by this ordinance that are deemed commercially available by the City shall be installed and shall be fully operational, submitting data to the City as required in Article IV. New CEMS that are determined to be commercially available in the second or subsequent review processes must be installed and must be fully operational, submitting data to the City as required in Article IV, no later than one year following the commencement of that review process, which shall fall on every fifth year following of the effective date of this ordinance (years 5, 10, 15, 20, etc.).

Section 4. Hazardous Air Pollutant Monitoring Exemptions

(a) If a Facility is required under this ordinance to use commercially available CEMS for all Hazardous Air Pollutants (HAPs), per Article III, Section 2(b), due to a generic limit on HAPs in their air pollution permit or the requirements of Article III, Section 2(f), the Facility's Owner, Operator or other Responsible Party can seek an exemption for the monitoring of certain HAPs, even if CEMS are commercially available, if they demonstrate that their process cannot emit the pollutant(s) in question.

(b) An exemption must be sought through a written application, justifying how a particular stack or other emission source cannot emit a given pollutant because of the nature of the process generating the emissions from such stack or source. The application must include test results for the relevant compounds and elements in all feedstocks or other inputs into the process leading to the air emissions source, including chemicals injected in the pollution control process. Sampling of feedstocks and inputs into the process must be representative of the range of variability in their chemical makeup.

(c) All sampling must be conducted in coordination with an environmental consultant selected and retained by the City. The Facility Owner must pay the City for all costs related to the retention of this consultant and associated costs for laboratory testing of samples. The responsibility to cover these costs is independent of the license fees required in Article VIII.

(d) The City's consultant shall recommend which tests must be conducted to make an informed decision on whether the Facility is capable of emitting the pollutant in question, and the Facility is required to conduct any such tests as are deemed necessary by the City's consultant. All sampling must be conducted using split samples, with one

of each sample going to the consultant retained by the City, and the other to a laboratory of the Facility Owner's choosing. The City's consultant shall have the samples tested and shall compare them to the samples done by the Facility Owner.

(e) The City's consultant shall report to the City on whether the sampling results are similar enough to represent an accurate estimation of the chemical makeup of the feedstock or input in question, and shall recommend to the City whether the Facility shall be exempted from monitoring a given Hazardous Air Pollutant.

(f) No exemptions shall be granted for pollutants for which monitoring is required under Article III, Sections 2(c) and 2(d).

(g) No exemptions shall be granted to point sources where air emissions originate from the combustion of a Solid Fuel or Waste (or gases derived from such Solid Fuel or Waste) where the Solid Fuel or Waste is known to be highly variable in its chemical composition, which includes but is not limited to municipal solid waste, construction and demolition waste or municipal sewage sludge.

(h) Each City-granted exemption from the CEMS requirement shall be for a specific pollutant at a specific stack or source at a specific Facility. Such exemption shall be applicable only to the emission of that given pollutant at such stack or source and shall be valid only under the circumstances set forth in the application justifying the exemption. Such exemption shall automatically expire if the circumstances under which the exemption was granted change, including any change in feedstock of other chemical inputs. Any exemptions obtained must be renewed on a five-year basis and shall be timed to coincide with the five-year review outlined in Section 3, so that any testing begins after each review period commences and the City's exemption determination is made no later than 180 days after each review period commences.

Section 5. Unlawful Conduct

It shall be unlawful for any person, Entity, or other Responsible Party to:

(a) Fail to comply with any provision of this Ordinance;

(b) Violate or assist in the violation of any of the provisions of this ordinance.

(c) Attempt to circumvent any provision of this Ordinance through misrepresentation or failure to disclose all relevant facts. Nothing in this Ordinance shall be construed to affect the application of provisions of the Crimes Code, Title 19 of the Pennsylvania Consolidated Statutes relating to perjury, false swearing or unsworn falsification to authorities.

(d) Intentionally obstruct, impair or interfere with the administration of this Ordinance by the City or their designees by force, violence, physical interference or obstacle or any other unlawful act. Nothing in this Ordinance shall be construed to affect the application of Section 5101 of the Crimes Code, Title 2le of the Pennsylvania Consolidated Statutes as to obstructing administration of law or other governmental function.

(e) Tamper or interfere with any sample, process, device, equipment, computer hardware or software, indicator or alarm, report, electrical power, pipe, gas or other media so as to affect or alter any sample, process, device, equipment, indicator or alarm, report, electrical power, pipe, gas or other media used in the gathering and analysis of samples or the disclosure of sample analysis as may be required by the City in the administration of

this ordinance.

ARTICLE IV – DATA DISCLOSURE

Section 1. Website for Data Disclosure

(a) No later than 60 days after the effective date of this ordinance, the City shall procure a computer consultant to establish the website, to be owned by the City, where Facilities shall submit the data required to be disclosed by this ordinance. The website and any software needed to be developed for it, shall be completed and ready for use no later than eight (8) months after the effective date of this ordinance. The software shall be designed to automatically present the data that the City is required to present under Section 2. Facility owners and operators must cooperate with the computer consultant, providing relevant CEMS data, CEMS vendor contacts and other such information as may be needed for the efficient and effective design of the website and corresponding software.

(b) In addition to the requirements for the software outlined in Section 2, the software must be designed to immediately alert by email designated city officials – and other parties who sign up to be notified – any time emissions at a Facility exceed that Facility's air pollution permit limitation. The City must designate an enforcement officer who will receive emailed alerts of emissions exceedances.

(c) The City shall archive and preserve all digital data submitted under this ordinance until five years after the date when there are no more facilities required to submit data to the City under this ordinance.

Section 2. Disclosure of Emissions Data

(a) CEMS Data Disclosure

i. The Owner and Operator of any New Air Polluting Facility operating within the City of Allentown shall transmit CEMS data collected at the facility to a publicly-available website managed by the City. All CEMS data that is available to the operator in a digital format shall be supplied real-time through an Internet feed to the city's website. Data shall be submitted to the city's website no later than twenty-four (24) hours after the data is available to the facility Owner or Operator.

ii. The Owner and Operator of any New Air Polluting Facility is responsible for CEMS data disclosure upon start-up of the facility. For any additional CEMS required on a New Air Polluting Facility after the 5-year review, the data disclosure shall start once the new CEMS are installed.

iii. The Owner and Operator of any Facility is required to immediately notify the Department of any violations of state or federal air pollution permit limits detected by CEMS required by this ordinance.

iv. Any gaps in CEMS data reporting, or violations of emissions limits imposed by state or federal air pollution permits or by this ordinance, shall be explained by the Facility Operator in the data reported to the Borough.

(b) Air Emission Stack Test Data Disclosure

i. The Owner and Operator of any New Air Polluting Facility operating within the City of Allentown shall disclose stack test data for any air pollution stack tests conducted at the facility that are required by state or federal permits. This data shall be submitted to the publicly-available website managed by the City no later than twenty-four (24) hours after the data is available to the facility Owner or Operator.

ii. The Owner and Operator of any New Air Polluting Facility is responsible for data disclosure of all stack tests conducted prior to start-up and upon start-up of the facility.

(c) All data submitted to the City's website must be supplied in formats prescribed by the City.

(d) The City shall publicly display the data received in real-time. Data will be displayed in line charts for each pollutant, including a line showing the level of each applicable emissions limit for such pollutant, as well as a calculated line displaying rolling averages in cases where regulatory limits are based on such averages. Any changes to those application emissions limits must be incorporated within the data submittals by the effective date of the change. All data submitted to the website must be archived and made available for download in a commonly available spreadsheet or database format.

(e) The City shall compile summary charts listing all violations of any applicable emissions limits per pollutant for each facility reporting under this ordinance. Daily, weekly, monthly and yearly summaries of emissions levels, and violations shall be made available in an easily understandable presentation format. Emissions trend data shall be presented in line charts as well, showing the totals for all reporting facilities, as well as facility-specific trends from the beginning of the reported data set through the most recent year.

(f) Annual summary data, specifying total emissions levels of all pollutants which are regulated by local, state or federal permits, a list of exceedances for each pollutant (including the date of the exceedance, the amount of the emission and a comparison to the limit exceeded), shall be published conspicuously in the most widely-read local newspaper of general circulation within the City at the expense of the Facility Owner.

Section 3. Disclosure of Regulatory Documents

(a) Copies of all digital files exchanged between a New Air Polluting Facility regulated under this ordinance and any state or federal environmental regulatory agencies shall be uploaded to a documents section for the facility, hosted on the City's website, regardless of where the document originated. This shall be done in a format acceptable to the City. Digital documents generated or received after the effective date of this ordinance must be uploaded within three (3) business days of when they were transmitted to the regulatory agency or received by either the Facility's Owner, Operator or any contractor acting on behalf of the Facility owner or operator. Digital documents generated or received prior to the effective date of this ordinance must be uploaded within 365 days of the effective date of this Ordinance.

(b) Copies of inspection reports, notice of violations, penalty assessments, permit applications, required reporting, compliance certifications and any other correspondence between a New Air Polluting Facility regulated under this ordinance and any state or federal environmental regulatory agency must be uploaded to the City's website in a commonly-used document format acceptable to the City. The Facility Owner is responsible for any scanning and other actions and expenses necessary to make this information available to the City. Documents generated or received after the effective date of this ordinance must be uploaded within seven (7) days of when a document is sent to an agency or received by either the Facility's Owner, Operator or any contractor acting on behalf of the Facility owner or operator. Documents sent or received prior to the effective date of this

ordinance, if they are relevant to active permits or ongoing permitting processes must be uploaded within 90 days of the effective date of this Ordinance. Upon request of any resident of the City, any documents longer than 20 pages must also be made available at the Facility Owner's expense in paper copies in a local library, City Hall or other facility that is open to the public and available during work days and with some evening or weekend hours amounting to at least five hours per week. If such evening and weekend hours aren't available at a publicly-available facility in the City, the facility owner must provide a place where documents are made available to the general public for viewing and copying upon request.

ARTICLE V – EMISSIONS LIMITS

Section 1. Emission Limits

(a) All New Air Polluting Facilities must meet the following pollution limits:

Carbon Dioxide (CO_2):	120.0	lbs/mmbtu
Nitrogen Oxides (NOx):	0.18	lbs/mmbtu
Sulfur Dioxide (SO2):	0.01	lbs/mmbtu
Dioxins/Furans (PCDD/F):	1.5	ng TEQ_{DF}-WHO_{98} per kg of waste combusted

(b) It shall be unlawful to emit more than these limits. In calculating compliance with the limits on CO_2, NOx and SO_2, data may be averaged on a three-hour basis. In calculating compliance with the dioxin/furan limit, data may be averaged on a daily basis. Such averaging shall not include data from times when combustible materials are not being burned in the incinerator.

(c) In cases where the average weekly emissions exceed the emissions limit, waste feed shall be cut off and operations shall be immediately ceased until corrective action is taken.

Section 2. Adoption and Incorporation of Other Limits and Standards

To the extent a more stringent standard, limit, or requirement for the emission of air contaminants or a standard of performance for any facility regulated by this Ordinance is not expressly set forth herein, the City adopts and incorporates by reference herein the standards, limits, and requirements for the emission of air contaminants, and standards of performance for stationary sources, as promulgated by the U.S. Environmental Protection Agency pursuant to the Clean Air Act or by the Commonwealth of Pennsylvania pursuant to the Air Pollution Control Act or any other relevant statutes. It is expressly the intent of the City in adopting these standards, limits, requirements, and standards of performance, to make them independently enforceable by the City of Allentown.

Section 3. Best Available Technology

To the extent that either the U.S. Environmental Protection Agency or the Pennsylvania Department of Environmental Protection determines that a control technology is reasonably available to reduce or minimize the emission of air contaminants from a stationary source, each stationary source within the City shall modify its facility so as to utilize the control technology within such time as the City may reasonably determine. The City shall notify the facility of the time period within which it must modify the facility to utilize the control technology. It shall be the responsibility of the facility to obtain such permits and approvals for the modification of the facility as are necessary under state and federal law.

ARTICLE VI – DECLARATION OF PUBLIC NUISANCES

The emission of pollutants into the atmosphere of the City of Allentown except in conformity with this Ordinance is hereby declared to be public nuisance, abatable in the manner prescribed by law.

ARTICLE VII – COMPLIANCE ORDERS

Whenever the City has reason to believe that there has been a violation of this Ordinance or other State or Federal Law, or any of the rules and regulations promulgated pursuant thereto or a misrepresentation of any certification, the City shall, in addition to any other remedy available to it, and in the absence of an emergency situation requiring prompt action, give written notice of such violation to, the Owner or Operators of the Facility, and therein order such corrective measures as are deemed reasonable and necessary to cure the violation. This notice shall state the nature of the violations and shall allow a reasonable time for the performance of the necessary corrective measures. If the Owner or Operator of the Facility fails to carry out the corrective measures set forth in the notice, within the time period stated therein, the City shall institute such other actions as may be deemed necessary to terminate the violation.

ARTICLE VIII – FEES

Facilities subject to this ordinance shall be obligated to pay fees to the City for the operation of the programs under this ordinance.

Section 1. Initial Licensing and Fee

All Facilities subject to this ordinance must obtain a CEMS license by submitting an application to the City providing all required information and tendering payment of $5,000. A responsible official at the Facility must sign the application. All funds received through this Article will be placed in a dedicated account by the City to be used exclusively for the installation, operation and maintenance of all hardware, software or other equipment necessary to receive and process monitoring data and other documents from subject Facilities and post such material to the web for public access. In addition to this base fee, subject facilities must also submit $250 per CEMS for which they will submit data to the City under this ordinance. Payment must be made 60 days prior to the date on which CEMS data submittals are scheduled to commence.

Section 2. Annual license fee

All Facilities subject to this ordinance shall pay an annual CEMS license fee, subsequent to the initial application, of $1,000, as well as an additional $250 per CEMS for which they will submit data to the City under this ordinance in years subsequent to the initial application. The facility shall submit a form certifying that the information in the application remains accurate or specifying any changes. Payment must be made 60 days prior to the anniversary of the date on which CEMS data submittals commenced.

ARTICLE IX – PENALTIES

In accordance with the Pa. Air Pollution Control Act, 35 P.S. 4012(g), providing that civil and criminal penalties for air pollution violations be uniform throughout the Commonwealth, and further providing that "the penalties and remedies set forth in this act be the penalties and remedies available for enforcement of any municipal air pollution ordinances or regulations, and shall be available to any municipality, public official, or other person having standing to initiate proceedings for the enforcement of such municipal ordinances or regulations" the criminal and civil penalties for violation of this Ordinance shall be the following:

Section 1. Criminal Penalties

(a) Any person, Entity, or Responsible Party who negligently violates any provision of this Ordinance commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than two thousand five hundred dollars ($2,500.00) for each separate offense and, in default of the payment of such fine, may be sentenced to imprisonment for ninety (90) days for each separate offense. For purposes of this subsection, a summary offense may be prosecuted before any district justice in the county where the offense occurred. There is no accelerated rehabilitative disposition authorized for a summary offense.

(b) Any person, Entity or Responsible Party who intentionally or willfully violates any provision of this Ordinance commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of not less than one thousand dollars ($1,000.00) nor more than fifty thousand dollars ($50,000.00) for each separate offense or to imprisonment for a period of not more than two (2) years for each separate offense, or both.

(c) Any person, Entity or Responsible Party who knowingly makes any false statement or representation in any application, record, report, certification or other document required to be either filed or maintained by this Ordinance commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of not less than two thousand five hundred dollars ($2,500.00) nor more than fifty thousand dollars ($50,000.00) for each separate offense or to imprisonment for a period of not more than two (2) years for each separate offense, or both.

(d) For purposes of this section, a person, Entity or Responsible Party acts negligently with respect to a material element of an offense when he should be aware of a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that the actor's failure to perceive it, considering the nature and intent of his conduct and the circumstances known to him, involves a gross deviation from the standard of care that a reasonable person would observe in the actor's situation.

Section 2. Civil Penalties

(a) In addition to proceeding under any other remedy available at law or in equity for a violation of a provision of this Ordinance, the City may assess a civil penalty for the violation. The penalty may be assessed whether or not the violation was willful. The civil penalty so assessed shall not exceed Twenty-five thousand dollars ($25,000.00) per day for each violation. In determining the amount of the penalty, the City shall consider the willfulness of the violation; damage to air, soil, water or other natural resources or their uses; financial benefit to the person, Entity or Responsible Party in consequence of the violation (hereinafter "violator"); deterrence of future violations; cost to the City, the size of the source or facility; the compliance history of the source; the severity and duration of the violation; degree of cooperation in resolving the violation; the speed with which

compliance is ultimately achieved; whether the violation was voluntarily reported; other factors unique to the Owners or Operator of the source or facility; and other relevant factors.

(b) In accordance with the Air Pollution Control Act, 35 P.S. §4012(g), which provides that "any action for the assessment of civil penalties brought for the enforcement of a municipal air pollution ordinance or regulation shall be brought in accordance with the procedures set forth in such ordinance," an action for the assessment of a civil penalty under this section of this Article shall be brought in accordance with the following procedures:

When the City proposes to assess a civil penalty, it shall inform the violator of the proposed amount of the penalty. Such assessment shall be a final action of the City, appealable in the manner provided by law. The violator charged with the penalty shall then have thirty (30) days to pay the proposed penalty in full, or, if the violator wishes to contest the amount of the penalty or the fact of the violation to the extent not already established, the violator shall forward the proposed amount of the penalty to the City within the thirty (30) day period for placement in an escrow account or post an appeal bond to the City within thirty (30) days in the amount of the proposed penalty, provided that such bond is executed by a surety licensed to do business in the Commonwealth and is satisfactory to the City. If, through administrative or final judicial review of the proposed penalty, it is determined that no violation occurred or that the amount of the penalty shall be reduced, the City shall, within thirty (30) days after such determination, remit the appropriate amount to the violator with any interest accumulated by the escrow deposit. Failure to forward the money or the appeal bond at the time of the appeal shall result in a waiver of all legal rights to contest the violation or the amount of the civil penalty unless the appellant alleges financial inability to prepay the penalty or to post the appeal bond. Appeals from the assessment of a civil penalty shall be as provided by law. If any violator liable to pay any such penalty neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall constitute a debt of such violator and shall constitute a lien on all property owned by said violator when a notice of lien incorporating a description of the property of the violator subject to the action is duly filed with the Prothonotary of the court of common pleas where the property is located. The prothonotary shall promptly enter upon the civil judgment or order docket, the name and address of the violator, as may be appropriate, and the amount of the lien as set forth in the notice of lien. Upon entry by the prothonotary, the lien shall attach to the revenues and all real and personal property of the violator, whether or not the violator is solvent. The notice of lien, filed pursuant to this subsection, which affects the property of the violator shall create a lien with priority over all subsequent claims or liens which are filed against the violator, but it shall not affect any valid lien, right or interest in the property filed in accordance with established procedure prior to the filing of a notice of lien under this subsection.

Section 3. Determination of Penalties for CEMS Reporting and Emission Limit Violations

(a) On a quarterly basis, an environmental engineer retained by the City at the expense of the Owners of the Facilities regulated under this ordinance, shall review the data reported to the City and recommend appropriate penalties for non-compliance with CEMS reporting requirements and any emission limits established in accordance with this ordinance.

(b) Penalties shall be assessed for any gaps in CEMS data availability as well as for any exceedances of emissions limits. The engineer may use Department CEMS and emissions limit penalty assessment procedures as a guide, but shall not allow exceptions for excess emissions during soot blowing, start-up, shutdown, or malfunctions. The engineer shall review any stated reasons for each exceedance or data unavailability and take this into consideration when recommending appropriate penalties.

ARTICLE X – ABATEMENT AND INJUNCTIONS

Notwithstanding any other provision herein, if the City finds any person or Entity is operating a New Air Polluting Facility without complying with the requirements of this Ordinance, or any of the rules and regulations promulgated thereunder, the City shall, in addition to other remedies that may be available to the City, order the immediate discontinuance of such violations, or order other compliance. Failure to comply with such an order of discontinuance, or any other order of compliance issued by the City, shall constitute a violation of this Ordinance. In addition to all other remedies, upon a failure to comply with such order the City shall secure a temporary restraining order, a preliminary injunction, a permanent injunction or other appropriate relief or declare the operation a public nuisance, and order the immediate abatement of same, with the costs of such abatement to be borne and assessed in accordance with law.

ARTICLE XI – CITIZEN ENFORCEMENT

Any City resident shall have standing and authority to bring an action to enforce this Ordinance's provisions.

ARTICLE XII – SEVERABILITY

Each separate provision of this Ordinance shall be deemed independent of any other provision of this Ordinance, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person, Entity or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other parts or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and as if the person, Entity or circumstances to which this Ordinance, or any part hereof is inapplicable had been specifically exempted therefrom.

ARTICLE XIII – EFFECTIVE DATE

That this Ordinance shall become effective immediately.

ORDAINED AND ENACTED THIS ___ DAY OF ___ 2013.

ATTEST:

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 32 – 2013

JUNE 19, 2013

AN ORDINANCE

AN AMENDMENT TO THE CITY OF ALLENTOWN ZONING ORDINANCE TO PERMIT "POCKET NEIGHBORHOOD DEVELOPMENT" IN THE R-M MEDIUM DENSITY RESIDENTIAL DISTRICT, TO ESTABLISH REQUIREMENTS FOR A POCKET NEIGHBORHOOD DEVELOPMENT, AND TO AMEND THE ZONING MAP TO CHANGE AN AREA OF LAND SOUTH OF CUMBERLAND ST. THAT IS EAST OF S. VIRGINIA ST. TO THE R-M DISTRICT.

Under the authority and procedures of the Pennsylvania Municipalities Planning Code, the following is hereby adopted as an amendment to the City of Allentown Zoning Ordinance:

Section 1. Zoning Map

The Zoning Map is hereby amended to change the land area shown on the map entitled "Exhibit A" to be within the R-M Medium Density Residential District.

Section 2. Definitions.

The following new definition is added to Section 1313.01 in alphabetical order:

"Pocket Neighborhood Development means a residential development that meets the requirements of Section 1315.02.02 and that: a) involves required common open space, with many of the dwellings facing onto that open space, b) includes pedestrian-friendly site designs that help to create an identifiable neighborhood, c) minimizes the views of garage doors along the front of most dwellings along streets, and d) does not include a building with two or more multi-family dwellings."

Section 3. Uses

In Section 1313.01.A. regarding permitted residential uses, add a new category in a new row to state

"Pocket Neighborhood Development meeting the requirements of Section 1315.02.2." For this use, all of the columns shall include a "N" for not permitted, except that the R-M district shall include a "P" for permitted by right.

Section 4. Development Standards

The following new Section 1315.02.2 is hereby added:

"Pocket Neighborhood Development Requirements.

The following requirements shall apply to a project approved as a Pocket Neighborhood Development, in place of the requirements of Section 1315.01.

A. Purposes. To promote Pocket Neighborhood Development, which mainly involves a mix of singles, twins and townhouses, with many of the units facing onto usable common open space. To encourage the creation of more usable open space for residents of the development through flexibility in density and lot standards. To promote pedestrian-friendly site designs. To encourage an identifiable neighborhood that promotes oversight of the area by residents (including through use of front porches), and that places most homes in clusters that are accessible to common open space. To encourage a stronger sense of community and security among nearby neighbors, while preserving personal privacy. To encourage housing patterns that minimize the visibility of garage doors and minimize conflicts between driveways and sidewalks. To seek that the housing include traditional designs, including pitched roofs, varieties in rooflines, prominent front porches, dormers, large windows and similar features. These provisions also recognize that modest-sized new dwellings typically generate less parking demand and reduced impacts compared to larger dwelling units. To promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs, especially including smaller households. To encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with surrounding land uses.

B. Minimum Tract Size. The "Total Area of the Tract" shall not be less than 4 acres. This acreage may include adjacent lots in common ownership that are separated by streets.

C. Uses. The only uses allowed within a Pocket Neighborhood Development shall be: single family detached dwellings, twin dwellings, rowhouses/townhouses, live/work units, common open space, community building, temporary real estate sales office/model home, and accessory vehicle parking lots and vehicle garages. In addition, a maximum of one other dwelling unit that is physically placed above other allowed non-residential uses may be allowed per acre, , provided there is compliance with the total maximum density for the tract. Each of these uses shall be permitted by right, if the requirements for a Pocket Neighborhood Development are met.

1. In addition, a maximum of 5 percent of the dwelling units may be live work units/ live work space, in compliance with Section 1327.03. These units shall be permitted by right, provided that the location of such units are identified in the approved subdivision or land development plan. Such live work units/live work space shall be limited to offices, arts/crafts studio or personal services, or music, dance or art instruction involving a maximum of 3 students at a time. Such units_shall not include retail sales.

2. The same accessory uses shall be permitted by right within a Pocket Neighborhood Development as are listed as permitted by right for the R-M district in Article 1313. The same accessory uses shall be special exception uses within a Pocket Neighborhood Development as are listed as special exception uses for the R-M district in Article 1313. However, a Family Child Care Home shall not be allowed.

3. No residential dwelling unit shall have more than 3 bedrooms.

D. Dimensional Requirements.

1. This section is intended to allow flexibility in the placement of dwelling units. Fee-simple lots with separate lot lines are not required for individual *dwellings.*

2. The Total Area of the Tract (as defined in Section 1303.01) measured in acreage shall be multiplied by 10 dwelling units per acre to determine the maximum total density of the tract. Existing streets shall be deducted from the Total Area of the Tract, but paper streets and alleys and streets and alleys that have not been opened to vehicle traffic may be included.

3. The minimum setback for buildings from the right-of-way of a street shall be 5 feet. This setback may be occupied by an unenclosed porch (which may have a roof).

4. The minimum setback for buildings from the right-of-way of an alley shall be 3 feet. The applicant shall prove to the satisfaction of the City Engineer that there will be adequate turning radius for vehicles to enter and exit garages, considering the paved width of the alley in front of the garage doors.

   a. Where detached vehicle garages are provided, single, twin and townhouse dwellings shall be setback a minimum of 5 feet from such garages. A garage serving a dwelling may be connected to a dwelling by an unenclosed breezeway.

   b. The following minimum setbacks shall apply from the perimeter lot line of the Pocket Neighborhood Development (and that is not a street or an alley):
      (1) 20 feet for a dwelling from an abutting lot that is residentially zoned;
      (2) 10 feet for a dwelling from an abutting lot that is not residentially zoned; and
      (3) 5 feet for a detached accessory building.

   c. The minimum separation distance between dwellings that are not lawfully attached shall be 10 feet.

   d. A maximum of 5 dwelling units may be attached together in any manner.

   e. Swimming pools shall not be allowed in the Pocket Neighborhood Development.

5. No more than 25 percent of the dwelling units may include a vehicle garage door(s) that face onto a public street or vehicle driveways within the front yard along a public street.

a. Where garages are attached to a dwelling, the garage doors shall not have a smaller setback from a public street than the front of the main residential portion of the dwelling.

b. Townhouses shall not have their own attached vehicle garage door(s) facing onto a street, and shall not have vehicle driveways between the townhouse and the street.

6. A minimum of 80 percent of the dwelling units shall include an unenclosed front, side or rear porch and/or a balcony or deck with a minimum square footage for each dwelling unit of at least 70 square feet.

a. However, for dwelling units with a floor area of less than 700 square feet, such size may be reduced from 70 to 50 square feet.

b. Such porch, balcony or deck may have a roof, but shall be open on at least 2 of 4 sides.

7. Required Commons areas shall each have a minimum area of 200 square feet and a minimum width of 20 feet. The Commons areas shall be part of the required common open space.

a. A minimum of 60 percent of the dwelling units shall be located abutting or at least partly within 100 feet from a landscaped Commons area.

8. Individual dwellings shall not be required to directly abut a street, if all of the following requirements are met:

a. each dwelling has access using a sidewalk or other hard-surfaced ADA accessible pedestrian pathway to a detached vehicle garage, and the garage has vehicle access onto a street or alley,

b. each dwelling has access using a sidewalk or other hard-surfaced ADA-accessible pedestrian pathway to reach a street, and

c. the dwelling abuts landscaped common open space.

d. this may require a waiver to be granted from the requirements of the Subdivision and Land Development Ordinance.

9. Individual dwellings shall not be required to have their own vehicle access onto a street if each dwelling has access to a detached vehicle garage within the tract that has access to a street or alley.

10. The placement of dwelling units in relation to a street and fire hydrants shall be subject to review by the Fire Department.

11. Dwellings shall not be placed on portions of building sites with a natural slope of 25

percent or greater.

12. The maximum height shall be 3 stories or 38 feet, whichever is more restrictive.

13. The maximum building coverage shall be 50 percent. This coverage shall only apply to the Total Area of the Tract (as opposed to individual lots) and shall be measured at the time of completion.

14. Each dwelling unit shall have a minimum width and minimum length of 20 feet. Each dwelling unit shall have a minimum heated indoor square footage of 600 square feet and a maximum total indoor square footage of 2,000 square feet. Each dwelling unit shall not include more than 3 bedrooms.

15. A side of a dwelling that faces onto a public street shall include at least two of the following features:

    a. a porch,
    b. two or more windows,
    c. one or more dormers,
    d. the use of at least two types of building materials,
    e. variations in roof lines, and/or
    f. a variation in building setback of at least one foot.

E. Common Open Space. A minimum of 10 percent of the Total Area of the Tract shall be preserved in "common open space." The common open space shall be: a) preserved through a Conservation Easement that is enforceable by the City, and b) maintained by a legally binding homeowner association, unless the City specifically approves an alternative method of ownership and maintenance in response to a request by the applicant.

1. A portion of the required open space shall be used for landscaped "Commons" areas that are adjacent to dwelling units. The common open space may also include community gardens.
2. Wetlands, ponds and lands with a slope greater than 25 percent shall not count towards the required amount of common open space.

F. Maintenance. The applicant shall prove to the City, based upon review by the City Solicitor's Office, that there will be a suitable legally-binding system in place, such as homeowner association agreements, to provide a process in proper legal form to maintain and fund shared facilities. The City Solicitor's Office is not required to review the amounts of any fees. Those shared facilities may include, but are not limited to, shared parking areas, common open spaces and alleys.

G. Parking. The Pocket Neighborhood Development shall provide a minimum average of 2 off-street parking spaces per dwelling unit. An average of at least 1.5 parking spaces per dwelling unit shall be located in off-street locations and may be provided in parking lots or garages that are not necessarily on the same lot as the dwelling it serves. However, in those cases such spaces shall be located within 200 feet of the dwelling and be accessible through pathways or sidewalks.

1. On-street parking spaces along streets may be used to count towards a maximum

average of 0.5 parking spaces per dwelling unit of this requirement, On-street parking spaces shall not be reserved for individual residents.

2. Parking spaces that are immediately in front of and on the same side of the street as pre-existing dwellings shall not be counted to meet the requirements for new dwellings.
3. Any shared parking lot shall include an area designed to be used for the storage of snow that does not affect the number of parking spaces provided.
4. An off-street parking lot to serve the dwellings in the Pocket Neighborhood Development may be the principal use of a lot, as a permitted by right use.

H. Alleys. Any alleys shall have a minimum right--of-way width of 20 feet and a minimum cartway width of 14 feet. Any new alleys shall be owned and maintained by a homeowner association, unless the City specifically approves an alternative.

I. Landscaping. A landscaping and street tree plan shall be submitted with the Pocket Neighborhood Development application. Such plan shall also address plantings within the common open spaces.
1. A minimum average of one deciduous shade tree shall be required for every 1,000 square feet of required common open space, unless existing trees will be preserved that will serve the same purpose. These trees shall be in addition to any required street trees.
2. The development shall meet the provisions of the prevailing Shade Tree Ordinance of the City.

J. Pedestrians. The Pocket Neighborhood Development shall include a system of sidewalks along streets and other pedestrian pathways that connect together the various parts of the development.

K. Design Guidelines. The applicant for a Pocket Neighborhood Development shall submit a narrative describing how the proposed plans do or do not comply with the Design Guidelines that are included in Appendix A."

Section 5. Design Guidelines.

The following Design Guidelines shall be included as a new Appendix A of the Zoning Ordinance.

"*Appendix A*
POCKET NEIGHBORHOOD DEVELOPMENT
DESIGN GUIDELINES

The following are advisory design guidelines that are intended to be used by an applicant and the Planning Commission in reviewing a Pocket Neighborhood Development. In the event that any of the following guidelines conflict with the provisions found in Section 1315.02.2 of this ordinance, the provisions of Section 1315.02.2 shall prevail.

A. Purposes. To serve the purposes provided in Section 1315.02.2.

B. Development Configuration

1. Most dwellings are intended to be placed in Pocket Neighborhood Clusters adjacent to Commons. Between 4 and 12 dwellings should be located in a cluster.

2. Secondary configurations may be street-oriented porch-front dwellings with access alleyway parking, and carriage and live-work dwellings along access alleyways. Where there are few reasonable alternatives, dwellings may have driveways located off of streets.

C Design Standards.

1. Common Open Space in Pocket Neighborhood Clusters should:
   a. have individual dwelling entrances oriented towards the open space;
   b. have at least 75 percent of the dwelling units abutting a common open space;
   c. have dwellings abutting at least two sides.

2. Location. Private open space should separate the main entrance to the dwelling from the common open space or street by a hedge or fence not to exceed 36 inches in height. Private open space may be located in the side and rear yards as well.

3. Size. Each residential unit should be provided with a minimum of 200 square feet of usable private open space, with no dimension less than 10 feet. Such open space requirements may be met with a combination of front, side or rear yard locations. Units built above garages and Live-Work Units may be omitted from this standard.

4. Front Porch.
   a. Intent. A covered front porch is a key element in fostering neighborly connections, providing a human scale to a dwelling, and offering surveillance of public space. Its placement, size, relation to interior and public spaces, and the height of railings are all factors in achieving these purposes.
   b. Location. Every dwelling should have a covered entry porch oriented toward the common open space or street. This porch should be open on at least two sides, and should not be enclosed.
   c. Live-work units may have covered entry porches located off of an alley.
   d. Size. The covered porch should be greater than 70 square feet in area, with a minimum of dimension of 6 feet, except that dwellings less than 700 square feet in size may have a porch greater than 50 square feet in area and 5 feet minimum dimension.

5. Eyes on Public Space.
   a. Intent. The first line of defense for personal and community security is a strong network of neighbors who know and care for one another. When the active dwelling spaces look onto public space, a stranger is noticed. As well, nearby neighbors can see if daily patterns are askew next door or be called upon in an emergency.
   b. Common Open Spaces, Streets and Alleys should have a minimum of one residential dwelling window providing clear surveillance of public and semi-public

space.

6. Privacy Between Dwellings.
   a. Intent. Having a next-door house or apartment peering into your own can be uncomfortable and claustrophobic; therefore, arrange openings to preserve privacy.
   b. Dwellings should be designed so that no window peers into the living space of adjacent dwellings closer than 20 feet apart. This may be accomplished by:
      i. 'Nesting' dwellings with open and closed sides: the open side may have windows facing its own side or rear yard, while the closed side may have high windows, translucent windows, or skylights to bring in ample light while preserving privacy;
      ii. Zero lot line dwellings (duplex or rowhouses) with no side windows;
   c. The side yard of a dwelling may be fully usable to the face of the neighboring building through landscape easements or other means.

7. Community Buildings and Elements.
   a. Intent. Common buildings and shared elements are direct amenities of living in a pocket neighborhood. Beyond these benefits, these common facilities foster connections among neighbors and strengthen their sense of community.
   b. Every Pocket Neighborhood Cluster should contain at least *one* of the following elements:
      i. Outdoor area for cooking by the residents during special events.
      ii. Picnic shelter;
      iii. Community recreation building, such including a room for activities.
      iv. Vegetable garden plots.
      v. Playground.

8. Parking.
   a. Detached garages serving multiple dwellings should be located off of an access alleyway, and limited to five single-car bays with doors up to 10 feet wide.
   b. In a Pocket Neighborhood cluster, consider locating parking so that residents and guests walk through the shared open space rather than entering the dwelling through an attached garage. This arrangement increases the opportunities for neighbor-to-neighbor contacts.
   c. Where dwellings must have garages located off of a street, such garages must be set back from the front façade of the dwelling by a minimum of one foot, and have a maximum of one garage door up to 10 foot wide.
   d. Storage of items within a garage that precludes the use of vehicle parking should be avoided.
   e. Head-in surface parking areas for more than two cars should be:
      i. prohibited in the front yard setback area;
      ii. screened from public streets and adjacent residential uses by

landscaping or architectural screening.

9. Storage. Every dwelling should have a minimum of 40 square feet of covered storage space outside the heated living area. This space may be located in a garage if it does not preclude vehicle parking, or in a storage shed.

10. Refuse & Recycling.
    a. Storage of these containers should be located so their visual and odorous impact on adjacent properties is minimized.
    b. Refuse and recycling containers should be screened from view by landscaping or architectural screening, and should not be located in the front setback area, or where smells may be offensive to adjacent properties.

11. Pedestrian Network.
    a. Pocket Neighborhood Developments should provide a network of pedestrian pathways, including sidewalks along at least one side of streets, mid-block walkways, and shared local streets and access alleyways.
    b. Connections to the wider neighborhood should be made where appropriate and allowed.
    c. All such pathways should be accessible by the general public, except that walkways into and through the Pocket Neighborhood clusters may be limited to residents and their guests.

12. Live/work provisions
    a. The residential and the commercial space should be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
    b. The residential component as designated on the floor plan approved through the special development permit should remain residential and cannot be converted to commercial use.
    c. The commercial component should be restricted to the unit and should not be conducted in the yard, garage or any accessory structure.
    d. The commercial component should not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units.
    e. The commercial use should not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.

13. Where walls of two dwellings are located less than 20 feet apart, windows along such walls should not be aligned to allow direct views from one window into the window of another dwelling. This can be accomplished through variations in window locations, landscaping, fencing or similar measures."

Section 5. Repealer.

Any specific provision of the previously enacted Zoning Ordinance that is in direct conflict with a specific provision of this Ordinance Amendment is repealed to the extent of such direct conflict.

Section 6. Severability.

If any specific provision of the Ordinance Amendment is found by a court of competent jurisdiction to be invalid, such action shall be limited to the specific provision that is found to be invalid, and the remaining portions of this Ordinance Amendment shall remain in full force and effect.

Section 7. Enactment and Effective Date

This Zoning Ordinance Amendment is hereby duly enacted and ordained this date of by the City Council of the City of Allentown, Lehigh County, Pennsylvania, in lawful session duly assembled. This Ordinance Amendment shall become effective immediately upon enactment.

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	$15,000
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 sevices 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**

CITY OF ALLENTOWN

No. CA-1 **RESOLUTION** **2013**

Introduced by the Administration on June 19, 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:

Zenon Wach
1502 W Chew Street

Tomica & Richard Jerome
37 N 17th Street

WHEREAS, on June 3, 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. R-2 **RESOLUTION** **- 2013**

Introduced by the Administration on January 2, 2013

Authorizes the Administration to Sell a Portion of the City-owned Real Property located at 1902 Lehigh Street, Allentown, Pennsylvania

Resolved by the Council of the City of Allentown, That

WHEREAS, the City owns the real estate with a property address of 1902 Lehigh Street, Allentown, Pennsylvania 18102, more particularly described at Lehigh County Property Identification Number (PIN) # 549680433515 1, known as the Mack Southside Fire Station, the adjacent firefighter training grounds ("the Training Grounds") and the parking lot located at the intersection of Lehigh and Vultee Streets in the City of Allentown (the "Parking Lot"); and

WHEREAS, the Training Grounds consists of approximately 2.4 acres and the Parking Lot contains approximately 14,633 square feet, as depicted in Exhibit "A" which is attached hereto and made a material part hereof; and

WHEREAS, Section 130.24 of the Administrative Code states that City owned real estate shall not be sold, conveyed or transferred without the prior authorization of City Council in the form of a Resolution adopted at a public meeting; and

WHEREAS, in consideration of the best interests of the City, City Council finds that the sale of the said property will generate revenue and reduce maintenance costs for the City; and

WHEREAS, Ordinance 14493 requires the Administration to commit ten (10%) percent of the proceeds of the sale of City owned real property toward the repayment of the Stabilization Fund Loan of 2006.

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to sell and convey that portion of the property located 1902 Lehigh Street, Allentown, Pennsylvania known as the Training Grounds and the Parking Lot and is further authorized to execute all documents necessary to effectuate such sale and to commit ten (10%) percent of the proceeds of such sale to the repayment of the Stabilization Fund Loan of 2006.

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

Managing Director. The initiative began with the Mayor's Office at the request of Health Network Laboratories (HNL) which is a for profit subsidiary of Lehigh Valley Hospital Network (LVHN).

- **Summary and Facts of the Bill**

Resolution authorizes the Administration to execute an ***Agreement of Sale*** with HNL for a portion of the City owned property located at 1902 Lehigh Street.

The portions of land to be sold are approximately 2.41 acres on north side of property known as the Fire Training Academy, and approximately 14,633 SF of parking lot (which is currently being leased to HNL) located on west side of property.

The purchase price is nine hundred and seventy eight thousand dollars ($978,000).

HNL plans on utilizing the property to expand its existing adjacent facility and operations.

The Mack Fire House would continue to operate as and where is. The Fire Training Academy would need to be relocated.

- **Purpose**

The resolution allows the Administration to enter into an Agreement of Sale with HNL to sell a portion of its property known as the Fire Training Academy and parking lot adjacent to HNL's existing operations.

The chief benefit would be to allow HNL to continue to operate and expand its operation at its current location; keep the laboratory and current employees in the city; and add this property and approximately 150-200 new jobs to the tax rolls.

This move also provides to the City the opportunity and funding to upgrade and consolidate its Public Safety Training facilities at the Police Training Academy.

Selling this property to HNL is consistent with City economic development efforts to retain taxable businesses; expand the number of employees working in the City; and demonstrate that the City is a business friendly environment.

- **Financial Impact**

  Cost Associated: The consolidation & upgrading of the Police Training Academy to include the Fire Training Academy would be covered by the $978,000 proceeds of the sale of this property, and a $295,000 Lehigh County Emergency Training Facilities Grant.

  Benefits Associate: In addition to the $978,000 purchase price, HNL will be placing this property back on the tax rolls and creating additional 150-200 jobs in the City. Both of these will yield additional annual tax revenue to the City, School District & County.

- **Funding Sources –** The consolidation & upgrading of the Police Training Academy to include the Fire Training Academy would be covered by the $978,000 proceeds of the sale of this property, and a $295,000 Lehigh County Emergency Training Facilities Grant.

- **Priority status/Deadlines, if any –** HNL is anxious to proceed with their expansion. Should the Agreement of Sale not be executed in a timely manner, they will be acting on other options that include relocating their entire operations outside the City.

- **Why should Council unanimously support this bill?** It provides funds and opportunity to consolidate and upgrade City Public Safety Training facilities; retain taxable businesses; potential expand the number of employees working in the City; and demonstrate that the City is a business friendly environment.

CITY OF ALLENTOWN

No. R-3 **RESOLUTION** **- 2013**

Introduced by the Administration on , 2013

Authorizes the Administration to Execute a Right of First Refusal Agreement for the Sale of a Portion of the City-owned Real Property located at 1902 Lehigh Street, Allentown, Pennsylvania

Resolved by the Council of the City of Allentown, That

WHEREAS, the City owns the real estate with a property address of 1902 Lehigh Street, Allentown, Pennsylvania 18102, more particularly described at Lehigh County Property Identification Number (PIN) # 549680433515 1, known as the Mack Southside Fire Station (the "Fire Station"), as depicted in Exhibit "A" which is attached hereto and made a material part hereof; and

WHEREAS, Health Network Laboratories, L.P. ("HNL"), a taxable subsidiary of Lehigh Valley Health Network, conducts its business operations in facilities located adjacent to the Fire Station on Lehigh Street; and

WHEREAS, HNL may, at some future time, wish to expand its operations at this location within the City; and

WHEREAS, Section 130.24 of the Administrative Code states that City owned real estate shall not be sold, conveyed or transferred without the prior authorization of City Council in the form of a Resolution adopted at a public meeting; and

WHEREAS, City Council finds, in its judgment, that the grant of a right of first refusal to HNL to purchase the Fire Station at some future time, by written agreement, is in the best of the City; and

WHEREAS, Ordinance 14493 requires the Administration to commit ten (10%) percent of the proceeds of the sale of City owned real property toward the repayment of the Stabilization Fund Loan of 2006.

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to execute a written agreement granting Health Network Laboratories, L.P. a right of first refusal to purchase that portion of the property located 1902 Lehigh Street, Allentown, Pennsylvania known as the Fire Station, subject to certain terms and conditions, and is further authorized to commit ten (10%) percent of the consideration paid to the City by Health Network Laboratories, L.P. for the grant of said right of first refusal to the repayment of the Stabilization Fund Loan of 2006.

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

  Managing Director: The initiative began with the Mayor's Office at the request of Health Network Laboratories (HNL) which is a for profit subsidiary of Lehigh Valley Hospital Network (LVHN).

- **Summary and Facts of the Bill**

  Resolution authorizes the Administration to execute a ***Right of First Refusal Agreement*** for the potential sale of City-owned Real Property located at 1902 Lehigh Street, better known as the Mack Firehouse property, with HNL.

- **Purpose**

  The resolution grants HLN the Right of First Refusal to purchase the Mack Firehouse property, in the event the City would decide within the next ten (10) years to sell and/or relocate the Mack Firehouse property adjacent to HNL.

  The resolution ensures that HNL will have rights to purchase the property at a competitive price, if and when the City sells the land in question.

  The resolution is only designed to provide HNL the right to purchase the parcel of land **before any other competing interest.**

  For this Right of First Refusal, HNL will pay the City ten thousand dollars ($10,000). This agreement terminates after ten (10) years.

  The chief benefit would be to allow HNL to continue to operate and expand its operation at its current location; keep the laboratory and current employees in the city; and add this property and new jobs to the tax rolls.

  There is no downside to this agreement as it would only be activated should the City decide to sell the property.

  Providing a right of first refusal to HNL is consistent with City's economic development efforts to retain taxable businesses; expand the number of employees working in the City; and demonstrate that the City is a business friendly environment.

- **Financial Impact**
  - Benefits Associated: For this Right of First Refusal HNL will pay the City ten thousand dollars ($10,000).
  - Costs Associated: There is no cost associate with this agreement

- **Funding Sources –** No funding sources are required

- **Priority status/Deadlines, if any –** This Right of First Refusal Agreement would be activated in conjunction with the City's Agreement of Sale with HNL for a portion of the land at 1902 Lehigh Street, known as the Fire Training Academy & Parking lot should HNL find it needs additional land to expand its current operations.

- **Why should Council unanimously support this bill?** Ten thousand dollars ($10,000) with no undesired risk; retain taxable businesses; potential expand the number of employees working in the City; and demonstrate that the City is a business friendly environment.

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

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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 opportunties 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. 18 **RESOLUTION** R - 2013

Cancels the July 3, 2013 Council Meeting

Resolved by the Council of the City of Allentown, That

WHEREAS, Council may, by resolution, cancel a meeting due to lack of business; and

WHEREAS, no business has been forwarded from the Administration for a meeting in early July and the next meeting falls the day before a holiday.

NOW, THEREFORE, BE IT RESOLVED, that Allentown Council hereby cancels the July 3rd Council meeting.