

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**  
**September 18, 2013**  
**COUNCIL CHAMBERS**  
**435 Hamilton Street**

**Parks and Recreation 6:30 PM**

**Bill 41 Trexler Fund Appropriation**

Amending the 2013 Trexler Fund and the 2013 Capital Projects Fund to provide for a supplemental appropriation of Two Hundred Twenty Five Thousand, Nine Hundred Twenty Six Dollars and Seventy Three Cents (\$225,926.73) to the Trexler and Capital Funds to provide for the annual receipt of capital improvement funds from the Trexler Trust designated by Court Order dated April 19, 2011.

**Public Works Committee Meeting 6:45 PM**

**R25 1728 Union Street Encroachment**

Authorizes an encroachment for a fire escape at 1728 Union Street

**Council Meeting – 7:00 PM**

1. Invocation: Julio Guridy
2. Pledge to the Flag
3. Roll Call
4. Courtesy of the Floor
5. Approval of Minutes: September 4, 2013
6. Old Business
7. Communications
8. Committee Meetings

Budget and Finance: Chairperson Schweyer

Public Safety: Chairperson Eichenwald

Community and Economic Development: Chairperson Davis

Parks and Recreation: Chairperson Mota

Public Works: Chairperson O'Connell

Human Resources, Administration and Appointments: Chairperson Glazier

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy

Special Committee – Tax Exempt Properties – Chairperson Eichenwald

**OTHER COMMITTEE REPORTS**

**Controller's Report**

**Managing Director's Report**

**9. APPOINTMENTS: None**

**10. ORDINANCES FOR FINAL PASSAGE:**

**Bill 41 Trexler Fund Appropriation**

Amending the 2013 Trexler Fund and the 2013 Capital Projects Fund to provide for a supplemental appropriation of Two Hundred Twenty Five Thousand, Nine Hundred Twenty Six Dollars and Seventy

Three Cents (\$225,926.73) to the Trexler and Capital Funds to provide for the annual receipt of capital improvement funds from the Trexler Trust designated by Court Order dated April 19, 2011.

## **11. ORDINANCES FOR INTRODUCTION:**

### **Bill 42 EMS**

### **Refer to Public Safety**

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Thirteen thousand three hundred eighty seven dollars and 50 cents (\$13,387.50) from the Lehigh Valley Iron Pigs.

### **Bill 43 Injury Prevention**

### **Refer to CEDC**

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Nineteen Thousand, Nine Hundred and Thirty-Five (\$19,935) Dollars from Pennsylvania Department of Health, Division of Health Risk Reduction to the Health Bureau's Injury Prevention Program budget.

### **Bill 44 Pension Ordinance**

### **Refer to Budget and Finance**

Of the Council of the City of Allentown, Lehigh County, Pennsylvania, authorizing and directing that action be taken to effectuate a deposit of certain monies to fund the city's unfunded pension liability in accordance with Act 205, the Municipal Pension Plan Funding Standard and Recovery Act, authorizing the issuance of a note in the principal amount of \$160,000,000 to fund the city's pension plan contribution and authorizing the appropriation of note proceeds to the pension fund, authorizing appropriate officers and officials to take required necessary and/or appropriate action, to bring about the foregoing reduction, providing for severability of provisions of the ordinance, providing for the repeal of all ordinances or parts of the ordinance so far as the same shall be inconsistent, providing when this ordinance shall become effective.

## **12. CONSENT AGENDA:**

### **CA-1 HARB**

Certificates of Appropriateness for Work in the Historic District at 1120 West Linden Street and 230 North West Street

## **13. RESOLUTIONS ON SECOND READING:**

### **R25 1728 Union Street Union Street Encroachment**

Authorizes an encroachment for a fire escape at 1728 Union Street

## **14. RESOLUTIONS ON FIRST READING**

### **R28 Tax Exempt Committee**

Appoints Councilperson Davis to the Committee reviewing the impact of tax exempt property

## **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](http://www.allentownpa.gov) or contact the Clerk at [Michael.Hanlon@allentownpa.gov](mailto:Michael.Hanlon@allentownpa.gov) to receive an email notice of the meetings.*

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 41 - 2013

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SEPTEMBER 4, 2013

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AN ORDINANCE

Amending the 2013 Trexler Fund and the 2013 Capital Projects Fund to provide for a supplemental appropriation of Two Hundred Twenty Five Thousand, Nine Hundred Twenty Six Dollars and Seventy Three Cents (\$225,926.73) to the Trexler and Capital Funds to provide for the annual receipt of capital improvement funds from the Trexler Trust designated by Court Order dated April 19, 2011.

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 Trexler Fund in the amount of Two Hundred Twenty Five Thousand, Nine Hundred Twenty Six Dollars and Seventy Three Cents (\$225,926.73).

SECTION TWO: That City Council authorizes an appropriation from the unappropriated balance of the Trexler Fund in the following manner:

**Trexler Fund**

**Parks and Recreation Grounds Maintenance**

<b>006-08-6761-0001-84</b>	<b>Capital Fund Contribution</b>	<b>\$225,926.73</b>
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SECTION THREE: That City Council authorizes an increase to the unappropriated balance of the Capital Projects Fund in the amount of Two Hundred Twenty Five Thousand, Nine Hundred Twenty Six Dollars and Seventy Three Cents (\$225,926.73) through a transfer from the Trexler Fund Capital Fund Contribution Expense Account Number 006-08-6761-0001-84.

SECTION FOUR: That City Council authorizes an appropriation from the unappropriated balance of the Capital Projects Fund in the following manner:

**Trexler Park, Restroom Repairs:**

<b>001-08-1631-1360-54</b>	<b>Repair &amp; Maintenance Supplies</b>	<b>\$ 5,800.00</b>
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**Trexler Park, Lower Pond Repairs, Engineering:**

<b>001-08-1905-1360-46</b>	<b>Other Contract Services</b>	<b>\$ 10,000.00</b>
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**Percy Ruhe Park, Basketball Court Completion, Paving and Installed Amenities;**

**Trexler Park, Trail Surface Repairs; Asphalt Milling, Paving, Striping:**

001-08-1905-1360-54	Repair & Maintenance Supplies	\$103,883.00
<b>Percy Ruhe Park, Basketball Court Completion; Portable Amenities:</b>		
001-08-1905-1360-68	Operating Materials & Supplies	\$ 15,271.00
<b>Trexler Park, Lower Pond Repairs, Construction;</b>		
<b>Trexler Park, Trail Surface Repairs, Paving &amp; Striping;</b>		
<b>WPA Structures, Masonry Repairs:</b>		
001-08-1905-1360-76	Construction Contracts	\$ 90,972.73
	<b>Total</b>	<b>\$225,926.73</b>

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

SECTION SIX: 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 Parks and Recreation

- **Summary and Facts of the Bill**

The April 19, 2011 Court Order from the Trexler Trust states that any amount over \$1,250,000 awarded from the Trust annually is to be spent on Capital Improvements. The balance of \$225,926.73 needs to be appropriated into the expenditure line item in the operating fund balance.

The full amount of \$225,926.73 will then be placed into various Capital Projects within the Parks and Recreation Department.

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

This Ordinance places the necessary funds into the proper expenditure line items within the Trexler Fund so that it may be moved into various Capital Projects as follows:

001-08-1631-1360-54	Repair & Maint. Supplies	\$ 5,800.00
001-08-1905-1360-46	Other Contract Services	\$ 10,000.00
001-08-1905-1360-54	Repair & Maint Supplies	\$103,883.00
001-08-1905-1360-68	Operat. Mat. & Supplies	\$ 15,271.00
001-08-1905-1360-76	Construction Contracts	\$ 90,972.73
<b>TOTAL</b>		<b>\$225,926.73</b>

Funds will be allocated to the following projects:

Trexler Park pond repairs	\$67,000.00
Percy Ruhe basketball courts	\$49,154.00
WPA Structures, masonry repairs	\$33,972.73
Trexler Park trail repairs	\$70,000.00
Trexler Park restroom repairs	\$ 5,800.00

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

This increases the amount to be received by the City from the Trexler Trust in accordance with General Trexler’s Will.

- **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.**

Trexler Trust

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

These funds need to be appropriated as soon as possible so they can be placed into corresponding Capital Projects for improvements within the City's parks system.

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

Passage of this Ordinance is in keeping with the Court Order from General Trexler's Will.

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 42 - 2013

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September 18, 2013

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AN ORDINANCE

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Thirteen thousand three hundred eighty seven dollars and 50 cents (\$13,387.50) from the Lehigh Valley Iron Pigs.

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

SECTION ONE: That the City Council authorizes an increase to the unappropriated balance of the General Fund in the amount thirteen thousand three hundred eighty seven dollars and 50 cents (\$13,387.50) from the Lehigh Valley Iron Pigs.

SECTION TWO: That the City Council authorizes a supplemental appropriation from the unappropriated balance of the General Fund to EMS as follows:

<b>000-07-0605-0002-06</b>	<b>Premium Pay</b>	<b>\$13,387.50</b>
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SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

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

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

Fire/EMS

- **Summary and Facts of the Bill**

The City is in receipt of payment from The Lehigh Valley Iron Pigs baseball franchise for the purpose of covering our maximum cost associated with providing on-scene emergency medical services (EMS) staffing, normally two(2) Paramedics, at every home game played and at special events during the 2013 season. \$5,740.00 + \$7,647.50 for a total of \$13387.50

- **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**
  - Provides a diversion of work scope to the paramedics and allows our service to remain visible.
    - **How does this Bill related to the City's Vision/Mission/Priorities**  
Allentown paramedics and the Lehigh Valley Iron Pigs have agreed to partner in a relationship whereby Allentown paramedics will provide all EMS at events that occur in Coca-Cola park under the direction and control of the Iron Pigs. The fee to provide such services to the Iron Pigs is calculated to be the Maximum expected cost to provide paramedic staff services without the intent of making a profit (zero sum). The benefits of our presence at the park have already been seen by faster provisioning of needed emergency medical services. This relationship will occur monthly through the 2013 Baseball season.

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

Payment to the city totaling \$13387.50

- **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.**

Lehigh Valley Iron Pigs

- **Priority status/Deadlines, if any**  
None
- **Why should Council unanimously support this bill?**

To provide the proper distribution of funds received and the aid in the recovery of premium pay as a result of the work and staff provided

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 43 - 2013

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September 18, 2013

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AN ORDINANCE

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Nineteen Thousand, Nine Hundred and Thirty-Five (\$19,935) Dollars from Pennsylvania Department of Health, Division of Health Risk Reduction to the Health Bureau's Injury Prevention Program budget.

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 Nineteen Thousand, Nine Hundred and Thirty Five (\$19,935) Dollars, reflecting receipt of funding from Pennsylvania Department of Health.

SECTION TWO: That City Council authorizes a supplemental appropriation from the unappropriated balance of the General Fund to accounts in the Department of Community and Economic Development, Health Bureau as follows:

**Injury Prevention**

000-09-0908-0002-26	Printing	13,750
000-09-0908-0002-46	Contract Services	5,000
000-09-0908-0002-68	Operating Materials & Supplies	<u>1,185</u>
Total		19,935

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?**

This bill originates from the Health Bureau. The Pennsylvania Department of Health (PADOH) is providing carryover funds from our previous grant to conduct a senior falls prevention project.

- **Summary and Facts of the Bill**

PA DOH is allowing the Health Bureau to carry over \$23,000 of unspent money from last year's grant to work with local physicians to promote falls prevention for senior citizens using Centers for Disease Control (CDC) materials; Stopping Elderly Accidents Deaths and Injuries (STEADI).

- **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 goal of this project is to contract with a consultant to reach local physicians with printed information about how to they can assess seniors' risk of falling during medical visits, how they can advise the seniors on fall risk reduction and provide appropriate exercises to increase strength, flexibility and endurance. PADOH will reimburse the Health Bureau to purchase materials as well as the other expenses associated with this project. The benefits of this program will be the enhancement of our outreach to seniors through the partnerships with the medical community and will complement our current falls prevention activities. Falls prevention for seniors is a major priority for our injury prevention program and the Health Bureau.

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

This will be a short term project of approximately 3 months. PADOH will reimburse the Health Bureau up to \$23,000 for the following expenses:

- \$14,000 to reproduce CDC STEADI materials to distribute to local physicians
- \$3,600 to hire a consultant to meet with physicians
- \$1,400 to pay for room rental for large physician group presentations
- \$1,185 for incentives for physicians to give to their patients, such a pill boxes
- \$2,765 to reimburse the City for injury prevention manager project oversight
- \$50 to reimburse the contractor for mileage expenses

The benefits of implementing this project are that the Health Bureau can partner with physicians to more effectively reach and educate seniors on falls prevention. The project will also generate additional older adult home safety surveys and Matter of Balance senior falls prevention classes and participants.

- **Funding Sources – Please include the following in your explanation:**
  - The agency awarding the funds is PADOH.

- Money will be appropriated to the following accounts:
  - 000-09-0908-0002-26 \$13,750
  - 000-09-0908-0002-46 \$5,000
  - 000-09-0908-0002-68 \$1,185
  
- **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

**Priority status/Deadlines, if any:** Funds must be expended by October 31, 2013

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

This is an excellent opportunity to enhance and complement our current falls prevention program and engage and work with the medical community for this purpose

Administration

ORDINANCE NO. \_\_\_\_\_

FILE OF THE CITY COUNCIL

BILL NO. 44 - 2013

\_\_\_\_\_  
Introduced by the Administration

\_\_\_\_\_ , \_\_\_\_\_

\_\_\_\_\_  
Amended by \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_ , \_\_\_\_\_

AN ORDINANCE

OF THE COUNCIL OF THE CITY OF ALLENTOWN, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THAT ACTION BE TAKEN TO EFFECTUATE A DEPOSIT OF CERTAIN MONIES TO FUND THE CITY'S UNFUNDED PENSION LIABILITY IN ACCORDANCE WITH ACT 205, THE MUNICIPAL PENSION PLAN FUNDING STANDARD AND RECOVERY ACT, AUTHORIZING THE ISSUANCE OF A NOTE IN THE PRINCIPAL AMOUNT OF \$160,000,000 TO FUND THE CITY'S PENSION PLAN CONTRIBUTION AND AUTHORIZING THE APPROPRIATION OF NOTE PROCEEDS TO THE PENSION FUND, AUTHORIZING APPROPRIATE OFFICERS AND OFFICIALS TO TAKE REQUIRED NECESSARY AND/OR APPROPRIATE ACTION, TO BRING ABOUT THE FOREGOING REDUCTION, PROVIDING FOR SEVERABILITY OF PROVISIONS OF THE ORDINANCE, PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF THE ORDINANCE SO FAR AS THE SAME SHALL BE INCONSISTENT, PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City of Allentown, Lehigh County, Pennsylvania (the "City"), is a City acting under and pursuant to the laws of the Commonwealth of Pennsylvania and the City's home rule charter; and

WHEREAS, the City presently has an unfunded actuarial accrued liability in its single employer pension plan; and

WHEREAS, certain proceeds realized from the City's closing of its Sewer and Water Concession Lease Agreement with the Lehigh County Authority are available; and

WHEREAS, Council of the City of Allentown ("City Council") has determined to establish and designate its Restricted Pension Obligation Account ("RPOA") established at National Penn Bankshares Inc. ("KNBT") as a committed restricted account in the amount of One Hundred and Sixty Million Dollars (\$160,000,000) for purposes of holding monies for the funding of the City's pension obligation and to direct that any and all interest accrued in its RPOA to be transferred to the City's lease proceeds account ("Lease Proceeds Account") with KNBT; and

WHEREAS, City Council has determined it to be in its best interest to take certain necessary steps to effectuate a deposit toward the City's unfunded pension liability as permitted under Section 404 of Act 205, the Municipal Pension Funding Standard and Recovery Act (the "Act"); and

WHEREAS, City Council has determined to implement the foregoing decision by authorizing and directing a borrowing from the RPOA, all in accordance with the Act; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City, as follows:

Section 1. Council of the City of Allentown does authorize and direct the designation of the RPOA as a committed restricted account in the amount of One Hundred and Sixty Million Dollars (\$160,000,000) for the purposes of holding monies to fund the City's pension obligation.

Section 2. Any and all interest accrued on the principal sum of One Hundred and Sixty Million Dollars (\$160,000,000), in the RPOA shall be transferred to the Lease Proceeds account.

Section 3. City Council has determined that it is in the best interest of the City to deposit certain monies to fund the City's unfunded pension liability as permitted under Section 404 of Act 205.

Section 4. (a) In order to effectuate the foregoing decision, the Council of the City does hereby authorize the issuance of a note ("Note") under the terms and conditions as set forth herein payable to the RPOA in the principal amount of One Hundred and Sixty Million Dollars (\$160,000,000) in fully registered form, bearing interest at the rate not to exceed 3.500% per annum (interest and principal payable semi-annually) for a term not to exceed 15 years. The Note evidences obligations for pensions allocable to current operating expenses of future years.

(b) The Note shall be subject to prepayment in whole or part without penalty as provided in the form of the Note.

(c) City Council hereby appropriates the Note proceeds for funding of the City's pension obligations.

Section 5. The Note, subject to any technical corrections or modifications approved by Counsel, shall be in the following form:

*CITY OF ALLENTOWN  
LEHIGH COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
UNITED STATES OF AMERICA  
NOTE, SERIES AA OF 2013 ("Note")*

DATED October 2, 2013

MATURITY DATE

**\$160,000,000**

THE CITY OF ALLENTOWN, Lehigh County, (the "City"), for value received and intending to be legally bound, hereby acknowledges itself indebted and promises to pay to the Registered Owner hereof (as identified on the attached Registration Form incorporated herein by reference) the principal sum of ONE HUNDRED AND SIXTY MILLION DOLLARS (\$160,000,000), together with interest thereon, at the stated interest rate not to exceed 3.500%, per actual/360 day year, on the maturity date hereof, upon presentation and surrender of this Note, in lawful money of the United States of America in immediately available funds.

This Note is subject to prepayment without penalty at the option of the City, in full at any time, upon payment of the principal amount and accrued interest, if any, to the date of such prepayment, or in part upon any payment date, and thereafter interest shall accrue only upon the remaining unpaid principal. This Note is the Series AA of 2013 Note authorized and issued in the principal amount of \$160,000,000 (the "Note").

This Note is issued for the purpose of providing funds for current operating expenses of future years.

To the extent that the Note is registered in the name of Depository Trust Company ("DTC") or its nominee, Cede & Co., redemption notices shall be sent to DTC or its nominee. If less than all the Note within a maturity are to be redeemed, which Note of such maturity are to be redeemed and which beneficial owners shall have their ownership interest in the Note redeemed shall be determined by DTC and the direct and indirect participants in DTC in accordance with their customary practices. If the Note is no longer registered in the name of DTC or its nominee, Note to be redeemed in the event of a partial redemption shall be determined by lot by the Paying Agent.

All acts, conditions and things required to be done or performed precedent to and in the issuance of this Note or in the creation of the obligation of which this Note is evidence have been done and performed as required by law.

IN WITNESS WHEREOF, the City has caused this Note to be executed in its name and on its behalf by the signature of the Mayor and its seal to be hereunto impressed, and to be duly attested by the signature of the City Clerk or Assistant City Clerk this 2nd day of October, 2013.

CITY OF ALLENTOWN  
Lehigh County, Pennsylvania

Attest: \_\_\_\_\_  
(Assistant) City Clerk

By: \_\_\_\_\_  
Authorized Officer

(SEAL)

CERTIFICATE OF REGISTRATION

It is hereby certified that the foregoing Note (a) is the Series AA of 2013 of the City of Allentown, and (b) is registered as to principal and interest as follows:

	<u>Registered Owner</u>	<u>Address of Registered Owner</u>	<u>Date of Registration and Authentication</u>
_____	Restricted Pension Obligation Account	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CERTIFICATE OF AUTHENTICATION

It is certified that:

- (i) This Note is the Note described in the Ordinance dated October 2, 2013.

BY: \_\_\_\_\_  
Authorized Officer

Authentication Date

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, \_\_\_\_\_ (the "Transferor")  
hereby sells, assigns and transfers unto \_\_\_\_\_ (the "Transferee")  
Name

\_\_\_\_\_  
Address

Social Security or Federal Employer Identification No. \_\_\_\_\_ the within Note  
and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_  
\_\_\_\_\_ as attorney to transfer the within Note on  
the books kept for registration thereof, with full power of substitution in the premises.

Date: \_\_\_\_\_  
\_\_\_\_\_

NOTICE: No transfer will be made in the name of the Transferee, unless the signature(s) to this assignment correspond(s) with the name(s) appearing upon the face of the within Note in every particular, without alteration or enlargement or any change whatever and the Social Security or Federal Employer Identification Number of the Transferee is supplied. If the Transferee is a trust, the names and Social Security or Federal Employer Identification Numbers of the settlor and beneficiaries of the trust, the Federal Employer Identification Numbers and date of the trust and the name of the trustee shall be supplied.

Signature Guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by a member firm of a national or regional stock exchange or a commercial bank or a trust company.

Section 6. The Note shall be executed in the name of and in behalf of this City by the signatures or facsimile signatures of the Mayor and the President of the Council of the City, and the official seal of this City or a facsimile thereof shall be affixed thereunto, attested by the signature or facsimile signature of the City Clerk.

Section 7. This City covenants to and with the holder or registered owner of the Note, from time to time, pursuant to this Ordinance, that this City shall include the amount of the debt service thereon for each fiscal year of this City in which such sums are payable, in its budget for each such fiscal year, shall appropriate such amounts to the payment of such debt service, and duly and punctually shall pay or shall cause to be paid the principal of the Note and the interest thereon on the dates and place and in the manner stated therein, according to the true intent and meaning thereof; and, for such budgeting, appropriation and payment, this City shall and does pledge, irrevocably, its full faith, credit and taxing power. The foregoing covenant of this City shall be enforceable specifically.

Section 8. Proper officers of this City are authorized and directed to deliver the Note, upon execution thereof as provided for herein.

Section 9. In the event that any provision, section, sentence, clause or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

Section 10. All ordinances or parts of ordinances, insofar as the same shall be inconsistent herewith, shall be and the same expressly are repealed.

Section 11. This Ordinance shall be effective immediately upon enactment.

DULY ENACTED this 2<sup>nd</sup> day of October, 2013, by the Council of City of Allentown,  
Lehigh County, Pennsylvania, in lawful session duly assembled.

\_\_\_\_\_  
(Vice) President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

[SEAL]

Executed and approved by me this 2nd day of October, 2013.

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Mayor of City of Allentown  
Lehigh County, Pennsylvania

I hereby certify that the foregoing Ordinance was passed by the City Council and signed by his Honor the Mayor on October 2, 2013.

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City Clerk

CERTIFICATION

I hereby certify that the foregoing document is a true and correct copy of Ordinance passed by Allentown City Council on October 2, 2013.

Certified this 2nd day of October, 2013.

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City Clerk

CITY OF ALLENTOWN  
LEHIGH COUNTY, PENNSYLVANIA

IN RE:

2013AA NOTE	)	ORDINANCE
	)	
	)	CERTIFICATE OF ENACTMENT

CERTIFICATE

I, the undersigned, City Clerk of the City of Allentown, Lehigh County, Pennsylvania (the "City"), certify that:

The foregoing is a true and correct copy of a Ordinance which duly was enacted by affirmative vote of a majority of all members of the Council of the City at a meeting duly held on the 2nd day of October, 2013; said Ordinance duly has been recorded in the Minute Book of the Council of the City and said Ordinance has not been amended, altered, modified, or repealed as of the date of this certificate.

I further certify that:

The total number of members of the Council of the City is seven (7); the vote of the members of the Council upon said Ordinance was called and duly was recorded upon the Minutes of said meeting; and members of the Council voted upon said Ordinance in the following manner:

Julio A. Guridy	_____
Ray O'Connell	_____
Joe Davis	_____
Jeanette Eichenwald	_____
Jeff Glazier	_____
Cynthia Mota	_____
Peter G. Schweyer	_____

IN WITNESS WHEREOF, I set my hand and affix the official seal of the City, this 2nd day of October, 2013.

\_\_\_\_\_  
City Clerk

(SEAL)

CITY OF ALLENTOWN

No. CA-1

RESOLUTION

2013

Introduced by the Administration on September 18, 2013

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Certificates of Appropriateness for work in the Historic Districts

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***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:

Luis A Luna, Luna Realty Holding LLC  
1120 W Linden St

James Burkhardt  
230 N West St

**WHEREAS**, on August 26, 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**  
**Historical Architectural Review Board**  
**FINAL REVIEW SHEET**  
**August 26, 2013**

**Case #HDC-2013-00049** -Proposal to install new brick facade above storefront window, paint all brick on front façade and install smooth stucco below storefront windows.

**Property located at:** 1120 W Linden Street

**Agenda #2**

**Historic District:** Old Allentown

**Case #HDC-2013-49**

**Meeting date:** August 26, 2013

**Property Owner:** Luis A Luna, Luna Realty Holding LLC

**Address:** 819 E Chew Street, Allentown PA 18109-2103

**Applicant:** same

**Applicant's Address:** same

**Building description, period, style, defining features:** This structure is a 2 ½ story, 2 bay, painted brick commercial and residential end of row house with a gable roof with single dormer, ornate cornice partially covered with aluminum, and the remains of a vitrolite glass façade with curved display windows. The building dates from the 1880s and the modern facade treatment was c. 1940-50. The building is Federal Revival in style with an Art Moderne façade alteration.



**Proposed alterations:** It is proposed to install new brick facade above storefront window, paint all brick on front façade and install smooth stucco below storefront windows.

**Background:** Per HARB Case #2011-32, heard on June 6, 2011:

OAPA Façade Grant:

1. Restore 2<sup>nd</sup> floor to original brick, removing the existing siding, this restoration of brick may carry down to the damaged panels of vitrolite on the 1<sup>st</sup> floor front,
2. repair or replace decorative trim on the windows and cornice,
3. remove the GRIM'S sign and install LUNA'S in the same style and size,
4. display window sign of 2' x 3' denoting a Baker carrying a loaf of bread with the crescent moon behind, and
5. decal of same design with store hours on the door.

Per HARB Case #2009-38, heard on May 11, 2009:

1. Removal of existing aluminum siding at the front façade, approximately 30' of west elevation, dormer, cornice in its entirety. Existing vitrolite and glass store front to remain.

Patch any damage, mortar joints and bricks damaged by siding and furring removal. Toot in new bricks at former A/C unit location in west elevation.

2. Removal of existing "Grims" signage and associated hardware and conduit and donate to APL. Ensure any existing holes in Vitrolite are sealed and caulked to provide water tight condition.
3. Restoring of existing damage portions of wood cornice and construct new to match original and similar to 1106 W. Linden St.
4. Install two (2) pair 2<sup>nd</sup> floor raised panel wooden shutters with appropriate hardware.
5. Relocate any existing cable, A/C unit, water meter to rear or side of property.
6. Scrape, sand, prime, caulk and paint trim, formerly painted brick at front and west elevations, cornice, sash, dormer, gas meter a minimum of 4-color paint scheme.
7. Install three (3) new anodized aluminum "goose neck light to illuminate signage canopy, conduit to be run under canopy, see specs.
8. Install "new" Vitrolite to match where there has been damage.
9. Install new signage awning per Lehrman's specs and rendering.
10. Install bronze, oval OAPA date plaque.

Per HARB Case #2009-24, heard on April 6, 2009 – withdrawn.

Per HARB Case #1993-22, heard on June 9, 1993:

1. Install two or three 1/1 sash windows in the enclosed porch wall with fish scale shingles used to fill any space between them.
2. Cedar shingles should be painted or stained appropriately.
3. Install 36" handrail no more than 6" apart around the roof area used as a patio.

**Staff Approvals:** n/a

**Violations:** n/a

**Guideline Citation:** **SIS 9.** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. **SIS 6.** Deteriorated features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. **Allentown Guidelines for Historic Districts:** Chapter 5. Guidelines for Existing Buildings and Structures 4. Walls, Siding and Trim

**Evaluation, effect on historic district, recommendations:** Upon the removal of the vitrolite materials it was discovered that there was no brick underneath the old façade treatment. The approved façade renovation can still be achieved but new brick will need to be installed. This brick will not match the historic brick closely enough to keep the brick unpainted. Since the brick is currently painted it would be historically appropriate to paint the new brick. It is recommended to use brick of the same size and texture and matching pointing joint style. The previous COA was not clear on the treatment of the area below the curved glass display windows. The application of smooth stucco would be historically appropriate.

**Discussion:** The Historic Consultant explained the situation the applicant faced upon the removal of the damaged Vitrolite glass panels of the storefront. Maintaining the painted brick façade was deemed appropriate in light of the impossibility of matching new brick to the old when infilling the area above the storefront windows. It was verified that the curved glass display windows would be retained. The HARB had questions about the treatment of other areas of the façade and it was clarified that the wood cornice would be repaired and restored, an awning installed according to sketch supplied to the HARB at the 2011 review, and new sign letters matching the old in style and type installed on the façade. The curved areas under the

curved glass display windows was discussed and it was concluded that a smooth stucco finish would be the most historically appropriate.

**Motion:** The HARB upon motion by Mr. Sell and seconded by Ms. Jackson adopted the proposal that City Council issue a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to install new brick facade above storefront window, paint all brick on front façade and install smooth stucco below storefront windows at 1120 W Linden Street was represented by Luis Luna.
2. A new area of brick will be installed above the storefront window. The new brick will be supported by a steel beam covered by the brick so that the steel is not visible.
3. The new brick will match the existing in size and texture and have matching pointing and joint style.
4. The new and old brick will be painted.
5. Smooth stucco will be applied to the area below the curved glass display. This stucco will be painted and have no visible texture.
6. The wood cornice will be repaired and restored as approved in the earlier COAs on the property.
7. The proposal to recommend a COA was unanimously approved. (5-0; motion carried; *Berner, Fillman, Huber, Jackson, Sell*)

**CITY OF ALLENTOWN**  
**Historical Architectural Review Board**  
**FINAL REVIEW SHEET**  
**August 26, 2013**

**Case # HDC-2013-00047** - Proposal to replace the existing metal porch roof with a new EPDM roof membrane and replace aluminum soffit.

**Property located at:** 230 N West Street

**Agenda #1**

**Historic District:** West Park

**Case #HDC-2013-00047**

**Meeting date:** August 26, 2013

**Property Owner:** James Burkhardt

**Address:** 230 N West St, Allentown PA 18102

**Applicant:** Scott Johnson, Mellon Certified Restoration

**Applicant's Address:** 801 E Fairmont St, Allentown PA 18109

**Building description, period, style, defining features:** This structure is a 3 story attached polychrome brick residential building with a low sloped roof, corbelled brick detailing including window lintels and cornice ornament, and a full front porch with Doric columns. The house dates from c. 1910 and is Edwardian in style.



**Proposed alterations:** A fire has caused smoke damage to the roof decking system. The existing metal porch roof (and deck?) will be replaced with a new EPDM roof membrane (and new wood deck?) with Sealoflex coating for the red color recommended by the Historic Design guidelines. It is also proposed to replace aluminum soffit. The new rubber roof will be covered with Sealoflex coating system for red specs.

**Background:** n/a

**Staff Approvals:** n/a

**Violations:** n/a

**Guideline Citation:** **SIS 9.** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. **SIS 6.** Deteriorated features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive

feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. **Allentown Guidelines for Historic Districts:** Chapter 5. Guidelines for Existing Buildings and Structures 3. Roofing

**Evaluation, effect on historic district, recommendations:** If the existing metal roof cannot be retained and repaired, the proposed EPDM roofing with Sealoflex coating for the red color is historically acceptable. Although it appears the product is intended to give additional life to existing EPDM roofing, use on a new roof would presumably be an acceptable assembly. It should be clarified if the porch roof deck is being replaced and what the existing roof deck is constructed of if visible from below. If visible it should be replaced in-kind.

**Discussion:** The discussion started with a cause of the damage to the front porch and the need for repair. The adjacent house had a fire and it caused damage to the applicant's front porch. The HARB agreed with the Historic Consultant's assessment of the proposed EPDM roof coating, but asked what color would be used. The applicant's said they wanted to use the Tinner's Red color shown on the information brochure for Sealoflex. The Historic Officer asked if there was a porch ceiling, and the applicants explained that there was. They had planned on replacing the existing aluminum ceiling and soffit materials in-kind since they understood Mr. Hartney could approve that. Mr. Huber suggested a more historically appropriate material be used such as a vented vinyl beaded soffit for the porch ceiling and cornice soffit. The HARB explained to the applicants what that was, and they expressed interest in using materials that would return the look of the house to its original historic appearance. It was then suggested that the vertically seamed aluminum cladding on the front porch beam be replaced with a smooth break-metal or coil stock aluminum capping.

At the conclusion of the discussion the applicants asked if the attached house could make the same repairs to their home. It was decided that Mr. Hartney could give staff approval to the neighbor as long as the same work and finishes were used.

**Motion:** The HARB upon motion by Mr. Berner and seconded by Ms. Jackson adopted the proposal that City Council issue a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to replace the existing metal porch roof with a new EPDM roof membrane and replace aluminum soffit at 230 N West Street was represented by James and Jeanne Burkhardt.
2. The existing original flat seamed metal porch roof will be replaced with a new EPDM roof membrane.
3. The new rubber roof will be covered with Sealoflex coating system to conform to the red color recommended by the Historic Design Guidelines. The color will be "Tinner's Red".
4. The soffit and porch ceiling will be replaced with a new vented vinyl beaded soffit material to return the porch to a more historic character. The color should match the existing trim color.
5. The vertically seamed aluminum cladding on the front porch beam will be replaced with flat break-metal aluminum. The color should match the existing trim color.
6. The proposal to recommend a COA was unanimously approved. (5-0; motion carried; *Berner, Fillman, Huber, Jackson, Sell*)



CITY OF ALLENTOWN

No. 25

RESOLUTION

R - 2013

*Introduced by the Administration on August 7, 2013*

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**Authorizes an encroachment for a fire escape at 1728 Union Street**

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***Resolved by the Council of the City of Allentown, That***

**WHEREAS**, the Property Owner Donald Longenbach is requesting permission to install a fire escape in the public right-of-way at 1728 Union Street, which was denied by the Administration as it encroached more than one third (1/3) into the right-of-way; and

**WHEREAS**, Council finds that said encroachment will not interfere with the public-right-of-way.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Allentown, approves said encroachment and directs the Mayor to enter into an agreement on behalf of the City allowing the encroachment.

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

Initiated from an encroachment application to extend a fire escape requiring a permanent encroachment.

- **Summary and Facts of the Bill**

Extension of fire escape will encroach more than 1/3 into the public right-of-way.

- **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**

It allows the occupants of the building a means of egress in the event of a fire.

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

No cost to the City.

- **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**

High priority

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

Compliance of the uniform construction code for the building.



Allentown  
City without limits.

**Lisa A. Cocca**  
**Administrative Supervisor**  
Department of Public Works  
Bureau of Engineering  
641 South Tenth Street  
Allentown PA 18103  
610.437.7576  
Fax 610.437.7614  
coccal@allentowncity.org

July 17, 2013

Donald Longenbach  
1302 N. 16<sup>th</sup> Street  
Allentown PA 18104

**RE: 1728 Union Street- Permanent Encroachment fire escape in the public right-of-way**

Dear Applicant:

Enclosed please find a copy of the original Encroachment application (a copy has been sent to City Council) regarding your request for the permanent encroachment pertaining to the fire escape in the public right-of-way.

Please note the request was denied by the department(s) listed on the routing sheet on the back of the application. However, your application was submitted to City Council to reconsider the decision.

If you have any questions please do not hesitate to call me at 610-437-7596.

Very truly yours,

  
Lisa A. Cocca

Enclosure

cc: City Council

Bridgeworks ■ 641 South 10th Street ■ Allentown, PA 18103-3173

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PERMANENT

TEMPORARY

APPLICATION DATE 7-9-13

PERMIT NO. \_\_\_\_\_

DATE ISSUED \_\_\_\_\_

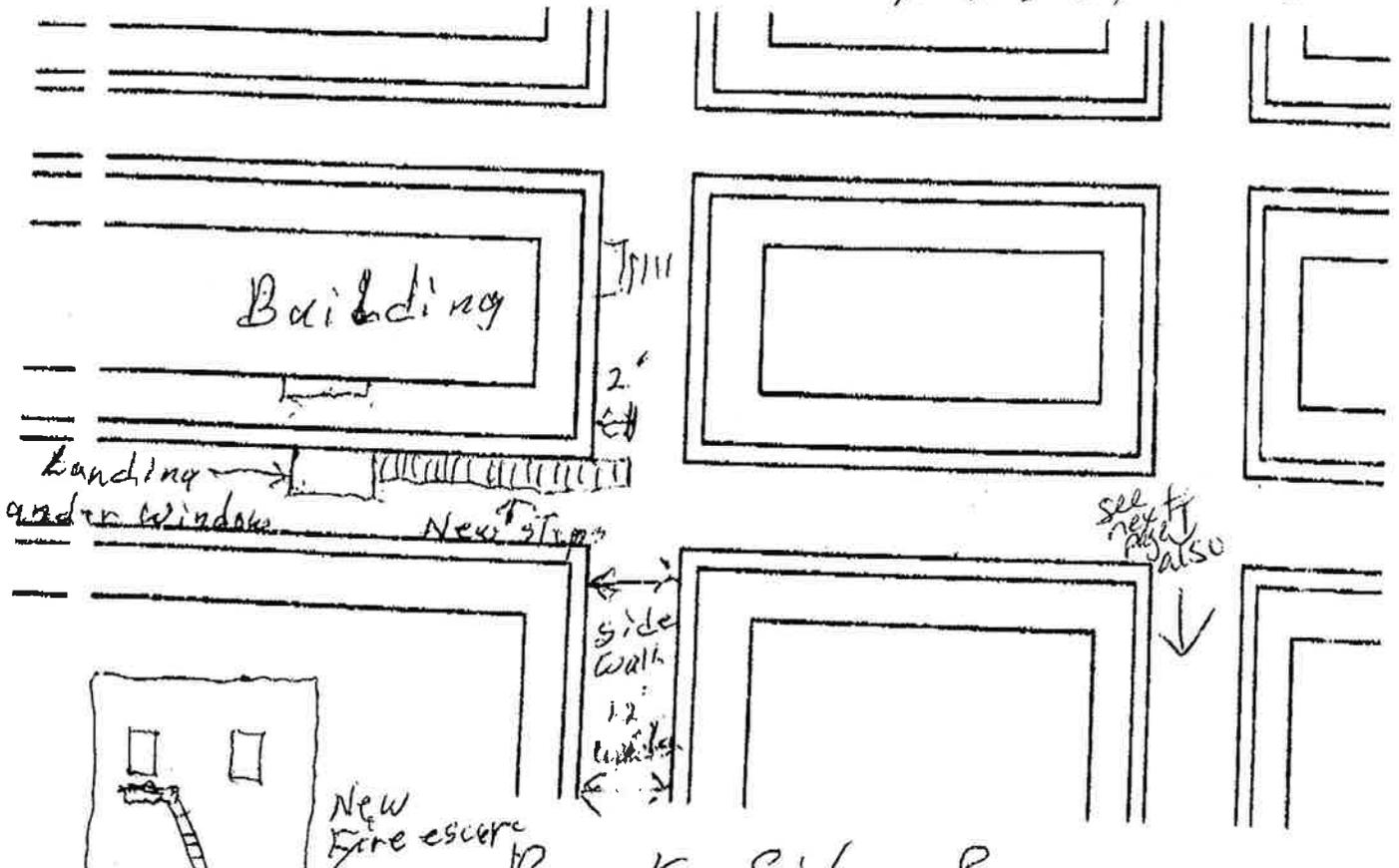
FEE PAID \_\_\_\_\_

**INFORMATION TO BE FAXED TO THE ENGINEERING DEPARTMENT FAX (610) 437-7614  
PLEASE PRINT OR TYPE CLEARLY WITH BLUE OR BLACK INK**

ADDRESS OF ENCROACHMENT: 1728 Union St. Allentown Pa.  
 TIME PERIOD APPLIED FOR: 430  
 TYPE OF ENCROACHMENT: extend fire escape 2' past building  
 DUMPSTER OR SCAFFOLDING:  
 NAME OF SUPPLIER: Nash Welding Richard Nash PHONE 610-437-1042  
 ADDRESS 1919 Walbert Ave. Allentown Pa. 18104  
 NAME OF PROPERTY OWNER: Donald Long Bach PHONE: 610-435-2030  
 ADDRESS 1302 N. 16th St. Allentown Pa. 18102  
 NAME OF APPLICANT: Richard Nash PHONE: 610-437-1042  
 ADDRESS 1919 Walbert Ave. Allentown Pa. 18104  
 APPLICANT'S SIGNATURE: Richard Nash

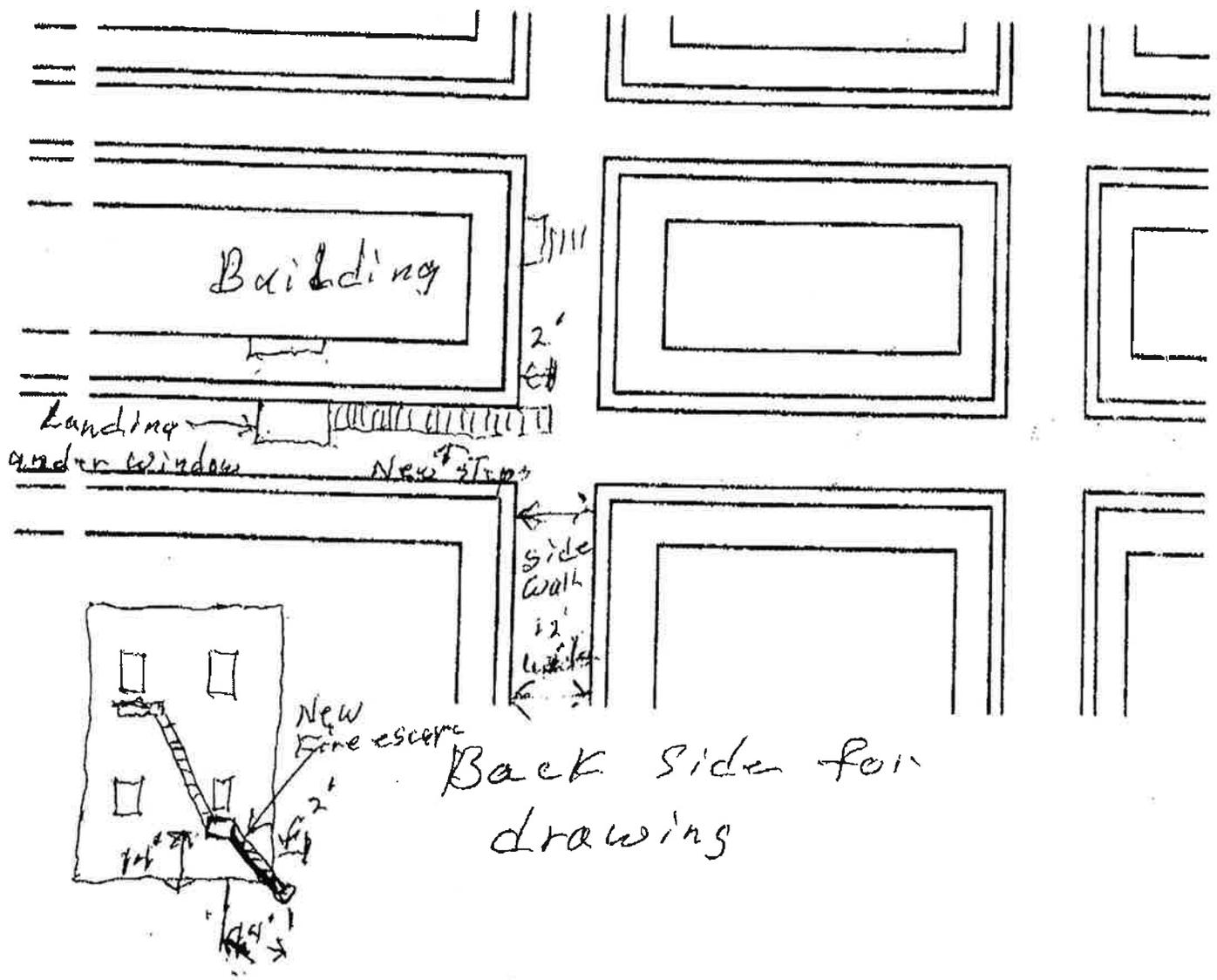
**ALL APPLICATION TO BE ACCOMPANIED BY A MEASURE SKETCH BELOW**

See plan attached



NAME OF PROPERTY OWNER Donald Longbrash PHONE: 610-435-2030  
 ADDRESS 4302 N. 16<sup>th</sup> St Allentown Pa.  
 NAME OF APPLICANT Richard Nash PHONE: 610-437-1042  
 ADDRESS 1919 Walbert Ave Allentown, Pa. 18104  
 APPLICANT'S SIGNATURE Richard Nash

**ALL APPLICATION TO BE ACCOMPANIED BY A MEASURE SKETCH BELOW**



Back side for drawing







CITY OF ALLENTOWN

No. 28

RESOLUTION

- 2013

*Introduced by City Council on September 18, 2013*

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Appointment to Committee to Review the Impact of Tax Exempt Organizations

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***Resolved by the Council of the City of Allentown, That***

**WHEREAS**, Resolution 28945 established a Committee to review the impact of tax exempt organizations; and

**WHEREAS**, Council desires to add an additional councilperson to the Committee.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Allentown, hereby appoints Councilperson Joe Davis to the Committee.