

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

NOVEMBER 21, 2019

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

ORDINANCES

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
NOVEMBER 21, 2019

CONSENT AGENDA (RESOLUTIONS)

Declaring that it is desirable for the health, safety and welfare of the people of the City of Wilkes-Barre to have certain projects to be undertaken by Wilkes University, a Pennsylvania Non-Profit Educational Institution, provided by and financed through the City of Wilkes-Barre Finance Authority. The Authority has heretofore approved the issuance of one or more series of the Authority's revenue bonds in an original aggregate principal amount not to exceed \$11,000,000 (the "2019 Bonds").

Authorizing the proper city officials to close out the following checking accounts: 2011 Flood Account (PNC), JCI Energy Project Account (M&T), 2012 B Street Scape Project Account (M&T).

Authorizing the proper city officials to complete and submit the application for the City's Fiscal, Operational, and Mission Management 5-Year Plan (Phase IV).

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder for the demolition of 260 Parrish Street.

MINUTES

Of the Zoning Hearing Board of October 16, 2019.

Of the Wyoming Valley Sanitary Authority of September 17, 2019.

Of the Regular Session of City Council of November 7, 2019.

Of the Traffic Committee of October 24, 2019.

**CITY COUNCIL
NOVEMBER 21, 2019**

ORDINANCES

FILE OF COUNCIL NO. 12 OF 2019 – OF THE CITY OF WILKES-BARRE, PENNSYLVANIA
AMENDING SECTION 18-12 OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY
OF WILKES-BARRE ENTITLED “STORAGE OF MOTOR VEHICLES ON PRIVATE GROUNDS.”
(SECOND AND FINAL READING)

FILE OF COUNCIL NO. 14 OF 2019 – OF THE CITY OF WILKES-BARRE, PENNSYLVANIA
ADOPTING THE MAYORS PROPOSED (2020) GENERAL FUND BUDGET. (FIRST READING)



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILKES-BARRE, PENNSYLVANIA, DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE CITY OF WILKES-BARRE TO HAVE CERTAIN PROJECTS TO BE UNDERTAKEN BY WILKES UNIVERSITY, A PENNSYLVANIA NONPROFIT EDUCATIONAL INSTITUTION, PROVIDED BY AND FINANCED THROUGH THE CITY OF WILKES-BARRE FINANCE AUTHORITY; AND AUTHORIZING OTHER NECESSARY AND APPROPRIATE ACTION.

The following recitals are a part of this Resolution.

A. The City of Wilkes-Barre Finance Authority (the "Authority") is a body corporate and politic organized under the provisions of the Pennsylvania Municipality Authorities Act, Ch. 56, 2001 Pa. Laws 22 (53 Pa. Cons. Stat. §§ 5601-5622 (2001)), as amended and supplemented (the "Act"), which codifies and amends the Municipality Authorities Act of 1945; and

B. The Act permits the Authority to assist in the financing of buildings and facilities for eligible educational institutions; and

C. Wilkes University (the "Borrower") has represented to the Authority that it operates as an eligible educational institution and is a not-for-profit, privately owned, non-sectarian institution of higher education located in the Commonwealth of Pennsylvania (the "Commonwealth"); and

D. The Borrower has asked the Authority to issue its 2019 Bonds (as defined below) on behalf of the Borrower to finance a project that consists of (1) the current refunding of an existing capital line of credit provided by PNC Bank, National Association, the proceeds of which were used to finance certain capital and operating expenses of the Borrower; (2) the funding or reimbursement for the previous payment of, certain capital and/or operating expenses of the Borrower; (3) the funding of a deposit to a debt service reserve fund account relating to the 2019 Bonds, if necessary, and any other appropriate or necessary reserves, and (4) the payment of all or a portion of the costs and expenses associated with the issuance of the 2019 Bonds, including the cost of any credit or liquidity enhancement, if any, in connection with the 2019 Bonds (collectively, the "Project"); and

Submitted by _____

ROLL CALL

E. In order to finance the Project, the Authority has heretofore approved the issuance of one or more series of the Authority's revenue bonds in an original aggregate principal amount not to exceed \$11,000,000 (the "2019 Bonds") on behalf of the Borrower; and

F. Pursuant to the Act, the Borrower and the Authority have requested the City Council (the "City Council") of the City of Wilkes-Barre (the "City") to declare, by this Resolution, that it is desirable for the health, safety and welfare of the people in the area served by the Borrower and the Project for the Authority to finance the Project.

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

Section 1. It is hereby determined and declared pursuant to the Act that it is desirable for the health, safety and welfare of the people in the area served by the Borrower and the Project for the Authority to undertake the financing of the Project.

Section 2. The adoption of this Resolution is not a pledge of any revenues or security by the City, nor shall the City be liable for the payment of the principal of, or interest on, any obligations issued by the Authority, including, but not limited to, the 2019 Bonds. Neither the faith and credit nor the taxing power of the City, the Commonwealth, or any political subdivision, agency or instrumentality thereof is pledged for payment of the 2019 Bonds.

Section 3. The City Council acknowledges that the Authority is entitled to rely upon, and will rely upon, the findings and determinations of the City Council as set forth in Section 1 above.

Section 4. This Resolution shall take effect immediately. All prior ordinances or resolutions or portions thereof inconsistent herewith are hereby repealed.

THE FOREGOING RESOLVED AND ADOPTED this 21st day of November, 2019, at a regular meeting of the City Council of the City of Wilkes-Barre, Pennsylvania.

CITY OF WILKES-BARRE,
PENNSYLVANIA

By: _____
Chairperson

On this day, the 21st day of November, 2019, I do certify that the above is a true and correct copy of a resolution adopted by the City Council of the City of Wilkes-Barre at a regular meeting held November 21, 2019, at which a quorum was present and acting, which Resolution remains in full force and effect.

By: _____,
James Ryan, City Clerk



Resolution No. _____ Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

Resolution authorizing the proper City officials to close out the following checking accounts:

- 1. 2011 Flood Account (PNC)**
- 2. JCI Energy Project Account (M&T)**
- 3. 2012 B Street Scape Project Account (M&T)**

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, the City of Wilkes-Barre will be continuing a project under the Strategic Management Planning Program related to its Fiscal, Operational, and Mission Management 5-Year Plan (Phase IV) AND;

WHEREAS, the City of Wilkes-Barre wishes to participate in said project AND;

WHEREAS, the Pennsylvania Department of Community and Economic Development (DCED) makes available grants-in-aid to such projects through the Strategic Management Planning Program.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Wilkes-Barre hereby authorizes the proper City officials to complete and submit the application for such a grant on our behalf AND:

BE IT FURTHER RESOLVED that the City Council of the City of Wilkes-Barre hereby allocates local resources in the amount of \$10,000.00 to said project. Additionally, that the Mayor is hereby authorized to enter into the appropriate agreement with DCED, along with any or all other project documents, related to the City of Wilkes-Barre's Fiscal, Operational and Mission Management 5 Year Plan (Phase IV) project, if the application is approved.

Submitted by _____

ROLL CALL



Resolution No. _____ Wilkes-Barre, PA _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, the City of Wilkes-Barre will publicly advertise for bidders for the Demolition of 260 Parrish Street.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder for the Demolition of 260 Parrish Street.

Submitted by _____

ROLL CALL

FILE OF COUNCIL

Presented in City Council on November 7, 2019

NO. 12 of 2019

AN ORDINANCE

**OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING
SECTION 18-12 OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE
CITY OF WILKES-BARRE ENTITLED "STORAGE OF MOTOR VEHICLES
ON PRIVATE GROUNDS."**

NOW, THEREFORE, IT IS HEREBY ORDERED AND ENACTED BY THE
CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT SECTION 18-12 B. OF
CHAPTER 18 ENTITLED "STORAGE OF MOTOR VEHICLES ON PRIVATE
GROUNDS" IS HEREBY AMENDED AS FOLLOWS:

CHAPTER 18. NUISANCES

Sec. 18-12. Storage of Motor Vehicles on Private Grounds

B. *Motor Vehicle Nuisance Prohibited.* It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the City of Wilkes-Barre. A motor vehicle nuisance shall include but not be limited to any motor vehicle which has one or more of the following physical defects which render the vehicle a nuisance in fact:

1. Broken windshields, mirrors or other glass, with sharp edges.
2. One or more flat or open tires or tubes which could permit vermin harborage.
3. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
4. Any body parts with sharp edges including holes resulting from rust.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit animal and/or vermin harborage.
7. Broken headlamps or tail-lamps with sharp edges.
8. Disassembled chassis parts apart from the motor vehicle storage in a disorderly fashion or loose in or on the vehicle.
9. Protruding sharp objects from the chassis.
10. Broken vehicle frames suspended from the ground in an unstable manner.
11. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
12. Exposed battery containing acid.

13. Inoperable locking mechanism of doors or trunk which would have access to vagrant or children.
14. Open or damaged floor boards including trunk and firewall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antennae.
19. Suspended on unstable supports.
20. Such other defects which could threaten the health, safety and welfare of the citizens of the City of Wilkes-Barre.

SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances (or parts thereof) not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on _____
_____, 2019.

This ordinance shall become effective ten (10) days after final passage by the Council of the City of Wilkes-Barre.

Attest:

Jim Ryan, City Clerk

Sec. 18-12. - Storage of motor vehicles on private grounds.

- (a) *Definitions.* As used in this section, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Lessee. Owner for the purpose of this part when the lessor holds the lessee responsible for maintenance and repairs.

Motor vehicle. Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public street or highways, and including trailers or semi-trailers pulled thereby or parts thereof.

Nuisance. Any condition, structure or improvement which shall constitute a threat or potential threat to the health, safety, or welfare of the citizens of the city.

Owner. The actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association, or corporation.

Person. A natural person, firm partnership, association, corporation, or other legal entity.

In this section, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

- (b) *Motor vehicle nuisance prohibited.* It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the City of Wilkes-Barre. A motor vehicle nuisance shall include but not be limited to any motor vehicle which is unable to move under its own power and has any of the following physical defects:
- (1) Broken windshields, mirrors or other glass, with sharp edges.
 - (2) One (1) or more flat or open tires or tubes which could permit vermin harborage.
 - (3) Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
 - (4) Any body parts with sharp edges including holes resulting from rust.
 - (5) Missing tires resulting in unsafe suspension of the motor vehicle,
 - (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.
 - (7) Broken headlamps or tail-lamps with sharp edges.

FILE OF COUNCIL

Presented in Council on November 21, 2019

NO. _____ of 2019

AN ORDINANCE

**OF THE CITY OF WILKES-BARRE, PENNSYLVANIA ADOPTING THE
MAYOR'S PROPOSED GENERAL FUND BUDGET.**

NOW, THEREFORE, IT IS HEREBY ORDERED AND ENACTED BY THE
CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT THE MAYOR'S
PROPOSED GENERAL FUND BUDGET FOR 2020 IS HEREBY ADOPTED AS
FOLLOWS:

- Section 1.** The Mayor's proposed budget for calendar year 2020 is hereby adopted without changes. A copy of the proposed budget is available for review at the Office of the City Clerk during normal business hours or on the City's website.
- Section 2.** The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.
- Section 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.
- Section 4.** Passed finally by the Council of the City of Wilkes-Barre on _____
_____, 2019.
- Section 5.** This ordinance shall become effective on January 1, 2020.

Attest:

Jim Ryan, City Clerk