

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

NOVEMBER 7, 2019

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
NOVEMBER 7, 2019

RESOLUTIONS

Authorizing the submission of an application for funding to the Commonwealth of Pennsylvania for the Redevelopment Assistance Capital Program ("RACP") Grant in the amount of \$2,000,000.00 for the purpose of constructing the Wilkes University Pharmacy Initiative Project located in the City of Wilkes-Barre and further authorizing the city to execute a Cooperation Agreement and other documents needed to enable RACP compliance and facilitate the receipt of the RACP Grant funding.

Appointing Jean Brodie-Druby to the Shade Tree Commission.

MINUTES

Of the Public Hearing of City Council of October 8, 2019.

Of the Regular Session of City Council of October 10, 2019.

Of the Regular Session of City Council of October 24, 2019.

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 12 OF 2019 – AN ORDINANCE AMENDING SECTION 18-12 CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "STORAGE OF MOTOR VEHICLES ON PRIVATE GROUNDS. (FIRST READING)

FILE OF COUNCIL NO. 13 OF 2019 – AN ORDINANCE VACATING PORTIONS OF EAST ROSS STREET AND SOUTH PENNSYLVANIA AVENUE IN THE CITY OF WILKES-BARRE. (FIRST READING)



Resolution No. _____

Wilkes-Barre, PA _____

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

RESOLUTION OF THE CITY OF WILKES-BARRE ("CITY") AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING TO THE COMMONWEALTH OF PENNSYLVANIA FOR THE REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM ("RACP") GRANT IN THE AMOUNT OF TWO MILLION DOLLARS (\$2,000,000.00) FOR THE PURPOSE OF CONSTRUCTING THE WILKES UNIVERSITY PHARMACY INITIATIVE PROJECT LOCATED IN THE CITY OF WILKES-BARRE, LUZERNE COUNTY; AND FURTHER AUTHORIZING THE CITY TO EXECUTE A COOPERATION AGREEMENT AND OTHER DOCUMENTS NEEDED TO ENABLE RACP COMPLIANCE AND FACILITATE THE RECEIPT OF RACP GRANT FUNDING.

WHEREAS, the Office of the Budget notified Wilkes University (the "University") that the Governor of the Commonwealth of Pennsylvania has authorized the release of Two Million Dollars (\$2,000,000.00) in RACP funds (the "Grant") for certain site preparation and construction activities associated with the Wilkes University Pharmacy Initiative Project (the "Project"), located in the City of Wilkes-Barre, Luzerne County, Pennsylvania; and

WHEREAS, the Office of the Budget issued a RACP grant agreement, ME 300-1674 (the "Grant Agreement") to the City in the amount of Five Million Five Hundred Thousand Dollars (\$5,500,000.00) for the King's College Spring Brook-Wilkes University Pharmacy capital project, in which the Project is referenced as Phase II Wilkes University Pharmacy Initiative; and

WHEREAS, the City has agreed to act as the public applicant and grantee as part of the Grant approval process and administration, as the City supports the Project based on its significant social and economic benefits; and

WHEREAS, the University has requested and the City has obliged to serve as the eligible public applicant and grantee, which included the preparation and submission of a formal and complete RACP application on behalf of University, to the Office of the Budget; and

WHEREAS, as a Special Condition of the Grant Agreement, the City is required to submit an enacted resolution authorizing the filing of the RACP application and designating officials to sign any documentation necessary to meet RACP compliance requirements and to effectuate the receipt of RACP funds; and

WHEREAS, as an additional Special Condition of the Grant Agreement, the University must enter into a Cooperation Agreement with the City that obligates the University to comply with all RACP terms and conditions of the Grant Agreement and the RACP program.

NOW, THEREFORE, BE IT RESOLVED, that the City, in its role as applicant and grantee, supports the Project and its RACP award in the amount of Two Million Dollars (\$2,000,000.00) and agrees to administer the Grant funds, in accordance with all statutory and program requirements, to effectuate the construction of the Project.

Submitted by _____

ROLL CALL

BE IT FURTHER RESOLVED, that in addition to the RACP application and Grant Agreement, which have already been executed, the City is hereby authorized to execute any other documents necessary to effectuate receipt of the Grant for the Project.

BE IT FURTHER RESOLVED, that the City is hereby authorized to execute a Cooperation Agreement, provided said Cooperation Agreement has been reviewed and deemed to be satisfactory to the City and the City Solicitor.

BE IT FURTHER RESOLVED, that the Mayor and City Controller are hereby authorized to execute all future documents necessary to maintain RACP compliance and effectuate the receipt of RACP grant funds.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to execute a certificate attesting to the adoption of this Resolution No. _____ of 2019.

APPROVED and ADOPTED this _____ day of _____, 2019.

ATTEST:

James Ryan, City Clerk



Resolution No. _____ Wilkes-Barre, PA _____

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

WHEREAS, Section 31-21 of the Code of Ordinances of the City of Wilkes-Barre established a Shade Tree Commission for the City of Wilkes-Barre;

WHEREAS, it is the desire of the City of Wilkes-Barre to appoint the person referenced below to the Shade Tree Commission of the City;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby appointed as a member of the Shade Tree Commission:

<u>Name</u>	<u>Term Expires</u>
Jean Brodie-Druby 282 Parrish Street Wilkes-Barre, PA 18702	12-31-23

Submitted by _____

ROLL CALL

FILE OF COUNCIL

Presented in City Council on November 7, 2019

NO. _____ 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

NO. _____ OF 2019

Presented in City Council on November 7, 2019

AN ORDINANCE

ENTITLED “AN ORDINANCE VACATING PORTIONS OF EAST ROSS STREET AND SOUTH PENNSYLVANIA AVENUE IN THE CITY OF WILKES-BARRE”.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Wilkes-Barre, and it is hereby ordained and enacted by the authority of the same, that:

SECTION I. VACATION OF PORTIONS OF EAST ROSS STREET AND SOUTH PENNSYLVANIA AVENUE. The following portions of East Ross Street and South Pennsylvania Avenue located in the City of Wilkes-Barre are hereby vacated and discontinued as city streets:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT “A”

BE IT FURTHER ORDAINED that the land of the alley thus vacated and discontinued revert to and vest into the LUZERNE COUNTY TRANSPORTATION AUTHORITY (or its designee), as the adjoining property owner as fully to all intents and purposes as though the City of Wilkes-Barre had by formal conveyance duly conveyed the same to said LUZERNE COUNTY TRANSPORTATION AUTHORITY (or its designee).

SECTION II. 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.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

This ordinance shall become effective ten (10) days after final passage.

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

_____.

THE ABOVE-REFERENCED EXHIBIT "A" IS AVAILABLE FOR INSPECTION AT THE OFFICE OF THE CITY CLERK DURING NORMAL BUSINESS HOURS.

ATTEST:

JAMES RYAN, CITY CLERK

EXHIBIT "A"

October 22, 2019

**VACATION PLAT
Metes & Bounds Description
East Ross Street & South Pennsylvania Ave.**

All that certain piece or parcel of land situated in the City Of Wilkes-Barre, County of Luzerne and Commonwealth of Pennsylvania; more particularly bounded and describes as follows:

BEGINNING at a point situated at the intersection of the Southerly right of way line of Pennsylvania Blvd. with the Northwestern right of way line of South Pennsylvania Ave.;

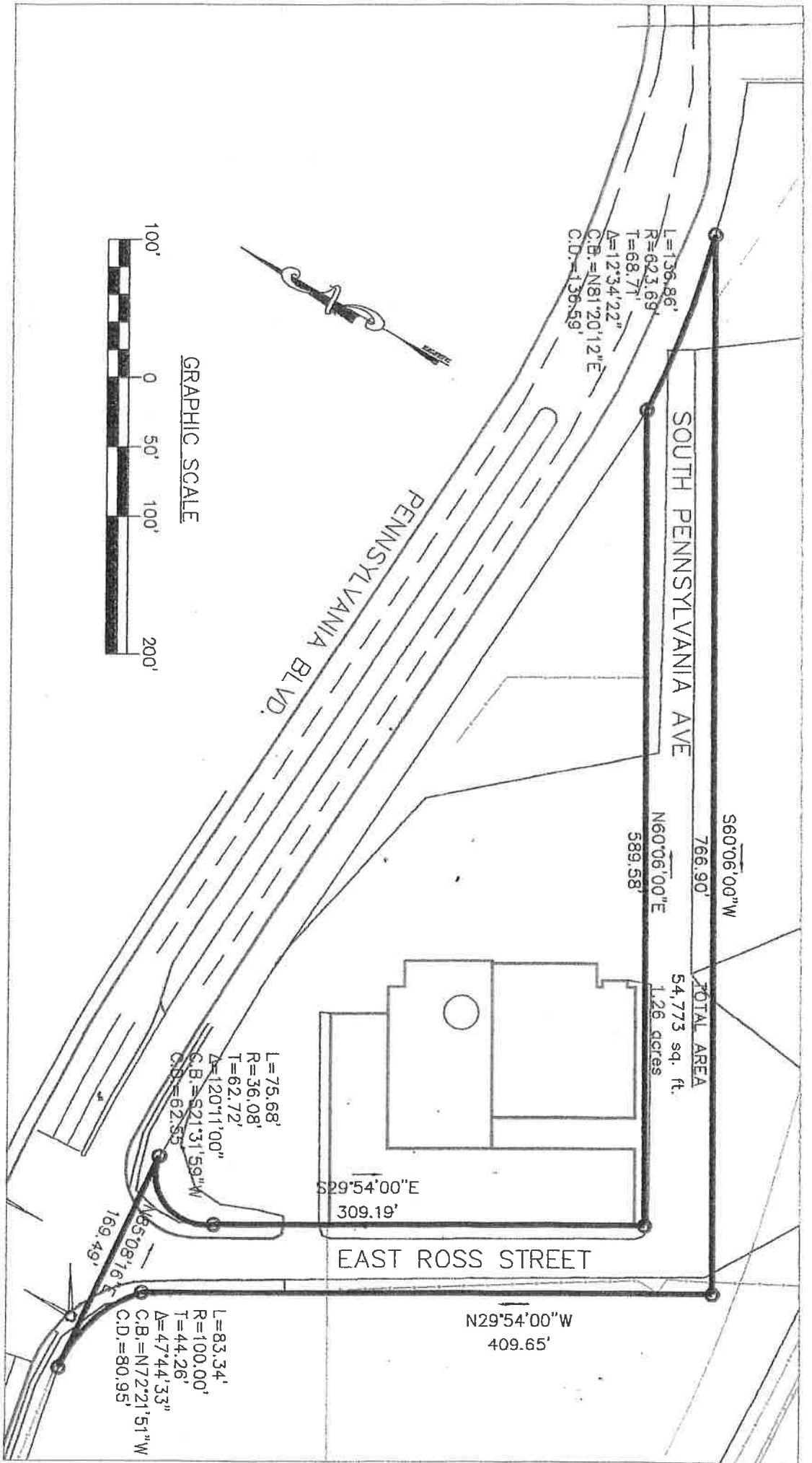
1. THENCE along the said Southerly right of way line of Pennsylvania Blvd. a distance of one hundred thirty six and eighty six hundredths (136.86') feet measured along an arc of a curve to the left having a radius of six hundred twenty three and sixty nine hundredths (623.69') feet and a chord bearing of North $81^{\circ} 20' 12''$ East a distance of one hundred thirty six and fifty nine hundredths (136.59') feet to a point;
2. THENCE along the Southeasterly right of way line of South Pennsylvania Ave South $60^{\circ} 06'$ West a distance of seven hundred sixty six and ninety hundredths (766.90') feet to a point at the intersection of the said Southeasterly right of way line of South Pennsylvania Ave with the Southwesterly right of way line of East Ross Street;
3. THENCE along the said Southwesterly right of way line of East Ross Street North $29^{\circ} 54'$ West a distance of four hundred nine and sixty five hundredths (409.65') feet to a point;
4. THENCE along the same a distance of eighty three and thirty four hundredths (83.34') feet measured along an arc of a curve to the left having a radius of one hundred and zero hundredths (100.00') feet and a chord bearing of North $72^{\circ} 21' 51''$ West a distance of eighty and ninety five hundredths (80.95') feet to a point;
5. THENCE along the said Southerly right of way line of Pennsylvania Blvd. North $85^{\circ} 08' 16''$ W East a distance of one hundred sixty nine and forty nine hundredths (169.49') feet to a point;
6. THENCE along the Northeasterly right of way line of East Ross Street a distance of seventy five and sixty eight hundredths (75.68') feet measured along an arc of a curve to the left having a radius of thirty six and eight hundredths (36.08') feet and a chord bearing of South $21^{\circ} 31' 59''$ West a distance of sixty two and fifty five hundredths (62.55') feet to a point;
7. THENCE along the same South $29^{\circ} 54'$ East a distance of three hundred nine and nineteen hundredths (309.19') feet to a point at the intersection of the Northeasterly right of way line of East Ross Street with the Northwestern right of way line of South Pennsylvania Ave;

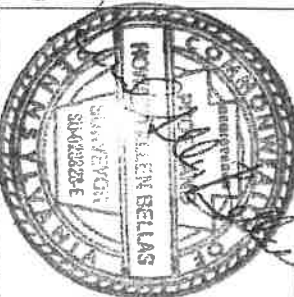
8. THENCE along the said Northwesterly right of way line of South Pennsylvania Ave North $60^{\circ} 06'$ East a distance of five hundred eighty nine and fifty eight hundredths (589.58') feet to a point, the place of Beginning.

CONTAINING a total area of 54,773 sq. ft. or 1.26 acres.

BEING all of the residual right's of way of South Pennsylvania Ave and East Ross Street located within the purchase of the Luzerne County Transportation Authority.

ALSO BEING all of the same parcel of land as shown on Drawing No. VP-1 dated 10/22/2019 as prepared by B&D Technology, LLC a copy of which is attached hereto.



DATE: 10/22/2019	VACATION PLAT EAST ROSS STREET & SOUTH PENNSYLVANIA AVE. BY THE CITY OF WILKES-BARRE CITY OF WILKES-BARRE, LUZERNE CO., PA.	REFERENCES: DATE OF SURVEY: OCT. 2019 OWNER: CITY OF WILKES-BARRE	NOTES: Surveyor made no investigation or independent search for easements of record, encumbrances or any other title facts that on accurate and current title search may disclose
DRAWN BY: 7			
CHECKED BY: 1			
JOB NO.: 001			
DRAWING NO.:			
VP-1		B & D TECHNOLOGY, LLC	
EMAIL: salleb60@aol.com		230 HARRIS HILL ROAD SHAVERTOWN, PA. 18708 PHONE: 570-287-0392	
<div></div> <div>HOWARD A. BELLAS, P.L.S. SU028826E</div>			