

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

DECEMBER 8, 2022

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
DECEMBER 8, 2022

CONSENT AGENDA (RESOLUTIONS)

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to the most qualified service, Richard Mellow Corporation, for the Traffic Signalization Maintenance. The contract will start as of January 1, 2023. Payment will be funded from the general fund.

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to the lowest two most responsible bidders, Franchelli Enterprises and Stell Enterprises, Inc. for Emergency Service Contract for the Sewer and (Sanitary & Storm, Repair, Replacement) and Storm Related Emergencies. Contract to start as of January 1, 2023.

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder, Pennsy Supply in the amount of \$2,092,170.75, (two million, ninety-two thousand, one hundred seventy dollars and seventy-five cents) for the American Rescue Plan Storm Sewer Upgrades, Street Paving and ADA Accessibility Project Phase II. Payment to be made from the American Rescue Plan.

Authorizing the City of Wilkes-Barre to contribute \$300,000.00 to the Keystone Mission Daytime Community Room Project (the "Project") \$100,000.00 funded through the Pennsylvania Department of Community and Economic Development COVID-19 ARPA Response Grant and \$200,000.00 funded from Wilkes-Barre's American Recovery Act funds. Also, to enter into the appropriate agreement(s) with the lowest responsible bidder, along with any other required project documents, related to the Project.

Authorizing the Mayor to enter into an agreement with George Albert, PE, LLC for the construction management services of the project, along with any or all other project documents, related to Toyota SportsPlex Renovations Project.

Authorizing the proper city officials to enter into a lease-purchase agreement, and to sign all necessary documents related to the acquisition of two (2) 2023 garbage packers at a cost not to exceed \$410,000.00. The payments related to said agreement will come from the City's General Fund Budget. (Delivery and payments not expected until late 2023/2024).

MINUTES

Of the Public Hearing on the Mayor's 2023 General Fund Budget (November 10, 2022).

Of the Wyoming Valley Sanitary Authority of October 18, 2022.

Of the Zoning Hearing Board of September 28, 2022.

Of the Regular Session of City Council of November 22, 2022.

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 12 OF 2022 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA ADOPTING THE MAYOR'S PROPOSED GENERAL FUND BUDGET. (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 13 OF 2022 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING SEC. 29-103 OF ARTICLE V. OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "PARKING, STOPPING, AND STANDING" BY REPEALING THE CURRENT SEC. 29-103 AND REPALCING IT IN ITS ENTIRETY. (FIRST READING)



Resolution No. _____

Wilkes-Barre, PA _____

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

WHEREAS the City of Wilkes-Barre advertised for proposals for **Traffic Signalization Maintenance** for traffic signals within the boundaries of the City of Wilkes Barre on August 22, 2022.

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 most qualified service, **Richard Mellow Corporation**, for the **Traffic Signalization Maintenance**. *Contract to start as of January 1, 2023.*

PAYMENT will be funded from the general fund.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Resolution No. _____

Wilkes-Barre, PA _____

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

WHEREAS the City of Wilkes-Barre advertised for proposals for ***Emergency Service Contract for Sewer (Sanitary & Storm, Repair, Replacement) and Storm Related Emergencies.*** within the boundaries of the City of Wilkes Barre on November 2 and November 3, 2022.

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 two most responsible bidders Franchelli Enterprises and Stell Enterprises, Inc. for ***Emergency Service Contract For Sewer (Sanitary & Storm, Repair, Replacement) and Storm Related Emergencies. Contract to start as of January 1, 2023.***

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 advertised for bid the American Rescue Plan Stormwater and Sewer Upgrades, Street Paving and ADA Accessibility Project Phase III on November 19, 2022.

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, Pennsy Supply in the amount of \$2,092,170.75 (*Two Million, Ninety Two Thousand, One Hundred Seventy Dollars and Seventy Five Cents*) for the American Rescue Plan Storm Sewer Upgrades, Street Paving and ADA Accessibility Project Phase III.

Streets (or portions thereof) being paved are:

- N. Washington Street: 30-35'x4750 (E. Main to Cross Valley)
- Wilkes-Barre Blvd: 50-65'x4380' (Conyngham Ave to Scott Street)
- Scott Street: 27'x390 ((Conyngham Ave to Business 309)
- Reliance Drive 30' x 2100' (Gordon Ave to Mercedes Dr.)
- Mercedes Drive: 30'x1300 (Reliance Dr. to End)
- Nicole Drive: 30x715' (Reliance to Mercedes)
- E. Thomas Street: 30'x1300 (Mayock Street to Scott Street)

PAYMENT to be made from the American Rescue Plan

Submitted by _____

ROLL CALL

YEAS

DEFECTIONS

NAYS



Resolution No. _____

Wilkes-Barre, PA _____

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

NOW, THEREFORE, BE IT RESOLVED that the City of Wilkes-Barre is hereby authorized to contribute \$300,000.00 to the Keystone Mission Daytime Community Room Project (the "Project") as follows:

1. \$100,000.00 funded through the Pennsylvania Department of Community and Economic Development COVID-19 ARPA Response Grant; and
2. \$200,000.00 funded from Wilkes-Barre's American Recovery Act money.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to enter into the appropriate agreement(s) with the lowest responsible bidder, along with any other required project documents, related to the Project.

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 has placed a strong emphasis to support tourism, sports marketing, outdoor recreation, and cultural attractions throughout the city;
AND

WHEREAS, the City of Wilkes-Barre has applied and been awarded a grant in the amount of \$500,000.00 under the Pennsylvania Department of Community of Economic Development Marketing to Attract Tourists Grant program for the Toyota SportsPlex Renovations project. The funds will be used to renovate the pro shop to service all skaters for hockey, figure, and public skating. Also, renovations in the ice rink player bench areas to make the areas more participant friendly for all types of skaters. Plumbing updates, including touchless hardware, to make the facility more user friendly for children and adults. The installation of new LED lighting for the rink/lobby areas to be more cost effective and allow for interactive light shows during the various type of skating events; **AND**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre that the mayor is hereby authorized to enter into the appropriate agreement with the George Albert, PE, LLC for the construction management services of the project, along with any or all other project documents, related to Toyota SportsPlex Renovations project.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAVS



Resolution No. _____

Wilkes-Barre, PA _____

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

WHEREAS the City of Wilkes-Barre desires to acquire two (2) new 2023 garbage packers: one (1) 25 cubic yard packer and one (1) 20 cubic yard packer for the Department of Public Works,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre that the proper City Officials are hereby authorized to enter into a lease-purchase agreement, and to sign all necessary documents related to the acquisition of the two (2) garbage packers at a cost not to exceed \$410,000.00.

BE IT FURTHER RESOLVED that payments related to said agreement will come from the City's General Fund Budget. *(Delivery and payments not expected until late 2023/early 2024)*

Submitted by _____

ROLL CALL

VFAS

RESOLUTIONS

NAVS

FILE OF COUNCIL

Presented in Council on November 22, 2022

No. 12 of 2022

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 2023 is Hereby Adopted as follows:

- Section 1. The Mayor's proposed budget for calendar year 2023 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 December 8, 2022.
- Section 5. This ordinance shall become effective on January 1, 2023.

Attest:

Cathy Payne, City Clerk

FILE OF COUNCIL

NO. _____ of 2022

Presented in City Council December 8, 2022.

AN ORDINANCE

OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING SEC. 29-103 OF ARTICLE V. OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “PARKING, STOPPING, AND STANDING” BY REPEALING THE CURRENT SEC. 29-103 AND REPLACING IT IN ITS ENTIRETY.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT SEC. 29-103 OF ARTICLE V. OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “PARKING, STOPPING, AND STANDING” IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

ARTICLE V. PARKING, STOPPING, AND STANDING

DIVISION 1. GENERALLY

Sec. 29-103. Purpose.

The City Council of the City of Wilkes-Barre finds it necessary to regulate the parking of large vehicles and trailers to reduce public safety hazards and maintain the quality of residential neighborhoods, thereby preserving the value of property in those districts. Large vehicles and trailers create safety hazards by encroaching into the abutting lane and moving traffic across the center lane. Such parking and obstructions, besides being a public safety issue, impedes the free flow of traffic. Parked close to an intersection, such vehicles and trailers negatively impact the distance for vehicles entering the street. Large vehicles and trailers parked in residential areas generate complaints from residential neighborhoods in regard to traffic impediments and safety hazards, as well as noise.

- (a) Definitions. As used in this article, the following terms shall have the meanings indicated:

BUS

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

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

DUAL-WHEEL MOTOR HOME

A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck camper.

OVERSIZED VEHICLE

A motor vehicle that has a Class 5 license or above, or any equivalent license or above, or with a gross vehicle weight of over 11,000 pounds.

OWNER

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

PARK OR PARKING

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

RECREATIONAL TRAILER

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

SCHOOL BUS

- i. A motor vehicle which is designed to carry 11 passengers or more including the driver is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.
- ii. The term does not include a motor vehicle used to transport preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities, which is designed to carry 11 to 15 passengers, including the driver.

TRACTOR TRAILER

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

TRAILER

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

TRUCK CAMPER

A structure designed, used, or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space.

(b) Prohibitions.

It shall be unlawful for any person to park, or allow to remain parked, on any street or parts of streets, the following vehicles: buses, dual-wheel motor homes, oversized vehicle, school buses, tractor trailers, trailers, and truck campers within the districts listed below as defined and circumscribed in Section 404 of Appendix A, Zoning Ordinance; and on any street abutting such zone; and that this prohibition shall apply to the following zoning districts: R-1 Residential Single-Family District, R-2 Residential Two-Family District, R-3 Residential Multi-Family District, and C-N Commercial Neighborhood District.

(c) Exceptions.

- i. Vehicles of the City of Wilkes-Barre, such as fire apparatus and ambulances, or vehicles engaged in the work of a public utility;
- ii. Vehicles of service companies, contractors, repairmen, delivery trucks or others actually engaged in working operations in the vicinity during the actual period of such between the hours of 7:00 a.m. and 8:00 p.m.

(d) Removal of noncompliant vehicles by owner or City of Wilkes-Barre.

Any vehicle or trailer parked or stored in violation of any provision of this article shall be removed by the owner of the vehicle or trailer after notice to do so, and in default of doing so, after forty-eight (48) hours from said notice, the City may cause the same to be removed and collect the costs thereof.

(e) Violations and penalties for truck and trailer provisions.

Violation of any provision of this article shall be subject to summary enforcement proceedings and upon being found guilty thereof shall subject the violator to a fine of five

hundred dollars (\$500.00). In default of the payment of such fine, such person shall be imprisoned in the county jail for a period not to exceed ninety (90) days. In addition to the fine, the Police Department may have the vehicle or trailer immediately towed if the vehicle or trailer is posing an immediate safety hazard.

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 not specifically amended hereby remain in full force and effect.

Passed finally by the City Council of the City of Wilkes-Barre on _____
_____, 2022.

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

Attest:

Cathy Payne, City Clerk