

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

AUGUST 15, 2019

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

RESOLUTIONS

CONSENT AGENDA (ORDINANCES)

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
AUGUST 15, 2019
CONSENT AGENDA (RESOLUTIONS)

Commending Representative Pashinski and other co-sponsors of House Bill 1687 and urging our state legislators to support the passage of this important legislation which will protect city residents and their property from the dangers of commercial grade fireworks.

Authorizing the proper city officials to prepare and submit the Edward Byrne Memorial Justice Assistance Grant (JAG) application and to authorize the Mayor to enter into the appropriate agreement, along with any or all other project documents, related to the Edward Byrne Memorial Justice Assistance Grant (JAG) application, if the application is approved.

Authorizing the proper city officials to enter into an agreement with the Pennsylvania Department of Health for \$113,041.00 for the City to provide immunization services.

Authorizing the proper city officials to enter into an agreement with the Pennsylvania Department of Health for \$181,382.00 for the City to provide public health preparedness services.

Authorizing Operations Director, Butch Frati to be the City's signatory for any and all documents related to the Multimodal Transportation Fund Grant (Agreement No. 04R251) for the repair of the Strauss Lane Bridge.

MINUTES

Of the Wyoming Valley Sanitary Authority Board of May 28, 2019.

Of the Wilkes-Barre Zoning Hearing Board of June 19, 2019.

Of the Wilkes-Barre City Traffic Committee of July 25, 2019.

Of the Wilkes-Barre Planning Commission of July 17, 2019.

Of the Regular Session of City Council of July 18, 2019.

CITY COUNCIL
AUGUST 15, 2019

RESOLUTIONS

Authorizing the proper city officials to accept the proposal of the Joyce Insurance Group for an insurance package in the amount of \$426,849.00 (Professional Services, and Property & Casualty and Professional Liability).

Reappointing Frank Majikes to the Police Civil Service Commission.

Reappointing Phillip Latinski to the Police Civil Service Commission.

Reappointing Joseph Moran to the Police Civil Service Commission.

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 10 OF 2019 – AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP PURSUANT TO CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “TRAFFIC AND MOTOR VEHICLES”. (WRIGHT STREET A ONE-WAY WITH TRAFFIC FLOWING OUT TO WEST ROSS STREET) **(SECOND AND FINAL READING)**

FILE OF COUNCIL NO. 11 OF 2019 – AN ORDINANCE AMENDING CHAPTER 5 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “ANIMALS AND FOWL”. (RESPONSIBILITIES OF OWNER/KEEPER REGARDING THE TREATMENT OF ANIMALS DURING INCLEMENT WEATHER WITHIN THE CITY) **(FIRST READING)**



Resolution No. _____

Wilkes-Barre, PA _____

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

WHEREAS, a few years ago, Pennsylvania legalized the use of aerial fireworks by non-professionals;

WHEREAS, since then, Municipal officials and employees have dealt with numerous complaints from residents about danger and noise;

WHEREAS, in June of 2019, House Bill 1687 was introduced by State Representative Eddie Day Pashinski (and others) which would beef up regulations on the sale and use of fireworks in Pennsylvania, particularly the aerial fireworks which can be purchased by non-professionals.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wilkes-Barre hereby commends Representative Pashinski and other co-sponsors of the bill and urges our state legislators to support the passage of this important legislation which will protect city residents and their property from the dangers of commercial grade fireworks.

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 Police Department requests authorization to apply for / obtain the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG);
AND

WHEREAS, the amount of the grant is \$21,519; AND

WHEREAS, the purpose areas of the grant are funding for firearms/taser instructors re-certifications, tactical and non-tactical police trainings and saturation patrols for violent crime areas; AND

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the CITY OF WILKES-BARRE that the proper City officials are hereby authorized to prepare and submit the Edward Byrne Memorial Justice Assistance Grant (JAG) application; AND

FURTHER, that the Mayor is hereby authorized to enter into the appropriate agreement, along with any or all other project documents, related to the Edward Byrne Memorial Justice Assistance Grant (JAG) application, 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:

THAT the proper city officials are hereby authorized to enter an agreement with the Pennsylvania Department of Health for \$113,041.00 for the City to provide immunization services.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

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

THAT the proper city officials are hereby authorized to enter an agreement with the Pennsylvania Department of Health for \$181,382.00 for the City to provide public health preparedness services.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

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

THAT, Operations Director Butch Frati shall be the City's authorized signatory for any and all documents related to the Multimodal Transportation Fund Grant (Agreement No. 04R251) for the repair of the Strauss Lane Bridge.

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 publicly solicited proposals for Insurance Professional Services, and Property & Casualty and Professional Liability Insurance; and

Whereas, the City of Wilkes-Barre is prepared to renew the said services declared above.

Now, Therefore Be It Resolved by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to accept the proposal of the Joyce Insurance Group for an insurance package in the amount of \$426,849.00 and to sign any and all necessary documents related to securing the same.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

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

WHEREAS, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Police Civil Service Commission of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed as a member of the Police Civil Service Commission of the City of Wilkes-Barre:

Name

Term Expires

Frank Majikes
52 Gordon Avenue
Wilkes-Barre, PA 18702

December 31, 2021

Mr. Majikes has been serving on an expired term since 1-1-18.

Submitted by _____

ROLL CALL



Resolution No. _____ Wilkes-Barre, PA _____

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

WHEREAS, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Police Civil Service Commission of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed as a member of the Police Civil Service Commission of the City of Wilkes-Barre:

<u>Name</u>	<u>Term Expires</u>
Phillip Latinski 20 Brazil Street Wilkes-Barre, PA 18705	December 31, 2021

Mr. Latinski has been serving on an expired term since 1-1-18.

Submitted by _____

ROLL CALL



Resolution No. _____

Wilkes-Barre, PA _____

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

WHEREAS, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Police Civil Service Commission of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed as a member of the Police Civil Service Commission of the City of Wilkes-Barre:

Name

Term Expires

Joseph Moran
18 Brogan Avenue
Wilkes-Barre, PA 18702

December 31, 2021

Mr. Moran has been serving on an expired term since 1-1-18.

Submitted by _____

ROLL CALL

FILE OF COUNCIL

Presented in City Council on July 18, 2019

NO. _____ of 2019

AN ORDINANCE

**AMENDING THE TRAFFIC CONTROL MAP PURSUANT TO
CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-
BARRE ENTITLED "TRAFFIC AND MOTOR VEHICLES."**

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT THE TRAFFIC COMMITTEE AND/OR THE DIVISION OF TRAFFIC AND PATROL ARE HEREBY DIRECTED TO AMEND/CHANGE THE TRAFFIC CONTROL MAP, PURSUANT TO WILKES-BARRE CODE OF ORDINANCES CHAPTER 29, ARTICLE I, SECTION 29-2, TO MAKE WRIGHT STREET A ONE-WAY STREET WITH TRAFFIC FLOWING OUT TO WEST ROSS STREET.

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 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

FILE OF COUNCIL

Presented in City Council on August 15, 2019

No. _____ of 2019

**AN ORDINANCE AMENDING CHAPTER 5 OF THE WILKES-BARRE
CITY CODE OF ORDINANCES ENTITLED "ANIMALS AND FOWL."**

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "ANIMALS AND FOWL" IS HEREBY AMENDED TO ADD THE FOLLOWING ARTICLE:

CHAPTER 5. ANIMALS AND FOWL

**Article V. ANIMALS IN INCLEMENT WEATHER AND UNATTENDED
MOTOR VEHICLES**

**Section 5-66. Responsibilities of owner/keeper regarding the treatment of animals
during inclement weather within Wilkes-Barre City**

- A. It shall be unlawful for any owner or keeper of any animal to leave any animal outside and unattended during a period in which a severe weather warning has been issued for Luzerne County by the National Weather Service.
- B. It shall be unlawful for any person to leave any animal outside and unattended for a continuous period of time greater than thirty (30) minutes if the temperature during such period remains either entirely:
 - 1. Below thirty-two (32) degrees Fahrenheit; or
 - 2. Above ninety (90) degrees Fahrenheit
- C. For the purposes of this section, the following definitions apply:
 - 1. "Outside" shall mean the animal is subject to the weather elements, which expressly includes, but is not limited to, an animal in a securely fenced-in yard, an animal in a kennel, or an animal that is tethered or tied-out. The animal shall be considered "outside" regardless of access to an outdoor doghouse or similar structure.

Section 5-67. Enforcement Measures

- A. Enforcement of Section 5-66 shall begin by providing notification to any owner or occupant of any premises in violation of this ordinance, either personally or by posting such notice upon the premises that such owner must begin to act in compliance with this ordinance within one (1) day of receipt of such notice.
- B. Upon the failure of such owner or occupant to bring his or her situation into compliance with this ordinance within such period of time, enforcement officials are authorized to enter upon such premises and to temporarily remove such dog from the property.
 - 1. Any removed animal will be held at the Luzerne County SPCA
 - 2. The authorized individual who removes the animal from the premises shall provide notice to the owner or occupant of the date, time and reason for removal, and where the animal has been taken.
 - 3. Prior to any hearing regarding the violation, such animal owner may regain possession of any confiscated animal prior to a hearing when the following conditions are met:
 - A) Providing proof of ownership
 - B) Payment of all costs associated with impoundment; and
 - C) The signing of an affidavit stating that the owner understands the ordinance and agrees to maintain compliance.
 - 4. No confiscated animal shall be considered surrendered to the confiscating party unless expressly surrendered, in writing, by the animal owner of his or her own volition.

Section 5-68. Animals Left in Unattended Motor Vehicles

- A. No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
 - 1. Nothing in this section shall prevent a police officer, or an animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

2. A police officer, or animal control officer who removes an animal from a motor vehicle shall take it to the Luzerne County SPCA or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.
 3. A police officer, or animal control officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.
 4. A police officer, or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, as well as a contact phone number, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.
 5. This section does not affect in any way existing liabilities or immunities in current law or create any new immunities or liabilities.
- B. Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, pigs, sheep, poultry or other agricultural animals in motor vehicles designed to transport such animals for agricultural purposes.
- C. For the purposes of this section, the following definitions apply:
1. "Unattended" shall mean any animal left in a motor vehicle when the owner is not present.

Section 5-69. Violations and penalties

Any person who shall violate any provision of this ordinance, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 and not more than \$1,000, plus costs. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues. Each day that a violation of this ordinance continues or each section of this ordinance which shall be found to have been violated shall constitute a separate offense.

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

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

Attest:

Jim Ryan, City Clerk