

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

MAY 20, 2019

PLEDGE OF ALLEGIANCE

ROLL CALL

RESOLUTION

ORDINANCES

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
MAY 20, 2019

RESOLUTIONS

Approving, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as Amended, a Plan of Financing of the City of Wilkes-Barre Finance Authority and Declaring that it is Desirable for the Health, Safety and Welfare of the people of the City for the City of Wilkes-Barre Finance Authority to undertake a project for Allied Services Personal Care, Inc.

ORDINANCES

FILE OF COUNCIL 5 OF 2019 – AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “EMPLOYEES’ PENSION FUND”. (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 6 OF 2019 – AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY OF WILKES-BARRE, COUNTY OF LUZERNE, AND THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2019 ACTION PLAN ENCOMPASSING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AND HOME PROGRAM BUDGETS FOR PROGRAM YEAR FORTY-FIVE AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED TO COMPLETE PROGRAM ACTIVITIES.” (FIRST READING).

FILE OF COUNCIL NO. 7 OF 2019 – AN ORDINANCE AMENDING CHAPTER 5 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “ANIMALS AND FOWL.” (STRAY / FERAL CATS) (FIRST READING)

CITY COUNCIL

May 20, 2019

The City Council of the City of Wilkes-Barre met in Regular Session on May 20, 2019 at 6:05 p.m. (immediately following the Work Session), in City Council Chambers, City Hall, Wilkes-Barre, Pennsylvania for the purpose of general business.

The meeting was organized with Chairperson Mike Belusko in the Chair.

The Pledge of Allegiance to the Flag was given.

Roll Call:

Brooks	- present
Gilbert	- present
Merritt	- present
Barrett, Vice Chairperson	- present
Belusko, Chairperson	- present

Also Present:

Rick Gazenski, City Administrator
Maureen Collins, Assistant City Attorney
Adam Olver, Animal Enforcement Officer
Cathy Payne, Assistant City Clerk
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant
Kallie O'Donnell, Intern, OCD

Mr. Ryan announced that File of Council No. 7 of 2019 regarding Animals and Fowl was pulled from the agenda.

City Clerk Jim Ryan read a statement relative to Council's Rules and Procedures.

Mr. Ryan asked if there was anyone wishing to address Council on pending legislation.

John Suchoski, Wilkes-Barre appeared before Council relative to File of Council No. 6 of 2019 (2019 Action Plan).

RESOLUTION

RESOLUTION NO. R0033-19

APPROVING, IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, A PLAN OF FINANCING OF THE CITY OF WILKES-BARRE FINANCE AUTHORITY AND DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE CITY OF WILKES-BARRE FOR THE CITY OF WILKES-BARRE FINANCE AUTHORITY TO UNDERTAKE A PROJECT FOR ALLIED SERVICES PERSONAL CARE, INC.

WHEREAS, the City of Wilkes-Barre Finance Authority (the "Authority") is a municipality authority incorporated pursuant to a resolution of the City of Wilkes-Barre, Luzerne County, Pennsylvania (the "City"), and is existing under and governed by the provisions of the Municipality Authorities Act of the Commonwealth of Pennsylvania, 53 Pa. C.S. §5601, et. seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, amended and supplemented (the "Act"); and

WHEREAS, the Act permits the Authority to assist in the financing and/or refinancing of buildings and facilities constituting "health centers"; and

WHEREAS, Allied Services Personal Care, Inc. (the "Borrower") has represented to the Authority that it operates or will operate a "health center" within the meaning of the Authorities Act and is a nonprofit corporation existing under laws of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, the Borrower has requested the Authority to issue its revenue notes (the "Notes") in one or more series in an aggregate principal amount not to exceed \$20,000,000 to finance, refinance and/or reimburse a project (the "Project") for the benefit of the Borrower consisting of all or any of the following: (a) designing, acquiring, constructing, renovating, improving, furnishing and equipping of new facilities and existing facilities of the Borrower, including but not limited to the acquisition of Little Flower Manor, St. Therese Residence and St. Luke's Villa, all located in Wilkes-Barre, Pennsylvania, and renovations to such facilities; (b) designing, acquiring, constructing and equipping of site, infrastructure and parking improvements and various other capital improvements to the Borrower's facilities and acquiring various capital equipment for use in or in connection with the facilities of the Borrower; (c) funding, if applicable, necessary reserves for the Notes; (d) refunding the Authority's taxable note to be issued as one of the series of Notes authorized as part of the financing described in this Resolution to finance a portion of the costs of the Project described herein; (e) refunding any other outstanding indebtedness of the Borrower, if advantageous to the Borrower; and (f) funding contingencies and paying all or a portion of the costs and expenses of issuance of the Notes; and

WHEREAS, the Authority has authorized the issuance of the Notes pursuant to a Resolution adopted by the Authority on April 24, 2019, subject to approval of the Project by the City; and

WHEREAS, the approval by this Council, as evidenced by this Resolution, will enable the Authority to finance the Project without imposing any liability on the City or its citizens or taxpayers with respect to the Notes; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") requires that the applicable elected representative of the governmental unit on behalf of which bonds or notes are issued and of each governmental unit having jurisdiction over the area in which any facility with respect to which financing is to be provided from the net proceeds of such bonds or notes is located, approve such Notes after a public hearing in order for a private activity bond to be a qualified bond under the Code; and

WHEREAS, this Council is the "applicable elected representative" of the City within the meaning of the Code; and

WHEREAS, in accordance with Section 147(f) of the Code, a public hearing was held by the Authority at 10:00 a.m. local time on May 14, 2019, in connection with the issuance of the Notes and a report of such hearing has been provided to this Council; and

WHEREAS, the Act provides that none of the powers granted thereby shall be exercised in the construction, financing, improvement, maintenance, extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes, but that such limitation does not apply to certain projects, including the financing and/or refinancing of buildings and facilities constituting "health centers" within the meaning of the Act, if the municipality organizing the authority for such project shall declare by resolution or ordinance that it is desirable for the health, safety and welfare of the people in the area served by such facilities to have such facilities provided by or financed through an authority;

NOW THEREFORE, THE COUNCIL OF THE CITY OF WILKES-BARRE, PENNSYLVANIA hereby resolves that:

Section 1. The issuance of the Notes by the Authority in an aggregate principal amount not in excess of \$20,000,000 and the use of the proceeds of the Notes to finance the Project is hereby approved.

Section 2. It is hereby declared desirable for the health, safety and welfare of the people in the City to have the Authority issue the Notes for the purpose of financing the Project. The City acknowledges that the Authority is entitled to rely upon, and will rely upon, the findings and determinations of the City as set forth in this Section 2.

Section 3. The foregoing action of this Council shall not in any way pledge or obligate the credit or taxing power of the City, nor shall the City be liable for the payment of the principal of, premium, if any, or interest on the Notes or any other cost related thereto.

Section 4. In the event that any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any

remaining provision, section, sentence or clause of this Resolution, it being the intent of the City that such remainder shall be and remain in full force and effect.

Section 5. All resolutions or parts of resolutions inconsistent herewith are hereby repealed.

Section 6. This Resolution shall become effective immediately upon approval.

ADOPTED this 20th day of May, 2019, by the Council of the City of Wilkes-Barre, Luzerne County, Pennsylvania, in lawful session duly assembled.

Mr. Barrett moved to adopt the Resolution.

The motion was seconded by Mr. Brooks and adopted by the following yea and nay vote:

Yeas Brooks, Gilbert, Merritt, Barrett and Belusko (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

ORDINANCES

The following Ordinances appeared on the Consent Agenda (Ordinances):

FILE OF COUNCIL NO. 5 OF 2019 – AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “EMPLOYEES’ PENSION FUND”. (SECOND AND FINAL READING)

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Mr. Belusko moved to adopt the Consent Agenda (Ordinances).

The motion was seconded by Mr. Merritt and adopted by the following yea and nay vote:

Yeas Brooks, Gilbert, Merritt, Barrett and Belusko (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Belusko said he is constantly receiving complaints about high grass at the Gordon Avenue field. He asked if DPW has a grass cutting scheduled.

Mr. Gazenski said that he believes grass cutting at the parks is random. He said he agrees that there should be a schedule.

Mr. Merritt said the same is happening at Scouten Lee Park.

Mr. Belusko added that the field needs to be trimmed too.

Mr. Belusko asked Mr. Gazenski to ask Mr. Frati about it and get back to him.

PUBLIC DISCUSSION

Maude Siencavage, Wilkes-Barre, PA appeared before Council relative to dead trees along Wilkes-Barre Boulevard and TNR for feral cats (not working).

Jason Carr, Wilkes-Barre, PA appeared before Council relative to thanking DPW for cutting the grass on Cherry Street and thanking Jim Decker (Health Department) for his work with the lead program, Council rescinding their pension eligibility and Mayor George.

Kit Griffiths Kelchner, Wilkes-Barre, PA appeared before Council relative to TNR for feral cats and trespassing on her property.

Helene Kane, Wilkes-Barre, PA appeared before Council relative to the TNR program for feral cats (in favor).

Susan Hall, (Bowman Street) Wilkes-Barre, PA appeared before Council relative to the TNR program for feral cats (in favor) and the proposed Ordinance regarding cats.

Mr. Belusko asked how many cats she traps in a week.

Ms. Hall said that she sets out two traps and usually gets one cat a week.

Mr. Belusko asked where she traps the cats.

Ms. Hall replied that she does the trapping in her backyard.

Mr. Olver discussed the issues Ms. Hall had with the proposed Ordinance for cats. He said the licensing applies only to house cats and as far as collars, owners should use breakaway collars.

Mr. Olver added that he has picked up 16 cats on Bowman Street in the last few months and none of them were ear tipped.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to people voicing political concerns at Council meetings, the feral cats, the poles blocking the sidewalk in front

of Leo's on Main, "No Soliciting" signs on East Market Street (torn down) and signs (chalkboard) on the sidewalks in front of restaurants.

Ms. Gilbert said she was in the area of Leo's on Main and agreed with Ms. Mathis that a wheelchair could not get through there. She asked the Administration to check with Mr. Frati to see if it is ADA compliant.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the current Ordinance regarding animals (TNR vs. Abandonment) and the parking meters in front of the Dollar Store on South Main Street.

Mr. Gazenski said he has addressed the parking meters in the past but will address it again tomorrow morning.

Mr. Olver said that the City is not enforcing the current Ordinance because of the proposal that is in place with the cat rescues.

Jeff Bartlo, Wilkes-Barre, PA appeared before Council relative to the proposed cat Ordinance (TNR, licensing, neighborhood approval).

Mr. Olver clarified that the proposed Ordinance promotes a TNR Policy and sets restrictions and goals for the caretakers.

John Rushton, Wilkes-Barre, PA appeared before Council relative to the traffic light on Spring and Mundy Street (red and yellow blinking/green light is burned out).

Mr. Barrett pointed out that the Ordinance reads "all cats whether domestic house cat or a stray/feral colony cat" must be licensed. He asked who would be responsible for licensing stray and feral cats.

Mr. Olver said that will need to be amended. He said what he wants is for colonies to be registered.

There being no further business to discuss the meeting adjourned at 7:28 p.m.



Mike Belusko, Chairperson

ATTEST:



Jim Ryan, City Clerk