

**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)

CITY COUNCIL

November 21, 2019

The City Council of the City of Wilkes-Barre met in Regular Session on November 21, 2019, at 6:00 p.m., 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 McBride	- present
Merritt	- excused
Barrett, Vice Chairperson	- present
Belusko, Chairperson	- present

Also Present:

Darrea Snyder, City Controller
Rick Gazenski, City Administrator
Timothy Henry, City Attorney/Deputy Administrator
Cathy Payne, Assistant City Clerk
Lisa Sanfilippo, Administrative Assistant
Jim Ryan, City Clerk

Mr. Ryan announced that Mrs. Gilbert McBride requested that the Resolution relative to the Wilkes University Bond Issue be removed from the Consent Agenda (Resolutions) and be voted on separately.

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.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the Resolution regarding the Wilkes University Bond Issue.

Mike Woods, Special Assistant to the President of Wilkes University appeared before Council to answer questions regarding the Wilkes University Bond Issue.

Mr. Woods said that applying for taxable bonds has to come through the municipality, which is why the Finance Authority has been established, to make use of bonds like this. Mr. Woods explained that the streetscape projects amount to about 4.5 million dollars and the reimbursement project, so Wilkes has to float a bond in order to cover the University's cash position during the time period that the projects are being executed.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Resolution regarding the Wilkes University Bond Issue.

Jim Burden, Wilkes-Barre, PA appeared before Council relative to the Resolution regarding the Wilkes University Bond Issue.

RESOLUTIONS

RESOLUTION NO. R0082-19

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 Non-Profit Educational Institution, provided by and financed through the City of Wilkes-Barre, Finance Authority; and authorized 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 (2002)), 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 ("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 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

- 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 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.

Mr. Barrett moved to adopt the Resolution.

The motion was seconded by Mr. Merritt and adopted by the following yeas and nays vote:

Yeas Merritt, Barrett and Belusko (Chairperson) – 3 – being a majority of the members elected to City Council.

Nays none.

Abstain – Brooks and Gilbert McBride – 2.

Resolution No. R0083-19 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0083-19

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)

RESOLUTION NO. R0084-19

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.

RESOLUTION NO. R0085-19

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.

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.

Mr. Merritt moved to adopt the Consent Agenda (Resolutions).

The motion was seconded by Mr. Belusko and adopted by the following yeas and nays vote:

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

Nays none.

ORDINANCES

FILE OF COUNCIL 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." (SECOND AND FINAL READING)

Mr. Brooks moved to adopt the Ordinance.

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

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

Nays none.

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

Mr. Belusko moved to adopt the Ordinance.

The motion **failed for the lack of a second.**

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Brooks discussed the 2020 General Fund Budget. He said he could not rely upon a project that may or may not be there. He said he would like to work with Council-Elect Brown to come up with a realistic budget for 2020.

Mrs. Gilbert McBride agreed with Mr. Brooks and said she too would like to work with Council-Elect Brown on the 2020 budget. Mrs. McBride added that she said in the beginning of the year that she would not vote on a budget that didn't increase funding significantly for public safety and this budget is missing that also.

PUBLIC DISCUSSION

Tony Thomas, Wilkes-Barre, PA appeared before Council relative to the sale of the sewer system.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the sale of the sewer system and increasing the mercantile tax.

Mr. Ryan informed Mr. Troy that a Sewer Authority was proposed by Mayor Leighton and adopted at the last meeting in December of his final term. It is a valid Ordinance, but there were never any members appointed and active. The state still considers it a formed authority.

Robert Kadluboski, Wilkes-Barre, PA appeared before Council relative to videotaping Work Sessions, sale of the sewer system, the Administration, copies of the towing receipts and lawsuits with the police department.

Controller Darren Snyder said that he is in favor of readdressing the sewer authority because obviously the companies that are going to be buying it are going to be making a profit. If it is an authority it would take out a lot of political decisions and that way they could do what is best for the community and taxpayers. He added that he talked to Mr. Frati and he said that a lot of the lines are still terracotta pipe and it's just a matter of time before they start collapsing (and they are 13 feet below ground). He said the other utilities are run on top of the sewer lines, so digging up the sewer lines are going to be much more expensive. He said he thinks the sewer authority may be the best choice for the taxpayer, but it is going to cost money and fees are going to have to go up because the whole infrastructure is over a hundred years old. The problem is that the city needs money into its pension fund and that's what the urgency is. The pension fund MMO is going up to 9 million dollars in three years. The city needs to find some way to finance the pension fund, to bring down the MMO payments. He said one thing he would like to see addressed is if the pension board could possibly take out a loan and use the state contribution as collateral for the loan and it could potentially bring down the minimum obligation to the city.

Jim Burden, Wilkes-Barre, PA appeared before Council relative to drug activity in the city, shooting on Meade Street, the sale of the sewer system and charging college students for city services.

Mrs. Gilbert McBride told Mr. Burden that charging college students for services would have to go to the State Legislature first, but it is something that some Council members are in support of.

Jason Carr, Saylorsburg, PA appeared before Council relative to lies told by previous and current Administrations, sale of the sewer system, changes to city pension plans and Wyoming Valley Sanitary Authority meetings.

George Brown, Wilkes-Barre, PA appeared before Council to ask for Council's/residents ideas on how to save money, W-B Sewer Authority and the South Wilkes-Barre Residents Association Annual Special Needs Christmas Brunch, December 14, 2019 at Firwood United Methodist Church.

Angle Mathis, Wilkes-Barre, PA appeared before Council relative to loud noise on North Main Street (after hours) and an Ordinance making it illegal to blow leaves in the street.

John Marconi (Councilmember-Elect), Wilkes-Barre, PA appeared before Council relative to working together with the new Mayor, sewer system (do outside communities pay usage for sewer lines) and pension fund.

Mr. Snyder said the city can't charge neighboring municipalities for the usage of the sewer lines, but the authority can charge them.

Mrs. Gilbert McBride said PFM did mention on Tuesday that there is something in the State Legislature that is called Act 11, that would allow municipalities to charge other municipalities for the use of the sewer lines.

Mr. Belusko reminded the audience that the City's Christmas parade is Saturday.

Mr. Belusko wished the residents of Wilkes-Barre a Happy Thanksgiving.

There being no further business to discuss the meeting adjourned at 7:12 p.m.



Mike Belusko, Chairperson

ATTEST:



Jim Ryan, City Clerk