

CITY OF WILKES-BARRE  
PENNSYLVANIA



## CITY COUNCIL AGENDA

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CITY COUNCIL

WORK SESSION

DATE: NOVEMBER 9, 2010

TIME: 5:00 P.M.

5:00 P.M. **Jim Ryan, City Clerk**

1. An Ordinance amending Chapter 25 of the Wilkes-Barre Code of Ordinances entitled "Second Hand Goods." (First Reading – On Title)

**-ORDINANCES FOR SECOND AND FINAL READING-**

**FILE OF COUNCIL NO. 22 OF 2010 – AN ORDINANCE ENTITLED "AN ORDINANCE OF THE CITY OF WILKES-BARRE, COUNTY OF LUZERNE, AND THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2011 ACTION PLAN ENCOMPASSING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, EMERGENCY SHELTER GRANT PROGRAM AND HOME PROGRAM BUDGETS FOR PROGRAM YEAR THIRTY-SEVEN AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED TO COMPLETE PROGRAM ACTIVITIES."**

CITY COUNCIL  
WORK SESSION  
NOVEMBER 9, 2010

**FILE OF COUNCIL NO. 27 OF 2010** – AN ORDINANCE ESTABLISHING A VACANT PROPERTY REGISTRATION AND INSPECTION PROCEDURE AND CONDEMNATION/REHABILITATION PROPERTY POLICY FOR PROPERTIES LOCATED WITHIN THE CITY OF WILKES-BARRE.

**FILE OF COUNCIL NO. 28 OF 2010** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA, SETTING FORTH ITS INTENT TO ISSUE A GENERAL OBLIGATION NOTE, SERIES B OF 2010, OF THE CITY IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000) PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, 53 PA.C.S. CHAPTERS 80-82, AS AMENDED, REENACTED AND SUPPLEMENT, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT (THE "ACT").

5:10 P.M.     **Mayor Thomas M. Leighton (See Attached)**

**CITY OF WILKES-BARRE  
PENNSYLVANIA**



# **CITY COUNCIL AGENDA**

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**CITY COUNCIL**

**NOVEMBER 9, 2010**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CONSENT AGENDA (ORDINANCES)**

**PRESENTATIONS BY COUNCIL MEMBERS**

**PUBLIC DISCUSSION**

**ADJOURNMENT**

CITY COUNCIL  
NOVEMBER 9, 2010

CONSENT AGENDA (ORDINANCES)

**FILE OF COUNCIL NO. 22 OF 2010** – AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY OF WILKES-BARRE, COUNTY OF LUZERNE, AND THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2011 ACTION PLAN ENCOMPASSING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, EMERGENCY SHELTER GRANT PROGRAM AND HOME PROGRAM BUDGETS FOR PROGRAM YEAR THIRTY-SEVEN AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED TO COMPLETE PROGRAM ACTIVITIES.” **(SECOND AND FINAL READING)**

**FILE OF COUNCIL NO. 27 OF 2010** - AN ORDINANCE ESTABLISHING A VACANT PROPERTY REGISTRATION AND INSPECTION PROCEDURE AND CONDEMNATION/REHABILITATION PROPERTY POLICY FOR PROPERTIES LOCATED WITHIN THE CITY OF WILKES-BARRE. (FIRST READING – ON TITLE)

**FILE OF COUNCIL NO. 28 OF 2010** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA, SETTING FORTH ITS INTENT TO ISSUE A GENERAL OBLIGATION NOTE, SERIES B OF 2010, OF THE CITY IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000) PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, 53 PA.C.S. CHAPTERS 80-82, AS AMENDED, REENACTED AND SUPPLEMENT, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT (THE “ACT”). **(SECOND AND FINAL READING)**

**FILE OF COUNCIL NO. 29 OF 2010** – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING CHAPTER 25 OF THE WILKES-BARRE CODE OF ORDINANCES ENTITLED “SECOND HAND GOODS”. (FIRST READING – ON TITLE)

**FILE OF COUNCIL**

**NO. 22 OF 2010**

**PRESENTED IN CITY COUNCIL** September 16, 2010

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**AN ORDINANCE**

**ENTITLED "AN ORDINANCE OF THE CITY OF WILKES-BARRE, COUNTY OF LUZERNE, AND THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2011 ACTION PLAN ENCOMPASSING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, EMERGENCY SHELTER GRANT PROGRAM AND HOME PROGRAM BUDGETS FOR PROGRAM YEAR THIRTY-SEVEN AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED TO COMPLETE PROGRAM ACTIVITIES."**

*WHEREAS, it is now appropriate to adopt the 2011 Action Plan (OECD Budget) for Program Year Thirty-Seven and to submit a Final Statement of Objectives to DHUD.*

*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 authority of the same that:*

*SECTION I. The Budget and Financial Statement of Objectives for the 2011 Action Plan (OECD Budget) for Year Thirty-Seven are hereby adopted and referenced in the 2011 Action Plan (OECD Budget).*

*SECTION II. Further, the proper City Officials are hereby authorized to submit to DHUD, the Financial Statement of Objectives and Use of Funds for the Thirty-Seventh Year.*

*SECTION III. 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 be included.*

*SECTION IV. Further, the proper City Officials are hereby authorized to bid, award, and execute all contracts to implement this budget pursuant to all regulatory requirements of the Community Development Block Grant, Emergency Shelter Grant, and HOME Programs.*

*SECTION V. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.*

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

\_\_\_\_\_.

*This Ordinance shall become effective on* \_\_\_\_\_.

**ATTEST:**

\_\_\_\_\_  
**Jim Ryan, City Clerk**

**ACTIVITIES TO BE UNDERTAKEN: CDBG**

*It is a primary objective of the City of Wilkes-Barre, Pennsylvania, to develop and implement a community development and housing program that will serve to:*

- *Prevent and eliminate slum and blight conditions and prevent deterioration of property, neighborhoods and community facilities;*
- *Conserve and expand the City's housing stock in order to provide a decent home and suitable living environment for all persons;*
- *Expand and improve community services which are essential to proper community development;*
- *Utilize land and other natural resources for a better arrangement of residential, commercial, industrial, recreational and other necessary activity centers;*
- *Reduce the isolation of income groups and promote an increase in the diversity and vitality of neighborhoods;*
- *Restore and preserve properties of special value for historic, architectural or aesthetic reasons; and*
- *Alleviate physical and economic distress through the stimulation of private investment and community revitalization.*

*Toward the achievement of these overall community development objectives, the City of Wilkes-Barre has developed a specific statement of objectives and use of funds to be undertaken during the 37<sup>th</sup> Program Year. The 37<sup>th</sup> Program Year should begin on or after January 1, 2011, provided that the U.S. Department of Housing & Urban Development approves of said 2011 program and shall run until December 31, 2011. Estimated revenues available to carry out community development activities include an entitlement amount for Year 37 anticipated to be \$2,098,045.<sup>00</sup> and projected program income totaling \$10,000. The Statement of Objectives and Use of Funds and Specific Activities of the 37<sup>th</sup> Program Year are as follows:*

**I. PUBLIC FACILITIES AND IMPROVEMENTS**

**All projects eligibility will be verified by appropriate census data or surveys of appropriate service area.**

(1) Site Improvements: Design & Reconstruction

A. Fundability Citation: 570.208(a)(1)

B. Eligibility Citation: 570.201(c)

C. Estimated Cost: \$820,417.00

D. Objective: Engineering, milling, paving and related improvements

<u>Census Tract</u>	<u>Block Group</u>	<u>Cost</u>
2001	BG 1,2,4	
2002	BG 4	
2004	BG 1,2	
2005	BG 1,3	
2006	BG 2	
2007	BG 2,3,4	
2008	BG 1,2,3,4,5	
2009	BG 1,2,3,4	
2010	BG 1,2,3	
2011	BG 1	
2012	BG 2	
2015	BG 3	\$820,417.00

(2) Fire Equipment: Purchase of the following fire equipment.

- A. Fundability Citation: 570.208(a)(1)
- B. Eligibility Citation: 570.201(c)
- C. Estimated Cost: \$175,000.00
- D. Objective: Purchase of the following fire equipment:

Ambulance - \$175,000.00

(3) Public Facilities - Parks

- A. Fundability Citation: 570.208(a)(1)
- B. Eligibility Citation: 570.201(c)
- C. Estimated Cost: \$80,000.00
- D. Objective: Installation of basketball courts for a low/moderate playground Area.

Low/Mod Park: \$80,000.00

## II. PUBLIC SERVICES

Calculation Public Service

CAP

2011 Entitlement: (Anticipated)	\$2,098,045.00
Prior Year Program Income:	\$ 40,000.00

Total: \$2,138,045.00

Public Service:

% Public Service:	13.87%	\$296,628.00
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1) Recreation Services: YMCA Summer Camp Program

A. Fundability Citation: 570.2008(a)(2)

B. Eligibility Citation: 570.201(e)

C. Estimated Cost: \$4,014

D. Objective: To assist the YMCA in providing a summer camp program, indoor soccer, and youth basketball program for children of lower income families.

E. Address: YMCA  
40 West Northampton Street  
Wilkes-Barre, PA 18711  
Phone Number: (570) 823-2191

2) Child Care Services:

A. Fundability Citation: 570.208(a)(2)

B. Eligibility Citation: 570.201(e)

C. Estimated Cost: \$16,060

D. Objective: To assist the Child Development Council of Northeastern Pennsylvania to provide care, health testing, and instruction of children of lower income working parent(s).

E. Address: Child Development Council  
9 East Market Street  
Wilkes-Barre, PA 18701  
Phone Number: (570) 829-2446

3) Library Services/Osterhout Library: South Branch

A. Fundability Citation: 570.208(a)(1)

B. Eligibility Citation: 570.201(e)

C. Estimated Cost: \$22,250

D. Objective: To assist the Osterhout Free Library to maintain and operate the branch library located at 8 Airy Street, Wilkes-Barre.

E. Address: Osterhout Free Library - South Branch  
8 Airy Street  
Wilkes-Barre, PA 18702  
Phone Number: (570) 823-5544

4) Library Services/Osterhout Library: Reading Program

A. Fundability Citation: 570.208(a)(2)

B. Eligibility Citation: 570.201(e)

C. Estimated Cost: \$4,014

D. Objective: To assist the Osterhout Free Library to assist in providing library personnel for story hours at the McGlynn Learning Center at Boulevard Townhomes and at the Head Start Program at the Learning Center, Beekman Street, Wilkes-Barre, PA 18702

E. Address: Osterhout Free Library  
71 South Franklin Street  
Wilkes-Barre, PA 18701  
Phone Number: (570) 823-0156

5) Library Services/Osterhout Library: Central

A. Fundability Citation: 570.208(a)(1)

B. Eligibility Citation: 570.201(e)

C. Estimated Cost: \$13,550

D. Objective: To assist in funding the operating costs of the Children's Department of the Osterhout Free Library (Central).

E. Address: Osterhout Free Library  
71 South Franklin Street  
Wilkes-Barre, PA 18701  
Phone Number: (570) 823-0156

6) Homeless Shelter Services:

A. Fundability Citation: 570.208(a)(2)(A)

B. Eligibility Citation: 570.201(e)

C. Estimated Cost: \$10,836

D. Objective: To assist the Commission on Economic Opportunity (CEO) in overseeing their homeless shelter program which is located in various churches/schools throughout the City/County

E. Address: Commission on Economic Opportunity (CEO)  
165 Amber Lane  
Wilkes-Barre, PA 18702  
Phone Number: (570) 826-0510

7) Homeless Shelter Services:

- A. Fundability Citation: 570.208(a)(2)(A)
- B. Eligibility Citation: 570.201(e)
- C. Estimated Cost: \$6,000.00
- D. Objective: To assist Ruth's Place in overseeing their homeless shelter program.
- E. Ruth's Place  
P.O. Box 254  
Wilkes-Barre, PA

8. Vocational Rehab Services for Handicapped Individuals:

- A. Fundability Citation: 570.208(a)(2)(A)
- B. Eligibility Citation: 570.201(e)
- C. Estimated Cost: \$9,029
- D. Objective: To assist United Rehab Services, Inc., in providing vocational rehab services to City residents who have severe disabilities. Includes job placement services upon completion of training.
- E. Address: United Rehabilitation Services  
287 North Pennsylvania Avenue  
Wilkes-Barre, PA 18703-1344  
Phone Number: (570) 829-3681

9) Crime Victim Counseling Service:

- A. Fundability Citation: 570.208(a)(2)
- B. Eligibility Citation: 570.201(e)
- C. Estimated Cost: \$15,575
- D. Objective: To assist the Victims Resource Center in providing a comprehensive victims of crime counseling services.
- E. Address: Victims Resource Center  
71 North Franklin Street  
Wilkes-Barre, PA 18701  
Phone Number: (570)-208-4954 or (570)-823-0765

10) Police Protection Services:

- A. Fundability Citation: 570.208(a)(1)
- B. Eligibility Citation: 570.201(e)
- C. Estimated Cost: \$195,300.00
- D. Objective: To assist the Wilkes-Barre Police Department in conjunction with the Proactive Community Policing Program. The main purpose of the program will be to work to prevent crime by working with the community to recognize the problems and work to eliminate them. CD funds will be used to pay for the operational costs, including staffing, associated with this program.

E. Address: Deputy Chief Donald Crane  
Wilkes-Barre Police Department  
Wilkes-Barre, PA 18711  
Phone Number: (570)-208-4191

### **III. REHABILITATION & PRESERVATION**

The Program's Contact Person is: Mr. Frank Eick  
Wilkes-Barre City Hall  
40 East Market Street  
Wilkes-Barre, PA 18711  
Phone Number: (570) 208-4129  
Entitlement: \$275,000.00  
Program Income: \$4,000.00

City Property Rehabilitation Loan & Grant Programs, as follows:

1) Low Interest Housing Loan/Grant Program:

- A. Fundability Citation: 570.208(a)(3)
- B. Eligibility Citation: 570.202
- C. Estimated Cost: Entitlement - \$100,000.00/\$4,000.00 Program Income
- D. Objective: The City of Wilkes-Barre is implementing a housing rehabilitation loan/grant program for owner-occupied 1-2 unit structures. The purpose of this program is to maintain the existing housing stock in the City. Loans and grants of up to \$50,000, per unit will be available to qualifying households for the purpose of bringing their homes into compliance with the housing code. Lead-based paint reduction activity will also be included for those structures built prior to 1978.

2) Emergency Rehabilitation Grant Program:

- A. Fundability Citation: 570.208(a)(3)
- B. Eligibility Citation: 570.202
- C. Estimated Cost: \$125,000.00
- D. Objective: To provide grant assistance to qualifying very low income owner-occupied homeowners to correct emergency housing code violations, i.e., furnace repairs, electrical, etc. This program is implemented on the City's behalf by the Commission on Economic Opportunity.

3) Administration: Housing Delivery

- A. Fundability Citation: 570.208(a)(3)
- B. Eligibility Citation: 570.202
- C. Estimated Cost: \$50,000
- D. Objective: Staff costs directly related to carrying out eligible housing activities.

**IV. DEMOLITION**

- A. Fundability Citation: 570.208(b)(2)
- B. Eligibility Citation: 570.202
- C. Estimated Cost: \$100,000
- D. Objective: Demolition of deteriorated structures on a spot basis.

Cost: \$100,00.00

**V. GENERAL ADMINISTRATION**

*Calculation Administration*

*CAP*

2011 Entitlement: (Anticipated)	\$ 2,0908,045.00
Anticipated Program Income:	\$ 10,000. <sup>00</sup>
Total:	\$2,108,145.00

*Administration/Planning:*

% Administration: 16.67%

- A. Estimated Cost: \$351,000.00
- B. Objective: Management, monitoring and overall administration of the CDBG Program.

NOTE: Estimated Program Income \$1,000 to be budgeted.

## **VI. ECONOMIC DEVELOPMENT ACTIVITIES**

- A. *Fundability Citation: 570.208(a)(4)(v)(b)*
- B. *El igibility Citation: 570.203*
- C. *Est imated Cost: \$5,000 (P.I.)*
- D. *Objective: Revolving Loan Account - provide low-interest loans for-profit businesses to stimulate economic revitalization for the City of Wilkes-Barre. Creation of one low/mod job for every \$35,000 borrowed. Monies to be leveraged with other private, public monies. NOTE: Of the amount above, \$5,000 is anticipated Program Income. Prior year money available.*

- 1. Economic Development Activities.** *The City will be authorized to apply to HUD and receive guaranteed loan funds under HUD Section 108 Program, up to the maximum amount allowed under the program. Those funds shall be used for economic development activities in the City. All projects must meet the low to moderate income guidelines of HUD. HUD underwriting guidelines will be used for each project. One public meeting, as per HUD regulations, will be held before funding an individual 108 project to receive input from the public.*

*NOTE: Currently the City does not have any projects in mind for a Section 108 application. If the need arises, we will follow the appropriate citizen participation requirements and most definitely will solicit HUD's input in the undertaking.*

**YEAR 2011**

**ACTIVITIES TO BE UNDERTAKEN: ESG - (Total estimated funding amount - \$84,972.00)**

**A. Description of Proposed Use of Emergency Shelter Grant Funds:**

The City of Wilkes-Barre proposes to provide ESG assistance to the following organizations:

**I. Commission on Economic Opportunity (CEO), 165 Amber Lane, Wilkes-Barre, PA 18702-6599. Telephone Number: (570)-826-0510**

This organization oversees the major shelter program within the City of Wilkes-Barre. It consists of rented space located in various church buildings and colleges throughout Wilkes-Barre City and other communities within Luzerne County for a week at a time on a rotating basis. Because the buildings are used for other purposes during the day, cots and supplies must be packed and stored each morning and unpacked and set up each evening, then physically transported to another location every Monday. Assistance in supporting the operating expenses will improve the provisions of emergency shelter to the homeless.

In addition, a Drop-In Center will be in operation for homeless persons. This center is operated seven days a week, as a processing center for individuals experiencing homelessness. Emergency Shelter Grant Program funds will be utilized to assist in funding the operation of this "drop-in" center (rent, utilities, etc.).

Total estimated funding for 2011: \$39,454.00

Objectives-SL  
Outcomes-1

**II. Commission on Economic Opportunity (CEO), 165 Amber Lane, Wilkes-Barre, PA 18702-6599. Telephone Number: (570)-826-0510.**

The Commission on Economic Opportunity (CEO) administers a Landlord-Tenant Mediation Program designed to prevent the incidence of homelessness. ESG funds will be used to partially fund the salaries of trained mediators. The provisions of service to near homeless individuals and families by a trained mediator would include the identification of tenant rights, explanation of applicable legal process and identification of legal resources, mediate disputes and provide follow-up to insure plans mediated are being carried out.

Total estimated funding for 2011: \$9,533.00

Objectives-DH  
Outcomes-1

**III. Commission on Economic Opportunity (CEO), 165 Amber Lane, Wilkes-Barre, PA 18702-6599. Telephone Number: (570)-826-0510.**

ESG funds will be provided under the essential service category to partially fund housing advisors who will assist homeless individuals and families in obtaining permanent housing. Activities will include, but are not limited to, identification

and referral to available housing units, assistance with applications for subsidized housing, development of individual case plan, referral to and assistance with obtaining auxiliary housing supportive resources and programs such as furniture, utility deposits, etc.

Total estimated funding for 2011: \$11,314.00

Objectives-DL  
Outcomes-1

**IV. Commission on Economic Opportunity (CEO), 165 Amber Lane, Wilkes-Barre, PA 18702-6599. Telephone Number: (570)-826-0510.**

ESG funds will be utilized to provide overnight emergency sheltering utilizing hotels/motels and/or other emergency sheltering providers as required by individual case plan. This would provide for emergency sheltering of certain populations such as families with special needs or circumstances where homeless sheltering is not a suitable option. In all cases, persons assisted would be identified from within the City of Wilkes-Barre.

Total estimated funding for 2011: \$3,183.00

Objectives-SL  
Outcomes-1

**V. Domestic Violence Service Center, P.O. Box 1662, Wilkes-Barre, PA 18703-1662. Telephone Number: (570)-823-4712.**

This organization operates a shelter within the City of Wilkes-Barre, which provides support for women, and their dependent children who are victims of domestic violence. Emergency Shelter Grant Program funds will be provided to assist in funding the operation of this shelter (heat, electricity, hotline telephone, insurance, etc.).

Total estimated funding for 2010: \$7,737.00

Objectives-SL  
Outcomes-1

**VI. Domestic Violence Service Center, P.O. Box 1662, Wilkes-Barre, PA 18703-1662. Telephone Number: (570)-823-4712.**

The Bridge Housing Program includes a long term (up to one year) housing, counseling and case management to women and their dependent children who are homeless for any reason. This program may house up to 30 individuals per day. Recipients of bridge housing must be low income individuals who have no permanent residence and who are residing in a shelter or other public or charity funded placement. Supportive services and community resources linkage are provided with the goal of returning clients to the most independent life situation possible. Emergency Shelter Grant Program funds will be provided to assist in funding the operation of this program (rent, insurance and shelter supplies such as blankets, towels, etc.).

Total estimated funding for 2011: \$13,751.00

Objectives: SL

Outcomes: 1

**YEAR 2011**

**SPECIFIC HOME PROGRAM REQUIREMENTS**

**ACTIVITIES TO BE UNDERTAKEN: HOME**

- I. It is anticipated that the City will receive \$408,067 in 2011 HOME funds from the U.S. Department of Housing and Urban Development (\$61,210.05 Budgeted to CHDO). The 2011 funds have been earmarked for the construction of new single family owner-occupied units to qualifying low to moderate income families. Our program objective is to provide decent housing and our anticipated outcome is to increase the affordability of housing in the City of Wilkes-Barre. It is anticipated that two (2) homes will be completed for the Courtright Housing Project. The City will budget \$40,806.70 for the administration of the HOME Program for 2011. Previous HOME funds have been allocated to this project.

Objectives:     DH    

Outcomes:     2    

**ACTIVITIES TO BE UNDERTAKEN: CHDO**

- II. It is the intention of the City of Wilkes-Barre to enter into an agreement with the Housing Development Corporation of Northeastern Pennsylvania as our certified Community Housing Development Organization (CHDO). Under the provisions of this agreement, the CHDO will act as the developer for HOME Assisted homebuyer projects. They will construct new units for the Courtright Housing Project. Our program objective is to provide decent housing and our anticipated outcome is to increase the affordability of housing in the City of Wilkes-Barre. It is anticipated that two households will be assisted. The City has allocated previous years CHDO funds to this project.

Objectives:     DH    

Outcomes:     2

FILE OF COUNCIL

NO. 27 OF 2010

PRESENTED IN CITY COUNCIL ON 10/28/10

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AN ORDINANCE

ESTABLISHING A VACANT PROPERTY REGISTRATION AND INSPECTION  
PROCEDURE AND CONDEMNATION/REHABILITATION PROPERTY POLICY  
FOR PROPERTIES LOCATED WITHIN THE CITY OF WILKES-BARRE. (FIRST  
READING – ON TITLE)

FILE OF COUNCIL

NO. 28 OF 2010

PRESENTED IN CITY COUNCIL ON OCTOBER 28, 2010

CITY OF WILKES-BARRE  
LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA, SETTING FORTH ITS INTENT TO ISSUE A GENERAL OBLIGATION NOTE, SERIES B OF 2010, OF THE CITY IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000) PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, 53 PA.C.S. CHAPTERS 80-82, AS AMENDED, REENACTED AND SUPPLEMENTED, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT (THE "ACT"); FINDING THAT A PRIVATE SALE BY NEGOTIATION IS IN THE BEST FINANCIAL INTERESTS OF THE CITY; DETERMINING THAT SUCH 2010 NOTE SHALL EVIDENCE NONELECTORAL DEBT OF THE CITY; SPECIFYING THAT SUCH INDEBTEDNESS IS TO BE INCURRED TO PROVIDE FUNDS TO FINANCE, REFINANCE AND/OR REIMBURSE A PROJECT OF THE CITY WHICH CONSISTS OF, AMONG OTHER THINGS: (1) DESIGN, ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF AN INTERMODAL TRANSPORTATION FACILITY OF THE CITY; (2) DESIGN, ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT, AND INSTALLATION, FURNISHING AND EQUIPPING OF IMPROVEMENTS AND/OR ADDITIONS TO THE CITY'S FACILITIES AND PROPERTIES; (3) PURCHASE OF CAPITAL EQUIPMENT FOR USE BY THE CITY; (4) DESIGN, ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT, AND INSTALLATION, FURNISHING AND EQUIPPING OF OTHER CAPITAL PROJECTS OF THE CITY AS APPROVED BY THE COUNCIL OF THE CITY; AND (5) FUNDING THE COSTS AND EXPENSES OF ISSUANCE OF THE 2010 NOTE; SETTING FORTH THE REASONABLE ESTIMATED USEFUL LIVES OF THE CAPITAL PROJECTS TO BE FINANCED BY THE 2010 NOTE; ACCEPTING A PROPOSAL FOR THE PURCHASE OF SUCH 2010 NOTE AT PRIVATE SALE BY NEGOTIATION; PROVIDING THAT SUCH 2010 NOTE, WHEN ISSUED, SHALL CONSTITUTE A GENERAL OBLIGATION OF THE CITY; FIXING THE DENOMINATION, DATED DATE, INTEREST PAYMENT DATES, INTEREST RATES, REDEMPTION PROVISIONS AND PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH 2010 NOTE; AUTHORIZING SPECIFIED OFFICERS OF THE CITY TO CONTRACT WITH THE PAYING AGENT FOR ITS SERVICES IN CONNECTION WITH

THE 2010 NOTE; SETTING FORTH THE SUBSTANTIAL FORM OF THE 2010 NOTE EVIDENCING THE DEBT; AUTHORIZING EXECUTION AND ATTESTATION OF SUCH 2010 NOTE; PROVIDING COVENANTS RELATED TO DEBT SERVICE APPLICABLE TO SUCH 2010 NOTE TO THE EXTENT REQUIRED BY THE ACT AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY IN SUPPORT THEREOF; CREATING A SINKING FUND IN CONNECTION WITH SUCH 2010 NOTE, TO THE EXTENT REQUIRED BY THE ACT; DESIGNATING THE PAYING AGENT TO BE THE SINKING FUND DEPOSITARY; PROVIDING A COVENANT TO INSURE PROMPT AND FULL PAYMENT FOR SUCH 2010 NOTE WHEN DUE; SETTING FORTH REGISTRATION AND TRANSFER PROVISIONS WITH RESPECT TO SUCH 2010 NOTE; AUTHORIZING THE EXECUTION OF ONE OR MORE INVESTMENT AGREEMENTS BY SPECIFIED OFFICERS OF THE CITY (IF APPLICABLE) AND THE PURCHASE OF CERTAIN U.S. TREASURY OBLIGATIONS OR ANY OTHER SECURITIES OR INVESTMENTS IN CONNECTION WITH THE PROJECT; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE CITY TO DO, TO TAKE AND TO PERFORM CERTAIN SPECIFIED, REQUIRED, NECESSARY OR APPROPRIATE ACTS TO EFFECT THE ISSUANCE OF THE 2010 NOTE, INCLUDING, WITHOUT LIMITATION, THE PREPARATION OF A DEBT STATEMENT AND BORROWING BASE CERTIFICATE, AND THE FILING OF SPECIFIED DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, ALL AS REQUIRED BY THE ACT; DECLARING THAT THE DEBT TO BE EVIDENCED BY SUCH 2010 NOTE, TOGETHER WITH ALL OTHER INDEBTEDNESS OF THE CITY, WILL NOT BE IN EXCESS OF ANY APPLICABLE LIMITATION IMPOSED BY THE ACT; AUTHORIZING PROPER OFFICERS OF THE CITY TO DELIVER THE 2010 NOTE UPON THE APPROVAL OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INSOFAR AS THE SAME SHALL BE INCONSISTENT HEREWITH.

**WHEREAS**, the City of Wilkes-Barre, Luzerne County, Pennsylvania (the "City"), is a home rule charter city operating under the Home Rule Charter and Optional Plans Law of the Commonwealth of Pennsylvania (the "Commonwealth"); and

**WHEREAS**, it is necessary that the indebtedness of the City be increased for the purposes of providing funds for: (1) design, acquisition, construction, installation, furnishing and equipping of an intermodal transportation facility of the City; (2) design, acquisition, construction, renovation, improvement, and installation, furnishing and equipping of improvements and/or additions to the City's facilities and properties; (3) purchase of capital equipment for use by the City; (4) design, acquisition, construction, renovation, improvement, and installation, furnishing and equipping of other capital projects of the City as approved by the Council of the City; and (5)

funding the costs and expenses of issuance of the 2010 Note (hereinafter defined) (collectively, the "Project"); and

**WHEREAS**, the 2010 Note will be issued pursuant to the Act of the General Assembly of the Commonwealth of Pennsylvania, 53 P.a.C.S., Chapters 80-82, as amended, reenacted and supplemented, and known as the Local Government Unit Debt Act (the "Act"); and

**WHEREAS**, the proposed increase of debt, together with its nonelectoral indebtedness and its lease rental indebtedness presently outstanding, will not cause the limitations of the City, pursuant to constitutional and statutory authority, to be exceeded; and

**WHEREAS**, the City received a commitment letter, as such commitment letter may be amended from time to time, for the financing of the Project (the "Commitment Letter") from Manufacturers and Traders Trust Company, Wilkes-Barre, Pennsylvania (the "Purchaser"); and

**WHEREAS**, the City desires to formally approve the Project, to accept the Commitment Letter and to authorize the incurrence of nonelectoral debt under the Act, and the execution and delivery of the Commitment Letter.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Wilkes-Barre, Luzerne County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

**SECTION 1.** That the maximum aggregate principal amount of the General Obligation Note, Series B of 2010 (the "2010 Note") of the City, proposed to be issued is \$2,200,000, same to be issued for the foregoing purposes and same to be incurred as nonelectoral debt.

**SECTION 2.** The City hereby approves the Project to be undertaken consisting of providing funds for: (1) design, acquisition, construction, installation, furnishing and equipping of an intermodal transportation facility of the City; (2) design, acquisition, construction, renovation, improvement, and installation, furnishing and equipping of improvements and/or additions to the City's facilities and properties; (3) purchase of capital equipment for use by the City; (4) design, acquisition, construction, renovation, improvement, and installation, furnishing and equipping of other capital projects of the City as approved by the Council of the City; and (5) funding the costs and expenses of issuance of the 2010 Note.

The estimated useful lives of the capital projects to be financed by the proceeds of the 2010 Note range from at least 20 years to at least 30 years.

It is hereby certified that an aggregate principal amount of the 2010 Note at least equal to the realistic estimated cost of each such capital project shall mature prior to the end of the useful life of such project. Stated installments or maturities of principal of the 2010 Note will not be deferred beyond the later of one year after the estimated date for the completion of

the construction portion of the Project, if any, or two years from the date of issuance of the 2010 Note.

The City hereby finds that the realistic cost estimates have been obtained for the costs of the Project from financial analysts, registered architects, professional engineers or other persons qualified by experience to provide such estimates.

**SECTION 3.** Said indebtedness shall be evidenced by one general obligation note in the maximum aggregate principal amount of \$2,200,000, dated and bearing interest from the earliest date of possible issue of said 2010 Note under the statutory time requirements as set forth in the Act, at a variable rate of interest specified in the Commitment Letter, payable on the unpaid balance of said 2010 Note during the term of said 2010 Note. Interest is payable on the unpaid balance of said 2010 Note during its term until paid. The 2010 Note shall mature in maximum installments of principal and at the maximum rate of interest as shown on the attached Schedule hereinafter referred to as "Exhibit A."

The City reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payment dates thereof, in accordance with the limitations as specified in the Commitment Letter, if any.

The principal and interest of said 2010 Note shall be payable at the office of the sinking fund depositary selected for the 2010 Note as hereinafter provided.

**SECTION 4.** The said 2010 Note is hereby declared to be a general obligation of the City. The City hereby covenants that it shall include the amount of debt service on the 2010 Note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts from its general revenues for the payment of such debt service; and shall duly and punctually pay or cause to be paid from its general revenues the principal of the 2010 Note and the interest thereon at the dates and places and in the manner stated in the 2010 Note according to the true intent and meaning thereof, and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the City are hereby irrevocably pledged.

The maximum amounts which the City hereby covenants to pay in each of the fiscal years that the 2010 Note is outstanding on the basis of the maximum interest rate as specified in the Commitment Letter are shown on Exhibit A hereto.

**SECTION 5.** The 2010 Note, when issued, will be a general obligation of the City.

**SECTION 6.** The form of said 2010 Note shall be substantially as shown on the attached Exhibit B.

**SECTION 7.** The said 2010 Note shall be executed in the name and under the corporate seal of the City by the Mayor and City Controller of the City and attested to by the City Clerk in substantially the form attached hereto together with such changes, modifications,

insertions and deletions as such officers, with the advice of counsel, deem necessary and appropriate; their execution and delivery thereof shall be conclusive evidence of the approval and authorization by the City of the final terms of the 2010 Note. The City Clerk is hereby authorized and directed to deliver said 2010 Note to the Purchaser, and receive payment therefor on behalf of the City. The Mayor and City Controller of the City and the City Clerk are authorized and directed to prepare, verify and file the debt statement required by Section 8110 of the Act, and to take other necessary action, including, if necessary or desirable, the filing, either before or after the issuance of the 2010 Note, additional debt statements or any statements required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

**SECTION 8.** Manufacturers and Traders Trust Company, Wilkes-Barre, Pennsylvania, is hereby designated as the Sinking Fund Depository for the obligation herein authorized, and there is hereby created and established a Sinking Fund, to be known as the "City of Wilkes-Barre, Luzerne County, Pennsylvania, Sinking Fund - General Obligation Note, Series B of 2010", for the payment of the principal and interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Finance Director of the City shall deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment and interest on the obligation no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, as and when said payments are due, without further action by the City withdraw available monies in the Sinking Fund and apply said monies to payment of the principal of and interest on the obligation.

**SECTION 9.** The Mayor and City Controller of the City are hereby authorized to contract with Manufacturers and Traders Trust Company, Wilkes-Barre, Pennsylvania, for its services as Sinking Fund Depository for the 2010 Note and Paying Agent for the same (the "Paying Agent").

**SECTION 10.** In compliance with Section 8161 of the Act, the Council has determined that a private sale by negotiation, rather than public sale, is in the best financial interest of the City. The Commitment Letter is hereby accepted and the 2010 Note in the maximum aggregate principal amount of \$2,200,000, herein authorized to be issued and sold, is hereby awarded and sold to the Purchaser in accordance with its commitment to purchase the said 2010 Note at par; provided the said 2010 Note is dated the date of delivery thereof to the Purchaser and is in substantially the form set forth in Exhibit B to this Ordinance with such changes as may be approved by the officers of the City executing such 2010 Note; and further provided that the proceedings have been approved by the Department of Community and Economic Development if such approval is required under the provisions of the Act. A copy of said Commitment Letter shall be attached hereto as Exhibit C and lodged with the official minutes of this meeting and is hereby incorporated herein by reference.

**SECTION 11.** If necessary, the City hereby approves the execution of one or more investment agreements, the purchase of certain U.S. Treasury obligations or any other securities or investments (the "Investments") for investment of the proceeds of the 2010 Note in connection with the Project. The City hereby authorizes and directs the Mayor and City

Controller of the City and the City Clerk to attest any investment agreement on behalf of the City, in the form approved by the Solicitor and Bond Counsel of the City. The Investments shall be limited to those authorized under law for proceeds of the 2010 Note.

**SECTION 12.** The City hereby appoints and engages Stevens & Lee, a professional corporation, to act as Bond Counsel to the City in connection with the issuance of the 2010 Note and to facilitate the intent of this Ordinance.

**SECTION 13.** All expenses incurred in connection with issuance of the 2010 Note shall be paid out of the proceeds derived from the issuance of the 2010 and the Mayor of the City is authorized to approve requests for payment of such expenses and to pay such expenses.

**SECTION 14.** The action of the proper officers and the advertising of a summary of this Ordinance as required by law in a newspaper of general circulation in the City, is ratified and confirmed. The advertisement of enactment in said newspaper is hereby directed within fifteen (15) days following the day of final enactment.

**SECTION 15.** The proper officers of the City are hereby authorized to execute and deliver such other documents and to take such other action as may be necessary or proper to effect the completion of the financing or the intent and purposes of this Ordinance.

**SECTION 16.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the City that the remainder of this Ordinance shall remain in full force and effect.

**SECTION 17.** All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

**SECTION 18.** This Ordinance shall be effective in accordance with Section 8003 of the Act.

ORDAINED AND ENACTED THIS 9TH DAY OF NOVEMBER, 2010.

CITY OF WILKES-BARRE  
Luzerne County, Pennsylvania

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Controller

Attest:

\_\_\_\_\_  
City Clerk

(SEAL)

EXHIBIT A TO ORDINANCE

Maximum Amortization Schedule

EXHIBIT B TO ORDINANCE

Form of Series of 2010 Note

EXHIBIT C TO ORDINANCE

Commitment Letter





Manufacturers and Traders Trust Company

October 29, 2010

City of Wilkes-Barre  
40 East Market  
Wilkes-Barre, Pennsylvania 18701

Attention: Mayor Thomas M. Leighton

Re: Interim Term Loan Facility

Ladies and Gentlemen:

Manufacturers and Traders Trust Company ("M&T Bank") is pleased to hereby propose a \$2,200,000 taxable term loan facility (the "Credit Facility") to the City of Wilkes-Barre, Luzerne County, Pennsylvania (the "City") to be evidenced by its General Obligation Note in the face amount of \$2,200,000 (the "Note"). The proposed Credit Facility is described in the Summary of Terms and Conditions that is attached to and made a part of this letter (the "Summary").

The Summary includes only a brief description of the principal terms of the proposed Credit Facility. The definitive terms of the proposed Credit Facility will be documented by the Note and the City's duly adopted ordinance relating thereto together with the other agreements, instruments, certificates and documents which M&T Bank may otherwise require (together with the Note, the "Note Documents"). The settlement of the proposed Credit Facility is subject to several conditions. First, the City must accept this letter as provided below, and must comply with all the other conditions of this letter and the Summary. Upon acceptance, definitive Note Documents will be prepared. This letter is issued subject to the statutory and other requirements by which M&T Bank is governed.

All costs and expenses of M&T Bank will be paid by the City from time to time upon demand, including, for example, reasonable fees and expenses of legal counsel, as well as the costs of providing M&T Bank with such appraisals, audits, financial reports, and other documents as may be requested in connection with the proposed Credit Facility and due diligence investigation of the City of Wilkes-Barre. Because M&T Bank will incur these expenses even if the proposed Credit Facility is not consummated for any reason; the City's expense reimbursement agreement is unconditional.

City of Wilkes-Barre  
October 29, 2010  
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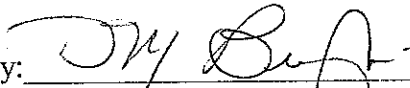
The laws of the Commonwealth of Pennsylvania govern this letter. No modification or waiver of any of the terms of this letter will be valid unless agreed to in writing by M&T Bank. When accepted, this letter will constitute the understanding between M&T Bank and the City concerning the proposed Credit Facility, and shall replace all prior understandings, statements, negotiations and written materials relating to the proposed Credit Facility.

To accept the terms of the proposed Credit Facility, please sign the enclosed copy of this letter and return it to me within 30 days from the date of this letter or this letter will terminate and M&T Bank will have no liability or further obligation.

We appreciate this opportunity to review your financial needs, and look forward to your acceptance of this letter.

Very truly yours,

MANUFACTURERS AND TRADERS TRUST COMPANY

By:   
\_\_\_\_\_  
David M. Bulzoni  
Vice President -- Government Banking

The above terms and conditions are hereby agreed to and accepted.

CITY OF WILKES-BARRE,

LUZERNE COUNTY, PENNSYLVANIA

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Controller

Date: \_\_\_\_\_, 2010

## SUMMARY OF TERMS AND CONDITIONS

- Borrower: City of Wilkes-Barre, Luzerne County, Pennsylvania, ("City")
- Guarantor: NA
- Lender: Manufacturers and Traders Trust Company ("Bank")
- Credit Facility: \$2,200,000 General Obligation Note. The Note shall be issued on a revolving basis.
- Use of Proceeds: Provide interim funding for construction and related costs associated with the City of Wilkes-Barre Intermodal Project.
- Term: Maturity of December 31, 2012.
- Issuance Fee; Principal and Interest:
1. Issuance Fee: \$2,500.00 payable on the date of issuance.
  2. Interest: A variable, taxable rate based on one (1) month LIBOR + 400 basis points. Principal and Interest shall be payable at maturity and determined on the basis of a year of 360 days for the actual number of days in each year. The maximum rate allowable under the terms of the note shall be set at 18.00% on a taxable basis.
- Expenses: All costs and expenses incurred by M&T Bank shall be reimbursed by the City at closing and otherwise on demand. These include, but will not be limited to, all recording and filing fees and taxes and reasonable fees and expenses of M&T Bank's legal counsel.
- Security: City's obligations as borrower under the Note will be a general obligation of the City secured by the pledge of its full faith, credit and taxing power.
- Representations and Warranties: Closing certificates of the City will contain such representations and warranties of the City as M&T Bank shall reasonably require, and will cover, among other things, due organization, valid existence, good standing and authority of the City; due execution, validity, and enforceability of the Note Documents; the non-existence of litigation which, if adversely decided, would have a material adverse effect on the operations, condition (financial or otherwise) or prospects of the City or on its ability to perform its obligations under the Note Documents, and no conflicting agreements or material adverse changes in its financial condition.

Conditions Precedent to Closing:

Receipt by M&T Bank of the following, in form and substance satisfactory to M&T Bank:

- a. Closing certificate of the City containing representations and warranties.
- b. Certified ordinance authorizing issuance of Note, incumbency certificate and supporting documents.
- c. Duly executed Note Documents with respect to the Credit Facility and evidence of issuance of the Note.
- d. Opinions of the City's counsel and of Bond Counsel.
- e. Such evidence as M&T Bank may reasonably require of availability of sources of funding, including the Commonwealth of Pennsylvania and other sources as appropriate.
- f. Repayment of Note with project reimbursements made by the Commonwealth of Pennsylvania or other funding sources as appropriate.

Other Conditions Precedent to Closing as appropriate.

FILE OF COUNCIL  
NO. \_\_\_ OF 2010

PRESENTED IN CITY COUNCIL ON NOVEMBER 9, 2010

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AN ORDINANCE

OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING CHAPTER 25  
OF THE WILKES-BARRE CODE OF ORDINANCES ENTITLED "SECOND HAND  
GOODS." **(First Reading – Title Only)**