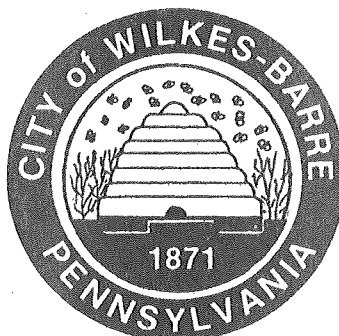


CITY OF WILKES-BARRE  
PENNSYLVANIA



# CITY COUNCIL AGENDA

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## CITY COUNCIL

### WORK SESSION

DATE: April 12, 2011

TIME: 6:00 p.m.

6:00 p.m. **General Discussion**

1. Carmen Ambrozena – Bath Salts

6:10 p.m. **Jim Ryan, City Clerk**

1. Resolution granting approval to Refer Local, LLC (Kris Jones, owner) to install a sign at 60 South Main Street.
2. Resolution authorizing Tony Thomas Deli & Caterers to utilize the right-of-way in front of 52 South Main Street.
3. Resolution giving approval to the Luzerne County Tax Claim Bureau to accept the bid on property owned by George H. Smith adjacent to 718-720 North Washington Street.

6:20 p.m. **Thomas M. Leighton, Mayor (See Attached)**

**MAYOR'S AGENDA**  
**WORK SESSION**  
**WILKES-BARRE CITY COUNCIL**  
**APRIL 12, 2011**

**RESOLUTIONS**

Authorizing the proper city officials to purchase playground equipment.

Awarding a contract for the Pennsylvania Infrastructure Bank (PIB) Streets - Phase II

**ORDINANCES**

An Ordinance amending the Community Development Block Grant Consolidated Plan for Program Years: 2007, 2008, 2009, 2010.

CITY OF WILKES-BARRE  
PENNSYLVANIA



# CITY COUNCIL AGENDA

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CITY COUNCIL

APRIL 14, 2011

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL  
APRIL 14, 2011

**CONSENT AGENDA (RESOLUTIONS)**

Granting approval to Refer Local, LLC (Kris Jones, owner) to install a sign at 60 South Main Street.

Authorizing Tony Thomas Deli & Caterers to utilize the right-of-way in front of 52 South Main Street.

Giving approval to the Luzerne County Tax Claim Bureau to accept the bid on property owned by George H. Smith adjacent to 718-720 North Washington Street.

Authorizing the proper City officials to purchase playground equipment

Enter into an agreement with American Asphalt Paving Company for the 2011 Pennsylvania Infrastructure Loan Street Paving Program (PIB).

**MINUTES**

Of the Regular Session of City Council of March 24, 2011.

Of the Traffic Committee Meeting of February 24, 2011.

Of the City Planning Commission of February 16, 2011.

Of the City Planning Commission of March 16, 2011.

CITY COUNCIL  
APRIL 14, 2011

**CONSENT AGENDA (ORDINANCES)**

**FILE OF COUNCIL NO. 6 OF 2011** – AN ORDINANCE AMENDING FILE OF COUNCIL NO. 1 OF 1992, ENTITLED “AN ORDINANCE ADOPTING COUNCIL’S RULES AND PROCEDURES”, AS AMENDED. (FIRST READING)

**FILE OF COUNCIL NO. 7 OF 2011** – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN FOR PROGRAM YEARS: 2007, 2008, 2009, 2010. (FIRST READING ON TITLE)

**FILE OF COUNCIL NO. 8 OF 2011** – AN ORDINANCE PROVIDING FOR THE ACCEPTANCE, ESTABLISHMENT, NAMING AND OPENING OF CERTAIN LANDS AS A PUBLIC STREETS COMMON, NAMELY THE OPENING OF ATKINS LANE, MCGOWAN STREET, MORRIS LANE AND LACE MILL LANE IN THE CITY OF WILKES-BARRE. (FIRST READING)

**FILE OF COUNCIL NO. 9 OF 2011** – AN ORDINANCE BANNING THE SALE, DISTRIBUTION, CONSUMPTION, POSSESSION AND INGESTION OF CERTAIN CHEMICAL COMBINATIONS, INCLUDING BUT NOT LIMITED TO THOSE BEING MARKETED OR HELD OUT AS BATH SALTS. (FIRST READING)



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

Whereas, Refer Local, LLC, Kris Jones owner, wishes to install a 24" x 24" blade sign (see exhibit A) which will overhang the sidewalk right-of-way, at his place of business located at 60 South Main Street.

Now, Therefore, Be It Resolved by the Wilkes-Barre City Council that approval is hereby granted contingent upon satisfaction of the following requirements:

File the following with the City Attorney's Office:

1. File liability insurance naming the City as an insured for any liability connected with the said request.
2. File a Release and Save Harmless Agreement.
3. The applicant and a successor shall file current liability insurance naming the City as an insured.

Submitted by \_\_\_\_\_

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

That, the City Council of Wilkes-Barre hereby authorizes Tony Thomas Deli & Caterers to utilize the City right-of-way in front of the deli located at 52 South Main Street in the City of Wilkes-Barre provided however they allow pedestrian and emergency vehicle access in the right-of-way and submit the following documentation:

- 1) A Hold Harmless Agreement in favor of the City of Wilkes-Barre shall be signed and filed in the Office of the City Attorney; and
- 2) Certificates of Insurance naming the City as an additional insured shall be filed with the Office of the City Attorney in the amount of one million per occurrence and two per aggregate.
- 3) That tables and chairs shall only be placed on the establishment owner's property, not on City owned property.
- 4) Beverages shall remain in the table area.
- 5) The authority granted by this Resolution shall expire on December 31, 2011 and may be considered on an annual basis.

Submitted by \_\_\_\_\_

**ROLL CALL**

**YEAS**

**RESOLUTIONS**

**NAYS**



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

That, the City Council of Wilkes-Barre hereby gives approval to the Luzerne County Tax Claim Bureau to accept the bid they have received on the property owned by George H. Smith adjacent to 718-720 North Washington Street, Wilkes-Barre, Pennsylvania, (RE: Repository Tax Sale, 73H10NW2—B029-L039).

Submitted by \_\_\_\_\_

**ROLL CALL**

**YEAS**

**RESOLUTIONS**

**NAYS**

CAVERLY, SHEA, PHILLIPS & RODGERS, LLC

ATTORNEYS AT LAW

15 PUBLIC SQUARE, SUITE 210

WILKES-BARRE, PENNSYLVANIA 18701

(570) 823-0101

FAX (570) 825-7799

TOLL FREE: (877) 803-6424

WEB SITE: CSPRLAW.COM

24 W. UNION STREET  
SHICKSHINNY, PA 18655  
(570) 542-7995

199 N. CEDAR STREET  
HAZLETON, PA 18201

REPLY TO: WILKES-BARRE

N. BRIAN CAVERLY  
bcaverly@wcsprlaw.com

CHARLES A. SHEA III  
cashia@epix.net

BRUCE J. PHILLIPS  
freescot7@aol.com

JOHN P. RODGERS  
jrodgers@wcsprlaw.com

SAMUEL M. SANGUEDOLCE  
smsesquire@aol.com

LEONARD A. SANGUEDOLCE  
las@wcsprlaw.com

SAMUEL A. FALCONE  
sfalcone@wcsprlaw.com

April 6, 2011

Jim Ryan, Secretary  
Wilkes Barre City  
City Hall, 40 E Market Street  
Wilkes Barre, PA 18711

Leonard Przywara, Business Manager  
Wilkes Barre Area School District  
730 South Main Street  
Wilkes Barre, PA 18711

RE: Private Sale – Adjacent to 718-720 North Washington Street, Wilkes-Barre, Pennsylvania

Gentlemen:

Please be advised that Northeast Revenue Service, LLC, as agent for the Luzerne County Tax Claim Bureau, received a bid from Steve Shemo for a Repository Sale of property located at Adjacent to 718-720 North Washington Street, Wilkes-Barre, Pennsylvania, Parcel Number: 73-H10NW2-B029-L039 from the Luzerne County Repository, in exchange for payment in the amount of \$2,000.00. I have enclosed herewith a copy of the Repository Sale Agreement which was completed by Steve Shemo. In the event that you object to the sale of the property from the Luzerne County Repository to Steve Shemo, please contact Northeast Revenue Service, LLC, within forty-five (45) days. In the event that we do not hear from you, we will assume that you have no objections.

If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

  
John P. Rodgers

JPR/am  
Enclosure

OFFER TO PURCHASE FROM REPOSITORY

LUZERNE COUNTY TAX CLAIM BUREAU  
Luzerne County Courthouse  
200 North River Street  
Wilkes-Barre, PA 18711  
(570) 825-1512

**NOTICE:** The Luzerne County Tax Claim Bureau will entertain repository bids between January 1 and September 30. Under no circumstances will repository bids be entertained after September 30.

It is expressly understood and agreed that the purchaser, as acknowledged below, is aware of all potential risks involved in this sale. The Tax Claim Bureau does not convey title by general warranty and is held harmless from any effects of such potential risks or defects in title.

By statute, repository bids require the approval of all three of the taxing authorities (county, municipality & school district) in which the property is located. The Director of Tax Revenue has the discretion to disapprove any bid.

Also by statute, the successful bidder confirms that he/she is not delinquent in paying real estate taxes for any property assessed to them in Luzerne County and does not have municipal utility bills, where the property is located, that are more than one year outstanding.

All funds must be made payable to Northeast Revenue Service, LLC in the form of a money order, cashier's check or other bank certified funds. Cash is also accepted for payment. A \$100.00, non-refundable, administrative processing fee, along with the full repository bid amount, is to be deposited by the bidder at the time that the bid is placed. You are advised to consult your attorney with any legal questions regarding the purchase of this property. SS (Please Initial)

\*\*\*\*\* B I D \*\*\*\*\*

I/we hereby submit a repository bid offer in the amount of \$ 2,000. (minimum \$500.00) for the property assessed in the name(s) of the following owners/reputed owners:

GEORGE H. SMITH

Parcel No.: 73-H10NW2 B029 L039 AN \_\_\_\_\_ D/B \_\_\_\_\_

Description: .06 ACRES — <sup>LOT</sup> ADJACENT to 718-720 N. WASHINGTON ST  
WILKES-BARRE

situated in WILKES-BARRE CITY and WILKES-BARRE AREA  
(Borough, Township, or City) (School District)

Signature: Steve Shemo (AGENT FOR OWNER)

Mailing address: 270. Prospect Park W. Date: 3/18/11  
Brooklyn NY 11215 Phone: 570.793.9449

(Specify names & relationship – exactly as deed will be recorded) \*make sure its legible\*

[ ] Single [ ] Married [ ] Separated, but married [ ] Divorced [ ] Tenants in Common

Over



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

WHEREAS, the City of Wilkes-Barre filed a Petition with the Orphans' Court of Luzerne County for allowance to enter into a lease agreement with SMSA Limited Partnership, d/b/a Verizon Wireless;

WHEREAS, pursuant to Court Order, the proceeds from the lease may be used for capital improvements to city recreation facilities in the discretion of City Council;

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to purchase the following equipment.

Parsons Park	\$5033.55
Heights/ Casey Park	\$6,163.35
Eyerman Park	\$13,840.00
Hollenback Park	\$4920.00
Scouten Lee Park	\$7,124.00
Charles St Park	\$1,199.30
Dillon St Park	\$4105.65
Spruce St Park	\$1142.60
Huber St Park	\$1884.00
Weissman Park	\$3821.80
Madison St Park	\$3,465.35
Slocum Park	\$4,033.35
<b>Total Cost</b>	<b>\$44,656.95.</b>

BE IT FURTHER RESOLVED, that the money to purchase the equipment is to be paid out of the general fund and reimbursed by monies due to the City pursuant to its lease agreement with SMSA Limited Partnership, d/b/a Verizon Wireless. All remaining lease proceeds are to be spent in compliance with the above-referenced Court Order.

Submitted by \_\_\_\_\_

**ROLL CALL**

**YEAS**

**RESOLUTIONS**

**NAYS**



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

To authorize the proper city officials to enter into an Agreement with American Asphalt Paving Company for the 2011 Pennsylvania Infrastructure Loan Street Paving Program in the amount of \$303,499.25.

And further, the funds for the Project will come from the Pennsylvania Infrastructure Bank Loan Program.

Submitted by \_\_\_\_\_

**ROLL CALL**

**YEAS**

**RESOLUTIONS**

**NAYS**

FILE OF COUNCIL

NO. \_\_\_ OF 2011

PRESENTED IN CITY COUNCIL ON \_\_\_\_\_

---

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 1 OF 1992, ENTITLED "AN ORDINANCE ADOPTING COUNCIL'S RULES AND PROCEDURES", AS AMENDED.

Be It Ordained and Enacted by the City Council of the City of Wilkes-Barre and it is hereby Ordained and Enacted by the authority of the same, as follows:

SECTION 1.

IV. Types of Meetings: 4.9 which originally read:

4.9 Manner of Addressing Council: Persons addressing the Council shall give their names and street addresses in an audible tone of voice for the record and shall limit their addresses to five (5) minutes. If more than five (5) minutes is required, arrangements should be made with the City Clerk, either before the session begins or after the session closes for scheduling at the next session. Approval for said arrangements is at the discretion of City Council.

IS AMENDED TO READ:

4.9 Manner of Addressing Council: Persons addressing the Council shall give their names and street addresses in an audible tone of voice for the record and shall limit their addresses to five (5) minutes. If more than five (5) minutes is required, arrangements should be made with the City Clerk, either before the session begins or after the session closes for scheduling at the next session. Approval for said arrangements is at the discretion of City Council. No one addressing Council will be able to transfer their time allotted for addressing the Council to anyone else.

SECTION 2. 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.

SECTION 3. 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 \_\_\_\_\_, 2011.

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**

**NO. \_\_\_\_\_ OF 2011**

**PRESENTED IN CITY COUNCIL \_\_\_\_\_**

---

**AN ORDINANCE**

**AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT  
CONSOLIDATED PLAN FOR PROGRAM YEARS: 2007, 2008, 2009, 2010 .**

WHEREAS, it is now appropriate to amend the Community Development Block Grant Consolidated Plan for Program Years: 2007, 2008, 2009, and 2010

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 the authority of the same that:

SECTION I. The Community Development Block Grant Consolidated Plan is amended, as presented on the attached pages:

**FILE OF COUNCIL**

NO. \_\_\_\_\_ OF 2011

**PRESENTED IN CITY COUNCIL \_\_\_\_\_**

---

**AN ORDINANCE**

**PROVIDING FOR THE ACCEPTANCE, ESTABLISHMENT, NAMING AND OPENING OF CERTAIN LANDS AS A PUBLIC STREETS COMMON, NAMELY THE OPENING OF ATKINS LANE, McGOWAN STREET, MORRIS LANE AND LACE MILL LANE IN THE CITY OF WILKES-BARRE.**

WHEREAS, the Third Class City Code, the Act of June 23, 1961, P.L. 932, Article 29, paragraph 2915, 53 P.S. 37915, as amended, and provisions of the Home Rule and Optional Plans Law, the Act of 1972, reenacted in 1996 as part of Title 53 of the Pennsylvania Consolidated Statutes, as amended, provides that cities with or without petition of the property owners, may open any street or part thereof within the city limits;

WHEREAS, the City Council of the City of Wilkes-Barre deems it expedient for the public good that the subject parcels, as hereinafter described in Exhibit "A" be opened for public use as public streets.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE, and it is hereby ordained by the authority of the same that:

SECTION 1. Atkins Lane, McGowan Street, Morris Lane and Lace Mill Lane located in the City of Wilkes-Barre, as more particularly bounded and described in Exhibit "A", attached and made a part hereof, are hereby accepted, named, established and opened as a public streets common by the City of Wilkes-Barre.

BE IT FURTHER ORDAINED that the same are hereby opened as public streets to be known as Atkins Lane, McGowan Street, Morris Lane and Lace Mill Lane.

SECTION 2. This Ordinance shall be property advertised, and the affected portions of the said property shall be properly posted with handbills in conspicuous places along the whole length thereof.

SECTION 3. 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 herein.

SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

This Ordinance shall become effective ten (10) days after its final passage by the City Council.

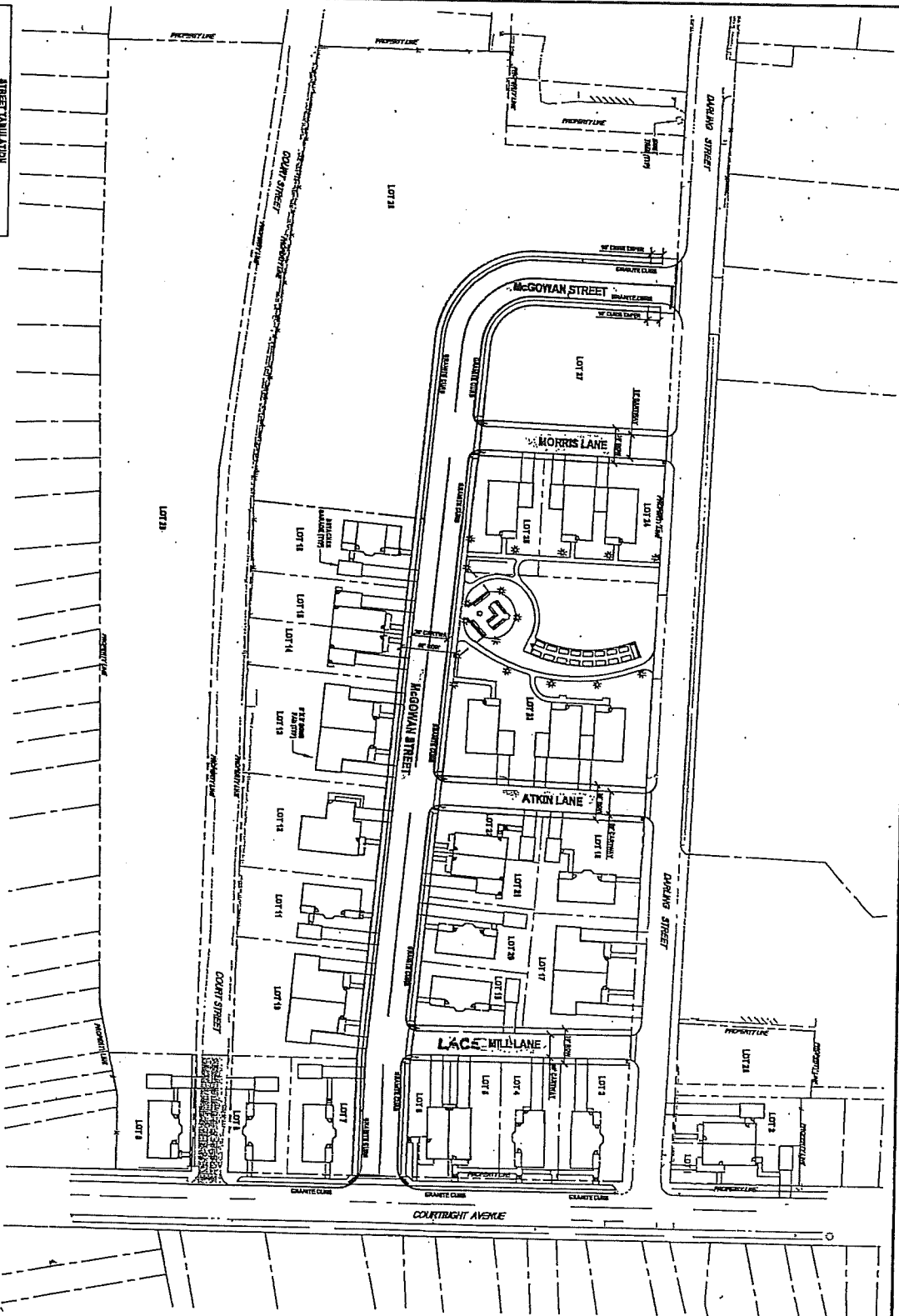
Passed finally by the City Council of the City of Wilkes-Barre on \_\_\_\_\_  
\_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
JAMES RYAN, CITY CLERK

STREET TABULATION			
STREET NAME	LENGTH (FT)	COUNTY WIDTH (FT)	R.A.W.
McGOYAN STREET	500	30	40
MORRIS LANE	100	20	20
ATKIN LANE	100	20	20
LACE MILL LANE	100	20	20

1. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.



NOTE:  
 1. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS ARE TO CENTER OF CURVE UNLESS OTHERWISE NOTED.

# Exhibit "A"



CALL BEFORE YOU DIG  
 800-4-A-SHARE  
 1-800-428-5778

**OWNER:**  
 CITY OF WILKES-BARR  
 40 EAST MARKET STREET  
 WILKES-BARR, PA 18702

**DESIGNER:**  
 WATKINSVILLE, VA  
 PENNSYLVANIA  
 (PHYSICAL ADDRESS)  
 (PHONE NUMBER)  
 (FAX NUMBER)

**DATE:**  
 08/11/11

## REVISED STREET NAMES - LAYOUT

### COURTRIGHT NEIGHBORHOOD

CITY OF WILKES-BARR      LUZERNE COUNTY      PENNSYLVANIA

NO.	DESCRIPTION	DATE
1	PREPARED BY	08/11/11
2	REVISION BY	08/11/11
3	DATE	08/11/11
4	PROJECT NUMBER	2011000000
5	PROJECT NAME	2011000000

**Boston Lawson Associates**  
 1111 Market Street  
 Harrisburg, PA 17103  
 Phone: 717-633-1111  
 Fax: 717-633-1111  
 www.bostonlawson.com

**Professional Engineer**  
 License No. 1000000000  
 State of Pennsylvania

**ATTACHMENT "A"**

**METES & BOUNDS DESCRIPTION**

**ATKIN LANE**

ALL that certain piece or parcel of land situated in the City of Wilkes Barre, County of Luzerne and State of Pennsylvania; more particularly bounded and described as follows:

BEGINNING at a point situated on the Southerly right of way of Darling Street, said point being located along a bearing of South 61 48 00 West, a distance of Three hundred Seven and Fifty- Two hundredths (307.52') feet from the intersection of the aforementioned Southerly right of way of Darling Street and the Westerly right of way of Courtright Avenue;

THENCE along the Easterly right of way of Atkin Lane, South 28 12 04 East, a distance of One hundred Seventy-Three and Nine hundredths (173.09') feet to a point on the Northerly right of way of McGowan Street;

THENCE along said right of way, South 64 37 30 West, a distance of Thirty and Four hundredths (30.04') feet to a point;

THENCE along the Westerly right of way of Atkin Lane, North 28 12 04 West, a distance of One hundred Seventy-One and Sixty- One hundredths (171.61') feet to a point on the Southerly right of way of Darling Street;

THENCE along said right of way, North 61 48 00 East, a distance of Thirty (30.00') feet to a point, the PLACE OF BEGINNING.

CONTAINING a total area of Five thousand One hundred Seventy- One (5,171) square feet.

BEING more particularly described and shown on Borton Lawson Engineering drawing "LOT LAYOUT PLAN, COURTRIGHT NEIGHBORHOOD" dated April 22, 2010.

ATTACHMENT "A"

METES & BOUNDS DESCRIPTION

**McGOWAN STREET**

ALL that certain piece or parcel of land situated in the City of Wilkes Barre, County of Luzerne and State of Pennsylvania; more particularly bounded and described as follows:

BEGINNING at a point situated on the Westerly right of way of Courtright Avenue, said point being located along a bearing of South 30 17 00 East, a distance of One hundred Eighty-Nine and Eighty-Two hundredths (189.82') feet from the intersection of the Southerly right of way of Darling Street and the aforementioned Westerly right of way of Courtright Avenue;

THENCE along the Northerly right of way of McGowan Street, South 60 36 00 West, a distance of One hundred and One hundredths (100.01') feet to a point on the Southerly right of way of Silk Mill Lane;

THENCE continuing along the Northerly right of way of McGowan Street and said right of way, South 64 37 30 West, a distance of Thirty and One hundredths (30.01') feet to a point;

THENCE continuing along the Northerly right of way of McGowan Street, South 64 37 30 West, a distance of One hundred Eighty-Four and Thirty- One hundredths (184.31') feet to a point on the Southerly right of way of Atkin Lane;

THENCE continuing along the Northerly right of way of McGowan Street and said right of way, South 64 37 30 West, a distance of Thirty and Four hundredths (30.04') feet to a point;

THENCE continuing along the Northerly right of way of McGowan Street, South 64 37 30 West, a distance of Two hundred Seventy-Six and Six hundredths (276.06') feet to a point on the Southerly right of way of Morris Lane;

THENCE continuing along the Northerly right of way of McGowan Street and said right of way, South 64 37 30 West, a distance of Thirty and Four hundredths (30.04') feet to a point;

THENCE continuing along the Northerly right of way of McGowan Street , South 64 37 30 West, a distance of Sixty-Four and Nine tenths (64.90') feet to a point;

THENCE continuing along the Northerly right of way of McGowan Street , along a curve to the right having a radius of Thirty-Seven (37.00') feet, an arc distance of Fifty-Six and Twenty-Nine hundredths (56.29') feet to a point;

THENCE continuing along the right of way of McGowan Street , North 28 12 07 West, a distance of One hundred Sixteen and Thirty-Seven hundredths (116.37') feet to a point on the Southerly right of way of Darling Street;

THENCE along said right of way, South 61 48 00 West, a distance of Forty- Six (46.00') feet to a point;

THENCE along the Southerly right of way of McGowan Street, South 28 12 07 East, a distance of One hundred Sixteen and Thirty-Eight hundredths (116.38') feet to a point;

THENCE continuing along the Southerly right of way of McGowan Street , along a curve to the left having a radius of Eighty-Three (83.00') feet, an arc distance of One hundred Twenty-Six and Twenty-Eight hundredths (126.28') feet to a point;

THENCE continuing along the Southerly right of way of McGowan Street, North 64 37 30 East, a distance of Six hundred Seventeen and Three hundredths (617.03') feet to a point;

THENCE continuing along the Southerly right of way of McGowan Street, North 60 36 00 East, a distance of One hundred Two and Thirty-Three hundredths (102.33') feet to a point on the Westerly right of way of Courtright Avenue;

THENCE along said right of way, North 30 17 00 West, a distance of Forty-Six and One hundredths (46.01') feet to a point, the PLACE OF BEGINNING.

CONTAINING a total area of Forty-Two thousand Five hundred Fifty-Three (42,553) square feet.

BEING more particularly described and shown on Borton Lawson Engineering drawing "LOT LAYOUT PLAN, COURTRIGHT NEIGHBORHOOD" dated April 22, 2010.

**ATTACHMENT "A"**

**METES & BOUNDS DESCRIPTION**

**MORRIS LANE**

ALL that certain piece or parcel of land situated in the City of Wilkes Barre, County of Luzerne and State of Pennsylvania; more particularly bounded and described as follows:

BEGINNING at a point situated on the Southerly right of way of Darling Street, said point being located along a bearing of South 61 48 00 West, a distance of Six hundred Thirteen and Twenty-Four hundredths (613.24') feet from the intersection of the aforementioned Southerly right of way of Darling Street and the Westerly right of way of Courtright Avenue;

THENCE along the Easterly right of way of Morris Lane, South 28 12 05 East, a distance of One hundred Fifty-Eight and One hundredths (158.01') feet to a point on the Northerly right of way of McGowan Street;

THENCE along said right of way, South 64 37 30 West, a distance of Thirty and Four hundredths (30.04') feet to a point;

THENCE along the Westerly right of way of Morris Lane, North 28 12 05 West, a distance of One hundred Fifty-Six and Fifty-Three hundredths (156.53') feet to a point on the Southerly right of way of Darling Street;

THENCE along said right of way, North 61 37 30 East, a distance of Thirty (30.00') feet to a point, the PLACE OF BEGINNING.

CONTAINING a total area of Four thousand Seven hundred Eighteen (4,718) square feet.

BEING more particularly described and shown on Borton Lawson Engineering drawing "LOT LAYOUT PLAN, COURTRIGHT NEIGHBORHOOD" dated April 22, 2010.

ATTACHMENT "A"

METES & BOUNDS DESCRIPTION

LACE MILL LANE

ALL that certain piece or parcel of land situated in the City of Wilkes Barre, County of Luzerne and State of Pennsylvania; more particularly bounded and described as follows:

BEGINNING at a point situated on the Southerly right of way of Darling Street, said point being located along a bearing of South 61 48 00 West, a distance of One hundred and Seven hundredths (100.07') feet from the intersection of the aforementioned Southerly right of way of Darling Street and the Westerly right of way of Courtright Avenue;

THENCE along the Easterly right of way of Lace Mill Lane South 30 17 00 East, a distance of One hundred Eighty-Three and Seventy-Eight hundredths (183.78') feet to a point on the Northerly right of way of McGowan Street;

THENCE along said right of way, South 64 37 30 West, a distance of Thirty and One hundredths (30.01') feet to a point;

THENCE along the Westerly right of way of Lace Mill Lane, North 30 17 00 West a distance of One hundred Eighty-Two and Three tenths (182.30') feet to a point on the Southerly right of way of Darling Street;

THENCE along said right of way, North 61 48 00 East, a distance of Thirty and Two hundredths (30.02') feet to a point, the PLACE OF BEGINNING.

CONTAINING a total area of Five thousand Four hundred Ninety-One (5,491) square feet.

BEING more particularly described and shown on Borton Lawson Engineering drawing "LOT LAYOUT PLAN, COURTRIGHT NEIGHBORHOOD" dated April 22, 2010.

FILE OF COUNCIL

No. 9 of 2011

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PRESENTED IN CITY COUNCIL APRIL 12, 2011  
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**AN ORDINANCE BANNING THE SALE, DISTRIBUTION, CONSUMPTION,  
POSSESSION AND INGESTION OF CERTAIN CHEMICAL COMBINATIONS,  
INCLUDING, BUT NOT LIMITED TO THOSE BEING MARKETED OR HELD OUT  
AS BATH SALTS**

WHEREAS, it is the desire and intention of City Council to pass legislation within the City of Wilkes-Barre to protect the health, safety and welfare of the residents of the City of Wilkes-Barre; and

WHEREAS, the City of Wilkes-Barre has become aware of the extreme dangers of the combination of certain chemicals being sold under the common name of "bath salts";

WHEREAS, the sale and improper use of these "bath salts" and other chemical combinations have caused serious and dangerous side effects, resulting in altered behavior, violent activities, and severe health risks, up to and including death;

WHEREAS, the Pennsylvania General Assembly and the United States Congress are currently considering legislation similar to the legislation being passed here, due to the extreme danger the use, sale, lease, ingestion, exchange, and/or distribution creates; and

WHEREAS, it is the goal of the City of Wilkes-Barre and the Wilkes-Barre City Council to ban the sale, use and possession of these chemical combinations, including, but not limited to "bath salts" through this legislation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilkes-Barre, and it is hereby ordained by the authority of the same that:

**SECTION 1.** Any and all of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation are hereby banned for use, sale, consumption, ingestion, lease, rent, exchange or distribution in any manner which is not already prohibited by the law of the Commonwealth, by any person, corporation and/or entity within the City of Wilkes-Barre:

1. Salvia Divinorum.
2. Salvinorin A.
3. Divinorin A.
4. 3,4-METHYLENEDIOXYMETHCATHINONE (METHYLONE).
5. 3,4-METHYENEDIOXYPYROVALERONE (MDPV).
6. 4-METHYLMETHCATHINONE (MEPHEDRONE).
7. 4-METHOXYMETHCATHINONE.
8. 4-FLUOROMETHCATHINONE.
9. 3-FLUOROMETHCATHINONE.

**SECTION 2.** Further, it shall be unlawful for any persons, entities and/or corporations knowing, or under circumstances where one should reasonably know, to use, sell, consume, ingest, lease, rent, exchange, distribute, in any manner, and/or possess, with the intent to deliver, any product containing the following chemicals: JWH-018; JWH-200; JWH-073; CP-47; 497; Cannabicyclohexanol, 3.4 Methylenedioxyprovalerone (MDPV); Methylone; Mephedrone; 4-Methosymethcathinone; 4-Fluoromethcathinone; and 3-Fluoromethcathinone and marketed, sold and/or represented to be incense, potpourri, plant fertilizers, insect repellants and/or bath salts;

**SECTION 3.** Any person, corporation or entity violating this Ordinance shall be punished, upon conviction, with a fine up to \$500 and/or incarceration of up to thirty (30) days. Each day the violation of this Ordinance occurs shall be considered a separate violation.

**SECTION 4.** All Ordinances or parts of Ordinances of the City of Wilkes-Barre in conflict with this Ordinance to the extent of such conflict, and no further, are hereby repealed. 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.

**SECTION 5.** This ordinance shall become effective ten (10) days after final adoption by Wilkes-Barre City Council.

ATTEST:

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JAMES RYAN, CITY CLERK