

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

WORK SESSION

DATE: February 22, 2011

TIME: 6:00 P.M.

6:00 P.M. **Jim Ryan, City Clerk**

1. Resolution ratifying all actions taken to open a bank account with Citizens Bank for use by Junior Council.

-ORDINANCE FOR SECOND AND FINAL READING-

FILE OF COUNCIL NO. 4 OF 2010 – AN ORDINANCE AMENDING ARTICLE IV. OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED ‘TRAFFIC AND MOTOR VEHICLES.’

6:10 P.M. **Thomas M. Leighton (See Attached)**

MAYOR'S AGENDA
WORK SESSION
WILKES-BARRE CITY COUNCIL
FEBRUARY 17, 2011

RESOLUTIONS

Authorizing the proper City officials to close out Community Conservation Partnership Grant Project (BRC-TAG-12-265).

Authorizing the proper City officials to reimburse project expenses.

ORDINANCES

An Ordinance setting forth its intent to issue a federally taxable General Obligation Bond Series A of 2011 (The "Series A Bond) and a General Obligation Note, Series B of 2011 (The "Series B Note", and together with the Series A Bond, the "Bonds"), of the City in the Aggregate Principal amount not to exceed six million dollars (\$6,000,000) 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")

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

FEBRUARY 24, 2011

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
FEBRUARY 24, 2011

CONSENT AGENDA (RESOLUTIONS)

Open a bank account with Citizens Bank for use by Wilkes-Barre City Junior Council.

Close out Community Conservation Partnership Grant Project.

Authorizing the proper City officials to enter into a reimbursement agreement.

MINUTES

Of the Parking Authority of January 18, 2011.

Of the Traffic Committee of January 27, 2011.

Of the Regular Session of City Council of February 10, 2011.

CITY COUNCIL
FEBRUARY 24, 2011

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 4 OF 2010 – AMENDING ARTICLE IV OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “TRAFFIC AND MOTOR VEHICLES.” (PERMIT PARKING) (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 2 OF 2011 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA, SETTING FORTH ITS INTENT TO ISSUE A FEDERALLY TAXABLE GENERAL OBLIGATION BOND, SERIES A OF 2011 (THE “SERIES A BOND”) AND A GENERAL OBLIGATION NOTE, SERIES B OF 2011 (THE “SERIES B NOTE”, AND TOGETHER WITH THE SERIES A BOND, THE “BONDS”), OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000) 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”) (FIRST READING)



Wilkes-Barre, Pa. _____

Resolution No. _____

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

RESOLVED, that all actions taken to open a bank account with Citizens Bank for use by Wilkes-Barre City Junior Council are hereby ratified by the City Council of the City of Wilkes-Barre.

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:

WHEREAS, the City of Wilkes-Barre through its Health Department in conjunction with Pennsylvania Environmental Council (PEC) will close out Community Conservation Partnership Grant Project (BRC-TAG-12-265)

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Wilkes-Barre, that:

- a. the project was completed in accordance with the Grant Agreement.
- b. All project expenditures have been made and were in accordance with the Grant Agreement.
- c. The plan and related materials are acceptable to the City of Wilkes-Barre.
- d. The plan and related materials will be used to guide future recreation and conservation decisions.

FURTHER, that the Mayor is hereby authorized to approve this resolution (Closing out Community Conservation Partnerships Grant Project) (BRC-TAG-12-265)

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

RESOLUTION NO: _____

A RESOLUTION CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS GRANT PROJECT (BRC-TAG-12-265)

WHEREAS, the City of Wilkes-Barre has prepared a Greenway and Trail Master Plan (name of grantee) (type of plan)

for the Luzerne County area; and, WHEREAS, the purpose of the Plan is to (name of the area/facility)

Identify multi-municipal Greenway and Trails for the City of Wilkes-Barre, Wilkes-Barre Twp and Luzerne County, and,

WHEREAS, the Plan was financed in part by a Community Conservation Partnerships Program grant under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, under contract number BRC-TAG-152-265.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the: City Council (name of governing body)

of the City of Wilkes-Barre that: (Name of Grantee)

- a. The project was completed in accordance with the Grant Agreement.
- b. All project expenditures have been made and were in accordance with the Grant Agreement.
- c. The plan and related materials are acceptable to the City of Wilkes-Barre. (name of grantee)
- d. The plan and related materials will be used to guide future recreation and conservation decisions.

ADOPTED THIS _____ DAY OF _____, _____,
By the

City Council & City of Wilkes-Barre
(Name of governing body and name of grantee)

(Signature, name and title of chief official, president
Or chairperson)

Attest: _____



Wilkes-Barre, Pa. _____

Resolution No. _____

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

RESOLUTION OF
THE CITY COUNCIL OF THE
CITY OF WILKES-BARRE
LUZERNE COUNTY, PENNSYLVANIA

WHEREAS, the City of Wilkes-Barre, Luzerne County, Pennsylvania (the "City"), a city organized under the laws of the Commonwealth of Pennsylvania, intends to finance with the proceeds of a tax-exempt borrowing (the "Debt"), a project (the "Project"), consisting of funding all or any of the following: (1) designing, acquiring, constructing, installing, furnishing and equipping of alterations, renovations, additions and improvements to existing facilities and infrastructure of the City; (2) acquiring capital equipment for use by the City; (3) additional capital projects of the City to the extent approved by the Council of the City (the "Council"); and (4) paying the costs and expenses of issuing the Debt; and

WHEREAS, design, acquisition, engineering and construction of the Project may commence prior to the issuance of the Debt and the City desires to pay for certain of the costs of the Project (the "Expenditures") from general funds of the City which do not constitute proceeds of tax-exempt obligations; and

WHEREAS, the City has determined that the funds that have been or are to be advanced to pay Expenditures are or will be available only for a temporary period and it is necessary to reimburse the City for Expenditures with respect to the Project from the proceeds of a tax-exempt borrowing represented by the Debt; and

WHEREAS, as of the date hereof, there are no funds from sources other than the Debt that are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City or any member of the same controlled group as the City to pay the Expenditures; and

WHEREAS, the City, in compliance with Section 1.150-2 of the United States Treasury Regulations, reasonably expects to reimburse the Expenditures made by it for the Project with proceeds of the Debt.

NOW, THEREFORE, BE IT RESOLVED, that the Council, in lawful session duly assembled, hereby declares the intent of the City as follows:

Submitted by _____

ROLL CALL

1

RESOLUTIONS

NAYS

1. The City reasonably expects to reimburse itself for original Expenditures paid or to be paid by the City from general funds of the City in connection with the Project with the proceeds of the Debt.

2. This Resolution constitutes a declaration of official intent intended to comply with the requirements of Section 1.150-2(e) of the United States Treasury Regulations, as amended.

3. The maximum amount of debt expected to be issued to finance the Project is \$2,000,000.

4. The Expenditures are or will be "capital expenditures" as defined in Treasury Regulation Section 1.150-2(d)(3).

5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations Section 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147 of the Code. The proceeds of the Debt used to reimburse the City for costs of the Project, or funds corresponding to such amounts, will not be used, within one year after the reimbursement allocation, in a manner that results in the creation of "replacement proceeds," including "sinking funds," "pledged funds," or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations Section 1.148-1) of the Debt or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations Section 1.148-1).

6. All reimbursement allocations will occur not later than eighteen (18) months after the later of: (i) the date the expenditure from a source other than the Debt is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations Section 1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

7. The adoption of this Resolution is consistent with the budgetary and financial circumstances of the City.

8. The Resolution shall become effective immediately.

9. Proper officers of the City are authorized and directed to do such things as may be necessary to carry out the intent and purpose of this Resolution, specifically including, but not limited to, the making of timely reimbursement allocations upon the issuance of the Debt.

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

DULY ADOPTED by the City of Wilkes-Barre, Luzerne County, Pennsylvania, this 24th day of February, 2011, in lawful session duly assembled.

CITY OF WILKES-BARRE
Luzerne County, Pennsylvania

By: _____
Mayor

City Controller

Attest:

City Clerk

(SEAL)

FILE OF COUNCIL

NO. 4 of 2010

Presented in City Council March 25, 2010

AN ORDINANCE

AMENDING ARTICLE IV. OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "TRAFFIC AND MOTOR VEHICLES."

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT ARTICLE IV OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "TRAFFIC AND MOTOR VEHICLES" IS HEREBY AMENDED AS FOLLOWS:

ARTICLE IV. RESIDENTIAL PERMIT PARKING PROGRAM

Sec. 29-207. Permit Fees.

In order to defray the cost of residential permit parking, the administration shall collect the following fees, with said fees payable at the issuance of permits.

- | | | |
|-----|-----------------------------|---------|
| (1) | Residential Parking Permit: | \$ 7.50 |
| (2) | Visitor Permit | \$ 5.00 |

Said permits shall be valid for a period of one (1) year from the date of issuance. Permits shall be limited to two (2) per household and one (1) visitor permit per residential parking permit. The administration shall be responsible for the re-issuance of permits. The above noted fees shall also be required for the re-issuance of a permit.

SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on _____
_____, 2010.

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

CITY OF WILKES-BARRE
LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA, SETTING FORTH ITS INTENT TO ISSUE A FEDERALLY TAXABLE GENERAL OBLIGATION BOND, SERIES A OF 2011 (THE "SERIES A BOND") AND A GENERAL OBLIGATION NOTE, SERIES B OF 2011 (THE "SERIES B NOTE", AND TOGETHER WITH THE SERIES A BOND, THE "BONDS"), OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000) 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, 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 BONDS SHALL EVIDENCE NONELECTORAL DEBT OF THE CITY; SPECIFYING THAT SUCH INDEBTEDNESS IS TO BE INCURRED TO PROVIDE FUNDS TO FINANCE A PROJECT OF THE CITY WHICH COLLECTIVELY CONSISTS OF, AMONG OTHER THINGS: (1) REFUNDING A PORTION OF THE CITY'S OUTSTANDING FEDERALLY TAXABLE GENERAL OBLIGATION NOTES SERIES C OF 2005; (2) DESIGNING, ACQUIRING, CONSTRUCTING, INSTALLING, FURNISHING AND EQUIPPING OF ALTERATIONS, RENOVATIONS, ADDITIONS AND IMPROVEMENTS TO EXISTING FACILITIES AND INFRASTRUCTURE OF THE CITY; (3) ACQUIRING CAPITAL EQUIPMENT FOR USE BY THE CITY; (4) ADDITIONAL CAPITAL PROJECTS OF THE CITY TO THE EXTENT APPROVED BY THE COUNCIL OF THE CITY; AND (5) PAYING THE COSTS AND EXPENSES OF ISSUING THE BONDS; SETTING FORTH THE REASONABLE ESTIMATED USEFUL LIVES OF THE PROJECTS TO BE FINANCED AND REFINANCED BY THE BONDS; ACCEPTING ONE OR MORE PROPOSALS FOR THE PURCHASE OF SUCH BONDS AT PRIVATE SALE BY NEGOTIATION; PROVIDING THAT SUCH BONDS, WHEN ISSUED, SHALL CONSTITUTE GENERAL OBLIGATIONS 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 BONDS; AUTHORIZING SPECIFIED OFFICERS OF THE CITY TO CONTRACT WITH THE PAYING AGENT FOR ITS SERVICES IN CONNECTION WITH THE BONDS; SETTING FORTH THE SUBSTANTIAL FORMS OF THE BONDS EVIDENCING THE DEBT; AUTHORIZING EXECUTION AND ATTESTATION OF SUCH BONDS; PROVIDING COVENANTS RELATED TO DEBT SERVICE APPLICABLE TO SUCH BONDS TO THE EXTENT REQUIRED BY THE ACT AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY IN SUPPORT THEREOF; CREATING TWO SINKING FUNDS IN CONNECTION WITH SUCH BONDS, 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 BONDS WHEN DUE; SETTING FORTH REGISTRATION AND TRANSFER PROVISIONS WITH RESPECT TO SUCH BONDS; 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 AND THE REFUNDING OF A PORTION OF THE CITY'S OUTSTANDING FEDERALLY TAXABLE GENERAL OBLIGATION NOTES, SERIES C OF 2005; AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT BY AND BETWEEN THE CITY AND THE ESCROW AGENT NAMED THEREIN IN CONNECTION WITH THE REFUNDING OF A PORTION OF THE CITY'S OUTSTANDING FEDERALLY TAXABLE GENERAL OBLIGATION NOTES, SERIES C OF 2005; 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 BONDS, INCLUDING, WITHOUT LIMITATION, THE PREPARATION OF A DEBT STATEMENT AND BORROWING BASE CERTIFICATE, AND THE STATEMENTS REQUIRED BY SECTION 8026 OF THE ACT WHICH ARE NECESSARY TO QUALIFY ALL OR A PORTION OF SUCH DEBT FOR EXCLUSION FROM THE APPROPRIATE DEBT LIMITS AS SELF-LIQUIDATING DEBT, IF APPROPRIATE, 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 BONDS, 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 BONDS UPON THE APPROVAL OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; SETTING FORTH CERTAIN COVENANTS PRECLUDING THE CITY FROM TAKING ACTIONS WHICH WOULD CAUSE THE SERIES B NOTE TO BECOME AN "ARBITRAGE BOND" OR A "PRIVATE ACTIVITY BOND" AS THOSE TERMS ARE USED IN THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), AND APPLICABLE REGULATIONS PROMULGATED THEREUNDER; DESIGNATING THE SERIES B NOTE AS A "QUALIFIED TAX-EXEMPT OBLIGATION" UNDER SECTION 265(b) OF THE CODE; 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.