

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

SPECIAL SESSION

MAY 28, 2009

12:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

FILE OF COUNCIL NO. 7 OF 2009 – AN ORDINANCE AMENDING THE 2008
ACTION PLAN (CDBG-R) FUNDING. (SECOND AND FINAL READING)

MAYOR THOMAS M. LEIGHTON (SEE ATTACHED)

ADJOURNMENT

CITY OF WILKES-BARRE
Pennsylvania

Thomas M. Leighton
Mayor



40 East Market Street
Wilkes-Barre, PA 18711-0451

(570) 208-4152 phone
(570) 208-4101 fax

OFFICE OF THE
MAYOR

MAYOR'S AGENDA
SPECIAL COUNCIL SESSION
WILKES-BARRE CITY COUNCIL
MAY 28, 2009

RESOLUTIONS

Authorizing the Decertification of the KOZ designation for Hollenback Park.

Authorizing the Substitution of various parcels to be designated as KOZ properties.

FILE OF COUNCIL

NO. 7 OF 2009

PRESENTED IN CITY COUNCIL May 7, 2009

AN ORDINANCE

AMENDING THE 2008 ACTION PLAN (CDBG-R) FUNDING.

WHEREAS, it is now appropriate for a Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Community Development Block Grant (CDBG-R) funding under the American Recovery and Reinvestment Act of 2009.

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 2008 Consolidated Action Plan is amended, as presented on the attached page:

NEW ACTIVITY – 2008 ACTION PLAN

OVERVIEW INFORMATION

- A. Federal Agency Name:** Department of Housing & Urban Development, Office of Community Planning and Development
- B. Funding Opportunity Title:** Funding for the Community Development Block Grant (CDBG-R) under the American Recovery and Reinvestment Act of 2009.
- C. Funding Amount:** \$519,156.00
- D. Description:** Funding available under this recovery has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care.
- E. Budget:** See below

CDBG-R

Entitlement Amount: **\$519,156.00**

New Activity:

- A. Public Facilities & Improvements:** **\$379,367.00**
Public Facilities & Improvements to low/mod income target areas as designated by service areas in Census Tracts:

2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016.
- B. Demolition:** **\$129,789.00**
Spot demolition of deteriorated structures, including but not limited to:

78-80 Holland Street
8 Wayne Street
269-271 East Northampton Street
57 North Hancock Street
34-36 Rowland Street
- C. Administration** **\$10,000.00**

SECTION II. 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 III. 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



Wilkes-Barre, Pa. _____

Resolution No. _____

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

A RESOLUTION REMOVING EXEMPTIONS FROM REAL PROPERTY TAX, EARNED INCOME TAX, NET PROFITS TAX, MERCANTILE AND BUSINESS PRIVILEGE TAX WITHIN A SPECIFIC GEOGRAPHIC AREA IN THE CITY OF WILKES-BARRE DESIGNATED AS PART OF THE LUZERNE/LACKAWANNA KEYSTONE OPPORTUNITY ZONE.

WHEREAS, the City of Wilkes-Barre Pennsylvania on December 10, 1998, in Resolution No. R0332-98, resolved to provide tax exemptions within a defined geographical and political boundary of the City of Wilkes-Barre described as set forth in Attachment "A"; and

WHEREAS, the Pennsylvania Keystone Opportunity Zone Act 63 of 2005, as amended by Act 79 of 2008 (SB 1412) authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) to decertify areas within the respective political subdivision currently designated as a Keystone Opportunity Zone and, as a precondition of such application, to enact a binding resolution that removes from the designated and approved geographic area exemptions, deductions, abatements or credits from all local taxes identified in the Act, which resolutions will be contingent only on DCED's approval of the application for decertification; and

WHEREAS, the City of Wilkes-Barre is participating in an application to DCED via the City of Wilkes-Barre seeking approval to decertify part of the Subzone 6 of the Luzerne/Lackawanna Keystone Opportunity Zone.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre, Luzerne County that effective as of the date of, and contingent only on, DCED's approval of the application to decertify a portion of the Luzerne/Lackawanna Keystone Opportunity Zone, Resolution No. R0332-98, dated December 10, 1998, is hereby rescinded with respect to the property herein described, said property is hereby removed from the Luzerne/Lackawanna Keystone Opportunity Zone, and all tax benefits provided by the Act to that property are hereby withdrawn.

RESOLVED by the City Council of the City of Wilkes-Barre of Luzerne County, Pennsylvania, this day of May 28, 2009.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

BARRETT

CITY OF WILKES-BARRE
Pennsylvania
Thomas M. Leighton, Mayor

William C. Harris
Director of Planning

Leon S. Schuster
Director of Zoning



40 East Market Street
Wilkes-Barre, PA 18711
Telephone: (570) 208-4163
Fax: (570) 208-4101

OFFICE OF PLANNING & ZONING

May 27, 2009

Mr. Andrew Sheaf
Department of Community & Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA. 17120-0225

RE: Keystone Opportunity Zone-Decertification

Dear Mr. Sheaf:

Please be advised that the City of Wilkes-Barre would like to qualify the Hollenback Park property under the "decertification/ substitution clause" because of its location effected by the propensity to flood. Hollenback Park is located at 1050 North Washington Street and contains a nine hole municipal golf course, a playground and baseball field. The park contains approximately 100 acres of land with the majority of land being open space. The F.E.M.A. National Flood Insurance Program has designated Hollenback Park as a **repetitive loss area (repetitive loss number 0031594)**. The park is located in an **AE special flood hazard area** inundated by the 100-year flood. The defined 100 year flood plain is confined to the golf course and a baseball field within the park. The drainage of flood waters from Mill Creek and Laurel Run Creek into the park land serves a valuable purpose in precluding potential upstream flood damage from developed residential areas. Thus the loss incurred by flood damage to park land is far less costly than the potential flood damage to residential properties. The AE special flood hazard classification for Hollenback Park would place a "substantial adverse effect on development".

Respectfully,

A handwritten signature in black ink that reads 'William C. Harris'.

William C. Harris
Director of Planning

Enclosures (3)



Wilkes-Barre, Pa. _____

Resolution No. _____

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

A RESOLUTION AUTHORIZING REAL PROPERTY, EARNED INCOME TAX, NET PROFITS MERCANTILE, AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN THE CITY OF WILKES-BARRE, LUZERNE COUNTY DESIGNATED AS A PROPOSED KEYSTONE OPPORTUNITY ZONE, IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN THE DESIGNATED AREAS OF LUZERNE COUNTY, COMMONWEALTH OF PENNSYLVANIA, UPON CERTAIN TERMS AND CONDITIONS.

WHEREAS, the City of Wilkes-Barre recognizes the need to encourage investment in a defined geographical area of Luzerne County as set forth in Attachment "A" that are experiencing distress characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial and residential structures, deteriorated tax base, and;

WHEREAS, the Pennsylvania Keystone Opportunity Zone Act 63 of 2005, as amended by Act 79 of 2008 (SB 1412) hereinafter referred to as the "Act", authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development, (DCED) for designation of an area within the respective political subdivisions as an expansion of a KOZ granting exemptions, deductions, abatements, or credits from all local taxes identified in the Act.

WHEREAS, approval of the benefits provided in the Act will result in improving both economic, physical, and social conditions within the proposed expansion to the KOZ, by stimulating businesses to retain and to create new jobs and to diminishing blight; and

WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the herein described tracts of land by the termination of an existing subzone that is affected by a government prohibition of an environmental nature under the Act.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre, Luzerne County that effective as of May 28, 2009, contingent only upon DCED's approval of the application for the Proposed substituted zone, similar in acreage and size as the original terminated subzone, the following provisions shall apply:

1. Real Property Tax on the herein described tracts is 100% exempt in accordance with the provisions and limitations hereinafter set forth in accordance with the Act, such exemption to terminate 12/31/2010.
2. Earned Income and Net Profits Taxes; Business Privilege and Mercantile Taxes. The City of Wilkes-Barre also waives business gross receipts tax for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the Proposed expanded KOZ attributable to business activity conducted with said zone terminating on 12/31/2010.
3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Ordinance by reference.
4. This resolution shall be effective upon execution, conditioned upon the approval of the application by DCED.

RESOLVED by the City Council of the City of Wilkes-Barre of Luzerne County, Pennsylvania, this 28th day of May, 2009.

ATTEST

Jim Ryan

Chairman

Attachment 2

by Owner	Location/Complete Address of Property for Designation			County	Municipality	School District	Tax ID Parcel Number	Total Acreage	Site Dimensions	Zoning	Former Use	Proposed Use	County Assessed Value
	Address	City	State										
114	72-78 S. Main St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE2-024-L1	0.15		C-3	Commercial	Commercial/Residential	\$ 1,274,000
114	70 S. Main St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE2-024-L2	0.04		C-3	Commercial	Commercial/Residential	\$ 364,000
114	62-64 S. Main St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE2 024 004	0.09		C-3	Commercial	Commercial/Residential	\$ 728,000
114	11 W. Market St. (floors 4-11)	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE2-019-001	0.15		C-3	Commercial	Commercial/Residential	\$ 1,228,800
	30 N. Franklin St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE2-018-009	0.12		S-2	Commercial	Commercial/Residential	\$ 112,500
	R 30 N. Franklin St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE2-018-09A	0.06		S-2	Commercial	Commercial/Residential	\$ 112,500
	29 S. Main St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE2-026-011	0.09		C-3	Commercial	Commercial/Residential	\$ 625,100
	27 S. Main St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE2-026-012	0.11		C-3	Commercial	Commercial/Residential	\$ 315,100
	71 S. Main St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE2-026-024	0.04		C-3	Commercial	Commercial/Residential	\$ 206,000
	75 S. Main St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE2-026-025	0.06		C-3	Commercial	Commercial/Residential	\$ 406,400
	Coal St. Park	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-SW4-B4-L25	1.53	261X255	S-1	Recreation	Commercial	\$ 6,163
	42 Carey Ave	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE4-B2-L14	0.22	40X240	R-2	Commercial	Residential	\$ 47,200
	44-46 Carey Ave	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE4-B2-L13	0.46	80X249	R-2	Commercial	Residential	\$ 232,500
	38-40 Carey Ave	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE4-B2-L15	0.19	182X45.3	R-2	Commercial	Residential	\$ 21,700
	54 Carey Ave	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE4-B2-L12	0.25	40X271.5	R-2	Residential	Residential	\$ 82,500
	444-446 S. River St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE4-B24-L4	0.14	42X150	R-2	Residential	Residential	\$ 47,700
	450 S. River St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE4-B24-L3	0.14	42X150	R-2	Residential	Residential	\$ 127,700
	452 S. River St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE4-B24-L2	0.09	40.5X101.18	R-2	Residential	Residential	\$ 82,500
	445 S. River St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE4-B23-L14	0.14	160X38	R-2	Residential	Residential	\$ 39,900
	447 S. River St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H9-SE4-B23-L13	0.14	164X37	R-2	Residential	Residential	\$ 14,000
	Courtright St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B15-L12	0.36	110.01X137	M-1	Industrial	Residential	\$ 77,300
	Darling St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L13	1.62	340X207.55	M-1	Industrial	Residential	\$ 738,300
	Darling St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L14	0.2	60X145.2	M-1	Industrial	Residential	\$ 43,100
	Darling St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L14A	0.19	113X73.24	M-1	Industrial	Residential	\$ 40,300
	Darling St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L15	0.9	232.17X168.86	M-1	Industrial	Residential	\$ 346,400
	Darling St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L16	0.53	341.3X67.6	M-1	Industrial	Residential	\$ 255,609
	Darling St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L17	0.00	32X15	M-1	Industrial	Residential	\$ -
	Darling St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L18	0.39	84.3X201.5	M-1	Industrial	Residential	\$ 131,400
	Darling St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L19	1.12	239.4X203.8	M-1	Industrial	Residential	\$ 4,380,300
	38 Courtright St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L20	1.02	382X116.3	M-1	Industrial	Residential	\$ 959,400
	Courtright St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L21	0.19	118.2X70	M-1	Industrial	Residential	\$ 14,000
	Court St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B16-L22	0.44	140.5X136.4	M-1	Industrial	Residential	\$ 95,800
	Court St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B17-L1	0.89	280X138.5	M-1	Industrial	Residential	\$ 38,700
	Court St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B17-L2	0.32	134.8X103.4	M-1	Industrial	Residential	\$ 14,000
	Court St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B17-L3	0.69	180X167	M-1	Industrial	Residential	\$ 81,700
	Courtright St.	Wilkes-Barre	PA	Luzerne	Wilkes-Barre	W-B Area	H10-NW4-B17-L4	0.67	382X76.4	M-1	Industrial	Residential	\$ 145,900