

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

WORK SESSION

Date: May 23, 2017

Time: 6:00 p.m.

6:00 p.m. **Jim Ryan, City Clerk**

- ORDINANCES FOR SECOND AND FINAL READING -

FILE OF COUNCIL NO. 8 OF 2017 – AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 28 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “LICENSE FEES.”

FILE OF COUNCIL NO. 9 OF 2017 – AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 11 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “PUBLIC EATING AND DRINKING PLACES.”

6:10 p.m. **Mayor Tony George (See Attached)**

**WILKES-BARRE CITY COUNCIL
WORK SESSION
MAY 23, 2017**

RESOLUTIONS:

Designating Mayor Anthony G. George and Controller Darren Snyder as the officials to execute any and all documents between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining a Flood Mitigation Grant along with any or all other project documents related to the Solomon Creek Retaining Walls Reconstruction Project, if the application is approved.

Designating Mayor Anthony G. George and Controller Darren Snyder as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining a Greenway, Trails and Recreation Program Grant along with any or all other project documents, related to the Wilkes-Barre Public Park Improvement Project, if the application is approved.

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

MAY 25, 2017

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
MAY 25, 2017

CONSENT AGENDA (RESOLUTIONS)

Request a Flood Mitigation grant from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Solomon Creek Retaining Walls Reconstruction Project.

Request a Greenway, Trails and Recreation Program grant from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Wilkes-Barre Public Park Improvement project.

MINUTES

Of the Zoning Hearing Board of April 19, 2017.

Of the Regular Session of City Council of May 11, 2017.

Of the Traffic Committee of April 27, 2017.

CITY COUNCIL
MAY 25, 2017

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 8 OF 2017 – AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 28 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “LICENSE FEES.” (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 9 OF 2017 – AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 11 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “PUBLIC EATING AND DRINKING PLACES”. (SECOND AND FINAL READING)



Wilkes-Barre, Pa. _____

Resolution No. _____

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

BE IT RESOLVED, that the City of Wilkes-Barre, Luzerne County hereby requests a Flood Mitigation grant of \$500,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Solomon Creek Retaining Walls Reconstruction project.

BE IT FURTHER RESOLVED, that the Applicant does hereby designate Anthony G. George, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assisting in obtaining the requested grant along with any or all other project documents, related to the Solomon Creek Retaining Walls Reconstruction project, if the application is approved.

I, Jim Ryan, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular meeting held May 25, 2017 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the City of Wilkes-Barre, this May day of 25, 2017.

Submitted by _____

ROLL CALL

RESOLUTIONS

NAME



Wilkes-Barre, Pa. _____

Resolution No. _____

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

BE IT RESOLVED, that the City of Wilkes-Barre, Luzerne County hereby requests a Greenway, Trails and Recreation Program grant of \$ _____ from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the (Wilkes-Barre Public Park Improvement) project.

BE IT FURTHER RESOLVED, that the Applicant does hereby designate Anthony G. George, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assisting in obtaining the requested grant along with any or all other project documents, related to the (Wilkes-Barre Public Park Improvement) project, if the application is approved.

I, Jim Ryan, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular meeting held May 25, 2017 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the City of Wilkes-Barre, this May day of 25, 2017.

Submitted by _____

ROLL CALL

RESOLUTIONS

INDEX

FILE OF COUNCIL

Presented in City Council on May 11, 2017

No. _____ of 2017

AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 28 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED "LICENSE FEES."

WHEREAS, it is the desire and intention of the City Council to pass legislation within the City of Wilkes-Barre by amending Article VI of Chapter 28 of the Wilkes-Barre Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT ARTICLE VI OF CHAPTER 28 ENTITLED "TAXATION" IS HEREBY AMENDED TO ADD TO OR AMEND THE LICENSES CONTAINED IN SECTION 28-97:

CHAPTER 28. TAXATION

ARTICLE VI. LICENSE FEES

Sec. 28-97. Fee Schedule

Food Truck Vendor. A food truck or mobile kitchen that is self contained, and owners and/or owner's employees work from inside, sell food and is capable of being moved from location to location. Any person, firm, corporation or other operator operating as a food truck vendor within the limits of the City of Wilkes-Barre shall be required to pay an initial license fee of Three Hundred Dollars (\$300.00) and an annual license fee of Two Hundred Fifty Dollars (\$250.00) thereafter.

Ice Cream Truck. Deleted.

Ice Cream Vendor. Any truck or cart that is self contained and is set up to facilitate the sale of ice cream or related products to people from local pedestrian traffic. Any person, firm, corporation or other operator operating as an ice cream vendor within the limits of the City of Wilkes-Barre shall be required to pay an annual license fee of One Hundred Seventy-Five Dollars (\$175.00) thereafter.

Peddler. Every peddler (except food truck vendors, disabled soldiers, farmers and manufacturers disposing of their own products) selling any non-food items whatsoever who or which does not have a permanent facility within the city

limits and/or is not operating at all times out of the permanent facility and/or is selling or peddling in a transient form such as a kiosk, cart, temporary stand, or from or in the form of a non-permanent base within the limits of the City of Wilkes-Barre, shall take out and pay an annual license fee of three hundred (\$300.00) dollars. All peddlers shall be required to obtain the permit prior to selling any items in any manner set forth above. No peddlers license shall be issued to a corporation, partnership or other impersonal legal entity, but each individual person engaging in the business of peddling within the city shall be required to have a license whether acting for himself or herself or as an agent or representative of another. No peddler shall be permitted to sell or peddle any item or product on Public Square, at any time. Sales and peddling on Public Square are governed by the "special events peddler license". (This shall not include retail merchants who are selling items or services as part of a trade show in a temporary location. Transient retail merchants are governed separately herein.).

Special events peddler. Every peddler (except food truck vendors, disabled soldiers, farmers and manufacturers disposing of their own products) selling any item whatsoever who or which does not have a permanent facility within the city limits and/or is not operating at all times out of the permanent facility and/or is selling or peddling in a transient form such as a kiosk, cart, temporary stand, or from or in the form of a non-permanent base within the limits of the City of Wilkes-Barre during a special event within the city limits, shall take out and pay a license fee of thirty (\$30.00) dollars for each special event which is held within the city. All peddlers shall be required to obtain the permit prior to selling any item in any manner set forth above. Only a special event peddler license shall grant the peddler the right to sell on Public Square, unless otherwise excepted, and sales may only take place during the designated hours of the special event.

Temporary Event Food Vendor. Any person, firm, corporation or other operator operating as a food vendor, whether mobile or stationary, on a temporary basis or at a special event, within the limits of the City of Wilkes-Barre, shall be required to pay the following fees:

One (1) day event:	\$50.00
Two (2) or Three (3) day event:	\$80.00
Four (4) to Seven (7) day event:	\$150.00

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 (or sections thereof) not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on _____
_____, 2017.

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

Presented in City Council on May 11, 2017

No. _____ of 2017

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 11 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED "PUBLIC EATING AND DRINKING PLACES"

WHEREAS, it is the desire and intention of the City Council to pass legislation within the City of Wilkes-Barre by amending Article III of Chapter 11 of the Wilkes-Barre Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT ARTICLE III OF CHAPTER 11 ENTITLED "PUBLIC EATING AND DRINKING PLACES" IS HEREBY AMENDED TO ADD THE FOLLOWING:

CHAPTER 11. FOOD AND FOOD HANDLERS

ARTICLE III. PUBLIC EATING AND DRINKING PLACES

Sec. 11-34. Food Facility Plan Review.

Any person, firm, corporation or other operator operating a new food facility or drinking establishment within the limits of the City of Wilkes-Barre which requires a plan review by the Health Department of the City of Wilkes-Barre shall be required to pay a plan review fee of One Hundred Dollars (\$100.00).

Sec. 11-35. Follow-up Inspections.

All initial and first follow-up inspections required for public eating and drinking places by the Health Department of the City of Wilkes-Barre are included in the annual licensing fee. Any follow-up inspections required thereafter will be subject to a fee of Seventy-Five Dollars (\$75.00) per inspection.

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 _____
_____, 2017.

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