

AGENDA
REGULAR MEETING OF COUNCIL
November 15, 2012
6:30 P.M.

- OF
1. ROLL CALL
 2. READING OF MINUTES
 3. REPORTS & COMMUNICATIONS FROM MAYOR & HEADS
DEPARTMENTS AND INTERESTED PARTIES AND CITY
CLERK'S NOTES:
 - A. AUDIT STATUS FROM ROBERT ROSSI & CO. RECEIVED NOVEMBER 8, 2012.
 - B. SINGLE TAX OFFICE CITY FUNDS DISTRIBUTED COMPARISON 2012-2011.
 - C. MINUTES OF THE REGULAR MEETING OF THE MEMBERS OF THE SCRANTON HOUSING AUTHORITY HELD ON OCTOBER 1, 2012.
 - D. MINUTES OF THE COMPOSITE PENSION BOARD MEETING HELD ON OCTOBER 24, 2012.
 4. CITIZENS PARTICIPATION
 5. INTRODUCTION OF ORDINANCES, RESOLUTIONS,
APPOINTMENTS AND/OR RE-APPOINTMENTS TO BOARDS &
COMMISSIONS. MOTIONS & REPORTS OF
COMMITTEES:
 - A.
MOTIONS

B.

AUTHORIZING THE VACATION OF AN UNOPENED RIGHT-OF - WAY KNOWN AS THE 200 BLOCK OF MCDONOUGH STREET CONSISTING OF AN AREA 150 FEET LONG BETWEEN 39.31 AND 39.62 FEET WIDE LOCATED BETWEEN GREG COURT (UNDEVELOPED) AND COLLIERY AVENUE IN THE CITY OF SCRANTON, AS MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION AND MAP ATTACHED HERETO, UNDER AND SUBJECT TO A PERMANENT EASEMENT AND RIGHT OF WAY GRANTED TO THE SEWER AUTHORITY OF THE CITY OF SCRANTON, PENNSYLVANIA OVER THE ENTIRE VACATED AREA.

C.

AN ORDINANCE TO PROVIDE REVENUE FOR THE CITY OF SCRANTON BY IMPOSING A TAX UPON THE PRIVILEGE OF ATTENDING OR ENGAGING IN AMUSEMENTS, INCLUDING EVERY FORM OF ENTERTAINMENT, DIVERSION, SPORT, RECREATION AND PASTIME, REQUIRING ALL PERSONS, PARTNERSHIPS, ASSOCIATIONS AND CORPORATIONS CONDUCTING PLACES OF AMUSEMENTS; IMPOSING DUTIES AND CONFERRING POWERS UPON THE TREASURER OF THE CITY OF SCRANTON; PRESCRIBING THE METHOD AND MANNER OF COLLECTING THE TAX IMPOSED BY THIS ORDINANCE; AND IMPOSING PENALTIES FOR THE VIOLATION THEREOF.

D.

APPOINTMENT OF NANCY D. BISIGNANI, 1200 PINE STREET, SCRANTON, PENNSYLVANIA, 18510, AS A MEMBER OF THE HISTORICAL ARCHITECTURE REVIEW BOARD FOR AN ADDITIONAL FIVE (5) YEAR TERM. MRS. BISIGNANI'S CURRENT TERM EXPIRED ON OCTOBER 11, 2012 AND HER NEW TERM WILL EXPIRE ON OCTOBER 11, 2017.

E.

APPOINTMENT OF JOHN MOORE, 315 13TH AVENUE, SCRANTON, PENNSYLVANIA, 18504, AS A MEMBER OF THE HISTORICAL ARCHITECTURE REVIEW BOARD FOR AN ADDITIONAL FIVE (5) YEAR TERM. MR. MOORE'S CURRENT TERM EXPIRED ON OCTOBER 11, 2012 AND HIS NEW TERM WILL EXPIRE ON OCTOBER 11, 2017.

F.
ACCEPTING THE RECOMMENDATION OF THE HISTORICAL ARCHITECTURE REVIEW BOARD ("HARB") AND APPROVING THE CERTIFICATE OF APPROPRIATENESS FOR MAGICAL MARKERS VINYL GRAPHICS, 529 NORTHERN BOULEVARD, CHINCHILLA, PENNSYLVANIA FOR THE INSTALLATION OF A 16 OZ. VINYL, FLEX FACE PRINTED BANNER, MEASURING 30 ¾" H X 272 ¾" W, FILLED WITHIN THE SIGN PANEL RECESS AT 516 LACKAWANNA AVENUE, SCRANTON, PENNSYLVANIA.

6. CONSIDERATION OF ORDINANCES – READING BY TITLE –

A.
READING BY TITLE – FILE OF COUNCIL NO. 71, 2012 – AN ORDINANCE – AN ORDINANCE OF THE CITY OF SCRANTON, LACKAWANNA COUNTY, PENNSYLVANIA, SETTING FORTH ITS INTENT TO ISSUE ONE OR MORE SERIES OF FEDERALLY TAXABLE AND/OR TAX EXEMPT GENERAL OBLIGATION BONDS OR NOTES OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY MILLION NINE HUNDRED TEN THOUSAND DOLLARS (\$20,910,000) (COLLECTIVELY, THE "BONDS") PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, PA.C.S. 53, CHAPTERS 80-82, AS AMENDED, 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 TO BE INCURRED TO PROVIDE FUNDS FOR A CERTAIN PROJECT OF THE CITY CONSISTING OF ALL OR ANY OF THE FOLLOWING: (1) FUNDING UNFUNDED DEBT OF THE CITY; (2) REFUNDING A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES A OF 2003; (3)

REFUNDING A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES B OF 2003; (4) REFUNDING A PORTION OF THE CITY'S OUTSTANDING FEDERALLY TAXABLE GENERAL OBLIGATION PENSION FUNDING BONDS, SERIES C OF 2003; (5) REFUNDING A PORTION OF THE CITY'S OUTSTANDING FEDERALLY TAXABLE GENERAL OBLIGATION BONDS, SERIES D OF 2003; AND (6) FUNDING NECESSARY RESERVES AND PAYING THE COSTS AND EXPENSES OF ISSUANCE OF THE BONDS; SETTING FORTH THE REASONABLE ESTIMATED USEFUL LIVES OF THE CAPITAL PROJECTS THAT ARE TO BE FINANCED AND REFINANCED BY THE BONDS; ACCEPTING A PROPOSAL FOR THE PURCHASE OR ARRANGEMENT OF THE PRIVATE PLACEMENT OF SUCH BONDS AT PRIVATE SALE BY NEGOTIATION TO FINANCIAL INSTITUTIONS, QUALIFIED INSTITUTIONAL BUYERS AND/OR ACCREDITED INVESTORS; PROVIDING THAT SUCH BONDS, WHEN ISSUED, SHALL CONSTITUTE A GENERAL OBLIGATION OF THE CITY; FIXING THE DENOMINATIONS, SERIES DESIGNATIONS, DATED DATE, INTEREST PAYMENT DATES, MATURITY DATES, INTEREST RATES, REDEMPTION PROVISIONS, OPTIONAL AND MANDATORY REDEMPTION PROVISIONS (IF APPLICABLE) 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 FORM 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 A SINKING FUND FOR EACH SERIES OF BONDS IN CONNECTION WITH SUCH SERIES OF 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 THE PRIOR BONDS; 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 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; IF APPLICABLE, SETTING FORTH CERTAIN COVENANTS PRECLUDING THE CITY FROM TAKING ACTIONS WHICH WOULD CAUSE THE BONDS TO BECOME "ARBITRAGE BONDS" OR "PRIVATE ACTIVITY BONDS," AS THOSE TERMS ARE USED IN THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), AND APPLICABLE REGULATIONS PROMULGATED THEREUNDER; AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE AND COVENANTING TO COMPLY WITH THE PROVISIONS THEREOF, IF APPLICABLE; AUTHORIZING THE EXECUTION OF ONE OR MORE ESCROW AGREEMENTS BY AND BETWEEN THE CITY AND THE ESCROW AGENT NAMED THEREIN IN CONNECTION WITH THE REFUNDING OF THE PRIOR BONDS; APPROVING THE FORM OF AND RATIFYING THE PREPARATION, USE AND DISTRIBUTION OF A PRELIMINARY PLACEMENT MEMORANDUM AND A PLACEMENT MEMORANDUM BY THE PURCHASER OR PLACEMENT AGENT IN CONNECTION WITH THE MARKETING OF THE BONDS; AUTHORIZING AND DIRECTING THE PREPARATION, EXECUTION AND DELIVERY OF ALL OTHER REQUIRED DOCUMENTS AND THE TAKING OF ALL OTHER REQUIRED ACTION; 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.

B.

READING BY TITLE - FILE OF COUNCIL NO. 72, 2012 - AN ORDINANCE - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO LEVY A REAL ESTATE TAX MILLAGE INCREASE FOR A PERIOD OF (10) YEARS DEDICATED TO RETIRING THE UNFUNDED DEBT INCURRED IN CALENDAR YEAR 2012 IN THE AMOUNT OF NINE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$9,750,000.00) AND DIRECTING THE CITY TREASURER TO SEPARATE THE PROPER PORTION OF THE REAL ESTATE TAXES RECEIVED FROM THE SINGLE TAX OFFICE DURING SUCH TEN (10) YEAR PERIOD AND FORWARD SAME TO A SEPARATE ACCOUNT TO SERVICE AND RETIRE THE UNFUNDED DEBT.

7. FINAL READING OF RESOLUTIONS AND ORDINANCES

A.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR ADOPTION-FILE OF COUNCIL NO. 65, 2012 - AMENDING FILE OF THE COUNCIL NO. 6, 1976 ENTITLED "AN ORDINANCE (AS AMENDED) IMPOSING A TAX FOR GENERAL REVENUE PURPOSES ON THE TRANSFER OF REAL PROPERTY SITUATE WITHIN THE CITY OF SCRANTON; PRESCRIBING AND REGULATING THE METHOD OF EVIDENCING THE PAYMENT OF SUCH TAX; CONFERRING POWERS AND IMPOSING DUTIES UPON CERTAIN PERSONS, AND PROVIDING PENALTIES", BY IMPOSING THE RATE OF THE REALTY TRANSFER TAX AT TWO AND NINE TENTHS PERCENT (2.9%) FOR CALENDAR YEAR 2013.

B.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR ADOPTION-FILE OF COUNCIL NO. 66, 2012 - AMENDING FILE OF THE COUNCIL NO. 7, 1976, ENTITLED "AN ORDINANCE (AS AMENDED) IMPOSING A MERCANTILE LICENSE TAX OF TWO MILLS FOR THE YEAR 1976 AND ANNUALLY THEREAFTER UPON PERSONS ENGAGING IN CERTAIN OCCUPATIONS AND BUSINESSES THEREIN; PROVIDING FOR ITS LEVY AND COLLECTION AND FOR THE ISSUANCE OF MERCANTILE LICENSES; CONFERRING AND IMPOSING POWERS AND DUTIES UPON THE TAX COLLECTOR OF THE CITY OF SCRANTON; AND IMPOSING PENALTIES",

BY IMPOSING THE MERCANTILE LICENSE TAX AT ONE (1) MILL (.001) FOR CALENDAR YEAR 2013.

C.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE -
FOR ADOPTION-FILE OF COUNCIL NO. 67, 2012 -
AMENDING FILE OF THE COUNCIL NO. 8, 1976, ENTITLED
"AN ORDINANCE (AS AMENDED) PROVIDING FOR THE
GENERAL REVENUE BY IMPOSING A TAX AT THE RATE OF
TWO (2) MILLS UPON THE PRIVILEGE OF OPERATING OR
CONDUCTING BUSINESS IN THE CITY OF SCRANTON AS
MEASURED BY THE GROSS RECEIPTS THEREFROM; REQUIRING
REGISTRATION AND PAYMENT OF THE TAX AS CONDITION TO
THE CONDUCTING OF SUCH BUSINESS; PROVIDING FOR THE
LEVY AND COLLECTION OF SUCH TAX; PRESCRIBING SUCH
REQUIREMENTS FOR RETURNS AND RECORDS; CONFERRING
POWERS AND DUTIES UPON THE TAX COLLECTOR; AND
IMPOSING PENALTIES", BY IMPOSING THE BUSINESS
PRIVILEGE TAX AT THE RATE OF ONE (1) MILL (.001) FOR
CALENDAR YEAR 2013.

D.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE -
FOR ADOPTION-FILE OF COUNCIL NO. 68, 2012 -
AMENDING FILE OF THE COUNCIL NO. 17, 1994 ENTITLED
"AN ORDINANCE (AS AMENDED) AUTHORIZING THE
GOVERNING BODY OF THE CITY OF SCRANTON TO ENACT 'A
WASTE DISPOSAL AND COLLECTION FEE' FOR THE PURPOSE
OF RAISING REVENUE TO COVER THE WASTE DISPOSAL AND
COLLECTION COSTS INCURRED BY THE CITY OF SCRANTON
FOR THE DISPOSAL OF REFUSE", BY IMPOSING A WASTE
DISPOSAL AND COLLECTION FEE OF \$178.00 FOR CALENDAR
YEAR 2013.

E.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE -
FOR ADOPTION-FILE OF COUNCIL NO. 69, 2012 -
AMENDING FILE OF THE COUNCIL NO. 145 OF 2007
ENTITLED "AN ORDINANCE RENAMING THE EMERGENCY AND
MUNICIPAL SERVICES TAX ("EMST") TO LOCAL SERVICE
TAX ("LST") AND BY IMPOSING A WITHHOLDING OF \$52.00
FOR THE CALENDAR YEAR 2013.

F.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE -
FOR ADOPTION-RESOLUTION NO. 47, 2012 - ACCEPTING A
SEVEN HUNDRED FIFTY (\$750.00) DOLLAR DONATION FROM
SANOFI PASTEUR PRESENTED TO THE CITY OF SCRANTON
FIRE DEPARTMENT.

G.
FOR CONSIDERATION BY THE COMMITTEE ON RULES -
FOR ADOPTION-RESOLUTION NO. 48, 2012 - APPOINTING
MARY ANN WARDELL, 629 DEPOT STREET, SCRANTON,
PENNSYLVANIA, 18509, AS A MEMBER OF THE ZONING
APPEALS FOR THE CITY OF SCRANTON. MRS WARDELL WILL
FILL THE UNEXPIRED TERM OF JIM WILLIAMS, WHO PASSED
AWAY ON SEPTEMBER 29, 2012. MRS. WARDELL'S TERM
WILL EXPIRE ON JULY 1, 2013.

8.
ADJOURNMENT:

NANCY KRAKE
CITY CLERK
SCRANTON, PENNSYLVANIA