

J.T.

AGENDA
REGULAR MEETING OF COUNCIL
JANUARY 26, 2006
6:30 P.M.

1. ROLL CALL
2. READING OF MINUTES
3. REPORTS & COMMUNICATIONS FROM MAYOR & HEADS OF DEPARTMENTS AND INTERESTED PARTIES AND CITY CLERK'S NOTES:
 - A. MINUTES OF THE COMPOSITE PENSION BOARD MEETING HELD ON WEDNESDAY, DECEMBER 14, 2005.
 - B. AGENDA FOR THE ZONING HEARING BOARD MEETING TO BE HELD ON WEDNESDAY, FEBRUARY 8, 2006.
 - C. MINUTES OF THE SCRANTON-LACKAWANNA HEALTH & WELFARE AUTHORITY REGULAR BOARD MEETING OF NOVEMBER 17, 2005.
 - D. MINUTES OF THE FIREMEN'S PENSION COMMISSION MEETING HELD ON WEDNESDAY, DECEMBER 21, 2005.
 - E. MINUTES OF THE POLICE PENSION COMMISSION MEETING HELD ON WEDNESDAY, DECEMBER 14, 2005.
 - F. MINUTES OF THE COMPOSITE PENSION BOARD MEETING HELD ON WEDNESDAY, DECEMBER 14, 2005.

CLERK'S NOTES

4. CITIZENS PARTICIPATION:
5. INTRODUCTION OF ORDINANCES, RESOLUTIONS, APPOINTMENTS AND/OR RE-APPOINTMENTS TO BOARDS & COMMISSIONS. MOTIONS & REPORTS OF COMMITTEES:
 - A. MOTIONS

5.

B.

FOR INTRODUCTION - AN ORDINANCE - AUTHORIZING THE VACATION OF A PORTION OF THE RIGHT OF WAY KNOWN AS MURPHY COURT LOCATED BETWEEN DAVIS STREET AND CRANE STREET, A RIGHT OF WAY CONSISTING OF AN AREA 12.5 FEET WIDE AND 284 FEET LONG.

C.

FOR INTRODUCTION - AN ORDINANCE - AMENDING FILE OF COUNCIL NO. 82, 2004, AN ORDINANCE "ENTITLED GENERAL CITY OPERATING BUDGET 2005" BY TRANSFERRING \$63,715.06 FROM ACCOUNT NO. 01.401.15240.4299 (TAN SERIES B) AND \$48,284.94 FROM ACCOUNT NO. 01.401.15307.4299 (OPERATING TRANSFER-DEBT SERVICE 2003B BOND) FOR A TOTAL TRANSFER AMOUNT OF \$112,000.00 TO ACCOUNT NO. 01.080.00083.4460 TO PROVIDE FUNDING TO COVER STREET LIGHTING EXPENSES THROUGH YEAR END.

D.

FOR INTRODUCTION - A RESOLUTION - APPOINTMENT OF JAMES SCANLON, 929 RICHMONT STREET, SCRANTON, PENNSYLVANIA, 18509, AS A MEMBER OF THE ETHICS COMMISSION, EFFECTIVE FEBRUARY 1, 2006. MR. SCANLON WILL BE REPLACING VINCE CIMINI, WHOSE TERM EXPIRED ON JULY 12, 2002. MR. SCANLON'S TERM WILL EXPIRE ON JULY 12, 2007.

E.

FOR INTRODUCTION - A RESOLUTION - APPOINTMENT OF STEPHEN E. WHITTAKER, PH.D., 443 WHEELER AVENUE, SCRANTON, PENNSYLVANIA, 18510, AS A MEMBER OF THE ETHICS COMMISSION, EFFECTIVE FEBRUARY 1, 2006. MR. WHITTAKER WILL BE REPLACING MR. RICHARD LASKE, WHOSE TERM EXPIRED ON JULY 12, 2004. MR. WHITTAKER'S TERM WILL EXPIRE ON JULY 12, 2009.

F.

FOR INTRODUCTION - A RESOLUTION - APPOINTMENT OF WAYNE EVANS, 717 ALDER ST, SCRANTON, PENNSYLVANIA, 18505, AS A MEMBER OF THE ETHICS COMMISSION, EFFECTIVE FEBRUARY 1, 2006. MR. EVANS WILL BE REPLACING GEORGE BURNS, WHOSE TERM EXPIRED ON JULY 12, 2005. MR. EVAN'S TERM WILL EXPIRE ON JULY 12, 2010.

6. CONSIDERATION OF ORDINANCES - READING BY TITLE:

A.

READING BY TITLE - FILE OF COUNCIL NO. 10, 2006 - AN ORDINANCE - AMENDING FILE OF COUNCIL NO. 95 OF 2005, WHICH IN TURN AMENDED FILE OF COUNCIL NO. 9, 1976 ENTITLED "AN ORDINANCE ENACTING AND IMPOSING A TAX FOR GENERAL REVENUE PURPOSES ON INDIVIDUALS FOR THE PRIVILEGE OF ENGAGING IN AN OCCUPATION WITHIN THE CORPORATE LIMITS OF THE CITY OF SCRANTON" BY CHANGING THE NAME OF THE TAX TO THE EMERGENCY MUNICIPAL SERVICES TAX, INCREASING THE AMOUNT OF THE WITHOLDING TO \$52.00, AND DIRECTING THAT THE REVENUE BE USED FOR POLICE, FIRE, OR EMERGENCY SERVICES OR FOR ROAD CONSTRUCTION OR MAINTENANCE.

B.

READING BY TITLE - FILE OF COUNCIL NO. 11, 2006 - AN ORDINANCE - AUTHORIZING THE TRANSFER OF TWO (2) PARCELS OF LAND ACQUIRED BY THE CITY THROUGH THE FLOOD CONTROL PROJECT BY SEALED BIDS TO THE HIGHEST BIDDER, PROPERTY LOCATED AT 2322-2324 SHAWNEE AVENUE, TO BE SOLD AS ONE PARCEL, AND IDENTIFIED AS TAX MAP NUMBERS 13510-040-032 AND 13510-040-033.

C.

READING BY TITLE - FILE OF COUNCIL NO. 12, 2006 - AN ORDINANCE - AUTHORIZING THE TRANSFER OF TWO (2) PARCELS OF LAND ACQUIRED BY THE CITY THROUGH THE FLOOD CONTROL PROJECT BY SEALED BIDS TO THE HIGHEST BIDDER, PROPERTY LOCATED AT 2326-2328 SHAWNEE AVENUE, TO BE SOLD AS ONE PARCEL, AND IDENTIFIED AS TAX MAP NUMBERS 13510-040-034 AND 13510-040-035.

7. FINAL READING OF RESOLUTIONS AND ORDINANCES -
CONSIDERATION FOR ADOPTION:

A.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR
ADOPTION - FILE OF COUNCIL NO. 1, 2006 - AN ORDINANCE -
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 2 MILL 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 1 MILL FOR CALENDAR YEAR 2006.

B.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR
ADOPTION - FILE OF COUNCIL NO. 2, 2006 - AN ORDINANCE -
AMENDING FILE OF THE COUNCIL NO. 7, 1976, ENTITLED "AN
ORDINANCE (AS AMENDED) IMPOSING A MERCANTILE LICENSE TAX
OF 2 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 1
MILL FOR CALENDAR YEAR 2006.

C.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR
ADOPTION - FILE OF COUNCIL NO. 3, 2006 - AN ORDINANCE -
AMENDING FILE OF THE COUNCIL NO. 100, 1976, ENTITLED "AN
ORDINANCE (AS AMENDED) LEVYING GENERAL AND SPECIAL TAXES
FOR THE FISCAL YEAR 1977", BY SETTING THE MILLAGE FOR
THE YEAR 2006.

7.

D.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR ADOPTION - FILE OF COUNCIL NO. 4, 2006 - AN ORDINANCE - 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 2.2% FOR CALENDAR YEAR 2006.

E.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR ADOPTION - FILE OF COUNCIL NO. 5, 2006 - AN ORDINANCE - 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 2006.

F.

FOR CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR ADOPTION - FILE OF COUNCIL NO. 6, 2006 - AN ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 11, 1976, ENTITLED "AN ORDINANCE (AS AMENDED) ENACTING, IMPOSING A TAX FOR GENERAL REVENUE PURPOSES IN THE AMOUNT OF 2% ON EARNED INCOME AND NET PROFITS ON PERSONS, INDIVIDUALS, ASSOCIATIONS AND BUSINESSES WHO ARE RESIDENTS OF THE CITY OF SCRANTON, OR NON-RESIDENTS OF THE CITY OF SCRANTON, FOR WORK DONE, SERVICES PERFORMED OR BUSINESS CONDUCTED WITHIN THE CITY OF SCRANTON, REQUIRING THE FILING OF RETURNS BY TAX PAYERS SUBJECT TO THE TAX; REQUIRING EMPLOYERS TO COLLECT THE TAX AT SOURCE; PROVIDING FOR THE ADMINISTRATION, COLLECTION AND ENFORCEMENT OF THE SAID TAX; AND IMPOSING PENALTIES FOR THE VIOLATIONS", BY IMPOSING THE WAGE TAX AT 2.4% ON EARNED INCOME FOR THE YEAR 2006 FOR RESIDENTS.

7.

G.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - FILE OF COUNCIL NO. 7, 2006 - AN ORDINANCE - APPROVING THE TRANSFER OF A RESTAURANT LIQUOR LICENSE IN THE NAME OF MID-VALLEY COMMUNITY GROUP, 1149 MAIN STREET, DICKSON CITY, PENNSYLVANIA, BOROUGH OF DICKSON CITY, LICENSE NO. R-4219 TO FACCIA LUNA, LLC FOR USE AT 301 NORTH MAIN AVENUE, SCRANTON, PENNSYLVANIA, 18504 AS REQUIRED BY THE PENNSYLVANIA LIQUOR CONTROL BOARD.

H.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - FILE OF COUNCIL NO. 8, 2006 - AN ORDINANCE - AUTHORIZING THE CONVEYANCE BY SEALED BID OR AUCTION OF THREE PARCELS OF LAND IN NORTH SCRANTON ACQUIRED PURSUANT TO THE LACKAWANNA RIVER FLOOD CONTROL PROJECT, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED MAP.

I.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - FILE OF COUNCIL NO. 9, 2006 - AN ORDINANCE - AUTHORIZING THE TRANSFER OF A PARCEL OF LAND ACQUIRED BY THE CITY THROUGH THE FLOOD CONTROL PROJECT BY SEALED BIDS TO THE HIGHEST BIDDER, PROPERTY LOCATED AT 622 RACE STREET, AND RECORDED AT RECORD BOOK R044, PG. 1321.

J.

FOR CONSIDERATION BY THE COMMITTEE ON RULES - FOR ADOPTION - RESOLUTION NO. 24, 2006 - (AS AMENDED) AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH THE LAW FIRM OF CARL J. GRECO, P.C. FOR LEGAL SERVICES INCLUDING BUT NOT LIMITED TO GENERAL COUNSEL TO THE OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT ("OECD"), URBAN RENEWAL PROCESS AND PROCEDURE, EMINENT DOMAIN AND RELATED LITIGATION, DISPOSITION OF SURPLUS URBAN RENEWAL LANDS, TITLE SEARCHES AND DEED PREPARATION FOR \$10,000 OR UNTIL DECEMBER 31, 2006 WHICHEVER COMES FIRST.

7.

K.

FOR CONSIDERATION BY THE COMMITTEE ON PUBLIC WORKS - FOR ADOPTION - RESOLUTION NO. 25, 2006 - AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO SUPPLEMENTAL REIMBURSEMENT AGREEMENT NO. 048401B WITH THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION ("PENNDOT") TO ALLOW FOR AN INCREASE IN THE MAXIMUM FEDERAL REIMBURSEMENT FOR THE EAST MOUNTAIN ROAD PROJECT.

8. ADJOURNMENT:

KAY GARVEY
CITY CLERK
SCRANTON, PENNSYLVANIA