

**CITY OF WILKES-BARRE  
PENNSYLVANIA**



## **CITY COUNCIL AGENDA**

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### **CITY COUNCIL**

### **WORK SESSION**

**Date:** April 24, 2018

**Time:** 6:00 p.m.

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

1. Resolution approving the transfer of a Liquor License from Hanover Township to Gray Kitten, LLC, 80-82 Wilkes-Barre Township Boulevard, , Wilkes-Barre, PA.
2. Resolution authorizing Istanbul Grill, LLC, 40 South Main Street, to utilize approximately fifteen feet of the city right-of-way located in front of its location for outdoor seating.
3. Requesting the resignation of Chief Lendacky and Commander Foy.

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

# **WILKES-BARRE CITY COUNCIL**

## **WORK SESSION**

**APRIL 24, 2018**

### **RESOLUTIONS:**

Authorizing the proper city officials to enter into an agreement with the lowest responsible bidder for blue city garbage bags.

Authorizing the proper city officials to enter into an agreement in the amount of \$609,000 with the Pennsylvania Department of Health to provide HIV/AIDS prevention and education.

Authorizing the proper city officials to sign any and all necessary documents related to spending the balance of its ESG money with the extended time frame.

Authorizing the proper city officials to grant Wyoming Valley Challenger Baseball LL a Field Use Permit for the little league baseball field located in the city park known as the "Bog" on Dewey Lane in the Miner's Mills section of the city.

Reappointing members to the Board of Health.

Authorizing the proper city officials to sign any and all necessary documents related to the sale of all parcels of land located on the corner of North Washington and East Market Streets which comprise the parking facility known as Park & Lock East to Washington & Market Street Properties, LLC (or its designee) for a purchase price of Two Million (\$2,000,000.00) Dollars.

Authorizing the proper city officials to sign any and all necessary documents related to the sale of 37-39 Division Street, Wilkes-Barre, Pennsylvania to Kurt Sauer and Ellen Sauer for a sale price of \$5,000.00.



Resolution No. \_\_\_\_\_ Wilkes-Barre, PA \_\_\_\_\_

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

A RESOLUTION OF THE MUNICIPALITY OF WILKES-BARRE COUNTY OF LUZERNE  
COMMONWEALTH OF PENNSYLVANIA, APPROVING TRANSFER OF RESTAURANT LIQUOR LICENSE  
# R-4459, LID #52896 INTO THE CITY OF WILKES-BARRE, LUZERNE COUNTY FROM  
HANOVER TOWNSHIP.

Whereas, Act 141 of 2000 ("the Act") which amends the Commonwealth's Liquor Code, authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code, if sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

Whereas, the receiving municipality issues a resolution approving the transfer of the license outside the municipality to inside the municipality; and

Whereas, amendments to the Liquor Code stipulate that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting interested parties to state their concerns regarding the transfer of a retail liquor license into the receiving municipality; and

Whereas, on April 24, 2018 the City of Wilkes-Barre conducted a public hearing for the purpose of receiving comments and/or recommendations of interested individuals residing within the municipality with respect to the request for transfer.

Whereas, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a retail liquor license in the municipality.

Now, Therefore, Be It Resolved that Gray Kitten, LLC, has requested the approval of the City Council of Wilkes-Barre for the proposed transfer of a Pennsylvania Retail Liquor License to its facilities within Wilkes-Barre City with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

Be It Further Resolved that City Council of Wilkes-Barre finds that the transfer of a retail liquor license into Wilkes-Barre City by Gray Kitten, LLC, will not adversely affect the welfare, health, peace and morals of the municipality or its residents.

Be It Further Resolved, that Wilkes-Barre City approves, by adoption of this Resolution, the proposed transfer of License # R-4459, LID # 52896, from Hanover Twp., PA to be located at 80-82 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA.

Be It Further Resolved, that the license transfer is subject to approval by the Pennsylvania Liquor Control Board.

I HEREBY CERTIFY that this Resolution was approved by the Wilkes-Barre City Council at its meeting on April 26, 2018.

Submitted by \_\_\_\_\_

**ROLL CALL**

**YEAS**

**RESOLUTIONS**

**NAYS**

**BARRETT**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

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

RESOLVED, that the City Council of the City of Wilkes-Barre hereby authorizes Istanbul Grill, LLC, 40 South Main Street, Wilkes-Barre, to utilize approximately fifteen (15) feet of the City right-of-way located in front of its location for outdoor seating provided that pedestrian and emergency vehicle access are not adversely effected and upon the following conditions:

1. A Hold Harmless Agreement in favor of the City of Wilkes-Barre shall be executed and returned to the Office of the City Attorney.
2. Certificates of Insurance naming the City as an additional insured shall be filed with the Office of the City Attorney in an amount of one million per occurrence and two million per aggregate.
3. Any alcoholic beverages served must be contained in the area licensed by the Pennsylvania Liquor Control Board.
4. Any and all successors must follow the same requirements.

Submitted by \_\_\_\_\_

**ROLL CALL**

April 6, 2018

Wilkes Barre City Council Chairperson

c/o Jim Ryan, City Clerk

40 East Main Street

Wilkes Barre, PA 18701

Dear City Council Chairperson,

This letter serves as a request for approval of a proposed outdoor seating area utilizing the city-right-of-way at 40 South Main Street, Wilkes Barre, PA. The tables and chairs will be placed outside of Istanbul Grill restaurant for table service and consumption of food and beverages. We believe that the addition of this seating area will be attractive to all citizens and tourists visiting our town and enhance the streetscape of South Main Street. Pedestrian and emergency vehicle access will be allowed in the event that is necessary.

Attached is a floor plan indicating where the proposed seating will be placed, utilizing 15' of 31' right of way. We anticipate placing up to six tables but may use less. Also attached, are hold harmless agreement in favor of the city of Wilkes Barre and Certificate of Insurance, naming the City as an additional insured.

Thank you for your time and consideration. We look forward to a positive outcome for Istanbul Grill, South Main Street residents and the City of Wilkes Barre.

Sincerely,

Elif Kacar

Managing Owner&Partner of Istanbul Grill LLC.

Wilkes Barre



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
04/05/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## PRODUCER

ABRAHAM HOBSON INSURANCE SERVICES, LLC  
529 SCOTT ST  
Wilkes-Barre, PA 18702

## CONTACT

NAME:  
PHONE  
(A/C, No, Ext):  
E-MAIL  
ADDRESS:

FAX  
(A/C, No):

## INSURED

Enis B & Elif S Kacar  
Estantull Grill  
40 S Main St  
Wilkes Barre, PA 18701-1705

## INSURER(S) AFFORDING COVERAGE

INSURER A: AmGUARD Insurance Company  
INSURER B:  
INSURER C:  
INSURER D:  
INSURER E:  
INSURER F:

NAIC #  
42390

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A X	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/>	X	ANBP901893	03/07/2018	03/07/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ Included GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER X POLICY PRO-JECT LOC					
	OTHER					
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS HIRED AUTOS ONLY NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N N/A				PER STATUTE OTH-ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Wilkes Barre is listed as additional insured

## CERTIFICATE HOLDER

City of Wilkes Barre  
40 East Market Street  
Wilkes Barre Township, PA 18702

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*David S. Sullivan*



# CERTIFICATE OF PROPERTY INSURANCE

DATE (MM/DD/YYYY)  
04/05/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**PRODUCER**

ABRAHAM HOBSON INSURANCE SERVICES, LLC  
529 SCOTT ST  
Wilkes-Barre, PA 18702

CONTACT NAME: Abraham Hobson

PHONE (A/C, No, Ext): FAX (A/C, No):

E-MAIL:

ADDRESS:

PRODUCER:

CUSTOMER ID:

**INSURED**

Enis B & Elif S Kacar Estanbull Grill  
40 S Main St  
Wilkes Barre, PA 18701-1705

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: AmGUARD Insurance Company 42390

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

LOCATION OF PREMISES / DESCRIPTION OF PROPERTY (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Location: 40 S Main St Wilkes Barre, PA 18701-1705

Bldg #001: Family-style Restaurant - No Sales of Alcoholic Beverages - 0965101

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	COVERED PROPERTY	LIMITS
	<input checked="" type="checkbox"/> PROPERTY				BUILDING	\$ 0
	CAUSES OF LOSS	DEDUCTIBLES			PERSONAL PRCPRTY	\$ 25,000 *
	BASIC	BUILDING			BUSINESS INCOME	\$ *
	BROAD	500			EXTRA EXPENSE	\$ *
	<input checked="" type="checkbox"/> SPECIAL	CONTENTS			RENTAL VALUE	\$
A	EARTHQUAKE				BLANKET BUILDING	\$ n/a
	WIND				BLANKET PERS PROP	\$ n/a
	FLOOD				BLANKET BLDG & PP	\$ n/a
						\$
	INLAND MARINE	TYPE OF POLICY				\$
	CAUSES OF LOSS					\$
	NAMED PERILS	POLICY NUMBER				\$
						\$
	CRIME					\$
	TYPE OF POLICY					\$
						\$
	BOILER & MACHINERY / EQUIPMENT BREAKDOWN					\$
						\$
						\$

SPECIAL CONDITIONS / OTHER COVERAGES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Wilkes Barre is listed as additional insured

\* Actual Loss Sustained up to 12 months

**CERTIFICATE HOLDER****CANCELLATION**

City of Wilkes Barre  
40 East Market Street  
Wilkes Barre Township, PA 18702

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

INDEMNITY AGREEMENT

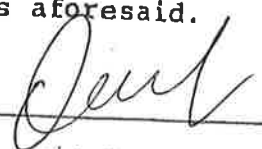
DATED 4/6/2018

CITY OF WILKES-BARRE  
CITY HALL  
WILKES-BARRE, PA. 18711

THE CITY OF WILKES-BARRE, under date of 4/6/2018  
grants to ELIF KACAR ISTANBUL GRILL  
40 SOUTH MAIN STREET  
permission to UTILIZE THE CITY PUBLIC RIGHT OF WAY  
FOR OUTDOOR SEATING IN FRONT OF  
ISTANBUL GRILL LOCATED AT  
40 SOUTH MAIN STREET

THEREFORE, the said ELIF KACAR ISTANBUL GRILL

shall and does indemnify and save harmless the City of Wilkes-Barre from  
any loss, damage or expense whatsoever, including costs and attorney's  
fees, the City may incur or be required to pay where occasioned by or  
arising from said permission granted, and/or work as aforesaid.

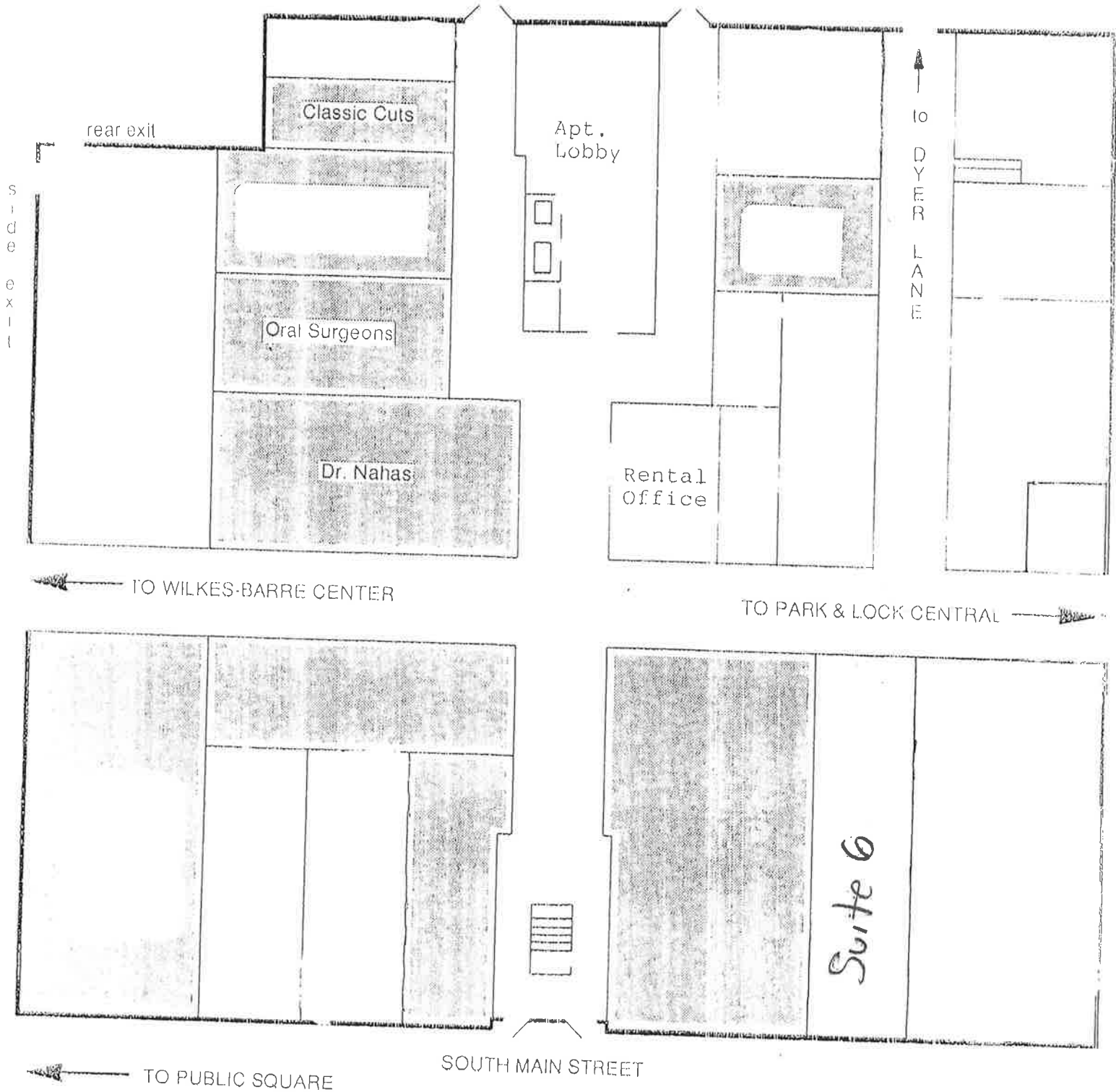
BY   
ISTANBUL GRILL

EVIDENCE OF INSURANCE IS ALSO REQUIRED

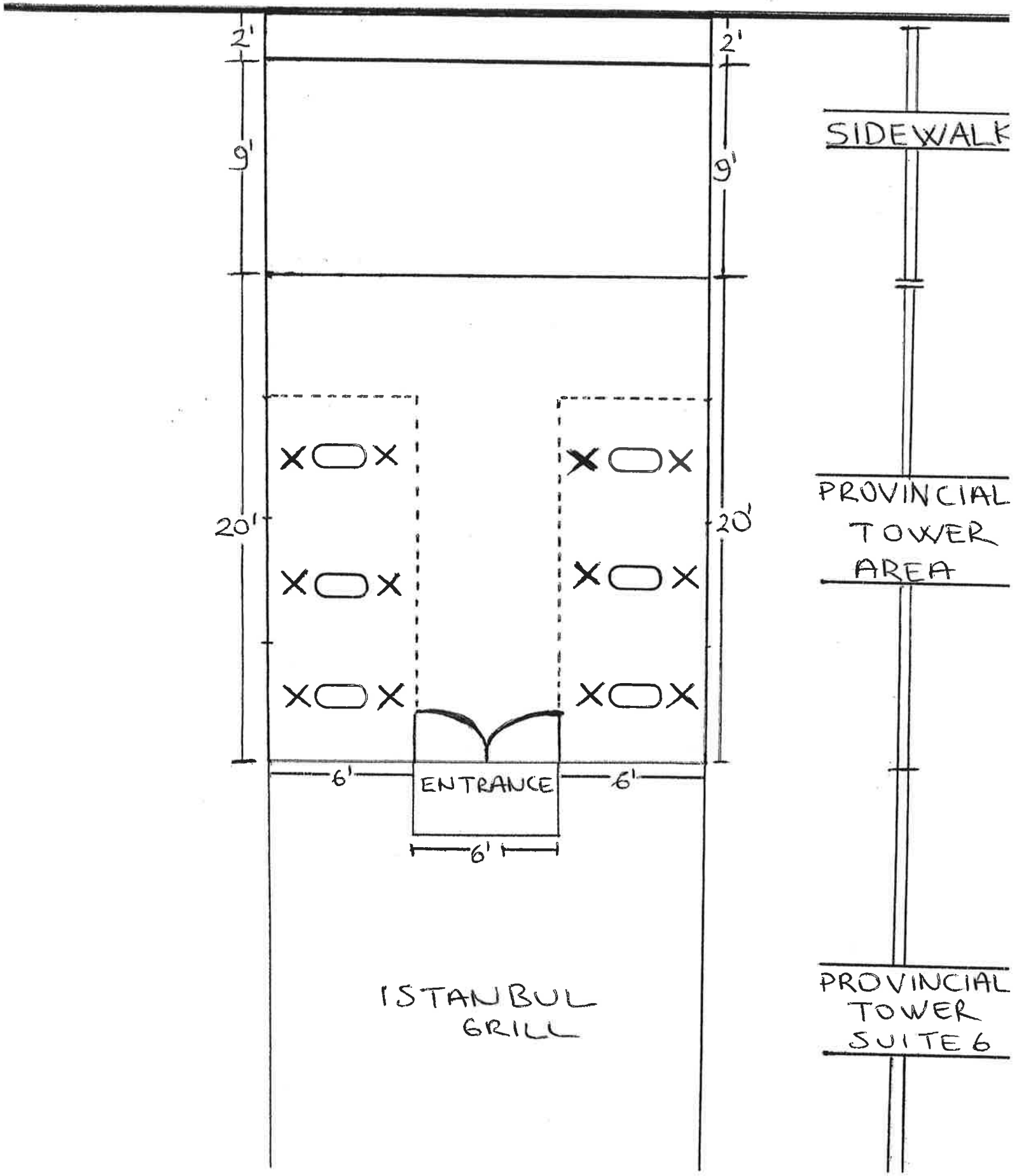


PROVINCIAL TOWER  
COMMERCIAL COMPLEX  
LAYOUT

EXHIBIT 7A



→ → → → → SOUTH MAIN STREET





Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

Whereas, the City Council commissioned Review and Assessment of the Wilkes-Barre Police Department by the Pennsylvania Chiefs of Police Association and has completed and released its final report on the state of the Wilkes-Barre Police Department; and

Whereas, this thorough and professional assessment of the department is highly critical of the Chief and her Commander of Patrol, by the PCPA assessors; and

Whereas, this report is such a scathing indictment of the Chief and Commander of Patrol and the critical negative state of day to day operation effectiveness and efficiency of our Police Department; and

Whereas, reaction and feedback from the public and WBPD Officers indicate that it is imperative that the Chief and Commander of Operations be removed immediately.

Now, Therefore, Be It Resolved that the City Council of Wilkes-Barre hereby request Chief Lendacky and Commander Foy to resign immediately.

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, Pa. \_\_\_\_\_

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

**Authorizing the proper City Officials to enter into an agreement with the lowest responsible bidder for blue city garbage bags.**

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, Pa. \_\_\_\_\_

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

Authorizing the proper city officials to enter an agreement in the amount of \$609,000 with the Pennsylvania Department of Health to provide HIV/AIDS prevention and education.

Submitted by \_\_\_\_\_

**ROLL CALL**



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

WHEREAS, the City's Office of Economic & Community Development was notified by the Office of Housing and Urban Development ("HUD") that money to be used pursuant to the Emergency Solutions Grant ("ESG") remained unspent and that expenditure deadline had expired;

WHEREAS, HUD recognized that several agencies in the region had also failed to expend ESG balances during the required time period(s);

WHEREAS, HUD has now extended the City's expenditure deadline to December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED that the proper city officials are hereby authorized to sign any and all necessary documents related to spending the balance of its ESG money with the extended time frame.

Submitted by \_\_\_\_\_

**ROLL CALL**



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilkes-Barre that the proper city officials are hereby authorized to grant Wyoming Valley Challenger Baseball LL a Field Use Permit for the little league baseball field located in the city park known as the "Bog" on Dewey Lane in the Miner's Mills section of the city.

Submitted by \_\_\_\_\_

**ROLL CALL**



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

WHEREAS, Section 13-6 of the Code of Ordinances of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by resolution members of the Board of Health of the City of Wilkes-Barre;

WHEREAS, it is the desire of the City of Wilkes-Barre to reappoint the persons identified below to the Board of Health of the City of Wilkes-Barre;

NOW, THEREFORE, BE IT RESOLVED, that the following persons are hereby reappointed as a members of the Board of Health:

Name

Term Expires

Margaret Lovecchio  
160 Hanover Street  
Wilkes-Barre, PA 18702

January 1, 2021

Thomas Harfman  
76 Hanover Street  
Wilkes-Barre, PA 18702

January 1, 2023

Submitted by \_\_\_\_\_

**ROLL CALL**





Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

RESOLVED, that the proper city officials are hereby authorized to sign any and all necessary documents related to the sale of all parcels of land located on the corner of North Washington and East Market Streets which comprise the parking facility known as Park & Lock East to Washington & Market Street Properties, LLC (or its designee) for a purchase price of Two Million (\$2,000,000.00) Dollars.

Submitted by \_\_\_\_\_

**ROLL CALL**



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

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

RESOLVED, that the proper City officials are hereby authorized to sign any and all necessary documents related to the sale of 37-39 Division Street, Wilkes-Barre, Pennsylvania (PIN: I9NW3-001-009) to Kurt Sauer and Ellen Sauer ("Buyers") for a sale price of \$5,000.00.

Submitted by \_\_\_\_\_

**ROLL CALL**