

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

JANUARY 12, 2017

PLEDGE OF ALLEGIANCE

ROLL CALL

RESOLUTION

CONSENT AGENDA (RESOLUTIONS)

ORDINANCE

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
JANUARY 12, 2017

RESOLUTION

Authorizing the proper City officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account – Luzerne County program funds for the Guard expansion project.

CITY COUNCIL
JANUARY 12, 2017

CONSENT AGENDA (RESOLUTIONS)

Authorizing the City Administrator and the City Controller to execute Supplemental Agreement No. 048394-D with the Commonwealth of Pennsylvania, Department of Transportation related to the Sidney Street Bridge project.

That the City of Wilkes-Barre takes the position that tough, new anti-corruption laws must be passed by Congress, including legislation to prohibit politicians from taking campaign money from industries they regulate; put limits on unregulated Super PACs and other groups; increase transparency for campaign funding; stop elected representative and senior staff from negotiating jobs while in office and bar them from all lobbying activity for five years once they leave; strengthen federal agencies and House and Senate ethics committees to enforce the rules against politicians and special interests that break campaign finance law.

Approving the transfer of a Restaurant Liquor License into the City of Wilkes-Barre from Swoyersville for Vault Grill & Bar, LLC, 24 West Market Street.

Urging the Wilkes-Barre Area School Board to strongly consider a Wilkes-Barre site for the location of a new, consolidated high school.

MINUTES

Of the Reorganization Meeting of City Council of January 3, 2017.

Of the Regular Session of City Council of December 22, 2016.

Of the Board of Revision of Taxes and Appeals of December 20, 2016.

Of the Zoning Hearing Board of November 16, 2016.

CITY COUNCIL
JANUARY 12, 2017

ORDINANCE

**FILE OF COUNCIL NO. 21 OF 2016 – AN ORDINANCE AMENDING ARTICLE VIII,
SECTION 28-177 OF THE WILKES-BARRE CITY CODE OF ORDINANCES RELATIVE
TO THE MILLAGE RATE FOR REAL PROPERTY TAXES. (SECOND AND FINAL
READING)**

CITY COUNCIL

JANUARY 12, 2017

The City Council of the City of Wilkes-Barre met in Regular Session on January 12, 2017 at 6:00 p.m., in City Council Chambers, City Hall, Wilkes-Barre, Pennsylvania for the purpose of general business.

The meeting was organized with Chairperson Beth Gilbert in the Chair.

The Pledge of Allegiance to the Flag was given.

Roll Call:

Barrett	- present
Belusko	- present
Merritt	- present
Brooks, Vice Chairperson	- present
Gilbert, Chairperson	- present

Also Present:

Tony George, Mayor
Darren Snyder, Controller
Ted Wampole, Administrator
Jay Delaney, Fire Chief
Ron Foy, Police Commander
Butch Frati, Director of Operations
Bill Harris, Director of Planning and Zoning
Tim Henry, Deputy Administrator/City Attorney
Brett Kittrick, Finance Director
Lou Lau, IT Director
Cathy Payne, Assistant City Clerk
Hank Radulski, Director Health of Service
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant
Kurt Sauer, Director of Community Development
Joyce Zaykowski, Capital Projects Program Manager
Melissa Rush, Junior Council Member

The City Clerk asked if there way anyone wishing to address Council on pending legislation.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Guard Expansion Project Resolution (Local Share Account money).

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the Guard Expansion Project Resolution (Local Share Account money) and the Resolution regarding the Wilkes-Barre School Board (construction of new school).

Mayor George said that Guard Insurance is going to create 400 to 500 new jobs. It is a big economic step for Wilkes-Barre and Luzerne County.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to the Guard Expansion Project Resolution (Local Share Account money) (KOZ Project) and the Anti-corruption Resolution.

Mayor George said they will have KOZ status until 2024.

Eric Bieski, Wilkes-Barre, PA appeared before Council relative to the Anti-corruption Resolution.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the Guard Expansion Project Resolution (Local Share Account money).

RESOLUTIONS

RESOLUTION NO. R0003-17

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from this facility allocated to a Local Share Account—Luzerne County (Account) administered by the Commonwealth Financing Authority (CFA); AND

Whereas, money in this Account is available for distribution to municipalities in Luzerne County; AND

Whereas, revenue in this Account is designated to improve the quality of life of citizens in the City of Wilkes-Barre and other municipalities in Luzerne County; AND

Whereas, the City of Wilkes-Barre has already applied for a \$1,000,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account- Luzerne County program funds. The funds will be used to assist Berkshire Hathaway GUARD to consolidate all of their PA activities under the same roof. Berkshire Hathaway GUARD is a company with a proven track record for growth, most recently becoming an insurer expected to achieve by the year-end of 2016, \$1 billion in the nationwide sale of policies that are issued and serviced from their headquarters in Wilkes-Barre; and a company expected to excessive, continued growth, which will create new infrastructure needs. They require a single solution that will allow them to consolidate all of their PA activities under the same roof – both their current staff members and the new employees yet to be added. The new jobs (like those in the past) are well-paid, full-time positions with benefits and growth opportunities. They are

experienced at recruiting, training, and developing the talent needed to support their operations. They prefer to keep their headquarters in Northeastern PA, ideally in Downtown Wilkes-Barre; AND

Now, therefore, be it resolved, by the City Council of the City Of Wilkes-Barre that the actions of the proper City officials in preparing and submitting the necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account- Luzerne County program funds for the GUARD Expansion project be, and hereby are Ratified.

Further, that the Mayor is hereby authorized to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the GUARD Expansion project, if the application is approved.

Mr. Barrett moved to adopt the Resolution.

Mr. Barrett said this is a small step in the process for the Local Shares. We are not automatically by voting yes giving somebody a million dollars towards this project. This is allowing them to proceed and apply along with the hundreds and hundreds of other applications that go into the state for all these projects across the state.

The motion was seconded by Mr. Belusko.

On the question:

Mr. Brooks asked if any non-profit, entity can apply for this money.

Mayor George replied that they can and the state decides who gets it.

Mr. Wampole added that it is extremely competitive.

The Resolution was passed by the following yea and nay vote:

Yeas Barrett, Belusko, Merritt and Brooks – 4 – being a majority of the members elected to City Council.

Nays none.

Abstain – Gilbert (Chairperson) – 1.

Resolution No. R0004-17 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0004-17

That the following city officials are hereby authorized to execute Supplemental Agreement No. 048394-D with the Commonwealth of Pennsylvania, Department of Transportation related to the Sidney Street Bridge Project:

1. Theodore Wampole, City Administrator
2. Darren Snyder, City Controller

Be it further resolved that the above signatures shall be attested to by City Clerk Jim Ryan or Deputy City Clerk Catherine Payne.

RESOLUTION NO. R0005-17

Whereas, this Resolution is to establish that the position of the City of Wilkes-Barre, County of Luzerne and State of Pennsylvania, is that tough, new anti-corruption laws for politicians, lobbyists, and outside groups such as Super PACs are necessary in order to protect and promote the First Amendment free speech rights of all citizens, regardless of wealth, and to restore ordinary Americans as the most important stakeholders in government instead of major donors.

Whereas, limits on contributions to political candidates are justified by the need to reduce corruption and the appearance of corruption, as outlined in *Buckley v. Valeo (1976)*;

Whereas, contributions to candidates, and political spending on their behalf, from lobbyists and SuperPACs, present a special risk of corruption; and,

Whereas, the Supreme Court held in *Nevada Commission on Ethics v. Carrigan (2011)* that restrictions on official actions taken by legislators in situations in which their independence of judgment is questioned do not constitute restrictions on the First Amendment free speech rights of legislators; and,

Whereas, closing the “revolving door”, where elected representatives and senior staff sell off their legislative power for high-paying jobs, is important to ensure that government employees are not “influenced in the performance of public duties by the thought of later reaping a benefit from a private individual.” *Brown v. District of Columbia Board of Zoning, 413 A.2d 1276, 1282 (D.C. App. 1980)*; and,

Whereas, full transparency of all political money is necessary for the growth of an educated and informed electorate; and,

Whereas, with nearly 56 billion spent in the 2012 elections, where the vast majority came from big special interest donors, politicians are dependent on a tiny percentage of the population to fundraise their campaigns while ordinary voters have less and less influence; and,

Whereas, federal agencies such as the Federal Election Commission routinely fail to enforce the anti-corruption rules that already exist;

Now, Therefore, Be It Resolved that it is the position of the City of Wilkes-Barre, County of Luzerne, State of Pennsylvania, that tough, new anti-corruption laws must be passed by Congress, including legislation to prohibit politicians from taking campaign money from industries they regulate; put limits on unregulated Super PACs and other groups; increase transparency for campaign funding; stop elected representatives and senior staff from negotiating jobs while in office and bar them from all lobbying activity for five years once they leave; strengthen federal agencies and House and Senate ethics committees to enforce the rules against politicians and special interests that break campaign finance law.

Be It Further Resolved that the City Council of the City of Wilkes-Barre hereby supports efforts to pass anti-corruption legislation nationally and respectfully urges the Pennsylvania Congressional delegation to support and introduce anti-corruption legislation to the House and Senate addressing the issues herein described.

RESOLUTION NO. R0006-17

A RESOLUTION OF THE MUNICIPALITY OF WILKES-BARRE COUNTY OF LUZERNE COMMONWEALTH OF PENNSYLVANIA, APPROVING TRANSFER OF RESTAURANT LIQUOR LICENSE # R-15170, LID #64436 INTO THE CITY OF WILKES-BARRE, LUZERNE COUNTY FROM SWOYERSVILLE.

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 January 10, 2017 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 Vault Grill & Bar, 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 Vault Grill & Bar, 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-15170, LID #64436 from Pretty Mugs, Inc., Swoyersville, PA 18651, to be located at 24 West Market Street, Wilkes-Barre, PA 18702.

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 January 12, 2017.

RESOLUTION NO. R0007-17

Whereas, for decades, the City of Wilkes-Barre (the "City") has had three (3) schools operating as high schools within city limits;

Whereas, the City is the largest municipality served by the Wilkes-Barre Area School District;

Whereas, City Council strongly believes that as the largest municipality served by the District, construction of a new, consolidated high school should be located in the City;

Now, therefore, be it resolved, that the City Council of the City of Wilkes-Barre, hereby urges the Wilkes-Barre Area School Board to strongly consider a Wilkes-Barre site for the location of a new, consolidated high school.

MINUTES

Of the Reorganization Meeting of City Council of January 3, 2017.

Of the Regular Session of City Council of December 22, 2016.

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Of the Zoning Hearing Board of November 16, 2016.

Mr. Merritt moved to adopt the Consent Agenda (Resolutions).

The motion was seconded by Mr. Brooks and adopted by the following yeas and nays vote:

Yeas Barrett, Belusko, Merritt, Brooks and Gilbert (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

ORDINANCE

FILE OF COUNCIL NO. 21 OF 2016 – AN ORDINANCE AMENDING ARTICLE VIII, SECTION 28-177 OF THE WILKES-BARRE CODE OF ORDINANCES RELATIVE TO THE MILLAGE RATE FOR REAL PROPERTY TAXES. (SECOND AND FINAL READING)

Mr. Belusko moved to adopt the Ordinance.

The motion was seconded by Mr. Merritt and adopted by the following yeas and nays vote:

Yeas Barrett, Belusko and Merritt – 3 – being a majority of the members elected to City Council.

Nays Brooks and Gilbert (Chairperson) – 2.

COUNCIL PRESENTATIONS

Miss Rush announced that Junior City Council will be setting up boxes for Ruth's Place starting Monday. The boxes will be at City Hall, Meyers, G.A.R., Coughlin and both Schiel's Family Markets.

Mr. Belusko asked for an update on the South Main Street Hotel project.

Mr. Wampole said he believes we are just waiting for them to break ground. He said he will do a follow up tomorrow and try and get some answers for him by the weekend.

Mr. Belusko asked for an update on the temporary patch at Solomon's Creek.

Mr. Frati said he it will be started next week. The contractor is wrapping up another job and the material has been ordered.

Ms. Zaykowski said she will have an exact date tomorrow. She said she just got the permit from DEP.

Mr. Merritt thanked Mr. Frati for cleaning up a mess on East Hollenback Street.

Mr. Merritt asked Mr. Frati for an update on the North Washington Street Bridget.

Mr. Frati replied that the Coordinating Committee meeting is this coming Wednesday. He said he will have a better indication of how far up the list the project has moved. He said he does know that it has moved up the list significantly.

Mr. Merritt asked Ms. Zaykowski about funding for the Mill Creek wall repairs.

Ms. Zaykowski said she is looking into getting more funding. She said that she is actively trying to prove that the damage is a result of the 2011 storm. She said there is no longer a cap on the funding and the city was encouraged by Senator Yudichak's office to reapply for emergency funding if we can prove it; otherwise, the city will be looking for other grant opportunities to reface and re-point the wall that has broken.

Mr. Brooks thanked Mr. Frati for replacing a sign on Hazle Street within 24 hours.

Mr. Brooks asked for some additional "No Dumping" signs along High Street, from Dana Street to the firehouse and on Arch Street from Blackman Street to Andover Street.

Ms. Gilbert asked Attorney Henry for an update on the Quality of Life Ordinance.

Attorney Henry said that it is moving along significantly.

Ms. Gilbert told Mr. Frati that there is a part of the road on East Northampton Street, towards the Eagles Club, that is down to the brick. She said that cars are going into on-coming traffic to avoid it. She asked if it can be temporarily fixed for now.

Mr. Frati said they can do something temporarily; however there is a bigger issue there. He has the water company checking to see where the leak is coming from. He said he will have temporary repairs done this coming week and permanent repairs done in the spring.

PUBLIC DISCUSSION

Daniel Duffy, Bear Creek Township, PA appeared before Council to introduce himself as a newly elected representative of the Police Benevolent Association.

Mark Schiowitz, Wilkes-Barre, PA appeared before Council relative to Wilkes-Barre Area school consolidation.

Angel Jirau, Wilkes-Barre, PA appeared before Council relative to Martin Luther King Day.

John Suchoski, Wilkes-Barre, PA appeared before Council to thank Mr. Harris and Attorney Henry for their help with a zoning issue and healthcare/buybacks for Council members.

Toni Mathis, Wilkes-Barre, PA appeared before Council relative to kids hanging out under the parkade on Washington Street, funding for the homeless/homeless issue, and cleaning up the sidewalk in front of the Police Station.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to Ms. Gilbert's abstention on the Resolution regarding Guard Insurance Expansion Project, property on Pennsylvania Avenue (former Murrays), lawsuit against former Mayor Leighton for the stolen gas, Hotel Sterling property (money owed to the City), and the 2017 budget (cut expenses and find new revenue streams).

Ms. Gilbert explained that she abstained from the vote on Guard Insurance because she works for there.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to a community center, homeless problem, drugs, investigating the police department and to propose Council pass a Resolution or Ordinance relative to salary employees collecting a pension (conflict of interest).

Robert Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Guard Expansion Project, pensions (write a letter to the Auditor General), lawsuit against former Mayor Leighton for stolen gas, Anti-Corruption Resolution, department heads standing when addressing the audience, requesting more time to speak at the next meeting and is it legal for Tom Unvarsky to collect his police pension while working for the city.

John Sordoni and Kerry Potter, Shavertown, PA appeared before Council relative to purchasing the property adjacent to 212 Darling Street.

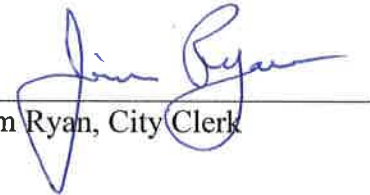
Ian Hughes, Wilkes-Barre, PA appeared before Council relative to raising taxes, streaming Council meetings, the budget, invite Council to a boxing exhibition at the YMCA (Saturday), delivery trucks, parking and driving on Public Square, Save Our Schools (restoring neighborhood schools as opposed to consolidation) and the homeless situation (the need for a day center).

Ronald Shivers, Wilkes-Barre, PA appeared before Council relative to police brutality during a recent arrest.

There being no further business to discuss the meeting adjourned at 7:30 p.m.


Beth Gilbert, Chairperson

ATTEST:


Jim Ryan, City Clerk