

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

MARCH 22, 2018

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION – PFM UPDATE

CONSENT AGENDA (RESOLUTIONS)

RESOLUTION

ORDINANCE

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
MARCH 22, 2018

CONSENT AGENDA (RESOLUTIONS)

Enter into a Municipal Services Partnership Agreement with the Society for the Prevention of Cruelty to Animals of Luzerne County ("SPCA").

Execute a Right-of Entry form in favor of the United States of America (Department of the Army) for survey and exploration work in the flood control/levee property area located by East Main and Mill Streets.

Designating the City Operations Director as the authorized signatory for execution of documents, notices, and contracts and management of projects through PennDOT's Reimbursement Agreement (RAS) System.

Temporarily suspend the provisions of Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages for the Cherry Blossom Festival 2018 (April 28 & 29, 2018).

Sign any and all necessary documents related to the sale of all parcels of land located on the corner of North River and West Market Streets, which comprised the former Hotel Sterling property to Gateway Center Association for a purchase price of Six Hundred Thousand Dollars (\$600,000).

Prepare and submit the Byrne Justice Assistance Grant (JAG) application through the Pennsylvania Commission on Crime and Delinquency (PCCD).

Close five existing pension fund checking accounts at Citizens Bank and open five new pension fund checking accounts at PNC Bank.

Authorize the purchase of rock salt necessary for the 2018-2019 winter season pursuant to the terms of a previously bid state contract.

Proclaiming the month of April 2018 as "Fair Housing Month".

MINUTES

Of the Zoning Hearing Board of February 21, 2018.

Of the Regular Session of City Council of March 8, 2018.

Of the Public Hearing of City Council of March 6, 2018.

CITY COUNCIL
MARCH 22, 2018

RESOLUTION

Temporarily suspend the provisions of Chapter 17, Article I of the City of Wilkes-Barre Code of Ordinances pertaining to noise violations for the Guard Insurance Roof Renovation/Repairs (39 Public Square).

ORDINANCE

FILE OF COUNCIL NO. 3 OF 2018 - AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "PARKS AND RECREATION". (HOLLENBACK GOLF COURSE FEES) (FIRST READING)

CITY COUNCIL

MARCH 22, 2018

The City Council of the City of Wilkes-Barre met in Regular Session on March 22, 2018 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 Tony Brooks in the Chair.

The Pledge of Allegiance to the Flag was given.

Roll Call:

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

Also Present:

Darren Snyder, Controller
Ted Wampole, Administrator
Maureen Collins, Assistant City Attorney
Butch Frati, Director of Operations
Tim Henry, City Attorney/Deputy Administrator
Brett Kittrick, Finance Director
Alan Klapat, Deputy Fire Chief
Cathy Payne, Assistant City Clerk
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant

City Clerk Jim Ryan read a statement relative to Council's Rules and Procedures.

Mr. Brooks made the following statement regarding the Hollenback Golf Course Fee Scheduled Ordinance:

An important goal of City Council is to be open and transparent and have a free exchange of ideas with the citizens we serve. To that end, we are always looking to improve the procedures we use to conduct city business, the taxpayers' business. Accordingly, we will be considering the Hollenback Fee Schedule Ordinance as a First Reading this evening. This will allow the public to review the proposed changes as well in advance of any Second and Final Reading.

Ms. Gilbert made the following statement regarding the sale of the former Sterling Hotel property:

As all of you are aware, we have a major Resolution in front of us tonight regarding the sale of the Hotel Sterling lot. As a member of the Committee that unanimously chose this bid to be put in front of Council, I do have some reservations that I believe should be addressed before we vote on this. What I am proposing can be accomplished before our next meeting; therefore I am proposing that we table this motion until our next Council meeting to ensure that these provisions are met before moving forward. I would like to amend the Resolution by requesting other renderings of the building that would be more in line with the current architecture and downtown surroundings and propose that an informal (inaudible) panel be established for the purpose of reviewing alternate design renderings and to have approval of the final design selected and constructed. This panel could include city residents, government representatives and professional who live and work in the city. An alternative would be a more informal panel that is tasked with the goal of keeping all the RFPs original objectives at the forefront. The city is no stranger to promises being made by developers and then falling through. Because of this I think we should have the buyer and developers prove that the financing for the total cost of the project is in place or at a very minimum 20% cash before the property is sold. I am excited about the development of this property, I'm excited about the plans for the lot and I think it will be a huge asset to downtown Wilkes-Barre. With that being said, I don't want us to be the ones to screw this up, by not taking the proper precautions in the sale of the lot and following through with the RFP. We have been staring at an empty mud pit for five years now, and I don't think taking an extra two weeks to put these provisions into place will harm anything. With that being said, I would like table this until our next meeting and have these provisions be put into place.

Gordon Mann, PFM, appeared before Council to give an update on the city's finances.

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

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to the sale of the former Hotel Sterling property.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the sale of the former Hotel Sterling property.

Todd Hevner, Executive Director of the SPCA of Luzerne County, appeared before Council relative to the Municipal Services Partnership Agreement with the SPCA.

Peter Sartorio, owner of The Barber Shop, Wilkes-Barre, PA appeared before Council relative to the sale of the former Hotel Sterling property.

Ms. Gilbert asked Mr. Wampole if there will be a reverter clause in the agreement with Gateway Center Associates.

Mr. Wampole replied that they haven't sat down and worked out the details, but it is the city's intention to put a reverter clause in the agreement.

Dr. Reisinger, Kingston, PA appeared before Council relative to the sale of the former Hotel Sterling property.

Kimberly Rosentel, Forty Fort, PA appeared before Council relative to the sale of the former Hotel Sterling property.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the sale of the former Hotel Sterling property.

Larry Newman, Executive Director, Diamond City Partnership, Wilkes-Barre, PA appeared before Council relative to the sale of the former Hotel Sterling property.

Susan Gilbert, Wilkes-Barre, PA appeared before Council relative to the sale of the former Hotel Sterling property.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the sale of the former Hotel Sterling property.

Ms. Gilbert asked if there was any support from Council to table this Resolution until Council's next meeting.

Mr. Ryan maybe the following comment relative to tabling a Resolution:

As always in a situation like this Council has two options. First, you can table it, but as I often recommend when people bring up tabling, the most simple, cleanest option is to just remove it from the agenda by unanimous consent (if all Council members agree to remove it). The reason is that if you remove it from the agenda you can put it back on at a subsequent meeting with wording that is completely different, if that ends up being the case. If you table it and anything changes in the wording, you have to vote on the amendment or amendments and then vote to adopt it as amended. If not everyone agrees to that, then the next option, best option would be to table it and go to a vote.

Mr. Barrett said Council has to keep in mind that the Resolution before them is to authorize the proper city officials to sign the necessary documents to sell this parcel of land for \$600,000. That is all Council is looking at right now, not the design or what is going to happen years from now. The City will make sure the agreement includes a reverter clause. He said he does not agree with adding to the Resolution.

Ms. Gilbert said she is concerned because the City doesn't even know if Gateway Center Associates has the financing in place and doesn't feel 100% confident that it is going to get built.

Gus Genetti, Wilkes-Barre, PA appeared before Council relative to the sale of the former Hotel Sterling property.

Steve Barrouk and George Albert, representing Gateway Center Associates, appeared before Council relative to the sale of the former Hotel Sterling property.

Mr. Barrouk said that in the sales agreement there will be certain conditions that need to be met in order for us to close. Part of it will be showing that we have enough financing to close. He said he could present that information tomorrow if Council would like. He also explained that before they can get the financing for the project, they need to know exactly what those cost are going to be, they are going to have to fine tune the estimates, fine tune the architectural design of the building, so we fully understand what we are dealing with. He added that Mr. Sylva said that since the property hasn't generated any tax revenues whatsoever for a very long time, that he would be willing to make a payment in lieu of taxes of \$10,000 a year as a show of good will to the city with respect to any parking revenue that may be affected.

Mr. Barrouk commented on the success of the KOZ program. He said KOZ and LERTA programs are expiring in several local municipalities and they are now on the receiving end of millions of taxes dollars.

Mr. Barrouk added that they will not be coming in and asking for any grants from the city to build the buildings. The project will be privately funded.

Mr. Barrouk suggested using the committee in the city (through the Diamond City Partnership) the Architectural Review Committee to look at the architectural design and how it affects the city.

Mr. Barrouk informed Council that it is not Gateway Center Associates intention to sell the building to the colleges or to flip the property after buying it.

Ms. Gilbert asked if there have been any studies done to see if the land is buildable.

Mr. Albert replied that his firm is very familiar with the property. They have done work on the property in the past when the Hotel Sterling was there. It is a solid piece of ground. He said there are some old foundations that have to be removed at best and once we get into the actual engineering they will be doing full geotechnical studies to determine the structural integrity. He said there are no problems with the site in so far as infrastructure, utility availability and access.

Mr. Ryan said there has been a request from a Council member to remove the Sterling Project Resolution from the Consent Agenda (Resolutions) to be voted on separately.

RESOLUTIONS

Resolution No. R0023-18 to and including the Minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0023-18

Resolved, that the proper city officials are hereby authorized to enter into a Municipal Services Partnership Agreement with the Society for the Prevention of Cruelty to Animals of Luzerne County (“SPCA of Luzerne County”).

RESOLUTION NO. R0024-18

Resolved, that the proper city officials are hereby authorized to execute a Right-of-Entry form in favor of the United States of America (Department of Army) for survey and exploration work in the flood control/levee property area located by East Main and Mill Streets.

RESOLUTION NO. R0025-18

A Resolution of the City Council of the City of Wilkes-Barre, designating the City Operations Director as the authorized signatory for execution of documents, notices and contracts and management of projects through PennDOT’s Reimbursement Agreement (RAS) System.

Whereas, the Pennsylvania Department of Transportation (PennDOT) has implemented and requires the use of its Reimbursement Agreement System (RAS) via the Electronic Contract Management System (ECMS) for all agreements; and

Whereas, the City of Wilkes-Barre currently is a party to such agreements and anticipates continued participation in such agreements as owner of bridges throughout Wilkes-Barre; and

Whereas, all statement of interest, bid, notifications, awards, contracts, and agreements to be entered and authorized electronically in RAS via ECMS with no signature line but rather only an electronic acknowledgement of acceptance; and

Whereas, there will be no physical agreements and documents presented before the City Council for execution; and

Whereas, all notifications, selections, awards, agreements, and contract executions requiring approval by City Council will be presented as a motion to be approved during a regular public meeting; and

Whereas, upon such motion and approval by the City Council, as noted by the duly recorded minutes; and requirements of the City Charter or Administrative Code relating to City Council's role in City contracts will be met; and

Whereas, City Council desires to authorize the City Operations Director to execute all paperwork upon such approval;

Now, Therefore, Be It Resolved and Enacted by the City Council of the City of Wilkes-Barre as follows:

Upon motion and approval by the City Council of the City of Wilkes-Barre of any action or expenditure pertaining to the management of Wilkes-Barre City's bridges, the City Operations Director is authorized to approve, as the City's agent, any and all notices, awards and contracts the City must undertake as owner of City bridges through PennDOT's RAS system via PennDOT's ECMS system. The City Clerk is hereby authorized to attest to the signature of the City Operations Director.

Duly adopted this 22nd day of March, 2018, by the City Council of the City of Wilkes-Barre, Luzerne County, Pennsylvania, in lawful session duly assembled.

RESOLUTION NO. R0026-28

RESOLVED, that the City Council of the City of Wilkes-Barre hereby directs that the provisions of Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages be temporarily suspended and not enforced for the following event:

Event:	Cherry Blossom Festival 2018
Sponsor:	Hidden Creek Vineyard and Winery Inc.
Area:	Designated Area for wine tasting in Kirby Park
Dates:	April 28, 2018 & April 29, 2018
Time:	11:00 am. Until 7:00pm
Limitation:	The suspension shall only apply to wine and not malted or brewed beverages or liquors.

The within temporary suspension applies only to the above-referenced event and area. All other regulations related to intoxicating beverages in the City of Wilkes-Barre shall remain in full force and effect. A copy of this resolution shall be provided to the Wilkes-Barre Police Department.

RESOLUTION NO. R0027-18

Whereas, the City of Wilkes-Barre Police Department requests authorization to apply for the 2017/ 2018 Byrne Justice Assistance Grant (JAG) through the Pennsylvania Commission on Crime and Delinquency (PCCD); and

Whereas, the amount of the grant request is \$150,000; and

Whereas, the grant funding will be used to purchase the Wilkes-Barre City Police Department of Records Management System (RMS) and connect to the other police departments in Luzerne County, including the District Attorney's Office, who use the same Records Management System (RMS). This will allow officers to search, link, analyze and share criminal justice information currently being housed in various information systems across the county. All information shared through this system originates from data supplied by the participating agency, which include, but are not limited to: incident reports, arrest reports, case files, booking reports, incarceration records and criminal histories; and

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to prepare and submit the Byrne Justice Assistance Grant (JAG) application through the Pennsylvania Commission on Crime and Delinquency (PCCD); and

Be It Further Resolved, that the Mayor is hereby authorized to enter into the appropriate agreement, along with any or all other project documents, related to the Byrne Justice Assistance Grant (JAG) application through the Pennsylvania Commission on Crime and Delinquency (PCCD), if the application is approved.

RESOLUTION NO. R0028-18

Resolution authorizing the proper City officials to close the following five (5) existing pension fund checking accounts at Citizens Bank and open five (5) new pension fund checking account at PNC Bank:

- Non-uniform Pension Fund Account
- Paid Firemen's Pension Fund Account
- Firemen's Relief Pension Fund Account
- Police Pension Fund Account
- Policemen's Relief Pension Fund Account

RESOLUTION NO. R0029-18

That, the proper city officials are hereby authorized to purchase the rock salt necessary for the 2018-2019 winter season pursuant to the terms of a previously bid state contract.

RESOLUTION NO. R0030-18

Whereas, Fair Housing is a right emphasized by the U.S. Congress beginning with the Civil Rights Act of 1968 and most recently the amendments of 1988 to the Fair Housing Act; and

Whereas, this is the 50th anniversary of the enactment of the civil rights act of 1968, as amended and strengthened in 1988; Title VIII of which guarantees the right to be free from housing discrimination based on race, color, national origin, religion, sex, familial status, and disability (including AIDS/HIV).

Now, Therefore, Be It Resolved that the City Council of the City of Wilkes-Barre hereby proclaims the month of April 2018, as “Fair Housing Month” in the City of Wilkes-Barre and encourages its citizens and organizations to celebrate diversity and value the harmonious communities of neighbors to support the goal of equal opportunities for all people.

MINUTES

Of the Zoning Hearing Board of February 21, 2018.

Of the Regular Session of City Council of March 8, 2018.

Of the Public Hearing of City Council of March 6, 2018.

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

The motion was seconded by Mr. Barrett and adopted by the following yea and nay vote:

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

Nays none.

RESOLUTION NO. R0031-18

Resolved, that the City Council of the City of Wilkes-Barre hereby directs that the provisions of Chapter 17, Article I of the City of Wilkes-Barre Code of Ordinances pertaining to noise violations be temporarily suspended and not enforced for the following project:

Project: Guard Insurance Roof Renovation/Repairs

Address: 39 Public Square
Wilkes-Barre, PA

Period of
Suspension: The duration of the above-referenced renovations/repairs
(which is anticipated to be about 10-15 days).

Limitation: This suspension shall only apply to the address and the
renovation/repair work referenced above.

With the exception of the specific suspension contain herein, all regulations contained in Chapter 17, Article I shall remain in full force and effect. It shall be the duty of Guard Insurance to notify the City when the renovation/repair work is completed. A copy of this Resolution shall be provided to the Wilkes-Barre Police Department.

Mr. Merritt moved to adopt the Resolution.

The motion was seconded by Mr. Barrett and adopted by the following yea and nay vote:

Yeas Barrett, Merritt, Belusko and Brooks (Chairperson) -- 4 -- being a majority of the members elected to City Council.

Nays none.

Abstain -- Gilbert -- 1.

RESOLUTION NO. R0032-18

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 River and West Market Streets which comprised the former Hotel Sterling property to Gateway Center Associates (or its designee) for a purchase price of Six Hundred Thousand (\$600,000.00) Dollars.

Mr. Belusko moved to adopt the Resolution.

The motion was seconded by Mr. Merritt and adopted by the following yea and nay vote:

Yeas Barrett, Merritt, Belusko and Brooks (Chairperson) -- 4 -- being a majority of the members elected to City Council.

Nays -- Gilbert -- 1.

ORDINANCE

FILE OF COUNCIL NO. 3 OF 2018 – AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-

BARRE ENTITLED “PARKS AND RECREATION”. (HOLLENBACK GOLF COURSE FEES) (FIRST READING)

Mr. Belusko moved to adopt the Ordinance.

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

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

Nays – Gilbert – 1.

PRESENTATIONS BY COUNCIL MEMBERS

Ms. Gilbert asked for an update on the condition of East Northampton Street.

Mr. Frati replied that the situation is all about the drainage underneath the street, which is going to take a lot of money to repair. The city is working with PennDot to see if they can help us financially; in the meantime the city is going to make some temporary repairs so it is more passable. We will do that as soon as the asphalt plants open, so it is a more long term, temporary repair.

Ms. Gilbert asked if the city knows whose responsibility the drainage problem is.

Mr. Frati said what they are finding is that the water drains down to the catch basin, the catch basins aren't installed properly. The catch basins have been there forever. The dynamics and the hydraulic flow of the water need to be changed. The city thinks it's the state's responsibility and we are going to talk to the State Representative about that and see if we can get a cooperative agreement there. Mr. Frati said it probably won't happen in 2018, that's why we want to make this a better temporary repair.

Mr. Brooks said he thinks that Ms. Gilbert brought up good points earlier regarding architectural design for the proposed building for the Sterling site. He said he would like to work with Ms. Gilbert to create a formal architectural review design that is part of zoning and includes historic preservation in that as well.

PUBLIC DISCUSSION

Mike Palerno, Track and Field Coach, Holy Redeemer High School, appeared before Council relative to the deplorable condition of the field at Kirby Park.

Mr. Brooks told Mr. Palerno that repairs to the track will be commencing shortly as part of a Boy Scout / Eagle Scout project.

Mr. Frati said the project will begin May 12th and 13th. He said it is an Eagle Scout project. They are in need of volunteers. The city will be providing as much support from their end.

Mr. Palermo said that the track season will be over by then. He asked if the city could at least pave the jump area.

Mr. Frati explained that there are no asphalt plants open now. He said the plants should be open after Easter. He told Mr. Palermo that he would look at the area and see what it would cost.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council to ask Mr. Mann of PFM questions about the city's finances.

Angel Jirau, Wilkes-Barre, PA appeared before Council relative to police/fire radios not working in parkades, cultural parade / cultural training for city employees and to support the liquor license transfer for La Villa Restaurant (S. Main Street).

Assistant Fire Chief Alan Klapat explained the issue with the radios. He said it is not only in the parkades, unfortunately the radios that we use, we don't go from radio to radio, we go from radio to Luzerne County 911 and it gets transferred back to the fire or police. So to help with that there are repeaters in the city. They take the signal from the police or fire radio to the repeater to 911 or back to another radio. So unfortunately in some of the parkades, Boscov's, the Blue Cross Building, a lot of the highrise buildings, we have trouble getting in and out of those. One of the good things with the new fire code is that we can mandate repeaters be put into buildings. So in order to fix the problem we have to get individuals radio repeaters in each of these structures to have proper radio transmissions. He said it is difficult at times, but we find ways to get around it and are doing the best with what we have. He added that the city is working with 911; they have a 20 million dollar radio project that is suppose to be implemented by 2020 – 2021. That should help out substantially with the radio transmissions.

Paulino Nunez, owner of La Villa Restaurant, Wilkes-Barre, PA and Attorney Frank Hoegan, appeared before Council to ask them to reconsider the transfer of a liquor license to his restaurant.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the liquor license transfer for La Villa Restaurant.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to an opening / hole in sidewalk on North Washington & Union Streets and parking meters in traffic lanes.

Mr. Barrett stated for the record that he knows there are a lot of issues with the Hotel Sterling property and earlier he may have unintentionally minimized what Council was voting on. He said the Resolution mentions "any and all necessary documents" and

now is the time that Council needs to have those concerns put into the sales agreement. He encouraged those on the prior committee to stay involved in the process.

There being no further business to discuss the meeting adjourned at 7:42 p.m.



Tony Brooks, Chairperson

ATTEST:



Jim Ryan, City Clerk