

CITY COUNCIL

JANUARY 25, 2018

The City Council of the City of Wilkes-Barre met in Regular Session on January 25, 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, City Controller
Ted Wampole, Administrator
Maureen Collins, Assistant City Attorney
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant
Joyce Zaykowski, Capital Projects Program Manager

City Clerk Jim Ryan announced that the Resolution relative to the study/assessment of the city's parking system will be removed from the Consent Agenda (Resolutions) to be voted on separately.

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

Linda Joseph, Wilkes-Barre, PA appeared before Council relative to the Resolution authorizing the study/assessment of the city's parking system (parking in the neighborhoods) and Parking Authority contributing to the cost of the study).

Mr. Wampole said the Administration did reach out to the Parking Authority on Wednesday and spoke with Mr. Torbik. He made some calls and they've pledged that they will pay toward the cost of the study up to about \$20,000.00.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to the Resolution authorizing Leo's on Mane to use a portion of the sidewalk for outdoor seating (hours of operation, noise and security).

Sam Troy, Wilkes-Barre, PA appeared before Council relative to tabling the Resolution authorizing Leo's on Mane to use a portion of the sidewalk for outdoor seating and the Resolution authorizing the study/assessment of the city's parking system (cost of study).

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Resolution authorizing the study/assessment of the city's parking system (cost of Phase II) and the Resolution authorizing Leo's on Mane to use a portion of the sidewalk for outdoor seating (revoke tax-exempt status on that property).

Mr. Wampole told Mr. Kadluboski that they do not have the cost of Phase II because Phase I hasn't been started yet.

Mr. Barrett explained that the City doesn't determine which properties are tax-exempt; it is done at the State level.

Mr. Brooks pointed out that Leo's on Mane rents from King's College, therefore they pay rent and can't be taxed. They also pay sales tax and wage tax for their employees like anyone else.

Mr. Ryan added that once an entity applies to the state and the state grants them tax-exempt status, the city has nothing to say about it.

Gordon Williams, Wilkes-Barre, PA appeared before Council relative to the Resolution authorizing Leo's on Mane to use a portion of the sidewalk for outdoor seating (tax-exempt) and the Resolution authorizing the study/assessment of the city's parking system.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the Resolution authorizing Leo's on Mane to use a portion of the sidewalk for outdoor seating (tax-exempt) and the Resolution regarding the LSA funds for the Wyoming Valley Art League.

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

Ms. Gilbert read the following statement regarding the parking study:

I believe each of us on Council can agree that there are some issues to address regarding the City's parking system, in respect to its efficiency and revenue for the city. I also believe that each of us believes in fiscal responsibility and that some proposals presented to us, while potentially useful, may not be fiscally responsible at the present time. It is my understanding that there was a parking study in process about six or seven

years ago by the prior Administration, by Desman Associates. It was regarding valuations on leasing or privatizing city garages. Based on some research it looks like that study was being paid for by the Parking Authority. Has the Parking Authority been involved in reviewing the current proposal, because I'm thinking this is something that they could fully finance at this stage? It should also be clear that this is going to cost the taxpayers well over \$45,000 in the long run if we continue with Phase II of this project. And if we do not vote for Phase II after Phase I is approved then we would essentially be throwing \$45,000 down the drain. Furthermore, based on Mayor George's prior voting record as a Councilman on this very issue in the past, he was not in support of funding this study as well as leasing or privatizing the garages because he indicated he wanted what was best for the city. We all want what is best for the city, but there needs to be clear rationale and intent for what we as Council will vote on. It doesn't seem reasonable to proceed with this study unless all of the garages run by both the Parking Authority and the city are included and everyone is in the discussion. At this point, both myself and Councilman Belusko move to table this Resolution and invite the Parking Authority Solicitor Murray Ufberg and Director Tom Torbik to the discussion, as they were intimately involved in previous negotiations on this very issue.

Mr. Brooks: So there is a motion to table.

Mr. Ryan: No. You are tabling?

Ms. Gilbert: I would like to make a motion and Councilman Belusko as well, to table it.

Mr. Ryan: The simplest thing to do is remove it from the agenda.

Ms. Gilbert: Remove it until we have a more concise plan of the Parking Authority.

Mr. Ryan: If everyone is in agreement, by unanimous consent, we can do that. If there are no objections by unanimous consent it can be removed.

Mr. Merritt: I want it on to vote on. I want it on the agenda.

Mr. Barrett: I would like to move forward with it.

Mr. Brooks: I would like to move forward too.

Mr. Ryan: Then there is a general consensus to move forward then. Then there will be voting on the Consent Agenda (Resolutions) first and then a separate vote on the assessment of the city's parking system.

RESOLUTIONS

Resolution No. R0008-18 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0007-18

Whereas, by virtue of Resolution No. R0022-09, adopted February 26, 2009, the City of Wilkes-Barre declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008, and

Whereas, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

Now, Therefore, Be It Resolved that the City Council of Wilkes-Barre, Luzerne County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

Office/Department: Business Office/Tax Office

<u>Box Number, Record title, dates</u>	<u>Cubic Feet</u>
No Box Numbers; 3 boxes – 2010 Parking Tickets	3.78
No Box Numbers; 6 boxes – 2015 Parking Tickets	7.56
No Box Numbers; 2 boxes – 2016 Parking Tickets	2.52
No Box Number; 3 boxes – 2014 City Property Taxes	<u>3.78</u>
1 box 1/24/14 to 3/07/14	
1 box 3/08/14 to 4/30/14	
1 box 5/1/14 to 1/15/14	
Total	17.64

RESOLUTION NO. R0008-18

RESOLVED, that the City Council of the City of Wilkes-Barre hereby authorizes Compass Group USA Inc./Leo's on Mane, 177 North Main Street, Wilkes-Barre, to utilize approximately six (6') 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.

RESOLUTION NO. R0009-18

Whereas, the mission of Big Brothers Big Sisters (“BBBS”) is to provide children facing adversity with strong and enduring, professionally supported one on one relationships that change their lives for the better;

Whereas, Big Brothers Big Sisters partners with parents/guardians, volunteers, and others in the community to help children achieve higher aspirations, greater confidence, better relationships, avoidance of risk behaviors and educational success;

Whereas, BBS is holding its annual fundraiser on March 24, 2018 and wishes to promote its event to the general public;

Whereas, BBBS has requested that the City allow it to temporarily place a promotional sign(s) on City owned property;

Now, Therefore, Be It Resolved, that BBBS is hereby granted permission to temporarily place a promotional sign(s) on City owned property located at the corner of West Market and North River Streets to advertise its fundraiser scheduled for March 24, 2108;

Be It Further Resolved that this permission is contingent upon:

1. BBBS being responsible for the installation and timely removal of the sign(s);
2. BBBS (or its parent organization) providing the City with a Certificate of Insurance naming the City as an additional insured;
3. BBBS (or its parent organization) executing an Indemnity Agreement in favor of the City;
4. BBBS removing sign(s) within seven (7) days after the fundraiser;
5. BBBS installing the sign(s) in an area which does not obstruct the view of vehicular traffic; and
6. BBBS returning the City’s property to a substantially similar condition to that which existed prior to sign installation.

RESOLUTION NO. R0010-18

That, the proper city officials are authorize to rescind Resolution No. R0131-17 dated December 21, 2017 related to the Renovation of the Historic Wyoming Valley Art League Building grant application.

RESOLUTION NO. R0011-18

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 is desirous of applying for a \$749,570.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account- Luzerne County program funds. The project will be phased over a 3 year time period (Year 1 - \$209,072.00, Year 2 - \$290,949.00 & Year 3 \$249,549.00). The funds will be used for the Historic Wyoming Valley Art League Building upgrades such as meeting ADA handicapped requirements with the addition of an elevator and accessible restrooms. Also, exterior building repairs to eliminate and prevent water leaks. These improvements will adequately equip the building to serve public visitors.

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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account- Luzerne County program funds; AND

BE IT FURTHER RESOLVED, 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 Renovation of the Historic Wyoming Valley Art League Building project, if the application is approved.

MINUTES

Of the Regular Session of City Council of January 11, 2018.

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

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

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

Nays none.

RESOLUTION NO. R0012-18

Whereas, the City of Wilkes-Barre has retained PFM Financial Advisors, LLC (“PFM”) to assist the City in determining whether it would be beneficial for the City to monetize its parking system;

Whereas, PFM has recommended that the City retain the services of the Desman Design Management (“Desman”), a national specialist in municipal parking systems, to assist the City and PFM in to the above-referenced analysis;

Now, Therefore, Be It Resolved by the City Council of the City of Wilkes-Barre that the proper city officials are hereby authorized to retain the services of Desman Design Management for a Phase 1 study/assessment of the City’s parking system.

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 and Brooks (Chairperson) – 3 – being a majority of the members elected to City Council.

Nays Gilbert and Belusko – 2.

PRESENTATIONS BY COUNCIL MEMBERS

Ms. Gilbert asked for an update on the fire damaged property on East South Street.

Mr. Wampole said he will check into it.

Ms. Gilbert asked Mr. Wampole if he has been in contact with other Council members regarding the Resolution relative to the parking study. She asked if he called members of Council to discuss it in detail.

Mr. Wampole replied that he did speak with some to lobby for their approval.

Ms. Gilbert asked why she wasn’t involved in the discussions.

Mr. Wampole responded that he didn’t anticipate her approval, based on comments she made.

Ms. Gilbert asked to be involved in all further discussions.

Mr. Merritt reported that there are still two lights out, one in each direction, on the blinking light on North Main Street at Elm Street. He asked that they be fixed as soon as possible.

Mr. Belusko thanked City Administrator Ted Wampole and Fire Chief Jay Delaney for keeping Council informed regarding the recent ice jams in the Susquehanna River and the creeks.

PUBLIC DISCUSSION

John Magda, Wilkes-Barre, PA appeared before Council relative to dredging Laurel Run Creek (above the bridge toward Motorworld).


Gordon Williams, Wilkes-Barre, PA appeared before Council relative to new tax assessment.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to Mr. Wampole not including Ms. Gilbert in talks regarding the parking study and LSA grants.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to a hole in the sidewalk on N. Washington Street and East Union Street, a leak at the Intermodal and an update on the last emissions test at the Intermodal.

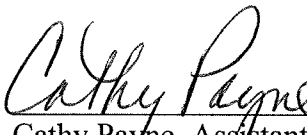
Linda Joseph, Wilkes-Barre, PA appeared before Council relative to delivery of the City Calendars and to encourage residents to attend City Council Work Session.

There being no further discussion the meeting adjourned at 7:26 p.m.



Tony Brooks, Chairperson

ATTEST:



Cathy Payne, Assistant City Clerk