

CITY COUNCIL

MARCH 8, 2018

The City Council of the City of Wilkes-Barre met in Regular Session on March 8, 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
Tim Henry, City Attorney/Deputy Administrator
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.

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

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the Resolutions regarding the agreements with Alfred Benesch & Company and the Liquor License transfer and the Ordinance raising the fees at Hollenback Golf Course.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Liquor License transfer and the Ordinance raising the fees at Hollenback Golf Course.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the Resolutions regarding the agreements with Alfred Benesch & Company and Elite Championship Tournament Baseball.

Mr. Ryan announced that due to a request from Council the Resolution regarding the Liquor License Transfer to La Villa Restaurant and Catering, LLC was pulled from the Consent Agenda (Resolutions) to be voted on separately.

RESOLUTIONS

RESOLUTION NO. R0019-18

A Resolution of the Municipality of Wilkes-Barre County of Luzerne Commonwealth of Pennsylvania, approving transfer of Restaurant Liquor License #R-3806, LID #91333 into the City of Wilkes-Barre, Luzerne County from Hanover.

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 March 6, 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 La Villa Restaurant and Catering, 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 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 La Villa Restaurant and Catering, 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-3806, LID #91333 from Hanover, PA, to be located at 369 South Main Street, 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 March 8, 2018.

Mr. Merritt moved to put the Resolution on the table for a vote.

The motion was seconded by Ms. Gilbert and failed by the following yea and nay vote:

Yeas - Gilbert – 1.

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

Resolution No. R0020-18 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0020-18

Whereas, Alfred Benesch & Company was selected by the Pennsylvania Department of Transportation (“PennDOT”) as the design engineer for the North Washington Street Bridge Replacement Project (the “Project”) using its ECMS Program and the implementation of the Bridge Inspection Program Contract;

Whereas, PennDOT is now requesting that the City also secure the services of Alfred Benesch & Company as the design engineer for the Project;

Whereas, the percentage of funds the City will have to commit to this project has not been finalized by PennDOT;

Whereas, any city funds required for this Project will be paid from the City’s Liquid Fuels account;

Now, Therefore, Be It Resolved, that the proper City officials are hereby authorized to enter into an agreement with PennDOT and Alfred Benesch and Company to begin the design of the North Washington Street Bridge Replacement Project.

RESOLUTION NO. R0021-18

To hereby authorize the proper city officials to enter into an agreement with the Pennsylvania Department of Transportation and Alfred Benesch and Company of Hazleton to conduct Bridge Inspections of all City owned Bridges from 2018 through 2022. Alfred Benesch & Company was selected using the PennDOT ECMS Program. This contract also allows the City to use Alfred Benesch & Company in other Engineering capacities as needed by the City of Wilkes-Barre. See attached documentation regarding procurement procedures.

And further, the allocations of funds for this Program are 85% Federal and 15% local with the local share coming from the Liquid Fuels Account.

RESOLUTION NO. R0022-18

Whereas, Elite Championship Tournament Baseball (“ECTB”) is an organization which sponsors youth travel baseball tournaments in various locations in Pennsylvania;

Whereas, ETCB has approached the City of Wilkes-Barre about using city athletic fields to conducts its tournaments in 2018;

Whereas, the tournaments will be held between May 1, 2018 and November 1, 2018;

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 ECTB Field Use Permits for available city athletic fields for the purpose of conducting the above-referenced tournaments.

MINUTES

Of the Parking Authority of the City of Wilkes-Barre of December 19, 2017.

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

Of the Zoning Hearing Board of January 17, 2018.

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

The motion was seconded by Mr. Merritt 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.

ORDINANCE

FILE OF COUNCIL NO. 2 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 – ON TITLE)

Mr. Barrett moved to adopt the Ordinance.

The motion was seconded by Mr. Merritt 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.

Mr. Brooks stated for the record: That while he doesn't want to see any departments lose money, I've gotten responses that we might jumping (the fees) up too much. I know we have another vote, so it is something we could discuss over the next week. It might be too much of a jump (fees). 2010 was the last time that this was raised and I would have hoped that previous Administrations would have raised it a little bit every other year so it would make sense to most people. To have a huge jump up at eight years certainly is our fault, but I understand that you are researching all of this stuff because PFM has given us the financial advice to do all these things in every department.

PRESENTATIONS BY COUNCIL MEMBER

Mr. Barrett said that a resident emailed him this afternoon to report speeding on Mayock Street. He asked the Administration to pass it along to the Police Department and also ask the Traffic Committee to take a look at the recommendation to install stop signs at Brazil and Mayock Street.

Ms. Gilbert thanked the Administration for getting the former Rays Electric on the demolition list and asked if they can work on getting the Park Place building on the list as well.

Ms. Gilbert said she received several calls this week relative to increasing the fees at Hollenback Golf Course. She said it is not so much that people mind the incremental increases it is more the membership fees. She would like to discuss the fees further and come to an agreement.

Attorney Henry said he will forward the Ordinance, as it is now, to all five Council members so they can discuss it with each other and get back to him with what changes to make and he will finalize it.

Ms. Gilbert asked Mr. Wampole if he has documentation that shows how many annual memberships, city residents, non-city residents, etc.

Mr. Wampole said that Dave Iskra would have that information from 2015, 2016 and 2017.

Council members asked Mr. Wampole to provide that information to City Council.

Mr. Belusko said he agrees that there should be a rate increase at Hollenback Golf Course and would like to sit down with Council and go over each item.

Mr. Belusko asked for an update on the city-owned property on Crescent Avenue.

Mr. Wampole informed Mr. Belusko that right now they can't get heavy equipment back there because the ground is too soft.

Mr. Brooks said he hopes that the days of people not paying for golf at Hollenback Golf Course is a past practice and that there are mechanisms in place to make sure it is not happening.

Mr. Wampole said he has not heard that about Hollenback, but thinks that the current employees have a handle on it.

Mr. Snyder said when you look at the expenses for Hollenback; there is about \$269,000.00 minus the revenues of \$108,000 which leaves a shortfall of approximately \$160,000. About \$67,000 of that is added to the expenses as salaries, but those salaries aren't solely going towards the golf course. The golf course is only open for several months out of the year, the other part of the year those salaries are going towards DPW. It is important to note that there may be in excess of \$30,000 of salary expenses that aren't necessarily going straight toward the golf course. The golf course is a public asset and expecting a \$0 balance may not be a reasonable expectation to have when we come into these discussions. He said he doesn't want to see a drop in enrollment or play because the prices were raised too much.

Mr. Wampole said if you look back in previous budgets, the problem is that Hollenback was never removed from the Parks Budget. The Administration has made attempts over the last two years to separate the Hollenback expenses.

Mr. Wampole mentioned that when the Administration was looking at the golf course with PFM they realized that the rates hadn't changed in quite a while. So when the Administration looked at other courses in the area and found out that the city's fee were on the low side we felt we needed to adjust them.

PUBLIC DISCUSSION

John Magda, Wilkes-Barre, PA appeared before Council relative to Laurel Creek, and Mineral Street property (scrap yard).

John Suchoski, Wilkes-Barre, PA appeared before Council relative to city employees not living in the city, definition of residency and the hiring of James Hayward.

Kevin Elmy, Wilkes-Barre, PA appeared before Council for an update on the alleged "sober house" on Austin Avenue.

Mr. Wampole explained that members of the Administration along with representative of City Council met with the owners of the house to discuss the situation.

Mr. Barrett said the owners claim that it is not a half-way house, it's not a recovery house; it is more of faith base transitional living for people that are having some personal issues. That is one of the main points that the city needs to discuss with them. Mr. Barrett pointed out that it is currently operating as a rental property.

Mr. Wampole said the owners agreed to meet again with representatives from the City, a representative from the house and three different residents from the neighborhood relative to the house.

Attorney Henry added that the owners indicated to the City that they aren't making any money on the house other than a small donation that the tenants make to the church.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to city pensions, the hiring of James Hayward, employees not living in the city, the police department (suspensions/firing), retraining the canine dogs, and Tom Unvarsky collecting a pension/working for the city.

Mr. Ryan responded to Mr. Kadluboski's questions on the pension plan. He said last year he gave him the name and phone number of the auditor for the city. Mr. Ryan told him that he would have to contact them with his questions.

Ms. Gilbert asked how much it is going to cost to retrain the police dogs.

Mr. Wampole responded that they are still waiting for a price.

Ms. Gilbert asked if the city was looking at several places to make sure they get the best price.

Mr. Wampole told Ms. Gilbert that they are not price shopping it. He said they reached out to the Pennsylvania Municipal League and were told there are not a lot of places around that will retrain the dogs that are close by. There is a handful within a driving distance, we just have to try and work it out.


Mr. Merritt asked why the dogs are being retrained.

Mr. Wampole said that with canines it is continually training.

Mr. Wampole answered Mr. Kadluboski's question regarding Tom Unvarsky; he explained that they are two different pension funds.


Mr. Barrett said that when he was the Police Chief they had four dogs and used the Philadelphia K-9 Academy. He suggested the Administration revisit using them for training.

There being no further business to discuss the meeting adjourned at 6:59 p.m.



Tony Brooks, Chairperson

ATTEST:



Jim Ryan, City Clerk