

CITY OF WILKES-BARRE  
PENNSYLVANIA



# CITY COUNCIL AGENDA

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CITY COUNCIL

DECEMBER 20, 2018

PLEDGE OF ALLEGIANCE

ROL CALL

CONSENT AGENDA (RESOLUTIONS)

RESOLUTIONS

ORDINANCES

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL  
DECEMBER 20, 2018

**CONSENT AGENDA (RESOLUTIONS)**

Authorizing the proper city officials to take any and all necessary action related to entering into an agreement with PenTelaData Partnership I for internet services.

Appointing Thomas Collis to the Parking Ticket Appeals Board.

Appointing Anthony Glazenski to the Wyoming Valley Sanitary Board.

Appointing Theodore Wampole to the General Municipal Authority.

Appointing Barry Payne to the Planning Commission.

Authorizing the proper city officials to enter into an agreement with PNC Bank for the City's 2019 Tax and Revenue Anticipation Note in the amount of \$3,000,000.00 at a rate of 2.489%.

Authorizing the proper city officials to execute the sale of the City's 2018, 2019, 2020 Delinquent Real Estate Tax Claims.

**MINUTES**

Of the Wilkes-Barre Traffic Committee of November 15, 2018.

Of the Regular Session of City Council of December 6, 2018.

CITY COUNCIL  
DECEMBER 20, 2018

**RESOLUTIONS**

Authorizing the proper city officials to take any and all necessary actions related to entering into a Parking Lease Agreement with West GUARD Insurance Company for parking spaces as the Intermodal Parking Garage.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account-Luzerne County program funds and authorizing the Mayor to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Wilkes-Barre City Hall Renovations Project.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account-Luzerne County program funds and authorizing the Mayor to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Wilkes-Barre's Hollenback Golf Course Upgrades Project.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account-Luzerne County program funds and authorizing the Mayor to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the F.M. Kirby Center HVAC Improvements Project.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account - Luzerne County program funds and authorizing the Mayor to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Volunteers in Medicine's "Increase to Access to Care" initiative.

CITY COUNCIL  
DECEMBER 20, 2018

**RESOLUTIONS (CONTINUED)**

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account – Luzerne County program funds and authorizing the Mayor to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to Data Center with Emerging Digital Infrastructure Project.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account – Luzerne County program funds and authorizing the Mayor to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Irem Temple Restoration Project.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account – Luzerne County program funds and authorizing the Mayor to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Train Station Restoration Project.

Authorizing the proper city officials to prepare and submit the necessary application to the Commonwealth of Pennsylvania, acting through the Commonwealth Financing Authority (CFA), for the Local Share Account – Luzerne County program funds and authorizing the Mayor to enter into the appropriate agreement with the CFA, along with any or all other project documents, related to the Citizens Bank Rainbow Room Restoration Project.

CITY COUNCIL  
DECEMBER 20, 2018

**ORDINANCES**

**FILE OF COUNCIL NO. 19 OF 2018** – AN ORDINANCE RENEWING A NEIGHBORHOOD IMPROVEMENT DISTRICT (NID), IN SPECIFIC THE DOWNTOWN WILKES-BARRE BUSINESS IMPROVEMENT DISTRICT, WITHIN THE CITY OF WILKES-BARRE. (SECOND AND FINAL READING)

**FILE OF COUNCIL NO. 20 OF 2018** - AN ORDINANCE ADDING AN ARTICLE IV TO CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "PARKS AND RECREATION." (HOLLENBACK GOLF FEES) (SECOND AND FINAL READING)

CITY COUNCIL

DECEMBER 20, 2018

The City Council of the City of Wilkes-Barre met in Regular Session on December 20, 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  
Maureen Collins, Assistant City Attorney  
Rick Gazenski, Administrator  
Cathy Payne, Assistant City Clerk  
Lisa Sanfilippo, Administrative Assistant  
Jim Ryan, City Clerk  
Joyce Zaykowski, Director of OCD

City Clerk Jim Ryan made the following announcements:

- All Resolutions related to LSA grants will be voted on separately.
- New Resolution – LSA grant for McCarthy Tire Renovation
- Ordinances will be voted on separately

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.

Bob Kadluboski appeared before Council relative to the Resolution appointing Tony Glazenski to the Wyoming Valley Sanitary Authority.

Sam Troy appeared before Council relative to the following Resolutions - entering into an agreement with PenTelaData Partnership I for internet service, executing the sale of Delinquent Real Estate Tax Claims, entering into a parking lease agreement with West Guard Insurance Company and the LSA grant Resolutions.

Joe McBride appeared before Council relative to the Resolution authorizing the application for the Hollenback Golf Course Upgrades Project (LSA grant).

Brian Ferry appeared before Council relative to the Resolution to enter into a Parking Lease Agreement with West GUARD Insurance Company for parking spaces at the Intermodal Garage.

Tony Glazenski appeared before Council relative to his appointment to the Wyoming Valley Sanitary Authority.

Kim (an employee of L & I) appeared before Council relative to the Resolution to enter into a Parking Lease Agreement with West GUARD Insurance Company for parking spaces at the Intermodal Garage.

Concetta (an employee of L & I) appeared before Council relative to the Resolution to enter into a Parking Lease Agreement with West GUARD Insurance Company for parking spaces at the Intermodal Garage.

Laurie Kenzle (an employee of L & I) appeared before Council relative to the Resolution to enter into a Parking Lease Agreement with West GUARD Insurance Company for parking spaces at the Intermodal Garage. (L & I parking lease is good through 2025).

Mr. Brooks told the employees of L & I that the city will honor the current lease until 2025.

Mr. Brooks said this is going to be a 3-year process to make sure that everyone is accommodated and all leases are honored.

John Suchoski appeared before Council relative to the Resolutions regarding the LSA Grants, Appointing Mr. Wampole to the General Municipal Authority (campaign contributions) and the Parking Lease Agreement with West GUARD Insurance.

Mr. Brooks told Mr. Suchoski that he and Ms. Gilbert are in favor of limiting campaign contributions of anyone who does business with the city.

*Mr. Barrett discussed the Resolution relative to the Parking Lease Agreement with West GUARD. He asked if the Administration has been given a copy of L & I's lease agreement and has anyone from the Administration been in direct communication with the Administration from L & I to discuss the matter.*

*Mr. Gazenski said he doesn't know if anyone has met with L & I to discuss the parking issues further. He mentioned that the original 750 spaces asked for is now down to 732 spaces and that is over a two-year period.*

*Mr. Barrett said that he thinks there are a lot of unanswered questions and would feel better knowing that the city has met with L & I and GUARD and hashed out all of the questions and concerns.*

*Darren Snyder appeared before Council relative to the Ordinance extending the Neighborhood Improvement District (ratepayers' complaints/concerns).*

*Grace Mack appeared before Council relative to the Ordinance extending the Neighborhood Improvement District (length of contract, rates and equipment).*

*Mr. Barrett said that although he agrees that the program has its merits, a 10 year contract seems like a long time. He asked where the length of the contract came from.*

*Larry Newman, Director of Diamond City Partnership/Downtown Wilkes-Barre Business Improvement District, appeared before Council to answer questions/correct statements made relative to the Ordinance to extend the Neighborhood Improvement District.*

*Mr. Newman explained that this is a State Law that was passed in 2000. He said that if the law relative to the vote aspect of it is upsetting people, the remedy is to approach their Representatives in Harrisburg.*

*Mr. Newman said that it was stated that only 4 of the members of the board are ratepayers. He said that is incorrect. He said there are actually far more than that, that are ratepayers paying within the district and contributing to the district.*

*Mr. Newman informed Council that the 10-year contract came out of the renewal process, which is a process that has been going on since the middle of 2018, that involved a survey with more than 650 people, during which 95% of the ratepayers who replied said that they were happy with what the Improvement District is doing.*

*Mr. Newman explained the way the process works. He said there was a renewal committee that initially met and decided on the parameters of the plan based on what had*



*happened before and what the goals were for the future. It was put into the form of a preliminary plan. That plan was sent out to more than 300 ratepayers. There were then two public meetings that were held for ratepayers to express their opinions and concerns. There was also a public hearing that was held by City Council on the plan. Following that public hearing, they took the comments that were received and put it into the form of a final plan. The final plan was then sent out to the ratepayers according to the State Law and a 45-day comment period started. The comment period ended the beginning of December. That was the time when the ratepayers had the opportunity to formally object in writing. He said the City Clerk's office didn't receive any objects.*

*Jim Casey appeared before Council relative to the Ordinance extending the Neighborhood Improvement District.*

### **RESOLUTIONS**

Resolution No. R0124-19 to and including the minutes appeared on the Consent Agenda (Resolutions).

#### **RESOLUTION NO. R0124-18**

That, the proper city officials are hereby authorized to take any and all necessary actions related to entering into an agreement with PenTelaData Limited Partnership I for internet services.

#### **RESOLUTION NO. R0125-18**

Whereas, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint members of Boards, Commissions and Authorities served by the City;

Whereas, it is the desire of the City of Wilkes-Barre to appoint the person referenced below as independent hearing officer to hear appeals related to parking violations:

Now, Therefore, Be It Resolved, that the following person is hereby appointed for the term referenced below as a member of the newly formed Parking Ticket Appeals Board:

<u>Name</u>	<u>Term Begins</u>	<u>Term Expires</u>
Thomas Collis 70 Grove Street Wilkes-Barre, PA 18702	December 19, 2018	December 18, 2020

**RESOLUTION NO. R0126-18**

Whereas, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

Whereas, it is the desire of the City of Wilkes-Barre to appoint the person referenced below to the Wyoming Valley Sanitary Authority to serve the remainder of the unexpired term of Rick Gazenski who recently resigned;

Now, Therefore, Be It Resolved, that the following person is hereby appointed as a member to the Wyoming Valley Sanitary Authority:

<u>Name</u>	<u>Term Begins</u>	<u>Term Expires</u>
Anthony Glazenski 7 Gregory Street Wilkes-Barre, PA 18702	December 21, 2018	December 31, 2019

**RESOLUTION NO. R0127-18**

Whereas, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint members of Boards, Commissions and Authorities served by the City;

Whereas, it is the desire of the City of Wilkes-Barre to appoint the person referenced below to the General Municipal Authority of the City of Wilkes-Barre to serve remainder of the current term of former member Andrew HvozdoVIC;

Now, Therefore, Be It Resolved, that the following person is hereby reappointed for the term referenced below as a member to the General Municipal Authority:

<u>Name</u>	<u>Term Begins</u>	<u>Term Expires</u>
Theodore Wampole 80 Conwell Street Wilkes-Barre, PA 18702	December 21, 2018	December 31, 2019

**RESOLUTION NO. R0128-18**

<u>Name</u>	<u>Term Begins</u>	<u>Term Expires</u>
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Barry Payne  
126 Crescent Avenue  
Wilkes-Barre, PA 18702

December 21, 2018

December 31, 2019

**RESOLUTION NO. R0129-18**

AUTHORIZING THE ISSUANCE OF A TAX AND REVENUE ANTICIPATION NOTE, SERIES OF 2019 IN THE PRINCIPAL AMOUNT OF THREE MILLION DOLLARS (\$3,000,000); PROVIDING FOR THE DATED DATE, INTEREST RATE, MATURITY DATE, PAYMENT AND PLACE OF PAYMENT IN RESPECT OF THE NOTE; ACCEPTING THE PROPOSAL FOR THE PURCHASE OF THE NOTE; NAMING A SINKING FUND DEPOSITARY/PAYING AGENT; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO EXECUTE AND DELIVER THE NOTE AND CERTAIN OTHER DOCUMENTS AND CERTIFICATES IN CONNECTION THEREWITH; IF APPLICABLE, DESIGNATING THE NOTE AS A "QUALIFIED TAX-EXEMPT OBLIGATION" UNDER SECTION 265(b) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING AND DIRECTING THE PREPARATION, CERTIFICATION AND FILING OF THE NECESSARY DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH A FORM OF THE NOTE.

WHEREAS, City of Wilkes-Barre, Luzerne County, Pennsylvania (the "City"), anticipates receiving taxes and other revenues during the fiscal year ending December 31, 2019, which taxes and other revenues are currently uncollected; and

WHEREAS, the City has estimated, on a monthly basis, its expected taxes, revenues and expenditures for the fiscal year ending December 31, 2019, and has determined that during a portion of such fiscal year it will experience a "cumulative cash flow deficit" as such phrase is defined in the regulations promulgated under Sections 103 and 148 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the City has determined to borrow monies for the purpose of funding, in part, such cumulative cash flow deficit by issuing a note to be repaid from the anticipated taxes and revenues, all in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act 53 Pa.C.S., Chapters 80-82, as reenacted and amended (the "Debt Act"); and

WHEREAS, the City has received an acceptable proposal for the purchase of its Tax and Revenue Anticipation Note as hereinafter described; and

WHEREAS, as required by Section 8126 of the Debt Act, officials of the City have heretofore made an estimate of the taxes and revenues to be received during such fiscal year ending December 31, 2019, and, by their execution of a certificate with respect thereto dated this date, have certified to such estimate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wilkes-Barre, Luzerne County, Pennsylvania (the "Council"), in lawful session duly assembled, as follows:

Section 1. For the reasons and purposes recited above, the City hereby exercises its power and authority to borrow money and authorizes the issuance and sale of its Tax and Revenue Anticipation Note, Series of 2019, in the principal amount of Three Million Dollars (\$3,000,000) (the "Note") in anticipation of the receipt of current taxes and revenues during the fiscal year ending December 31, 2019, such Note to be issued, sold and delivered as hereinafter provided.

Section 2. The Mayor and City Controller of the City, attested by the City Clerk, are hereby authorized and directed, in the name and on behalf of the City, to prepare and file with the Department of Community and Economic Development of the Commonwealth of Pennsylvania a certified copy of this Resolution, a certificate setting forth the taxes and revenues to be collected in the fiscal year ending December 31, 2019, and a true copy of the accepted Proposal (hereinafter defined) for the purchase of the Note, all as set forth in and required by Section 8128 of the Debt Act. The Mayor and City Controller of the City, attested by the City Clerk, are also hereby authorized and directed, in the name and on behalf of the City, if applicable, to prepare and verify a certificate, in accordance with Sections 103 and 148 of the Code and the regulations applicable thereto, setting forth the anticipated use of the proceeds, to prepare and deliver to the Purchaser of the Note the certificate required by Section 8127 of the Debt Act relating to the total amount of the City's tax and revenue anticipation notes outstanding on the date of delivery of the Note, and to take any and all other action, and to execute and deliver any and all other documents and instruments, as may be necessary, proper or desirable to effect the issuance and sale of the Note as contemplated herein. The certification made on the date of adoption of this Resolution by the aforementioned officials of the City, relating to the amount of taxes and other revenues remaining to be collected by the City in the fiscal year ending December 31, 2019, is hereby ratified and approved.

Section 3. The Note shall be designated "City of Wilkes-Barre, Luzerne County, Pennsylvania, Tax and Revenue Anticipation Note, Series of 2019", shall be in registered form, without coupons, shall be prepayable prior to maturity, shall be in the denomination of Three Million Dollars (\$3,000,000), shall be dated the date of issuance, shall bear interest at the rate of interest set forth in the Proposal from the date of delivery until maturity, shall mature on December 31, 2019, and shall be payable as to principal and interest at the place and in the manner and be otherwise in substantially the form set forth in the form of Note attached as Exhibit "A" hereto and the Proposal attached as Exhibit "B" hereto or such other Proposal as may be selected in accordance with Section 8 of this Resolution.

Section 4. The Note, when issued, will be a general obligation of the City. If applicable, in accordance with the provisions of Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), the City hereby finds, determines and designates the Note as a "qualified tax-exempt obligation" as defined in Section 265(b)(3)(B) of the

Code, for the purposes of such Section 265(b) of the Code. If applicable, the City determines that it and all entities with which it is aggregated under Section 265(b)(3)(E) of the Code have not issued, and do not reasonably expect to issue, tax-exempt obligations which, in the aggregate, exceed or will exceed Ten Million Dollars (\$10,000,000) during the calendar year 2019. If applicable, the City also determines that it will not engage in any action or inaction which will or may cause the Note to fail or cease to constitute a "qualified tax-exempt obligation" under Section 265(b)(3) of the Code.

Section 5. The Note shall be executed by the Mayor and City Controller of the City, shall have the corporate seal of the City affixed thereto, and shall be duly attested by the City Clerk. The Mayor and City Controller of the City are further authorized and directed to deliver the Note to the Purchaser hereinafter named upon the terms and conditions hereinafter provided and to execute and deliver such other documents and instruments, attested to by the City Clerk, and to take such other action as may be necessary or appropriate to effect the issuance and sale of the Note in accordance with this Resolution and the Debt Act. The execution and delivery of the Note in accordance with Section 9 hereof and this Section 5 shall constitute conclusive proof of the approval of the final terms and provisions of the Note by the City.

Section 6. The Note, together with any other tax and revenue anticipation notes issued, or to be issued, by the City during the City's fiscal year ending on December 31, 2019, shall, upon issuance thereof, be equally and ratably secured by a pledge of, security interest in, and a lien and charge on, the taxes and other revenues to be received by the City during the period when the Note is outstanding; and the Mayor and City Controller of the City, attested by the City Clerk, are hereby authorized and directed to prepare and file, or to have filed, such financing statements as may be necessary to fully perfect such pledge, security interest, lien and charge pursuant to the Pennsylvania Uniform Commercial Code and Section 8125 of the Debt Act.

Section 7. If applicable, the City hereby covenants that it will not make any use of the proceeds of the Note or do or suffer any other action which, if such use or action had been reasonably expected on the date of issuance of the Note, would cause the Note to be an "arbitrage bond" or a "private activity bond" as such terms are defined in Section 148 or Section 141 of the Code and the regulations applicable thereto and further covenants that it will comply with Section 148 and Section 141 of the Code, and with any regulations applicable thereto, throughout the term of the Note, including without limitation, any requirements relating to a rebate of certain excess earnings pursuant to Section 148(f) of the Code of any regulations applicable thereto now existing or promulgated hereafter. In connection therewith, the Mayor and City Controller of the City, attested by the City Clerk, are hereby authorized and directed to execute and to deliver, in the name and on behalf of the City, any and all documents or other instruments which Stevens & Lee, P.C., Bond Counsel, may reasonably request to provide its opinion that the Note is not an "arbitrage bond" or a "private activity bond" within the meaning of Section 148 and Section 141 of the Code and the regulations applicable thereto, if applicable.

Section 8. The proposal of the lender identified therein, presented to the Council is attached hereto as Exhibit "B", or such other proposal and lender, and with such other terms and provisions, as may be selected by the Mayor of the City (such proposal selected in accordance with this Section 8 being hereinafter referred to as the "Proposal" and such lender selected in accordance with this Section 8 being hereinafter referred to as the "Purchaser"), is hereby accepted and the Note is hereby awarded to the Purchaser at a private sale for the purchase price of \$3,000,000. The terms of the Proposal are incorporated herein by reference with the same effect as if set forth in full at this place. The Mayor and City Controller, attested by the City Clerk, are hereby authorized and directed to, accept the Proposal, in the name of and on behalf of the City, by executing the City's acceptance on an original copy of the Proposal, to deliver a copy of the same to the Purchaser and to file the original with the records of the City. The Mayor and City Controller are hereby authorized to deliver the Note to the Purchaser upon receipt of the full principal amount of the purchase price for such Note and upon compliance with all conditions precedent to such delivery as required by the Debt Act, this Resolution and the Proposal; and such Mayor and City Controller, attested by the City Clerk, is hereby authorized and directed to prepare, verify and deliver to the Purchaser concurrently with the delivery of the Note, the certificate required by Section 8127 of the Debt Act, a copy of which certificate shall be retained with the records of the City until all tax and revenue anticipation notes issued by the City during the fiscal year ending on December 31, 2019, shall have been paid in full.

Section 9. The form of the Note shall be substantially as set forth and attached hereto as Exhibit "A," which form is hereby incorporated by reference and adopted as it fully recited at length herein and said form is hereby approved by this Council. The form of the Note as submitted to the City is hereby approved in substantially such form, with such changes, insertions and variations as are necessary or appropriate to reflect the final terms, including, but not limited to, taxable or tax-exempt interest rates, principal amounts, the name or designation and redemption or prepayment provisions, of the Note and whether the Note is issued as a taxable or tax-exempt interest rate note, all as determined by the Mayor of the City upon delivery of the definitive Note in accordance with the provisions of this Resolution and such other changes as the Mayor of the City may approve, such approval to be evidenced by such officer's execution and delivery of the Note.

Section 10. The proper officers of the City are hereby authorized, empowered and directed to contract with a bank or bank or trust company authorized to do business in the Commonwealth of Pennsylvania (the "Paying Agent") for its services as paying agent and sinking fund depository in accordance with the terms of the Proposal, this Resolution and the Debt Act. The proper officers of the City are hereby authorized to establish a sinking fund for the Note with the Paying Agent for the benefit of the holder of the Note. The City Controller or other proper officer of the City is hereby authorized and directed to make deposits to the sinking fund to be held for the payment of principal and interest on the Note no later than the date of final maturity thereof.

Thereafter, the Paying Agent shall, without further authorization or direction from the City or any of its officials, withdraw moneys from the sinking fund and apply such

moneys to the payment of principal and interest then due on the Note. Deposit by the City into the sinking fund of the full amount of such money shall satisfy in full the obligation of the City to pay principal and interest with respect to the Note.

Section 11. Stevens & Lee, P.C., is hereby appointed Bond Counsel to the City in connection with the issuance and sale of the Note.

Section 12. The City Controller or other proper official of the City is hereby authorized and directed to pay at, or subsequent to, the closing for the issuance of the Note, all costs and expenses incurred by or on behalf of the City or required to be paid by the City in connection with the issuance and delivery of the Note to the Purchaser.

### **RESOLUTION NO. R0130-18**

Whereas, the City of Wilkes-Barre, Pennsylvania (the "City") (i) will be owed outstanding taxes that are secured by real estate tax claims on parcels located in Luzerne County for the fiscal year ending December 31, 2018 and previous years (collectively, the "2018 Tax Claims"); (ii) anticipates that it will be owed additional outstanding taxes that will be secured by real estate tax claims on parcels located in Luzerne County for the fiscal year ending December 31, 2019 (the "anticipated 2019 Tax Claims"); and (iii) anticipates that it will be owed additional outstanding taxes that will be secured by real estate tax claims on parcels located in Luzerne County for the fiscal year ending December 31, 2020 (the "anticipated 2020 Tax Claims") and (iv) anticipates that it will be owed additional outstanding taxes that will be secured by real estate tax claims on parcels located in Luzerne County each fiscal year thereafter; and

Whereas, the City of Wilkes-Barre Finance Authority (the "Authority") has a program in place to purchase the 2018 Tax Claims in an estimated amount not to exceed that fiscal year's real estate tax settlement amount on or after January 1, 2019, and, on or after January 1, 2020, to purchase the 2019 Tax Claims in exchange for an estimated amount not to exceed the fiscal year's real estate tax settlement amount, and, on or after January 1, 2021, to purchase the 2020 Tax Claims in exchange for an estimated amount not to exceed that fiscal year's real estate tax settlement amount;

Whereas, a Purchase and Sales Agreement (the "Agreement"), which will include therein a mandatory repurchase obligation by the City, together with any other documents or instruments necessary to complete the transaction, will be entered into by the City and the Authority for the purchase of the 2018 Tax Claims and may be further amended by the City and the Authority for the subsequent purchase of future tax claims, including, but not limited to, the anticipated 2019 Tax Claims and the anticipated 2020 Tax Claims.

Now, Therefore, It is Hereby

Resolved, that the City agrees to sell its 2018 Tax Claims in exchange for an estimated amount not to exceed the fiscal year's real estate tax settlement amount to the Authority pursuant to the Agreement, and, on or after January 1, 2020, to purchase the anticipated 2019 Tax Claims in exchange for an estimated amount not to exceed that fiscal year's real estate tax settlement amount, and, on or after January 1, 2021, to purchase the anticipated 2020 Tax Claims in exchange for an estimated amount not to exceed that fiscal year's real estate tax settlement amount, which includes therein a mandatory repurchase obligation by the City under certain circumstances, and other supporting documents and amendments that shall be in a form approved by the Mayor and City Solicitor; and be it

Further Resolved, that the City be and is hereby authorized to sell the 2018 Tax Claims and the anticipated 2019 Tax Claims and the anticipated 2020 Tax Claims to the Authority on such terms and conditions as approved by the Mayor and City Solicitor; and be it

Further Resolved that the City shall retain the firm of Municipal Revenue Services, Inc., to facilitate the structure, closing and implementation of the sale of the 2018 Tax Claims and the anticipated 2019 Tax Claims and be anticipated 2020 Tax Claims as contemplated by the Agreement as same may be amended; and be it

Finally Resolved, that the proper City officials be and they are hereby authorized and directed to take any and all actions necessary and required to complete the transactions, including, but not limited to, the execution of all documents subject to the approval as to form of said document by legal counsel for the City.

## **MINUTES**

Of the Wilkes-Barre Traffic Committee of November 15, 2018.

Of the Regular Session of City Council of December 6, 2018.

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

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

Yeas Barrett, Gilbert, Merritt, Belusko and Brooks (Chairperson) 4-5 - being all of the members elected to City Council.

Nays none.

## **RESOLUTIONS**



**RESOLUTION NO. R0131-18**

That, the proper city officials are hereby authorized to take any and all necessary actions related to entering into a Parking Lease Agreement with West GUARD Insurance Company for parking spaces at the Intermodal Parking Garage.

Mr. Belusko moved to adopt the Resolution.

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

*Mr. Barrett said he is going to vote yes, but he has some serious concerns. He strongly encouraged the Administration to continue negotiating the sequence of events that are going to take place over the next two years.*

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

Abstain – Gilbert.

*Ms. Gilbert said she is abstaining from the vote due to a conflict of interest and lack of information available.*

**RESOLUTION NO. R0132-18**

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the 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 \$732,799.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funding will be used for renovations to Wilkes-Barre City Hall. The building was built in 1893 and is in need of many improvements due to its age. The specific use of the grant funds will be for architectural services, selective demolition, elevator car repair/replacement, stairwell ADA

improvements, LED lighting, restrooms, floor/wall tile, restroom toilet fixtures, common area/office flooring, painting, plaster repairs and repairs to the exterior of the building;  
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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; And

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 Wilkes-Barre City Hall Renovations project, if the application is approved.

Mr. Barrett moved to adopt the Resolution.

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. R0133-18**

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the 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 \$771,650.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funding will be used for upgrades to the Hollenback golf course area located in Wilkes-Barre. The golf course area is an under-utilized asset that has the potential to increase in value and generate new revenue for the city. This project will add a golf driving range and an 18-hole miniature golf course to the existing Hollenback golf course area. By adding these two additional features the age range

and number of people using the golf facility will increase while creating a new revenue source for the city; 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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; And

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 City of Wilkes-Barre's Hollenback Golf Course Upgrades project, if the application is approved.

Mr. Belusko moved to adopt the Resolution.

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.

**RESOLUTION NO. R0134-18**

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the 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 \$167,805.00 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 purchase new HVAC roof top units for the F.M. Kirby Center. The current HVAC system was installed in 1985 and is no longer energy efficient. Also, this project is necessary in order to conform to the upcoming freon government requirements that are expected to be implemented in the next two years because of the EPA's phase out of R-22; 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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; And

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 F.M. Kirby Center HVAC Improvements project, if the application is approved.

Mr. Barrett moved to adopt the Resolution.

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

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

Nays none.

Abstain – Brooks – 1.

**RESOLUTION NO. R0135-18**

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the 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 \$250,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funding will be used to assist the Volunteers in Medicine (VIM) in renovating space on the second floor of their building at 190 North Pennsylvania Avenue, Wilkes-Barre, PA. The renovations will allow them to expand services based on the needs of the community. The behavioral health program is in high demand by the patients in this particular low-income population that have anxiety and depression due to socio-economic issues. Additional space will allow them to recruit volunteers, psychologists, social workers, psychiatric nurse practitioners, and psychiatrist.

The renovated area will also feature an exercise and wellness program to assist the 42% of VIM's patient population that are obese. Goals of purchasing eye care equipment to provide eye care at VIM is also part of the service expansion plan. The funds would greatly assist VIM in keeping our community healthy, well and working; 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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

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 Volunteers in Medicine's "Increase to Access to Care" initiative, if the application is approved.

Ms. Gilbert moved to adopt the Resolution.

The motion was seconded by Mr. Belusko 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. R0136-18**

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the 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 \$650,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. This request will provide funding of a data center located within the grid of Wilkes-Barre center city serving the metropolitan market with cloud computing services, public and private cloud access utilizing existing fiber

connections and creating a point of convergence for demand to offer an opportunity for other carriers to locate at this data center thus making the market more competitive and in turn lowering the costs of connectivity, security, backup and IT operations in our marketplace. A constant problem in selling our city and region to outside companies is the lack of digital infrastructure. With some of the lowest costs in commercial and residential space and a significant workforce looking for higher paying opportunities and willing to be trained – this data center with emerging digital infrastructure will bring significant economic opportunity to our marketplace while the national data center players continue to overlook our marketplace while the national data center players continue to overlook our marketplace as not being attractive. An initial investment of \$1,850,000 to build out, purchase host equipment, locate at 105 North Main Street - Wilkes-Barre, and undertake the rigorous requirements of this emerging data center includes private investment and funding commitments of \$1,200,000 with a grant request from LSA of \$650,000 for the total cost of \$1,850,000; 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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

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 Data Center with Emerging Digital Infrastructure Project, if the application is approved.

Mr. Belusko moved to adopt the Resolution.

The motion **failed** for lack of a second.

### **RESOLUTION NO. R0137-18**

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the 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 \$300,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share

Account-Luzerne County program funds. The Irem Temple Restoration Project (ITRP) will address priority recommendations, outlined in a 2017 Conditions Assessment by John Milner Architects, to stabilize and preserve the Irem Temple Building located at 62 North Franklin Street in Wilkes-Barre. The primary features of this spectacular building and deteriorating and without immediate action, restoration will not be feasible in as little as 2-3 years. This project will make the ITRP phased reuse strategy for the building possible. The ITRP will use funds from this grant, in conjunction with private funds and other opportunities, to address specific major repairs regarding building security, exterior masonry, and roofing and drainage. Additionally, funds will be used to restore electricity to the building in order to install a monitoring system and a fire alarm system; 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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

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 Irem Temple Restoration Project, if the application is approved.

Mr. Merritt moved to adopt the Resolution.

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

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

Nays Gilbert – 1.

Abstain – Brooks – 1.

**RESOLUTION NO. R0138-18**

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the 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 \$500,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. This project involves the restoration of the Central Railroad of New Jersey Train Station located at 33 South Wilkes-Barre Boulevard. The structure was added to the National Register of Historic Places in 1975. Having a floor area of approximately 2,000 square feet at grade and 1,800 square feet on the second floor the estimated cost of renovations and sitework improvements in near \$1,000,000.00, resulting in a total cost per square foot at \$263. Work on this project will include repairing and installing a new roof system, new windows, electrical, plumbing and HVAC systems, ADA accessible bathrooms, lighting, flooring, repairing existing copper and stained-glass original ceiling, repairing the observation tower, platform area, soffits, fascia, trim, and doors. Original architectural features were preserved and placed in storage for renovation. The restoration will remove a central source of blight, increase the tax basis of the overall tract, create 10 new permanent jobs, 20 construction jobs, provide a critical improvement to the downtown gateway and result in a prominent project for the community; 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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

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 Train Station Restoration project, if the application is approved.

Mr. Barrett moved to adopt the Resolution.

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

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

Nays – Merritt – 1.

**RESOLUTION NO. R0139-18**



Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the 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 \$250,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. This project involves the restoration of the historic Rainbow Room located in the 14<sup>th</sup> Floor of the “Citizens Bank” building at 18 West Market Street in center city. The restoration is part of a larger building renovation project presently underway involving a mixed-use conversion of the structure. This historic component of the building was added and completed in the late 1920’s to serve as an intimate ballroom. Unfortunately, the eve of the Great Depression was at hand and the space was never used for its intended purpose. This project proposes the restoration of this unique space to serve as a signature banquet/conference space for both public and private events. Work will include a full renovation of approximately 5,000 square feet and include the construction of a preparatory kitchen, banquet area upgrades, ADA upgrades, restroom renovations, painting, flooring, heating, electrical and cooling. Upon completion, this venue will serve the likes of Kings College, Wilkes University, Guard Insurance and other private business in need of small conference flex space; 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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

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 Citizens Bank Rainbow Room Restoration project, if the application is approved.

**No Motion was made to adopt the Resolution.**

**RESOLUTION NO. R0140-18**

Whereas, the establishment of the Mohegan Sun Casino at Pocono Downs (Casino) has resulted in revenue from the 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 \$800,000.00 grant from the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds. The funding will be used to assist McCarthy Tire to completely renovate an old and unattractive warehouse and turn it into a beautiful state-of-the-art corporate headquarters in a highly visible area, which is a gateway to downtown Wilkes-Barre (heading toward the downtown area from Exit 2 of the Cross Valley Expressway). This renovation project will permit McCarthy Tire to keep its corporate headquarters in the City of Wilkes-Barre and retain 60 full-time jobs in the City, and it will provide enough space for future growth and the potential addition of approximately 15+ more full-time jobs. The total cost of this project is \$3,397,314.00 and McCarthy Tire is prepared to contribute the balance of the funds \$2,497,314.00 to make the project whole; 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 necessary application to the Commonwealth of Pennsylvania, acting through the CFA, for the Local Share Account-Luzerne County program funds; and

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 McCarthy Tire Corporate Headquarters project, if the application is approved.

Mr. Barrett moved to adopt the Resolution.

The motion was seconded by Mr. Belusko 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.

## **ORDINANCES**

**FILE OF COUNCIL NO. 19 OF 2018** – AN ORDINANCE RENEWING A NEIGHBORHOOD IMPROVEMENT DISTRICT (NID), IN SPECIFIC THE DOWNTOWN WILKES-BARRE BUSINESS IMPROVEMENT DISTRICT, WITHIN THE CITY OF WILKES-BARRE. (SECOND AND FINAL READING)

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 and Belusko – 3 – being a majority of the members elected to City Council.

Nays none.

Abstain – Gilbert and Brooks (Chairperson) – 2.

**FILE OF COUNCIL NO. 20 OF 2018** – AN ORDINANCE ADDING AN ARTICLE IV TO CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “PARKS AND RECREATION.” (HOLLENBACK GOLF FEES) (SECOND AND FINAL 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 members elected to City Council.

Nays Gilbert – 1.

**PRESENTATIONS BY COUNCIL MEMBERS**

Mr. Barrett wished everyone Happy Holidays.

Ms. Gilbert asked for an update on a previously reported problem with water on South Sherman Street near Howard Street.

Mr. Belusko wished everyone Happy Holidays and a Happy New Year.

Mr. Brooks also wished everyone a Merry Christmas and Happy New Year.

## PUBLIC DISCUSSION

Bob Kadluboski appeared before Council relative to investigating an incident with former Mayor McGroarty and the fire department (fire watch) and hiring/retiring of James Hayward.

John Suchoski appeared before Council relative to the parking study (was it finished), the LSA grants for Volunteers in Medicine, the Rainbow Room at Citizens Bank and the Data Center (explanation of), and the Neighborhood Improvement District.

Mr. Brooks informed Mr. Suchoski that the Resolutions for the LSA Grants for the Rainbow Room and the Data Center did not pass.

Mr. Brooks explained that the Volunteers in Medicine in a Health Clinic on Pennsylvania Avenue for the underinsured. This LSA grant is to increase their capacity.

Mr. Brooks said that the parking study has been completed.

Mr. Suchoski asked if there are non-city residents on the Board for the Neighborhood Improvement District.

Mr. Brooks replied that there are people on it from Wilkes and Kings', but the far majority are people that live in the city.

Ryan Verdekal appeared before Council relative to changing the charter to end the strong Mayor form of government and limit Council terms to two, Berkheimer contract, purchasing a pothole patching machine and recent pothole that made national news.

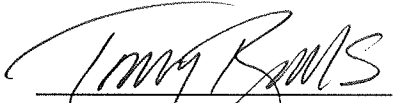
Mr. Brooks told Mr. Verdekal that to change the form of government is done by referendum.

Ms. Zaykowski said that the city does have a pothole patcher, but she didn't know any of the details on it. She said she could look into it and get back to Mr. Verdekal.

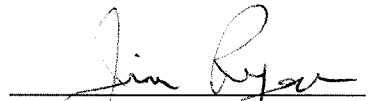
Mr. Merritt said the one the city has sprays and fills in the holes but has no compression.

Mr. Belusko explained the situation with the pothole in South Wilkes-Barre that was on the news. He said he was informed about the pothole and went to check it out. He said he contacted Mr. Frati and he said that he would take care of it. He said the city did look at it and put a cone in it until Stell Enterprises could repair it because it was more of a sinkhole. The hole couldn't have just been filled, it had to be cut out.

There being no further business to discuss the meeting adjourned at 7:40 p.m.

  
\_\_\_\_\_  
Tony Brooks, Chairperson

ATTEST:

  
\_\_\_\_\_  
Jim Ryan, City Clerk