

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

SEPTEMBER 9, 2021

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

RESOLUTION (LIQUOR LICENSE TRANSFER)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
SEPTEMBER 9, 2021

CONSENT AGENDA (RESOLUTIONS)

Temporarily suspend and not enforce the Ordinance pertaining to open consumption of alcoholic beverages for Oktoberfest, Celebrating the 150th Anniversary of Wilkes-Barre's Incorporation as a City, on Saturday, October 2, 2021.

Reappointing Patricia Unvarsky to the Wilkes-Barre Industrial Development Authority.

Reappointing Carl Naessig to the Wilkes-Barre Planning Commission.

Reappointing Karen Collins to the Wilkes-Barre Planning Commission.

Reinstating and extending the State of Emergency (Hurricane IDA) for a period of thirty (30) days or until the same is formally lifted by Executive Order of the Mayor.

MINUTES

Of the Regular Session of City Council of August 17, 2021.

RESOLUTION

Approving the transfer of a Liquor License into the City from Hazleton to be located at 815 Kidder Street. (Sheetz, Inc.)

CITY COUNCIL

September 9, 2021

The City Council of the City of Wilkes-Barre met in Regular Session on September 9, 2021, 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.

A moment of silence was held in honor of the victims of 9/11 on the 20th Anniversary of the attacks.

The Pledge of Allegiance to the Flag was given.

Roll Call:

Barrett	- present
Belusko	- present
Marconi	- present
McBride, Vice Chairperson	- present
Brooks, Chairperson	- present

Also Present:

George C. Brown, Mayor
Maureen Collins, Assistant City Attorney
Charles McCormick, Administrator
Cathy Payne, City Clerk
Lisa Sanfilippo, Administrative Assistant
Tracy Smith, Assistant City Clerk

City Clerk Cathy Payne read a statement relative to Council's Rules and Procedures.

The Chairperson asked if there was anyone wishing to address Council on pending legislation:

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the Resolutions appointing members to Boards and Authorities, the Liquor License Transfer for Sheetz and Oktoberfest.

RESOLUTIONS

Resolution No. R0063-21 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0063-21

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:	OKTOBERFEST, Celebrating the 150 th Anniversary of the Wilkes-Barre's Incorporation as a City
Sponsor:	City of Wilkes-Barre
Area:	Designated area on Public Square
Date:	Saturday, October 2, 2021
Time:	2:00 p.m. until 8:00 p.m.
Limitation:	The suspension shall only apply to malted or brewed beverages sold as part of the festival.

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. R0064-21

Whereas, File of Council No. 17 of 1967 of the City of Wilkes-Barre authorizes the Mayor, with the approval of City Council, to appoint members of the City of Wilkes-Barre Industrial Development Authority;

Whereas, File of Council No. 11 of 1976 of the City of Wilkes-Barre amended File of Council No. 17 of 1967 by changing the number of board members from (5) to eleven (11);

Whereas, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the City of Wilkes-Barre Industrial Development Authority;

Now, Therefore, Be It Resolved, that the following person is hereby reappointed as a member to the City of Wilkes-Barre Industrial Development Authority:

<u>Name</u>	<u>Term Expires</u>
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Patricia Unvasky
21 Gore Street
Wilkes-Barre, PA 18705

December 31, 2023

RESOLUTION NO. R0065-21

Whereas, Section 22-17 of Chapter 22 of the Code of Ordinances of the City of Wilkes-Barre authorizes the Mayor, with the approval of City Council, to appoint members of the Planning Commission of the City of Wilkes-Barre;

Whereas, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Planning Commission of the City of Wilkes-Barre;

Now, Therefore, Be It Resolved, that the following person is hereby re-appointed as a member to the Planning Commission of the City of Wilkes-Barre:

<u>Name</u>	<u>Term Expires</u>
Carl Naessig 33 Diebel Avenue Wilkes-Barre, PA 18702	September 9, 2025

RESOLUTION NO. R0066-21

Whereas, Section 222-17 of Chapter 22 of the Code of Ordinances of the City of Wilkes-Barre authorizes the Mayor, with the approval of City Council, to appoint members of the Planning Commission of the City of Wilkes-Barre;

Whereas, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Planning Commission of the City of Wilkes-Barre;

Now, Therefore, Be It Resolved, that the following person is hereby reappointed as a member to the Planning Commission of the City of Wilkes-Barre:

<u>Name</u>	<u>Term Expires</u>
Karen Collins 74 W. Ross Street Wilkes-Barre, PA 18702	September 9, 2025

RESOLUTION NO. R0067-21

A RESOLUTION EXTENDING THE STATE OF EMERGENCY
IN THE CITY OF WILKES-BARRE

Whereas, on September 1, 2021, Mayor George C. Brown issued an Executive Order and Proclamation of State of Emergency in the City of Wilkes-Barre related to effects of Hurricane IDA:

Whereas, 11 Pa.C.S.A Sect. 11203(e)(1) provides that a “state of emergency shall not exceed five (5) days, unless extended by council.”;

Whereas, the City Council of the City of Wilkes-Barre believes a reinstatement and extension of the Executive Order and Proclamation of State of Emergency issued by Mayor Brown is necessary to protect the health, safety, and welfare of city residents, while the city continues to assess the damage caused by Hurricane IDA:

Now, Therefore, Be It Resolved by the City Council of the City of Wilkes-Barre that the above-referenced *STATE OF EMERGENCY* is reinstated and extended for a period of thirty (30) days or until the same is formally lifted by Executive Order of the Mayor.

MINUTES

Of the Regular Session of City Council of August 17, 2021.

Mr. Belusko 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, Belusko, Marconi, McBride and Brooks (Chairperson) – 5 – being all of the members elected to City Council.

Nays none.

RESOLUTION NO. R0068-21

A RESOLUTION OF THE MUNICIPALITY OF WILKES-BARRE COUNTY OF LUZERNE
COMMONWEALTH OF PENNSYLVANIA, APPROVING TRANSFER OF A RESTAURANT
LIQUOR LICENSE #R-14873, LID #40410 INTO THE CITY OF WILKES-BARRE, LUZERNE
COUNTY FROM HAZLETON.

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 with 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 September 9, 2021 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 Sheetz, Inc. has requested the approval of the City Council of Wilkes-Barre for the proposed transfer of a Pennsylvania Retail Liquor License to its facilities within Wilkes-Barre City with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

Be It Further Resolved that City Council of Wilkes-Barre finds that the transfer of a retail liquor license into Wilkes-Barre City by Sheetz, Inc., will not adversely affect the welfare, health, peace and morals of a municipality or its residents.

Be It Further Resolved, that Wilkes-Barre City approves, by adoption of this Resolution, the proposed transfer of License #R-14873, LID #40410, from Hazleton, PA to be located at 815 Kidder 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 September 9, 2021.

Mr. Barrett moved to adopt the Resolution.

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

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

Nays none.

PRESENTATIONS BY COUNCIL MEMBERS

Mrs. McBride said she has received complaints from residents by G.A.R High School relative to the traffic from parents and buses dropping off and picking children up from the school. She said residents couldn't get out of their driveways on Sherman Street (traffic was backed up to South Street). She asked if the Administration could reach out to the Wilkes-Barre Area School District to try and mitigate it.

Mayor Brown said that the Administration will contact someone at the School District to see what can be done.

Mrs. McBride discussed appointments and reappointments to boards and authorities. She said she realizes that not everyone can make City Council meetings, but if someone is being reappointed maybe they can submit a statement of interest to City Council explaining why they want to be reappointed.

Mr. Brooks stated for the record that two of three members being reappointed tonight did contact him to say that they could not make the meeting.

PUBLIC DISCUSSION

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the trees cut down in the last block of North Franklin Street (King's College) and to propose a temporary Resolution (90 days) to stop all tree cutting in the city while a tree survey is taken.

Jason King, Wilkes-Barre, PA appeared before Council relative to the condition of the BOG park and creek in Miners Mills.

Mayor Brown said that the city will be cleaning the debris out of all the creeks throughout the city.

Greg Griffen, Wilkes-Barre Blight, appeared before Council relative to the Block Captain program.

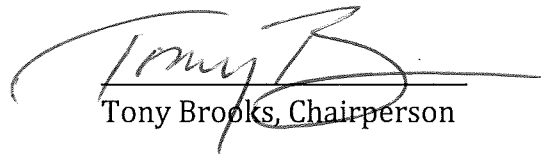
Mark Shaffer, Wilkes-Barre Worker Bees, appeared before Council relative to city cleanups and placing trashcans throughout the city

Mrs. McBride asked the Administration if there has been any movement on putting trashcans in the neighborhoods.

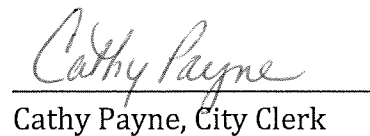
Mayor Brown said he thinks the biggest part of the trash problem is that people don't care. He pointed out that there are trashcans on South Main Street and Public Square and people still don't use them. He said he can try putting cans in the neighborhoods and see what happens, but he doesn't know if that it is going to be the answer.

Mrs. McBride said maybe the city can do a pilot program and put a few in each district in high traffic areas.

There being no further business to discuss the meeting adjourned at 6:38 p.m.


Tony Brooks, Chairperson

ATTEST:


Cathy Payne, City Clerk

