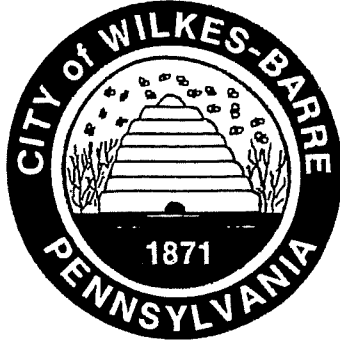


CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

SEPTEMBER 14, 2023

PLEDGE OF ALLEGIANCE

ROLL CALL

RESOLUTIONS

CONSENT AGENDA (RESOLUTIONS/MINUTES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
SEPTEMBER 14, 2023

RESOLUTIONS

Authorizing Mayor George C. Brown and City Controller Darren Snyder, as the officials to execute all project documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to request a Luzerne County Local Share Assessment grant of \$500,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the "The Bloxton" Hotel (formerly the Luzerne Bank Building) located at 67 Public Square along with any or all other project documents, related to "The Bloxton" Hotel project, if the application is approved.

Authorizing Mayor George C. Brown and City Controller Darren Snyder, as the officials to Execute all project documents and agreements between the City of Wikes-Barre and the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to request a Luzerne County Local Share Assessment grant of \$180,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Wilkes University Campus Police Emergency Response Upgrades, if the application is approved.

CONSENT AGENDA (RESOLUTIONS/MINUTES)

Authorizing the city administrator and/or engineering designee of the City of Wilkes-Barre to submit the Traffic Signal Maintenance Agreement, to submit future modifications to the Traffic Signal Maintenance Agreement, and to submit future applications for Traffic Signal approval either in writing or via electronic signature to the Pennsylvania Department of Transportation and to sign this agreement on behalf of the City of Wilkes-Barre.

Authorizing Mayor George C. Brown and City Controller Darren Snyder, as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested Luzerne County Local Share Assessment grant of \$500,000.00. to be used for the Solomon Creek Wall Repair Flood Mitigation project along with any or all project documents, related to the Solomon Creek Wall Repair Flood Mitigation project, if the application is approved.

CITY COUNCIL
SEPTEMBER 14, 2023

CONSENT AGENDA (RESOLUTIONS/MINUTES)

Authorizing Mayor George C. Brown and City Controller Darren Snyder, as the officials to execute all project documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to request a Luzerne County Local Share Assessment grant of \$150,000.00 to be used for the Luzerne County Historical Society Roof Replacement on the Bishop Memorial Library, if the application is approved.

Authorizing Mayor George C. Brown and City Controller Darren Snyder, as the officials to execute all project documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to request a Local Share Assessment grant of \$350,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Sherman Street Properties Business Center Roof Replacement, if the application is approved.

Authorizing Mayor George C. Brown and City Controller Darren Snyder, as the officials to execute all project documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to request a Local Share Assessment grant of \$500,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Mill Creek Brookside Levee System Rehabilitation project, if the application is approved.

Temporarily suspend the open consumption of alcoholic beverages for the Wilkes-Barre Octoberfest to be held on September 30, 2023.

MINUTES

Of the Planning Commission meeting of July 19, 2023.

Of the Zoning Hearing Board meeting of August 16, 2023.

Of the Traffic Committee meeting of July 27, 2023.

Of the Regular Session of City Council of August 10, 2023.

Of the Zoning Hearing Board meeting of July 19, 2023.

Of the Wyoming Valley Sanitary Authority meeting of May 23, 2023.

CITY COUNCIL

September 14, 2023

The City Council of the City of Wilkes-Barre met in Regular Session on September 14, 2023 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 Mike Belusko in the Chair.

The Pledge of Allegiance to the Flag was given.

Council member Bill Barrett read the opening prayer.

Roll Call:

| | |
|---------------------------|-----------|
| Brooks | - excused |
| Marconi | - present |
| Gilbert | - present |
| Barrett, Vice Chairperson | - present |
| Belusko, Chairperson | - present |

Also Present:

Maureen Collins, Assistant City Attorney
Charles McCormick, City 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.

Ms. Payne read the following announcement:

The City Council Agenda has been amended to include a Resolution on the Consent Agenda regarding this year's Oktoberfest on Public Square. The Resolution will suspend the open container law. The reason for the amendment is that the event is September 30th and Council does not meet again before that date. Act 65 of 2021 states that Council may take official action on a matter if a majority of the governing body formally approves the amendment of the agenda to include the additional matter.

Ms. Payne asked for a motion and a second to amend the agenda to add the Oktoberfest Resolution.

Mr. Belusko moved to amend the Consent Agenda (Resolutions/Minutes) to include the Oktoberfest Resolution.

The motion was seconded by Mr. Barrett and the Resolution was added to the agenda by the following yeas and nays vote:

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

Nays none.

Absent - Brooks - 1.

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

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to the LSA grant applications (Wilkes University and the Sherman Street Properties).

Mr. Barrett explained that these applications pass through the city to the state and there is no guarantee that any of the applicants will receive funds.

Mr. Barrett added that if the applications are not approved by the state, the applicants are not under any obligation to do anything.

Jessica McClay, Wilkes-Barre, PA appeared before Council relative to the LSA grant for the Sherman Street Properties Business Center Roof Replacement (profitable business) and are the applications reviewed before sending them through.

Mr. Barrett replied that each Resolution will be voted on; they are not automatically pushed through.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the addition of the Oktoberfest Resolution and the LSA grant applications (Bloxtton Hotel Project and Wilkes University).

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the LSA grant applications (campaign contributions from applicants/conflict of interest, Wilkes University grant, Bloxton Hotel Project, and do any applicants have contracts with the city).

Mr. Marconi said that he has not taken any campaign contributions from any of the applicants.

Ms. Gilbert informed Mr. Suchoski that she will be abstaining on two of the Resolution due to a conflict of interest (Luzerne Bank Building and Wilkes University).

Ms. Gilbert asked if anyone checked into the legality of passing a Resolution for an LSA grant for someone who has a contract with the city.

Mr. Barrett said he has no conflict of interest with any of the applicants. He said he did not know if the city having a contract with an applicant would preclude Council from approving the Resolution.

Ms. Gilbert said that it might be in the DCED guidelines.

Mr. Belusko said he would think that Grant Coordinator Mark Barry would know.

Ms. Gilbert said she doesn't feel comfortable not knowing that information. She said in the worst-case scenario, if Council finds out there is no conflict, a special meeting can be scheduled.

Mr. Marconi said that he too is not comfortable voting on it without that information.

Mr. McCormick said it would be a question for DCED, so if the application goes down, Council is just saying as a city, they support the application to be submitted. DCED would then have to review it and make a decision.

RESOLUTIONS

RESOLUTION NO. R0059-23

Be It Resolved, that the City of Wilkes-Barre, Luzerne County hereby requests a Luzerne County Local Share Assessment grant of \$500,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the "The Bloxton" Hotel (formerly the Luzerne County Bank Building) located at 67 Public Square. The new hotel will include a restaurant, room service, meeting rooms, scenic views, suites, fitness and business center, ample on-premises parking, electric vehicle charging station and security.

Be It Further Resolved, that the Applicant does hereby designate George C. Brown, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant along with any or all other project documents, related to "The Bloxton" Hotel project, if the application is approved.

I, Cathy Payne, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular meeting held September 14, 2023 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as this date.

In Witness Whereof, I affix my hand and attach the seal of the City of Wilkes-Barre, this 14th day of September, 2023.

Mr. Barrett moved to adopt the above Resolution.

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

Yeas Marconi, Barrett, and Belusko (Chairperson) - 3 - being a majority of the members elected to City Council.

Nays none.

Abstain - Gilbert - 1.

Absent - Brooks - 1.

RESOLUTION NO. R0060-23

Be It Resolved, that the City of Wilkes-Barre, Luzerne County hereby requests a Luzerne County Local Share Assessment grant of \$180,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Wilkes University Campus Police Emergency Response Upgrades. The project is proposing a series of emergency response upgrades across its campus to improve the overall safety and wellbeing of students, faculty, and City of Wilkes-Barre residents.

Be It Further Resolved, that the Applicant does hereby designate George C. Brown, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant along with any or all other project documents, related to the Wilkes University Campus Police Emergency Response Upgrades project, if the application is approved.

I, Cathy Payne, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular meeting held September 14, 2023 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as this date.

In Witness Thereof, I affix my hand and attach the seal of the City of Wilkes-Barre, this 14th day of September, 2023.

Mr. Barrett moved to adopt the Resolution.

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

Yeas Marconi, Barrett, and Belusko (Chairperson) - 3 - being a majority of the members elected to City Council.

Nays none.

Abstain - Gilbert - 1.

Absent - Brooks.

Ms. Gilbert asked that the following Resolution be pulled from the Consent Agenda and voted on separately:

RESOLUTION NO. R0061-23

Be It Resolved, that the City of Wilkes-Barre, Luzerne County hereby requests a Luzerne County Local Share Assessment grant of \$350,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Sherman Street Properties Business Center Roof Replacement. The business center currently provides warehousing, retail, distribution, food service & automotive repair spaces for 10 commercial businesses. The center was vacant for the 10 years prior to its purchase in 2020.

Be It Further Resolved, that the Applicant does hereby designate George C. Brown, Mayor and Darren Snyder City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant along with any or all other project documents, related to the Sherman Street Properties Business Center Roof Replacement project, if the application is approved.

I, Cathy Payne, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular

meeting held September 14, 2023 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as this date.

In Witness Thereof, I affix my hand and attach the seal of the City of Wilkes-Barre, this 14th day of September, 2023.

Mr. Belusko moved to get the above Resolution on the floor for a vote.

The motion was seconded by Mr. Marconi and **failed by the following vote:**

Yeas – Barrett and Belusko (Chairperson) – 2.

Nays – none.

Abstain – Marconi and Gilbert – 2.

Absent – Brooks – 1.

CONSENT AGENDA (RESOLUTIONS)

RESOLUTION NO. R0062-23

Be It Resolved, by authority of the City Council of the City of Wilkes-Barre, Luzerne County, and it is hereby resolved by authority of the same, that the City Administrator and/or an engineering designee of the City of Wilkes-Barre shall be authorized and directed to submit the attached Traffic Signal Maintenance Agreement, to submit future Applications for Traffic Signal Approval either in writing or via electronic signature to the Pennsylvania Department of Transportation and to sign this Agreement on behalf of the City of Wilkes-Barre.

I, Cathy Payne, City Clerk of the City Council of Wilkes-Barre, and the City of Wilkes-Barre, do hereby certify that the foregoing is a true and correct copy of the Resolution legally adopted at the meeting held the 14th day of September, 2023.

RESOLUTION NO. R0063-23

Be It Resolved, that the City of Wilkes-Barre, Luzerne County hereby requests a Luzerne County Local Share Assessment grant of \$500,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Solomon Creek Wall Repair Flood Mitigation project.

Be It Further, Resolved, that the Applicant does hereby designate George C. Brown, Mayor and Darren Snyder, City Controller, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant along with any

or all other project documents, related to the Solomon Creek Wall Repair Flood Mitigation project, if the application is approved.

I, Cathy Payne, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular meeting held September 14, 2023 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as this date.

In Witness Thereof, I affix my hand and attach the seal of the City of Wilkes-Barre, this 14th day of September, 2023.

RESOLUTION NO. R0064-23

Be It Resolved, that the City of Wilkes-Barre, Luzerne County hereby requests a Luzerne County Local Share Assessment grant of \$150,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Luzerne County Historical Society Roof Replacement on the Bishop Memorial Library. The Library is home to a large valuable collection of archival material from throughout Luzerne County. The collection includes manuscripts, maps, books, documents, photos, audio/visual material, as well as an extensive collection of portraits.

Be It Further Resolved, that the Applicant does hereby designate George C. Brown, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant along with any or all other project documents, related to the Luzerne County Historical Society Roof Replacement on the Bishop Memorial Library project, if the application is approved.

I, Cathy Payne, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular meeting held September 14, 2023 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as this date.

In Witness Thereof, I affix my hand and attach the seal of the City of Wilkes-Barre, this 14th day of September, 2023.

RESOLUTION NO. R0065-23

Be It Resolved, that the City of Wilkes-Barre, Luzerne County hereby requests a Luzerne County Local Share Assessment grant of \$500,000.00 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for the Mill Creek Brookside Levee System Rehabilitation project.

Be It Further Resolved, that the Applicant does hereby designate George C. Brown, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant along with any or all other project documents, related to the Mill Creek Brookside Levee System Rehabilitation project, if the application is approved.

I, Cathy Payne, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular meeting held September 14, 2023 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as this date.

In Witness Whereof, I affix my hand and attach the seal of the City of Wilkes-Barre, this 14th day of September, 2023.

RESOLUTION NO. R0066-23

Whereas, 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 events:

| | |
|------------------|---|
| Event: | Wilkes-Barre Oktoberfest (Beer and Wine area) |
| Sponsor: | Wilkes-Barre City |
| Designated Area: | Pit in front of the Performance area |
| Dates: | September 30, 2023 |
| Time: | 2:00 p.m. until close |
| Limitation: | Only in the blocked off area |

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

MINUTES

Of the Planning Commission meeting of July 19, 2023.

Of the Zoning Hearing Board meeting of August 16, 2023.

Of the Traffic Committee meeting of July 27, 2023.

Of the Regular Session of City Council of August 10, 2023.

Of the Zoning Hearing Board meeting of July 19, 2023.

Of the Wyoming Valley Sanitary Authority meeting of May 23, 2023.

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

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

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

Nays none.

Absent - Brooks - 1.

PRESENTATION BY COUNCIL MEMBERS

Mr. Marconi reported brush coming over the guardrails on Court Street and a fire hydrant covered by grass. He also mentioned that there is no stop sign on the way out of Court Street.

Ms. Gilbert said she thinks it is great that the Administration is applying for LSA funding for two major projects in the city, but she asked that the Administration apply for more funding to make improvements in the neighborhoods.

Ms. Gilbert asked the Administration how much of the American Rescue Plan Funds the city has left.

Mr. McCormick said there are still on-going projects, so he doesn't have the exact number.

Mr. Barrett agreed with Ms. Gilbert on the city applying to do more local projects with LSA grants. He said he just spoke with Mr. Barry about the same issue. He said he would like to see the city apply to have sidewalks put in throughout the city where there are none.

Mr. Belusko distributed the Wyoming Valley Sanitary Authority report to Council. It shows what streets were cleaned and catch basins that were cleaned and replaced.

PUBLIC DISCUSSION

Jessica McClay, Wilkes-Barre, PA appeared before Council for an update/status of the proposed BBQ Restaurant (South Wilkes-Barre) and the former Philly Subs in Mill Creek.

Mr. Marconi said that he has been communicating with the Administration regarding Philly Subs and they have responded to his complaints (high grass and weeds, debris etc).

Mr. McCormick responded to Ms. McClay's questions about the BBQ Restaurant that was to open in the old Silk Mill. He informed her that last week the real estate closing company contacted him with some issues with the title (they needed clarification). That was the delay that was going on. They represent the lending institution, so it should be moving forward.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to installing railings on Public Square (Amphitheater area), the cost of police reports for seniors, and parking on South Franklin Street.

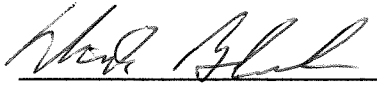
Mr. McCormick said he would have Rob Sliker from Parking Enforcement investigate the parking issues on South Franklin Street.

Mr. McCormick also said he would talk to Chief Coffay about the police reports for seniors.


John Suchoski, Wilkes-Barre, PA appeared before Council relative to the location of the Hawkeye cameras and the First National Bank Building.

Mr. McCormick said that the agreement for the First National Bank Building is still in effect. There was an issue with a major leak when they were about ready to close. The city is working to resolve that problem. The Attorney's Office will probably prepare an addendum acknowledging that the issue was resolved and putting an end date on the closing.

There being no further business to discuss the meeting adjourned at 6:48 p.m.


Mike Belusko, Chairperson

ATTEST:


Cathy Payne, City Clerk