

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

APRIL 11, 2019

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION – John Stelmachowicz and Patrick Tigue, U.S. Census Bureau

CONSENT AGENDA (RESOLUTIONS)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
APRIL 11, 2019

CONSENT AGENDA (RESOLUTIONS)

Authorizing the disposition of records from the Controller's Office.

Authorizing the disposition of Duncan Technologies Eagle CK Parking Meter Heads.

Authorizing the disposition of records from the Business License/Special Events Office.

Temporarily suspend Section 20-4 of the Wilkes-Barre Code of Ordinances pertaining to the open consumption of alcoholic beverages from May 16 through May 19, 2019. The suspension shall ONLY apply to wine and not malted or brewed beverages or liquors. (Fine Arts Fiesta).

Urging the Pennsylvania General Assembly to support Restore Pennsylvania.

Urging the residents of the City of Wilkes-Barre to be counted during the 2020 Census.

MINUTES

Of the Planning Commission of March 27, 2019.

Of the Regular Session of City Council of March 28, 2019.

CITY COUNCIL

APRIL 11, 2019

The City Council of the City of Wilkes-Barre met in Regular Session on April 11, 2019 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.

Roll Call:

Brooks	- present
Gilbert	- present
Merritt	- present
Barrett, Vice Chairperson	- present
Belusko, Chairperson	- present

Also Present:

Darren Snyder, City Controller
Rick Gazenski, City Administrator
Tim Henry, Deputy Administrator/City Attorney
Cathy Payne, Assistant City Clerk
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant

The City Clerk announced that a new item regarding appointments to the Shade Tree Commission will be added to the Consent Agenda (Resolution) by unanimous consent.

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

John Stelmachowicz and Patrick Tigue with the U.S. Census Bureau appeared before Council relative to the importance of the 2020 Census.

Mr. Ryan told Council that Parking Meter Technician Dave Ouelette was in the audience to answer any questions regarding the Resolution authorizing the disposition of parking meter heads.

Mr. Merritt asked if there is any salvageable value.

Mr. Ouelette said the heads are obsolete. He said he could ship them to the manufacturer for them to look at, but fix them or not it will cost \$99 a head. The city would be paying that plus shipping costs. Mr. Ouelette told Council that the new heads are \$200 each.

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

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the following Resolutions - Restore Pennsylvania, temporarily suspending the open consumption of alcoholic beverages for the Fine Arts Fiesta and the appointments to the Shade Tree Commission.

Mr. Brooks thanked Mr. Troy for his persistence on reactivating the Shade Tree Commission. He said one of the things he would like the public to know is that the city is looking into, as part of the Shade Tree Commission, a funding mechanism from the Federal or State Government, where the city can help low-income senior citizens remove and replace their tree in the tree lawn with an appropriate urban tree.

Mr. Ryan gave Mr. Troy a copy of the original and current Ordinance, which established the Shade Tree Commission in 1966.

Ms. Gilbert also thanked Mr. Troy for being involved in the community and bringing the Shade Tree Commission to Council's attention.

RESOLUTIONS

Resolution No. R0021-19 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0021-19

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

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

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

Office/Department: Controller

<u>Box Number, Record title, dates</u>	<u>Cubic Feet</u>
CON-57 Daily Receipts, Jan-Feb 2010	1.26
CON-58 Daily Receipts, Mar-Apr 2010	1.26
CON-59 Daily Receipts, May-June 2010	1.26
CON-60 Daily Receipts, July-Aug 2010	1.26

CON-61 Daily Receipts, Sept – Oct 2010	1.26
CON-62 Daily Receipts, Nov – Dec 2010	1.26
CON-63 General Fund, PNC & Citizens	1.26
CON-64 Bank Statements, Funds 203-405	1.26
CON-65 Bank Statements, Funds 525-885	1.26
CON-66 Daily Receipts, Jan-Feb 2011	1.26
CON-67 Daily Receipts, Mar-Apr 2011	1.26
CON-68 Daily Receipts, May-June 2011	1.26
CON-69 Daily Receipts, July – Aug 2011	1.26
CON-70 Daily Receipts, Sept-Oct 2011	1.26
CON-71 Daily Receipts, Nov-Dec 2011	1.26
CON-72 2011 General Fund, PNC & Citizens	1.26
CON-73 2011 Bank Statements, Funds 203-407	1.26
CON-74 2011 Bank Statements, Funds 450-855	<u>1.26</u>
 Total	 <u>22.68</u>

RESOLUTION NO. R0022-19

Whereas, the disposition of all city property must be approved by Resolution of City Council.

Now, Therefore, Be It Resolved that the City Council of Wilkes-Barre, Luzerne County, Pennsylvania, in accordance with the above cited property disposition policy hereby authorizes the disposition of the following property:

<u>DESCRIPTION OF PROPERTY</u>	<u>AMOUNT</u>
Duncan Technologies Eagle CK Parking Meter Heads	99 Parking Meter Heads

RESOLUTION NO. R0023-19

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

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

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

Office/Department Business Licenses/Special Events

Box Number, Record title, dates

Cubic Feet

BL-1 2015 Licenses RD 2018

1.26

RESOLUTION NO. R0024-19

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:	Fine Arts Fiesta (Wine Tasting Area)
Sponsor:	Blue Mountain Vineyards
Designated Area:	Eastern corner of Public Square
Dates:	May 18, 2017 through May 21, 2017
Time:	3:00 p.m. until close
Limitation:	The suspension shall only apply to wine and not malted or brewed beverages or liquors.

The within temporary suspension applies only to the above-referenced event 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

RESOLUTION NO. R0025-19

Whereas, Pennsylvania must position its communities for success and position itself as a leader in the 21st century by investing in critical infrastructure needs that for too long have been neglected.

Whereas, to help build a better future for all Pennsylvanians, Restore Pennsylvania will invest \$4.5 billion over the next four-years in significant, high-impact projects throughout the commonwealth to help catapult Pennsylvania ahead of every state in the country in terms of technology, development, and infrastructure.

Whereas, Restore Pennsylvania will provide funding to bridge the digital divide, supporting the installation of infrastructure to bring high-speed internet to communities across the commonwealth and making Pennsylvania a better place to work, do business, and live.

Whereas, Restore Pennsylvania will provide funding to assist individuals who suffer sever weather-related losses and funding to help communities prepare for flooding and sever weather, upgrade flood walls and levees, replace high-hazard dams, and conduct stream restoration and maintenance.

Whereas, Restore Pennsylvania will address blight by providing financial resources to local communities to establish land banks and acquire and demolish blighted buildings in order to create new development opportunities or provide new green space.

Whereas, Restore Pennsylvania will fund expanded efforts to remove lead and other contaminants from communities.

Whereas, Restore Pennsylvania will enable new environmental projects and new recreational opportunities across the commonwealth, including infrastructure and maintenance in state parks, local water quality improvements on farms, and funding for new hiking, biking and trail projects.

Whereas, Restore Pennsylvania will help to build manufacturing facilities and other downstream businesses while helping businesses and individuals use more of Pennsylvania's natural gas in their homes, creating jobs, lowering costs, and improving energy efficiency.

Whereas, Restore Pennsylvania will provide funding for local road and bridge upgrades, create new flexible funding options for businesses that need local infrastructure upgrades to enable development projects, and multimodal and large-scale capital projects for transit.

Whereas, Restore Pennsylvania projects will be driven by local input about local needs, and project will be evaluated through a competitive process to ensure that high-priority, high-impact projects are funded and needs across Pennsylvania are met:

Now, Therefore, Be It Resolved, that the City of Wilkes-Barre hereby urges the Pennsylvania General Assembly to support Restore Pennsylvania.

RESOLUTION NO. R0026-19

Whereas, every ten years, Article 1, Section 2 of the United States Constitution mandates a count of all the people living in the United States and its territories.

Whereas, the 2020 Census will address every household in the nation with a simple questionnaire with the goal of counting everyone only once, in the right place.

Whereas, data obtained by the survey will be used to help determine how approximately \$675 billion will be distributed from the federal government to state, local, and tribal governments annually.

Whereas, up to \$2,000 of federal funding will be lost for each person not counted; as well as upwards of \$20,000 of federal funding lost every ten years.

Whereas, Census data ensures fair Congressional representation by determining how many seats each state will have in the U.S. House of Representatives, as well as the redistricting of state legislatures, county councils, city councils, and voting districts.

Whereas, The 2020 Census creates jobs that stimulate economic growth and increase employment opportunities in our community.

Whereas, a complete count requires bringing together leaders from all communities of Wilkes-Barre City, so that everyone regardless of racial, social, or economic background is counted.

Whereas, Mayor Tony George has established the City of Wilkes-Barre Complete Count Committee, which is comprised of community leaders. The committee will collaborate with community members to ensure a complete and accurate 2020 Census count, through residents' awareness and education of the count's importance. The committee will assist residents to overcome cultural, economic, technological, or linguistic barriers to participating in the 2020 census.

Whereas, The City of Wilkes-Barre is committed to its residents contributing to an accurate 2020 Census which will ultimately benefit the residents of the community.

Now, Therefore, Be It Resolved, that the City of Wilkes-Barre hereby urges the residents of Wilkes-Barre City to be counted during the 2020 Census.

RESOLUTION NO. R0027-19

WHEREAS, Section 31-21 of the Code of Ordinances of the City of Wilkes-Barre established a Shade Tree Commission for the City of Wilkes-Barre;

WHEREAS, it is the desire of the City of Wilkes-Barre to appoint the persons referenced below to the Shade Tree Commission of the City;

NOW, THEREFORE, BE IT RESOLVED, that the following persons are hereby appointed as members of the Shade Tree Commission:

<u>Name</u>	<u>Term Expires</u>
Michael J. Steinberg 69 Jefferson Lane Wilkes-Barre, PA 18701	December 31, 2021
Sam Troy 95 Joseph Lane Wilkes-Barre, PA 18702	December 31, 2022
Tom Rogish 40 Slattery Drive Wilkes-Barre, PA 18705	December 31, 2023

The above listed commission members are replacing members Rich Paris, Lillian Cohen and Malcolm Barber whose terms on the commission have expired.

MINUTES

Of the Planning Commission of March 27, 2019.

Of the Regular Session of City Council of March 28, 2019.

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

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

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

Nays none.

PRESENTATIONS BY COUNCIL MEMBERS

Ms. Gilbert reported a pothole on East Northampton Street at the corner of South Meade Street.

Ms. Gilbert discussed a continuing problem with a generator running on Almond Lane. She said she is not sure if the property owner has been cited, she hasn't received an update. She mentioned that the Health Department and Code Enforcement were there to check into it, but she said she doesn't know what the result was. Ms. Gilbert said there are two Ordinances on the books that would consider it a nuisance at this point, and they should be fined \$1,000.00. Ms. Gilbert said it is the fourth time she has brought this issue up at a Council meeting and she expects them to be fined \$1,000 if possible.

Mr. Gazenski told Mr. Gilbert that he thought the issue was resolved. He said he will check into it first thing in the morning.

Mr. Belusko asked why the generator is running.

Ms. Gilbert said it is assumed that the man is living there and a rumor that he is trying to start a commercial car garage there (which would have to go in front of Zoning).

PUBLIC DISCUSSION

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to the need for bike paths, restaurants putting tables on the sidewalks and blocking pedestrian traffic, sinkhole on sidewalk in front of the Citizens Voice and people smoking marijuana at the Intermodal Transportation Center and the Anthracite News Stand in the morning.

Greg Griffen, Citizens Opioid Committee, Swoyersville, PA appeared before Council to thank them for sending a letter to Attorney General Freed regarding the opioid epidemic (task force).

Ms. Gilbert thanked Mr. Griffen for everything he does with the committee.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to a pothole near South and South Main Street, licenses for cats, and union negotiation (removing the residency requirement).

Mr. Ryan said that he sat in on some of the union negotiations and not all City Hall employees asked for the removal of the residency requirement.

Ms. Gilbert said there is no license required for cats in the County.

Mr. Gazenski explained the Trap, Neuter and Return process for feral cats.

Jason Carr, Wilkes-Barre, PA appeared before Council relative to city employees' retiree benefits, residency requirement for city employees, employees' pensions, street cleaning and audit of the pension system.

Mr. Gazenski told Mr. Carr that the City will have three street sweepers in the neighbors beginning next week. One is owned by the city and the other two the city will borrow from the Wyoming Valley Sanitary.

Jack Feddock, Wilkes-Barre, PA appeared before Council relative to safety concerns at the intersection of Dagobert, Carey Avenue and Old River Road. (his home at 65 Carey Avenue has been hit 3 times).

Mr. Belusko said he discussed the issue with the Mayor at Tuesday's meeting. The Director of Operation Butch Frati is going to have poles installed in front of the house.

Mr. Gazenski said the poles screw into the ground and if for some reason you don't want them there, they can be taken out.

Tony Thomas, Wilkes-Barre, PA appeared before Council relative to the removal of the residency requirement for City employees (loss of earned income) and trash removal (regulations/license for private haulers).

Ms. Gilbert told Mr. Thomas that the garbage receptacle he showed her earlier is not in compliance with city code. Anything that is storing garbage has to be in a certain type of container.

Mr. Thomas said the container is a makeshift dumpster held together with plywood and bungee cords.

Ms. Gilbert said the Health Department did go to look at it. She said she hasn't received a response from them, but she will follow up and get back to him.

Angel Jirau, Wilkes-Barre, PA appeared before Council relative to creating a civilian police academy and a Civilian Review Board.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to lack of transparency, Sterling lot, police officers' lawsuit against the city (how much was spent and why the City Attorney's Office did not take up the defense), and union negotiations (appoint Council member to negotiate).

Mr. Belusko told Mr. Troy that Council members are not involved in union negotiations.

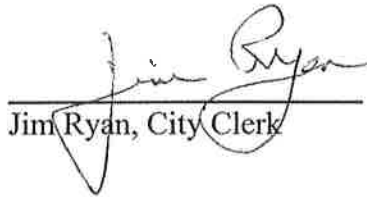
Attorney Henry explained that the allegations made by the police officers against the city are alleged constitutional violations; which means that the lawsuit is picked up by the city's insurance company. The insurance carrier appoints the lawyer who defends the city in that case, and the city is only responsible for the deductible.

There being no further business to discuss the meeting adjourned at 7:23 p.m.



Mike Belusko, Chairperson

ATTEST:


Jim Ryan, City Clerk