

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

MAY 9, 2019

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
MAY 9, 2019

CONSENT AGENDA (RESOLUTIONS)

Appointing Theodore Wampole to the Fire Civil Service Commission.

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder for the 2018 OCD & General Fund Street Paving Project.

Authorizing the proper city officials to enter into an agreement with Glick Fire Equipment Company, Inc. for the purchase of a 2020 Pierce Saber FR Custom 1500 GPM Pumper in the amount of \$4,92,319.00. The price includes a trade of Fire Department Vehicle 168-1992 KME Pumper. Payment will come from the Community Development Office.

Designating Anthony G. George, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre, South Main Street Plaza, L.P., and the Pennsylvania Department of Community and Economic Development, to facilitate and assist in obtaining the requested grant along with any or all project documents, related to the SMP Remediation Project, if the application is approved. (\$718,000.00)

MINUTES

Of the Planning Commission of April 17, 2019.

Of the Zoning Hearing Board of March 27, 2019.

Of the Wyoming Valley Sanitary Authority of February 19, 2019.

Of the Wyoming Valley Sanitary Authority of March 19, 2019.

Of the Regular Session of City Council of April 25, 2019.

CITY COUNCIL
MAY 9, 2019

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 4 OF 2019 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA UTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE TOWNSHIP OF HANOVER FOR THE ENGINEERING, REPAIR, UPKEEP AND MAINTENANCE OF DIVISION STREET AND BRIDGE SITUATE IN AND CROSSING THE BORDER OF BOTH MUNICIPALITIES. (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 5 OF 2019 – AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE NETITLED “EMPLOYEES PENSION FUND.” (FIRST READING)

CITY COUNCIL

May 9, 2019

The City Council of the City of Wilkes-Barre met in Regular Session on May 9, 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:

Rick Gazenski, City Administrator
Tim Henry, City Attorney/Deputy Administrator
Alan Klapat, Deputy Fire Chief
Adam Olver, Animal Enforcement Officer
Cathy Payne, Assistant City Clerk
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant

The City Clerk announced that the Resolution on the Consent Agenda (Resolutions) relative to executing documents and agreements with South Main Street Plaza, L.P. has been pulled from tonight's agenda for possible consideration by Council at the next regularly scheduled meeting, which is a combined session on Monday, May 20, 2019.

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

Mr. Ryan asked if there was anyone wishing to address Council on pending legislation.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to File of Council No. 5 of 2019 (Employees' Pension Fund).

Sam Troy, Wilkes-Barre, PA appeared before Council relative to File of Council No. 5 of 2019 (Employees' Pension Fund), File of Council No. 4 of 2019 (Division Street/Bridge), Resolution appointing Ted Wampole to the Fire Civil Service Commission and the Resolution relative to the purchase of a pumper for the Fire Department.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to appointing Ted Wampole to the Fire Civil Service Commission (is it a paid position).

John Suchoski, Wilkes-Barre, PA appeared before Council relative to appointing Ted Wampole to the Fire Civil Service Commission (explain the duties of board/commissions).

RESOLUTIONS

Resolution No. R0030-19 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION R0030-19

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 Fire Civil Service Commission of the City of Wilkes-Barre to replace Angel Jirau who recently retired;

Now, Therefore, Be It Resolved, that the following person is hereby appointed as a member of the Fire Civil Service Commission of the City of Wilkes-Barre:

<u>Name</u>	<u>Term Expires</u>
Theodore Wampole 80 Conwell Street Wilkes-Barre, PA 18702	December 31, 20121

RESOLUTION NO. R0031-19

Whereas, the City of Wilkes-Barre advertised for bids for a paving project called 2018 OCD & General Fund Street Paving Project, (the "Project").

Now, Therefore, Be It Resolved by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder for the Project.

Payment to be made from OECD and General Budget.

Streets (or portions thereof) Being paved in the project:

1. South Main St. (from Public Square to Ross Street)
2. Northampton St. (from Washington to South Main Street)
3. N. Sherman Street (Coal Street to Amber Lane)
4. S. Sherman Street (Northampton Street to South Street)
5. Mill Creek (from the light at Scott Street George Avenue)
6. Mayock Street (from E. Main Street to Scott Street)

RESOLUTION NO. R0032-19

Whereas, the City of Wilkes-Barre is desirous to purchase a 2020 Pierce Saber FR Custom 1500 GPM Pumper Fire Engine through the PA COSTARS Contract Number 013-055 for the Bureau of Fire.

Now, Therefore, Be It Resolved by the City Council of the City of Wilkes-Barre, that the proper city officials are hereby authorized to enter into an agreement with Glick Fire Equipment Company, Inc., 350 Bird in Hand, PA 17505 for the purchase of a 2020 Pierce Saber FR Custom 1500 GPM Pumper in the amount of \$492,319.00.

The price includes a trade of Fire Department Vehicle 168 – 1992 KME Pumper. VIN# 1K9AF4284NH058563.

Payment will come from the Community Development Office.

MINUTES

Of the Planning Commission of April 17, 2019.

Of the Zoning Hearing Board of March 27, 2019.

Of the Wyoming Valley Sanitary Authority of February 19, 2019.

Of the Wyoming Valley Sanitary Authority of March 19, 2019.

Of the Regular Session of City Council of April 25, 2019.

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

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

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

Nays none.

ORDINANCES

The following Ordinances appeared on the Consent Agenda (Ordinances):

FILE OF COUNCIL NO. 4 OF 2019 – AN ORDINANCE OF THE CITY OF WILKES-BARRE PENNSYLVANIA AUTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE TOWNSHIP OF HANOVER FOR THE ENGINEERING, REPAIR, UPKEEP AND MAINTENANCE OF DIVISION STREET AND BRIDGE SITUATE IN AND CROSSING THE BORDER OF BOTH MUNICIPALITIES. (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 5 OF 2019 – AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “EMPLOYEES PENSION FUND.” (FIRST READING)

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

The motion was seconded by Mr. Barrett 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

Mr. Brooks read the following statement:

In Monday's Times Leader there was a newspaper article regarding the Sphere International Contractors that had begun asbestos removal from the former Frank Clark property at 63 South Main Street in preparation for the building demolition. While I'm

pleased to learn that the developer is beginning to work on this project, I also want to go on records and express concern. When Sphere International originally announced this project in 2015, they publicly committed to preserving the façade of the Frank Clark and Engle buildings and incorporating them into the project. The façade preservation was also a requirement in the city's request for proposals that resulted in Sphere being granted the development rights for the city-owned portion of this site. It is clear from Monday's newspaper article that the plans have changed from what was originally proposed. For example, the developers have said that they now intend to build around the Hollywood Shop property, which is really one half of the Engle Building; however, the public hasn't seen any updated development plans. In other words, we don't have any details of what actually is going to be built on this site, so we don't know for example how they intend to carry out the façade preservation plan. This project is the result of a development agreement with the city and it involves incentives granted by the city in the form of KOZ benefits. I don't believe that it is good public policy for the city to be issuing demolition permits before the developer has provided plans for this site. As a result, before the City issues any further permits, I would like to see concrete evidence of the developers updated plans for this site. It shouldn't be an issue, it's really just a matter of understanding further plans going forward. My question to you Rick, can we organize a presentation by Sphere Development, and hold off issuing any permits unless they present us with their plans going forward.

Mr. Gazenski asked if there was language in the agreement about the façade.

Mr. Brooks explained that the developers signed an agreement to preserve the façade. The Diamond City Partnership put up \$35,000 to help them pay for it, but now it seems from the article that it changed. He said he would like to get a concrete update on what their plans are.

Attorney Henry said he will try and get in touch with the Attorney for Sphere and coordinate a meeting.

Ms. Gilbert reported cars going the wrong way on South Meade Street (between East South and New Market Streets).

Ms. Gilbert told the Administration that there are about 4 or 5 mattresses in front of 460 Dana Street.

Ms. Gilbert asked if the city has a list of approved contractors that residents can access and if there is a list can it be published on the website.

Mr. Gazenski explained that one of the issues with a list is that if the city misses a contractor on the list there can be some backlash.

Ms. Gilbert asked how a resident goes about finding someone who is licensed in Wilkes-Barre.

Attorney Henry said they can check in the phone book under contractors.

Ms. Gilbert said there have been issues with contractors lying about being licensed.

Mr. Gazenski said the City does not have an updated list to provide to residents.

Ms. Gilbert asked how the city doesn't have an updated list.

Mr. Gazenski said the list is constantly changing; contractors go in and out of business all the time.

Ms. Gilbert said she sees both sides of the issue, but she thinks the city needs to help the residents find licensed contractors to a degree.

Attorney Henry said that historically a concern has been that the city doesn't want the perception that the city is endorsing some contractors as opposed to other contractors.

Ms. Gilbert said they still have to be licensed.

Mr. Barrett said he heard an unsubstantiated report that Scott Street will not be done by PennDOT this year. He said he has no proof of that but asked the Administration to confirm that it is going to be done this year and if it's not the Administration needs to reach out to the state and find out what the problem is.

Mr. Barrett said he received some feedback from city residents who are very pleased with the way the Hollenback Golf Course is being maintained and managed.

PUBLIC DISCUSSION

Kit Kelchner, Wilkes-Barre, PA appeared before Council relative to the feral cat problem in the city (against TNR).

Andrea Glod, Wilkes-Barre, PA appeared before Council relative to the feral cat problem in the city (against TNR).

Maude Sienkiewicz, Wilkes-Barre, PA appeared before Council relative to the feral cat problem in the city (against TNR).

Rhonda Martini, Wilkes-Barre, PA appeared before Council relative to the feral cat problem in the city (against TNR).

Animal Enforcement Officer Adam Olver appeared before Council to update them on the feral cat problem and TNR.

Mr. Olver explained that there has been no change to the TNR agreement, and it is still in place with Whiskers' World and Happy Hearts and Tails. He said some residents contacted the cat rescues and didn't get a response, so the city was able to go down and help them. He said he is not in agreement with the SPCA's policy that when a resident traps a cat and gives them to the SPCA that the SPCA gives them back. He said the city has a contract with the SPCA.

Mr. Olver said he gave a proposal to the City Administration, the City Attorney, Council members and the Director of the Health Department. He said it is an Ordinance that addresses cats specifically. It will deal with caretakers, TNR, licensing and microchipping.

Mr. Olver mentioned that there is also a section in the proposed Ordinance regarding colonies. It allows for caretakes and for Trap Neuter Release; however, they have to get a neighborhood approval rating. If someone wants to be a caretaker and have TNR on their own property, they first have to file an application with the Health Department and then they would need to get signatures from 75% or more of the neighbors (in a one block radius) who are in favor of the colony. After it is approved, the resident would have to register as a caretaker. The Health Department would do a site inspection and make sure that it is clean, the cats are vetted, spayed/neutered and rabies vaccinated.

Mr. Olver said he thinks it is a transparent, diplomatic and democratic approach to the problem.

Mr. Belusko asked the City Attorney if he has looked at Mr. Olver's proposal.

Attorney Henry said that he has reviewed it and was waiting for input back from Council.

Mr. Olver said he got the proposed Ordinance from municipalities that the cat rescues said have TNR and it works.

Ms. Gilbert asked Mr. Olver what the peak months for feral cats.

Mr. Olver said from March to October is called "kitten season".

Ms. Gilbert said that based on what Mr. Olver said, it would behoove Council to look at the Ordinance as soon as possible and get it on the agenda for the next meeting.

Mr. Belusko asked Council members to review the Ordinance and get back to him with their input.

Attorney Henry told Council to let his office know if there are changes that they would like made, so he can draft it in a form that Council is comfortable with.

Jason Carr, Wilkes-Barre, PA appeared before Council relative to pledging his support for the re-election of Tony George for Mayor, stray cat problem, high grass, nuisance properties, and the flight of working tax paying citizens out of the city.

Michael Steinberg, Wilkes-Barre, PA appeared before Council relative to delinquent mercantile tax and collection of mercantile tax and business privilege tax (enforcement/payment of), the Vape Shop's ribbon banner (illegal) and loitering and garbage near Caribbean Café.

Attorney Henry told Mr. Steinberg that Berkheimer collects the mercantile and business privilege taxes for the city. He said the city did hire a company years ago to go after the delinquencies for those taxes. They were successful in collecting some of the them, but he didn't know what the figure was. He said the city does get payments from that company periodically.

Mr. Barrett said if a business does not pay their mercantile tax and it goes to a collection agency, does the city go after the business license at some point as a way of ensuring that they do comply with the tax or do we just rely on the collection agency.

Attorney Henry said he suspects that the city just relies on the collection agency.

Mr. Barrett said the reissuing of the license should be contingent on all fees being paid.

Attorney Henry said his office would have to review the Ordinances and see how they are worded.

Angel Jirau, Wilkes-Barre, PA appeared before Council relative to a Police and Civilian Review Board.

Ms. Gilbert told Mr. Jirau that she is in full support of a Police and Civilian Review Board, and if done correctly it would allow an avenue for the Police Department to be more transparent with the public and vice versa.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to Chapter 5 of the Code of Ordinance, Animal and Fowl (abandoning cats), contributions from contractors to political campaigns, the need for a new pothole patcher, collective bargaining agreements (city have the ability to hire private contractors to pick up trash) and the parking meters on South Main Street in front of the Dollar Store.

Mr. Olver discussed the Animal Ordinance with regards to abandonment of an animal. He said the rescues are taking cats, getting them fixed and releasing them on the street without a caretaker and that is technically abandonment. However, it is a very gray area because there are no laws on cats.

Mr. Suchoski asked if the SPCA has records of who they are releasing the cats to.

Mr. Olver replied that they do keep a record.

Mr. Belusko told Mr. Suchoski that he wouldn't accept campaign contributions from any contractor, nor would any other Council member.

Ms. Gilbert said that in District C it has gotten to the point where residents are patching potholes on their own with gravel.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to raises for former Mayor Tom Leighton, the Market Street Square Complex, South Main Street Project, agreement to preserve the Planters' Peanut Building, Police Department and the Mayor's healthcare.

Mr. Gazenski said he will check into the Market Street Square Complex and see what the hold up is.

Attorney Henry informed Mr. Kadluboski that the lawsuit related to the Planters Peanuts property was settled under the prior Administration.

Mr. Barrett said that Council does not give raises to employees or elected officials.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the \$84,000 for the Division Street/Bridge (Ordinance), public involvement and the Resolution for the South Main Street Project.

Mr. Gazenski explained that half of the \$84,000 for the Division Street/Bridge Project is coming from the General Fund and the other half is coming from OECD.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to bike paths, loitering downtown by the Senior Center, and smoking at the Intermodal Center.

Ms. Gilbert asked if Martz has any responsibility to stop people from smoking in the Intermodal.

Attorney Henry said he believes it is just the city that can enforce it.

Gordon Williams, Wilkes-Barre, PA appeared before Council relative to the new hotel and conference center proposed for South Main & East Northampton Streets (Downtown Residents Association pledged money to preserve facades).

Andrew Augustine, Wilkes-Barre, PA appeared before Council relative to the new hotel and conference center proposed for South Main & East Northampton Streets (save the facades)

Ann Lewis, Wilkes-Barre, PA appeared before Council relative to the new hotel and conference center proposed for South Main & East Northampton Streets (save the facades).

There being no further business to discuss the meeting adjourned at 7:30 p.m.

Mike Belusko, Chairperson

ATTEST:

Jim Ryan, City Clerk