

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

APRIL 26, 2018

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
APRIL 26, 2018

CONSENT AGENDA (RESOLUTIONS)

Approving the transfer of a Liquor License from Hanover Township to Gray Kitten, LLC, 80-82 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA.

Authorizing the Istanbul Grill, LLC, 40 South Main Street, to utilize approximately fifteen feet of the city right-of-way located in front of its location for outdoor seating.

Authorizing the proper city officials to enter into an agreement with the lowest Responsible bidder for blue city garbage bags.

Authorizing the proper city officials to enter into an agreement in the amount of \$609,000 with the Pennsylvania Department of health to provide HIV/AIDS prevention and education.

Authorizing the proper city officials to sign any and all necessary documents related to spending the balance of its ESG money with the extended time frame.

Authorizing the proper city officials to grant Wyoming Valley Challenger Baseball LL a field use permit for the little league baseball field located in the city park known as the "Bog" on Dewey Lane in the Miner's Mills section of the city.

Authorizing the proper city officials to sign any and all necessary documents related to the sale of 37-39 Division Street, Wilkes-Barre, Pennsylvania to Kurt Sauer and Ellen Sauer for a sale price of \$5,000.00.

MINUTES

Of the Public Hearing of City Council of April 10, 2018.

Of the Parking Authority of March 20, 2018.

CITY COUNCIL

APRIL 26, 2018

The City Council of the City of Wilkes-Barre met in Regular Session on April 26, 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:

Ted Wampole, Administrator
Maureen Collins, Assistant City Attorney
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant

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.

Angel Jirau, Wilkes-Barre, PA appeared before Council relative to the Resolution regarding the HIV/AIDS grant.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Liquor License Transfer Resolution (on behalf of Ben Ciavarella – opposing it).

Frank Malacari, Wilkes-Barre, PA, appeared before Council relative to the Liquor License Transfer Resolution and Mr. Ciavarella's opposition to it.

Ms. Gilbert said she would like to hear Mr. Ciavarella's side before voting on this Resolution.

Mr. Merritt said he doesn't believe the approval of a liquor license should be based on parking.

Mr. Malacari added that the restaurant does meet the parking requirements.

Mr. Barrett asked how many seats the restaurant has.

Mr. Malacari replied there are approximately 40 seats.

Mr. Merritt said he would like to vote on the Resolution tonight.

Mr. Belusko agreed with Mr. Merritt.

Ms. Gilbert said she noticed that the blue bags bid was posted on the website before Council's approval.

Mr. Wampole said Council isn't authorizing the Administration to bid the bags; they are authorizing the Administration to enter into the agreement with the lowest responsible bidder.

RESOLUTIONS

Resolution No. R0036-18 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0036-18

A Resolution of the Municipality of Wilkes-Barre County of Luzerne Commonwealth of Pennsylvania, Approving Transfer of Restaurant Liquor License #R-4459, LID #52896 into the City of Wilkes-Barre, Luzerne County from Hanover Township.

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 within 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 once 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 April 24, 2018 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 Gray Kitten, LLC, 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 Gray Kitten, LLC will not adversely affect the welfare, health, peace and morals of the municipality or its residents.

Be It Further Resolved, that Wilkes-Barre City approves, by adoption of this Resolution, the proposed transfer of License #R-4459, LID #52896, from Hanover Twp., PA to be located at 80-82 Wilkes-Barre Township Boulevard, 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 April 24, 2018.

RESOLUTION NO. R0037-18

Resolved, that the City Council of the City of Wilkes-Barre hereby authorizes Istanbul Grill, LLC, 40 South Main Street, Wilkes-Barre, to utilize approximately fifteen (15) feet of the City right-of-way located in front of its location for outdoor seating provided that pedestrian and emergency vehicle access are not adversely effected and upon the following conditions:

1. A Hold Harmless Agreement in favor of the City of Wilkes-Barre shall be executed and returned to the Office of the City Attorney.
2. Certificates of Insurance naming the City as an additional insured shall be filed with the Office of the City Attorney in an amount of one million per occurrence and two million per aggregate.
3. Any alcoholic beverages served must be contained in the area licensed by the Pennsylvania Liquor Control Board.

4. Any and all successors must follow the same requirements.

RESOLUTION NO. R0038-18

Authorizing the proper city officials to enter into an agreement with the lowest responsible bidder for blue city garbage bags.

RESOLUTION NO. R0039-18

Authorizing the proper city officials to enter an agreement in the amount of \$609,000 with the Pennsylvania Department of Health to provide HIV/AIDS prevention and education.

RESOLUTION NO. R0040-18

Whereas, the City's Office of Economic & Community Development was notified by the Office of Housing and Urban Development ("HUD") that money to be used pursuant to the Emergency Solutions Grant ("ESG") remained unspent and that expenditure deadline had expired;

Whereas, HUD recognized that several agencies in the region had also failed to expend ESG balances during the required time period(s);

Whereas, HUD has now extended the City's expenditure deadline to December 31, 2018;

Now, Therefore, Be It Resolved that the proper city officials are hereby authorized to sign any and all necessary documents related to spending the balance of its ESG money with the extended time frame.

RESOLUTION NO. R0041-18

Now, Therefore, Be It Resolved by the City Council of the City of Wilkes-Barre that the proper city officials are hereby authorized to grant Wyoming Valley Challenger Baseball LL a Field Use Permit for the little league baseball field located in the city park known as the "Bog" on Dewey Lane in the Miners Mills section of the city.

RESOLUTION NO. R0042-18

Resolved, that the proper City officials are hereby authorized to sign any and all necessary documents related to the sale of 37-39 Division Street, Wilkes-Barre, Pennsylvania (PIN: I9NW3-001-009) to Kurt Sauer and Ellen Sauer ("Buyers") for a sale price of \$5,000.00.

MINUTES

Of the Public Hearing of City Council of April 10, 2018.

Of the Parking Authority of March 20, 2018.

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

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

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

Nays none.

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Barrett asked if Council can get more information on what is planned at Exit 2 and the temporary lights that were installed.

Mr. Barrett asked if the Administration can find out about the nine plus miles that PennDot is planning on paving on Business Route 309. He would like to know if it includes part of Kidder Street.

Mr. Barrett asked if Mr. Frati could check with PennDot to see if they plan on paving Scott Street any time soon.

Ms. Gilbert pointed out that South Empire Street needs to be paved.

Ms. Gilbert said that the area of South Meade and East Northampton Streets is very dark. She asked if the Administration can look into getting more light in the area.

Ms. Gilbert mentioned that she received a complaint that City Council's emails are not on the website. She said she would prefer that they be listed.

Mr. Wampole asked Council members to email him the email they would like listed on the website.

Mr. Merritt reported garbage all over the road on Johnson Street (near North Main).

Mr. Merritt reported potholes on Austin Avenue between Woodward and Mill Streets.

Mr. Belusko told Mr. Wampole that there are skunks living under the rear porch of 75 Lockhart Street. He asked Animal Enforcement to look into it.

Mr. Belusko said he agreed with Mr. Ryan's email today regarding press seating. He suggested designating seats in the front row for the press only.

Mr. Brooks thanked the Health Department for their quick response to a situation he reported.

PUBLIC DISCUSSION

Linda Joseph, President of the Rolling Mill Hill Residents Association, Wilkes-Barre, PA appeared before Council to thank Chief Lendacky for all of her support and cooperation over the last two years.

Angel Jirau, President and Founder of S.A.L.S.A, Wilkes-Barre, PA appeared before Council to thank Chief Lendacky for her service, hiring a new Police Chief from outside the area, mandatory cultural diversity training for city employees, the city's drug epidemic and closing the city pools.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the hiring of the next Police Chief and sale of Park N' Lock East.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to removing Chief Lendacky immediately.


Angel Mathis, Wilkes-Barre, PA appeared before Council relative to the traffic lane on North Main and Union Streets and barriers on the sidewalk in front of Leo's on Mane.

There being no further business to discuss the meeting adjourned at 6:47 p.m.



Tony Brooks, Chairperson

ATTEST:



Jim Ryan, City Clerk