

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

FEBRUARY 9, 2023

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS/MINUTES)

ORDINANCE

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

**CITY COUNCIL
FEBRUARY 9, 2023**

CONSENT AGENDA (RESOLUTIONS)

A Resolution of the Municipality of Wilkes-Barre, County of Luzerne, Commonwealth of Pennsylvania, approving the transfer of a Liquor License from Plains Township, PA to El Tikal Mexican Restaurant & Bar LLC, 401 J. Campbell Collins Drive, Wilkes-Barre, PA.

Authorizing the proper city officials to sign any and all necessary documents related to awarding the contract to the lowest responsible bidder (Titan Tree Service) in the amount of \$103,590,000.00 (one hundred three thousand five hundred ninety dollars and zero cents), for the Solomon Creek Tree Trimming Project. (payment to be made from the American Rescue funds).

Authorizing the proper city officials to purchase the equipment to upgrade its video surveillance system in and around City Hall through the Commonwealth of Pennsylvania's Cooperative Purchasing Program (COSTARS). The purchase price is \$22,438.44.

Proclaiming the month of April, 2023 as "Fair Housing Month".

MINUTES

Of the Wilkes-Barre Zoning Hearing Board of January 18, 2023

Of the Regular Session of City Council of January 26, 2023

ORDINANCE

FILE OF COUNCIL NO. 1 of 2023 – Amending Article II, of Chapter 12 of the City of Wilkes-Barre Code of Ordinances Entitled "Litter and Disposal" (City Garbage Stickers).

CITY COUNCIL

February 9, 2023

The City Council of the City of Wilkes-Barre met in Regular Session on February 9, 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 Vice Chairperson Bill Barrett in the Chair.

The Pledge of Allegiance to the Flag was given.

Councilman Barrett read the opening prayer.

Roll Call:

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

Also Present:

George C. Brown, Mayor
Tim Henry, 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.

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 Liquor License Transfer (opposed), the Solomon Creek Tree Trimming Project and the video surveillance system for City Hall.

Mr. Barrett informed Mr. Troy that there was a public hearing on the liquor license transfer today at 5:30 p.m. Mr. Barrett said that he visited the site, it is partitioned off from the fitness center, and it will be a restaurant with a liquor license.

Mayor Brown told Mr. Troy that a section of Solomon Creek Wall has to be repaired. The City's Department of Public Works went down and cleared what they could, but there is an area that needs professionals with special equipment.

Mayor Brown said that the city's current surveillance system is outdated. The new system will provide a much safer environment.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to the video surveillance system upgrade and Fair Housing Month.

Mr. McCormick informed Ms. Mathis that the video goes on a server system.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the garbage bag stickers.

RESOLUTIONS

RESOLUTION NO. R0007-23

A RESOLUTION OF THE MUNICIPALITY OF WILKES-BARRE COUNTY OF LUZERNE COMMONWEALTH OF PENNSYLVANIA, APPROVING TRANSFER OF RESTAURANT LIQUOR LICENSE # R-2266, LID # 103720 INTO THE CITY OF WILKES-BARRE, LUZERNE COUNTY FROM PLAINS 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 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 February 9, 2023 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 El Tikal Mexican Restaurant & Bar 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 El Tikal Mexican Restaurant & Bar 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-2266, LID #103720, from Plains Township, PA to be located at 401 J. Campbell Collins Drive, Wilkes-Barre, PA (PIN: 73-H10SW3-003-34D).

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 February 9, 2023.

RESOLUTION NO. R0008-23

Whereas, the City of Wilkes-Barre publicly advertised for bidders for the Solomon Creek Tree Trimming 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, Titan Tree Service, in the amount of \$103,590.000 (one hundred three thousand five hundred ninety dollars and zero cents) for Solomon Creek Tree Trimming project.

Be It Further Resolved that the payment related thereto be made from American Rescue.

RESOLUTION NO. R0009-23

Whereas, the City of Wilkes-Barre wishes to upgrade its video surveillance system in and around City Hall through the Commonwealth of Pennsylvania's Cooperative Purchasing Program ("COSTARS");

Now, Therefore, Be It Resolved by the City Council of the City of Wilkes-Barre that the proper city officials are hereby authorized to purchase the equipment contained in the attached quote from CDW-G, a Costars Vendor, for a purchase price of \$22,438.44.

RESOLUTION NO. R0010-23

Whereas, Fair Housing is a right emphasized by the U.S. Congress beginning with the Civil Rights Act of 1968 and most recently the amendments of 1988 to the Fair Housing Act; and

Whereas, this is the 55th anniversary of the enactment of the civil rights act of 1968, as amended and strengthened in 1988; title viii of which guarantees the right to be free from housing discrimination based on race, color, national origin, religion, sex, familial status, and disability (including AIDS/HIV).

Now, Therefore, Be It Resolved that the City Council of the Wilkes-Barre hereby proclaims the month of April 2023, as “Fair Housing Month” in the City of Wilkes-Barre encourages its citizens and organizations to celebrate diversity and value the harmonious communities of neighbors to support the goal of equal opportunities for all people.

MINUTES

Of the Wilkes-Barre Zoning Hearing Board of January 18, 2023.

Of the Regular Session of City Council of January 26, 2023.

Mrs. McBride moved to adopt the Consent Agenda (Resolutions).

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

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

Nays none.

Absent – Belusko – 1.

ORDINANCES

FILE OF COUNCIL NO. 1 OF 2023 – AMENDING ARTICLE II, OF CHAPTER 12 OF THE CITY OF WILKES-BARRE CODE OF ORDINANCES ENTITLED “LITTER AND DISPOSAL” (CITY GARBAGE STICKERS). (SECOND AND FINAL READING)

Mr. Brooks moved to adopt the Ordinance.

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

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

Nays none.

Absent – Belusko – 1.

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Brooks discussed the recent murder of two City Council members in New Jersey. He asked why the city cannot have people checked at the door for guns.

Attorney Henry replied that municipalities are preempted from regulating guns. There are laws that prohibit them from being in schools and in courtrooms, but municipalities aren't included in that law. If Council wanted to change that it would have to be done at the state level.

Mr. Marconi reported a pothole at North Main and Johnson Streets (at the railroad tracks).

Mr. Barrett said there was a water main break several weeks ago in the area of 1322 Scott Street and the temporary patch that was done is rough. He asked the Administration to call the water company to see if they could smooth it out until they can make a permanent repair.

Mr. Barrett asked the Administration if they can have the wooded area on Scott Street (across from Eastern Penn Supply) cleaned up. There are several large bags and some furniture in the area that need to be removed.

Mr. Barrett reported a couch, construction debris and junk vehicles on the property of the burned-out house on Scott Street and George Avenue. He asked for city inspectors look at it.

PUBLIC DISCUSSION

Ant Marquis, Wilkes-Barre, PA appeared before Council relative to city infrastructure and sidewalks.

Attorney Henry told Mr. Marquis that the condition of the sidewalks is the responsibility of the abutting property owner, not the city.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to violating his rights, being asked to leave the building within 10 minutes and police officers at Council meetings.

Mr. Barrett explained to Mr. Kadluboski that it is not a law that you have to leave within 10 minutes, it is a request. Council is asking that you vacate the building so the staff can lock up and secure the building.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to the demolition of homes on South Franklin Street, more street cleaning and parking issues.

The Mayor said that the city doesn't traditionally do street cleaning this time of the year because of the weather.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the garbage sticker program, biodegradable garbage bags, the sale of the former Meyer's High School, W-B School District Administration building and a taxpayer relief fund.


Mr. Brooks corrected Mr. Troy and said that he and Mrs. Gilbert spoke out against the new school multiple times.

Mrs. Gilbert echoed Mr. Brooks' comments. She said they both attended several protests and spoke against the consolidation of the schools for years.

Mayor Brown said that he too spoke against the consolidation of the city schools.

The Mayor explained that the reason the city is going with the garbage sticker program is because the city cannot get garbage bags. The Mayor added that the city is actually saving money by doing so.

There being no further business to discuss the meeting adjourned at 6:41 p.m.


William Barrett, Vice Chairperson

ATTEST:


Cathy Payne, City Clerk