

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

SEPTEMBER 14, 2017

PLEDGE OF ALLEGIANCE

ROLL CALL

RESOLUTION

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
SEPTEMBER 14, 2017

RESOLUTION

Approving the scheduling and presentation of a public hearing by Attorney Frank Hoegen, on behalf of his client, Clover Development, in order for to proceed with the next phase toward the LERTA designation for a parcel of land on Mayock Street.

CITY COUNCIL
SEPTEMBER 14, 2017

CONSENT AGENDA (RESOLUTIONS)

Approving the transfer of a Restaurant Liquor License into the City from Avoca Borough.

Accepting the Winter Traffic Services 5-year Agreement.

Enter into an agreement, along with any or all other project documents, related to the Edward Byrne Memorial Justice Assistance Grant (JAG) application, if the application is approved.

Enter into an agreement for a grant in the amount of \$288,289 with the Pennsylvania Department of Health to provide a lead hazard control program.

Enter into an agreement for a Safe and Healthy Communities grant in the amount of \$622,523 with the Pennsylvania Department of Health.

Enter into an agreement with the Air Cleaning Systems, Inc., 8 Sunset Drive, Latham, NY, for the purchase of a Plymovent Magnetic Vehicle Exhaust Extrication System for Fire Headquarters and South Fire Station in the amount of \$142,250.00.

Forgiving all taxes, penalties and interest assessed against 46-56 North Franklin St. by the City of Wilkes-Barre for tax years 2006 and 2007.

Appointing Rodney Kaiser, Esquire to the Zoning Hearing Board.

Enter into a contract with Stell Enterprises in the amount of \$22,400.00 for the Demolition of 171 Scott Street. Payment to be made from the OECD Budget.

Enter into a contract with the lowest responsible bidder for the Fire Headquarters Roof Project. Payment to be made from the OECD Budget and General Fund.

MINUTES

Of the Regular Session of City Council of August 10, 2017.

Of the Parking Authority of July 18, 2017.

CITY COUNCIL
SEPTEMBER 14, 2017

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 15 OF 2017 – AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 29 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “PARKING, STOPPING AND STANDING” (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 16 OF 2017 – AN ORDINANCE AMENDING THE HOME INVESTMENT PARTNERSHIP PROGRAM BUDGET FOR PROGRAM YEAR 2017. (FIRST READING – ON TITLE)

FILE OF COUNCIL NO. 17 OF 2017 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR PROGRAM YEAR 2017. (FIRST READING – ON TITLE)

FILE OF COUNCIL NO. 18 OF 2017 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR PROGRAM YEAR 2016. (FIRST READING – ON TITLE)

CITY COUNCIL

SEPTEMBER 14, 2017

The City Council of the City of Wilkes-Barre met in Regular Session on September 14, 2017 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 Beth Gilbert in the Chair.

The Pledge of Allegiance to the Flag was given.

Roll Call:

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

Also Present:

Darren Snyder, Controller
Ted Wampole, Administrator
William Harris, Director of Planning/Zoning
Timothy Henry, City Attorney/Deputy Administer
Alan Klapat, Deputy Fire Chief
Cathy Payne, Assistant City Clerk
Hank Radulski, Director of Health Services
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant

Mr. Ryan announced that the Resolution regarding Clover Development (LERTA) will be voted on separately and the Resolution regarding the Liquor License Transfer for Turkey Hill will be removed from the Consent Agenda and voted on separately (request by Chairperson Gilbert).

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.

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Resolution approving the scheduling of a public hearing by Clover Development for LERTA designation for a parcel of land on Mayock Street for senior housing.

Phil Latinski, Wilkes-Barre, PA appeared before Council relative to the Resolution approving the scheduling of a public hearing by Clover Development for LERTA designation for a parcel of land on Mayock Street for senior housing.

Jackie Boyle, Wilkes-Barre, PA appeared before Council relative to the Resolution approving the scheduling of a public hearing by Clover Development for LERTA designation for a parcel of land on Mayock Street for senior housing.

Dina Nichols, Wilkes-Barre, PA appeared before Council relative to the Resolution approving the scheduling of a public hearing by Clover Development for LERTA designation for a parcel of land on Mayock Street for senior housing.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the Resolution to accept the Winter Traffic Services Agreement, appointing Attorney Rodney Kaiser to the Zoning Board (his qualifications) and the Ordinance Amending Chapter 29 (parking in front of homes).

RESOLUTIONS

RESOLUTION NO. R0089-17

Whereas, Clover Group, Inc. (“Clover Group”), is interested in constructing a senior housing complex in the Parsons section of the City of Wilkes-Barre (“City”);

Whereas, as part of the project, Clover Group will be attempting to receive a LERTA designation from the appropriating taxing authorities for the property where the complex would be located;

Whereas, to that end, Clover Group, Inc., has requested the City Council of the City of Wilkes-Barre to authorize it to conduct a public meeting as the initial step in attempting to establish a LERTA designation for the relevant parcel of land;

Now, Therefore, Be It Resolved by the City Council of the City of Wilkes-Barre that the City hereby authorizes Clover Group to conduct the above-referenced public meeting;

Be It Further Resolved that any and all necessary actions related to organizing and conducting the meeting shall be the responsibility of Clover Group.

Mr. Merritt moved to put the Resolution on the floor for a vote.

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

Yeas none.

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

RESOLUTION NO. R0090-17

A RESOLUTION OF THE MUNICIPALITY OF WILKES-BARRE COUNTY OF LUZERNE COMMONWEALTH OF PENNSYLVANIA, APPROVING TRANSFER OF RESTAURANT LIQUOR LICENSE # R4563 INTO THE CITY OF WILKES-BARRE, LUZERNE COUNTY FROM AVOCA BOROUGH.

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 September 12, 2017 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 Turkey Hill, LP, 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 Turkey Hill LP, 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-4563 from (previous owner is unknown

and the license is being purchased directly from the PLC) Avoca Borough, PA, to be located at 1037 North Washington Street, 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 September 14, 2017.

Mr. Barrett moved to adopt the Resolution.

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

Yeas Barrett, Belusko and Brooks – 3 -.

Nays Merritt and Gilbert (Chairperson) – 2.

Resolution No. R0091-17 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0091-17

Whereas, the City of Wilkes-Barre Police Department requests authorization to apply for / obtain the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG); and

Whereas, the amount of the grant is \$19,198; and

Whereas, the purpose areas of the grant are funding for firearms/taser instructors re-certifications, tactical and non-tactical police trainings and saturation patrols for violent crime areas; and

Now, Therefore, Be It Resolved, by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to prepare and submit the Edward Byrne Memorial Justice Grant (JAG) application; and

Further, that the Mayor is hereby authorized to enter into the appropriate agreement, along with any or all other project documents, related to the Edward Byrne Memorial Justice Assistance Grant (JAG) application, if the application is approved.

RESOLUTION NO. R0092-17

Authorizing the proper city officials to enter into an agreement for a grant in the amount of \$288,289 with the Pennsylvania Department of health to provide a lead hazard control Program.

RESOLUTION NO. R0093-17

Authorizing the proper city officials to enter into an agreement for a Safe and Healthy Communities grant in the amount of \$622,523 with the Pennsylvania Department of Health.

RESOLUTION NO. R0094-17

Whereas, the Wilkes-Barre City Fire Department has been awarded a grant under the Assistance to Firefighters Grant program from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) for the purchase of a Plymovent Magnetic Vehicle Exhaust Extrication System for Fire Headquarters and South Fire Station; and

Whereas, the City of Wilkes-Barre is desirous to purchase and install a Plymovent Magnetic Vehicle Exhaust Extraction System through the PA COSTARS contract number 008—475 for the Bureau of Fire; and

Whereas, 90% of the payment will come from a Federal Emergency Management Agency Assistance to Fire Fighters Grant and 10% from the general fund operating budget.

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 Air Cleaning Systems, Inc., 8 Sunset Drive, Latham, NY 12110 for the purchase of a Plymovent Magnetic Vehicle Exhaust Extrication System for Fire Headquarters and South Fire Station in the amount of \$142,250.00.

RESOLUTION NO. R0095-17

Whereas, the Irem Temple, located at 46-56 North Franklin Street, Wilkes-Barre, Pennsylvania (PIN: H9SE2-003-021), is currently the subject of a restoration project;

Whereas, the property has been acclaimed as one of the nations most significant examples of Moorish Revival Architecture;

Whereas, the City Council of the City of Wilkes-Barre fully supports the restoration of this unique architectural gem located in downtown Wilkes-Barre;

Whereas, the proper is currently owned by the Industrial Development Authority of the City of Wilkes-Barre;

Whereas, the City inadvertently assessed taxes against the property in tax years 2006 and 2007;

Whereas, it is Council's intention to clear title to this important property by formally correcting the tax assessments referenced above;

Now, Therefore, Be It Resolved by the City Council of the City of Wilkes-Barre that all taxes, penalties and interest assessed against 46-56 North Franklin Street, Wilkes-Barre (PIN: H9SE2-003-021) by the City of Wilkes-Barre for tax years 2006 and 2007 are hereby forgiven.

RESOLUTION NO. R0096-17

Whereas, Section 1401 of the Zoning Ordinance of the City of Wilkes-Barre allows the Mayor, with the advice and consent of City Council, to appoint by resolution residents of the City of Wilkes-Barre to serve as members of the Zoning Board;

Whereas, it is the desire of the City of Wilkes-Barre to appoint the person referenced below to the Zoning Hearing Board to fill a current vacancy;

Now, Therefore, Be It Resolved, that the following person is hereby appointed as a member of the Zoning Hearing Board:

<u>Name</u>	<u>Term Expires</u>
Rodney Kaiser, Esq. 337 N. Main Street Wilkes-Barre, PA 18702	January 24, 2019

Attorney Kaiser is filling a vacancy created by the retirement of John Bergold.

RESOLUTION NO. R0097-17

Whereas, the City of Wilkes-Barre opened bids for the Demolition of 171 Scott Street:

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 a contract with Stell Enterprises in the amount of \$22,400.00 for the Demolition of 171 Scott Street.

Payment to be made from OECD Budget.

RESOLUTION NO. R0098-17

Whereas, the City of Wilkes-Barre advertised for bids for the Fire Headquarters Roof 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 enter into a contract with the lowest responsible bidder for the Fire Headquarters Roof Project.

Payment to be made from OECD Budget and General Fund. (92.80% OECD/7.2% General Fund)

RESOLUTION NO. R0099-17

Be It Resolved, by authority of Wilkes-Barre City Council of the City of Wilkes-Barre, Luzerne County, and it is hereby resolved by authority of the same, that the Mayor of said Municipality is authorized and directed to accept and sign the attached Winter Traffic Services 5-year Agreement on its behalf.

ATTEST:

Wilkes-Barre City

Jim Ryan, City Clerk

By: _____, Mayor
Anthony George

I, Jim Ryan, City Clerk of Wilkes-Barre City Council, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of Wilkes-Barre City Council, held the 14th day of September, 2017.

Date: _____, City Clerk
(Signature and designation of official title)

MINUTES

Of the Regular Session of City Council of August 10, 2017.

Of the Parking Authority of July 18, 2017.

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

The motion was seconded by Ms. Gilbert and adopted by the following yeas and nays vote:

Yeas Barrett, Belusko, Merritt, Brooks and Gilbert (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. 15 OF 2017 – AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 29 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “PARKING, STOPPING AND STANDING”. (SECOND AND FINAL READING)

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

The motion was seconded by Mr. Brooks and adopted by the following yeas and nays vote:

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

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Belusko said that he has been getting complaints about the kids playing basketball in Miner Park being loud, in the park late at night and drug activity. He asked the Administration to ask Chief Lendacky to look into it.

Mr. Brooks reported the Spruce Street sign has fallen down at the intersection with Blackman. He asked that it be replaced.

Ms. Gilbert thanked Ron Romanelli and the DPW Workers for their assistance over the summer with clean ups in the neighborhoods.

Ms. Gilbert reported high grass at 61 South Sherman Street.

Ms. Gilbert asked for an update on the Quality of Life Ordinance.

Mr. Wampole said that the Administration will be announcing a program shortly that is going to focus on the Quality of Ordinance.

Mr. Radulski replied as of two weeks ago there were 60 violations of the Ordinance that were put out and at that time 7 people paid. The rest will result in citations.

Ms. Gilbert thanked everyone who donated diapers to help the victims of Hurricane Harvey.

PUBLIC PRESENTATIONS

Phil Latinski, Wilkes-Barre, PA appeared before Council to thank them for their support of the situation in Pine Ridge Estates (Resolution for Clover Development).

Jean Magda, Wilkes-Barre, PA appeared before Council relative to water running onto her property on Flood Drive.


John Suchoski, Wilkes-Barre, PA appeared before Council relative to the basketball courts at Miner Park.

Nathan Summerlin, Wilkes-Barre, PA appeared before Council relative to purchasing an empty lot (next to his home) at 445-447 South River Street.

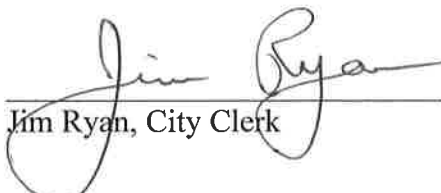
Ronald Serafin, Wilkes-Barre, PA appeared before Council relative to the Resolution concerning Clover Development holding a public hearing for a LERTA designation for a property on Mayock Street.

Bob Kadluboski, Wilkes-Barre, PA appeared to thank Council for voting down the LERTA Resolution (Clover Development).

There being no further business to discuss the meeting adjourned at 6:45 p.m.


Beth Gilbert, Chairperson

ATTEST:


Jim Ryan, City Clerk

