

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

SEPTEMBER 15, 2016

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
SEPTEMBER 15, 2016

CONSENT AGENDA (RESOLUTIONS)

Authorizing the Mayor to accept and sign the 2016-2017 Winter Service Agreement and Exhibits.

Urging the legislature of the Commonwealth of Pennsylvania to work expediently to enact and ordain legislation to ensure all persons are protected against discrimination on the basis of actual or perceived race, color, sex, religion, ancestry, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use or support animals and/or mechanical aids and afforded equal opportunities for employment, housing and use of public accommodations, by providing for the resolution of discrimination disputes in a timely, efficient and cost-effective manner.

Enter into an agreement with the lowest responsible bidder for the demolition of 150-154 Kidder Street.

Sell surplus, outdated, city equipment through a qualified auction service.

Authorizing the submission of an application for funding to the Commonwealth of Pennsylvania for the Redevelopment Assistance Capital Program ("RACP") Grant in the amount of Three Million Dollars (\$3,000,000.00) for the purpose of constructing the Wilkes University Engineering Initiative Project.

MINUTES

Of the Regular Session of City Council of August 11, 2016.

Of the Special Session of City Council of August 31, 2016.

Of the Parking Authority Meeting of July 19, 2016.

Of the Zoning Hearing Board Meeting of July 20, 2016.

Of the Planning Commission Meeting of July 20, 2016.

Of the Zoning Hearing Board Meeting of August 17, 2016.

CITY COUNCIL
SEPTEMBER 15, 2016

ORDINANCES

FILE OF COUNCIL NO. 10 OF 2016 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “HUMAN RELATIONS” BY REPLACING IT IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER. (SECOND AND FINAL READING).

FILE OF COUNCIL NO. 11 OF 2016 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “PARKS AND RECREATION” (HOLLENBACK GOLF COURSE FEE SCHEDULE) (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 12 OF 2016 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED “TRAFFIC AND MOTOR VEHICLES”. (BOOTING FEE) (SECOND AND FINAL READING)

CITY COUNCIL

SEPTEMBER 15, 2016

The City Council of the City of Wilkes-Barre met in Regular Session on September 15, 2016 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 Bill Barrett in the Chair.

The Pledge of Allegiance to the Flag was given.

Roll Call:

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

Also Present:

Darren Snyder, Controller
Ted Wampole, City Administrator
Maureen Collins, Assistant City Attorney
Nicole Ference, Human Resource Director
Butch Frati, Director of Operations
Bill Harris, Director of Planning and Zoning
Brett Kittrick, Finance Director
Alan Klapat, Deputy Fire Chief
Marcella Lendacky, Police Chief
Cathy Payne, Assistant City Clerk
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant
Kurt Sauer, Director of Community Development
Delphine Torbik, Associate Director of Personal Health Services
Joyce Zaykowski, Capital Projects Program Manager

Mr. Brooks read the following statement:

It is my intention that this statement will be recorded in the official minutes and I will also be providing a copy to be posted to the city's website. The statement is as follows: Recently I have been asked by the Osterhout Free Library to serve on its Board of Directors. As funding to the libraries provided by the City's Community Block Grant Program I am subject to federal regulations related to elected officials serving on the boards of entities who receive such funding. One of these regulations requires that I

make a public disclosure of the nature of any potential conflict of interest which may arise from my service on the board. This is why I am making a statement this evening. In general, a conflict of interest may arise when elected officials vote on awarding funding to an organization on which they serve as a member of the Board of Directors. However, under certain circumstances elected officials can seek an exemption to the conflict of interest provision. In my case, as a volunteer, I receive no benefit financial or otherwise, as a matter of fact it cost me money to serve on the Board of the Osterhout Library. Accordingly I am following the necessary procedures to formally request an exemption from the United States Department of Housing and Urban Development. Thank you.

The following four members were sworn in as members of Junior City Council:

Asia Charles
Guadalupe Canongo
Robbert McClay
Melissa Rush

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

Robert Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Human Relations Ordinance (File of Council No. 10 of 2016).

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the Human Relations Ordinance (File of Council No. 10 of 2016) and the Resolution regarding the Redevelopment Assistance Capital Program Grant (Wilkes University).

Angel Jirau, Wilkes-Barre, PA appeared before Council relative to the Human Relations Ordinance (File of Council No. 10 of 2016).

Jim Burden, Wilkes-Barre, PA appeared before Council relative to the Human Relations Ordinance (File of Council No. 10 of 2016).

Ted Martin appeared before Council relative to the Human Relations Ordinance (File of Council No. 10 of 2016).

Kathleen Smith (speaking on behalf of Emily Novakowski), Wilkes-Barre, PA appeared before Council relative to the Human Relations Ordinance (File of Council No. 10 of 2016).

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the Redevelopment Assistance Capital Program Grant (Wilkes University).

Christine Zuba, Wilkes-Barre, PA appeared before Council relative to the Human Relations Ordinance (File of Council No. 10 of 2016).

D. Kulp, Wilkes-Barre, PA appeared before Council relative to the Human Relations Ordinance (File of Council No. 10 of 2016).

RESOLUTIONS

Resolution No. R0085-16 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0085-16

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 2016-2017 Winter Service Agreement and Exhibits on its behalf.

RESOLUTION NO. R0086-16

Whereas, equality of all individuals is a basic tenet upon which the United States of America was founded; and

Whereas, the population of the Commonwealth of Pennsylvania (the "Commonwealth") is reflective of the general population of the United States of America, and consists of people possessing a number of different personal characteristics regarding their actual or perceived race, color, sex, religion, ancestry, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids; and

Whereas, the Commonwealth should pride itself on the diversity of its citizenry, and the harmonious relations which have been fostered in the state by a widely practiced and recognized attitude of tolerance and accommodation among all people regardless of their actual or perceived race, color, sex, religion, ancestry, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids; and

Whereas, the direct negative and secondary effects of discriminatory practices involving the personal characteristics described above in matters of employment, housing and public accommodation are well known and have been extensively studied and demonstrated; and

Whereas, the practice or policy of discrimination against such individuals or groups is a matter of public concern that threatens the rights and privileges of the inhabitants, guests and visitors of the Commonwealth and undermines the foundations of a free democratic society; and

Now, Therefore, Be It Resolved, that the City Council of the City of Wilkes-Barre hereby urges the legislature of the Commonwealth of Pennsylvania to work expediently

to enact and ordain legislation to ensure all persons are protected against discrimination of the basis of actual or perceived race, color, sex, religion, ancestry, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids and afforded equal opportunities for employment, housing and use of public accommodations, by providing for the resolution of discrimination disputes in a timely, efficient and cost-effective manner.

RESOLUTION R0087-16

Authorizing the proper city officials to enter into an agreement with the lowest responsible bidder for the demolition of 150-154 Kidder Street.

RESOLUTION NO. R0088-16

That, the proper City officials are hereby authorized to sell surplus Police Department equipment (e.g., vehicles, motorcycles, trailers), currently not in use, through a qualified auction service.

RESOLUTION NO. R0089-16

Resolution of the City of Wilkes-Barre (“City”) Authorizing the Submission of an application for funding to the Commonwealth of Pennsylvania for the Redevelopment Assistance Capital Program (“RACP”) Grant in the amount of Three Million Dollars (\$3,000,000.00) for the purpose of constructing the Wilkes University Engineering Initiative Project located in the City of Wilkes-Barre, Luzerne County; and further authorizing the City to execute a cooperation agreement and certain other documents as required.

Whereas, the Office of the budget notified Wilkes University that the Governor of the Commonwealth of Pennsylvania has authorized the release of Three Million Dollars (\$3,000,000.00) in RACP funds (the “Grant”) for certain site preparation and construction activities associated with the Wilkes University Engineering Initiative (the “Project”) located in the City of Wilkes-Barre, Luzerne County, Pennsylvania, and has requested that an eligible public applicant prepare and submit a formal and complete RACP application on behalf of the sub-applicant, Wilkes University (the “Sub-applicant”), to the Office of the Budget; and

Whereas, the Project will benefit the City and the community and, therefore, the City supports the Project; and

Whereas, the City has agreed to act as the public applicant as part of the Grant approval process and administration; and

Whereas, the City and Sub-applicant have agreed to enter into a Cooperation Agreement substantially similar to the Cooperation Agreement attached hereto and incorporated herein as Exhibit "A".

Now, Therefore, Be It Resolved that the City supports the Grant to the Sub-applicant in the amount of Three Million Dollars (\$3,000,000.00) for the purpose of completing the Project and agrees to serve as the public applicant for the Grant and to administer the Grant funds, in accordance with all statutory and program requirements, to effectuate the construction of the Project.

Be It Further Resolved, that the City is hereby authorized to execute the Grant application and the Grant Agreement on behalf of the Sub-applicant and to execute any other documents necessary to effectuate receipt of the Grant for the Project.

Be It Further Resolved, that the City is hereby authorized to execute a Cooperation Agreement in the form of the Cooperation Agreement attached hereto, as may be revised, provided that any such revision is found to be satisfactory to the City and the City Solicitor.

Be It Further Resolved, that the City Clerk is hereby authorized to execute a certificate attesting to the adoption of this Resolution NO. R0089-16 of 2016.

Approved and adopted this 15th day of September, 2016.

MINUTES

Of the Regular Session of City Council of August 11, 2016.

Of the Special Session of City Council of August 31, 2016.

Of the Parking Authority Meeting of July 19, 2016.

Of the Zoning Hearing Board Meeting of July 20, 2016.

Of the Planning Commission Meeting of July 20, 2016.

Of the Zoning Hearing Board Meeting of August 17, 2016.

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

Nays none.

ORDINANCES

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

FILE OF COUNCIL NO. 10 OF 2016 - AN ORDINANCE OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "HUMAN RELATIONS" BY REPLACING IT IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER. (SECOND AND FINAL READING)

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

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

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

Nays none.

COUNCIL PRESENTATIONS

Mr. Belusko asked for an update on the 2017 contribution to the MMO.

Mr. Kittrick said he has spoke with the actuaries a few times and should have some more information by next week. He said they are working on getting it reduced.

Ms. Gilbert thanked Council for their support of the Human Relations Ordinance.

Ms. Gilbert announced that she is having a community roundtable on September 28, 2016 at 7:00 p.m. at Wilkes University in Stark Learning Center.

Ms. Gilbert thanked Mr. Wampole and the Administration for cleaning up 312 East Northampton Street.

Mr. Merritt thanked Mr. Frati and the Health Department for all there help.

PUBLIC DISCUSSION

John Magda, Wilkes-Barre, PA appeared before Council to ask for a copy of the Zoning Hearing Boards decision regarding 31 Mineral Street.

Jim Walsh, Wilkes-Barre, PA appeared before Council relative to increasing the time for speakers, blighted properties, the former Sanitary Laundry (high grass and weeds) and the American Flag.

Debbie McLain, Wilkes-Barre, PA appeared before Council relative to a Quality of Life Ordinance.

Roger Kelley, Wilkes-Barre, PA appeared before Council relative to the condition of 79 & 81 Beech Street.

Eric Bieski, Wilkes-Barre, PA appeared before Council to introduce a Resolution supporting the American Anti-Corruption Act.

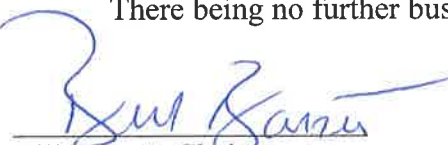
John Suchoski, Wilkes-Barre, PA appeared before Council relative to the "One Strike" Ordinance and Martin Luther King Day (closing City Hall).

Jim Burden, Wilkes-Barre, PA appeared before Council to thank Council member Gilbert for her assistance in getting 57 Taft Street demolished and to report G.A.R. students walking down the middle of Grant Street (fighting, cursing etc.)

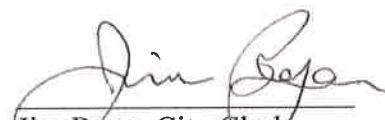
Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to increasing the time for speakers, Council member living in Shavertown, Department Heads not standing when addressing the public, Attorney Moses (counseling the Mayor), LAG Towing (restitution) and the One Strike Ordinance (lawsuits).

Ms. Gilbert announced that as of last month the City Council meetings have been posted on the City's website along with the minutes.

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


Bill Barrett, Chairperson

ATTEST:


Jim Ryan, City Clerk

