

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

DECEMBER 8, 2016

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

ORDINANCE

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
DECEMBER 8, 2016

CONSENT AGENDA (RESOLUTIONS)

Reaffirming the City's commitment to the system by updating the original NIMS Resolution and adopting the National Incident Management System again as Part of the City's Emergency Response Plan.

Authorizing the proper city officials to execute Supplemental Agreement No. 048394-D with the Commonwealth of Pennsylvania, Department of Transportation, related to the Sidney Street Bridge Project.

Authorizing City Market & Café Inc. to utilize ten feet of the city right-of-way located in front of its Public Square location.

MINUTES

Of the Parking Authority of the City of Wilkes-Barre of October 18, 2016.

Of the Zoning Hearing Board of October 19, 2016.

Of the Wilkes-Barre City Planning Commission of October 19, 2016.

Of the Regular Session of City Council of November 17, 2016.

CITY COUNCIL
DECEMBER 8, 2016

ORDINANCE

FILE OF COUNCIL NO. 19 OF 2016 - AN ORDINANCE ADOPTING THE 2017 ACTION PLAN ENCOMPASSING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AND HOME PROGRAM BUDGETS FOR PROGRAM YEAR FORTY-THREE AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED TO COMPLETE PROGRAM ACTIVITIES. (FIRST READING)

CITY COUNCIL

DECEMBER 8, 2016

The City Council of the City of Wilkes-Barre met in Regular Session on December 8, 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	- absent (excused)
Brooks	- present
Gilbert	- present
Merritt, Vice Chairperson	- present
Barrett, Chairperson	- present

Also Present:

Darren Snyder, Controller
Ted Wampole, Administrator
Nicole Ference, Director of Human Resources
Butch Frati, Director of Operations
Bill Harris, Director of Planning and Zoning
Tim Henry, City Attorney/Deputy Administrator
Brett Kittrick, Finance Director
Alan Klapat, Deputy Fire Chief
Marcella Lendacky, Police Chief
Lou Lau, Director of IT
Cathy Payne, Assistant City Clerk
Hank Radulski, Director Health of Service
Joe Rodano, Community Support Director
Jim Ryan, City Clerk
Lisa Sanfilippo, Administrative Assistant
Kurt Sauer, Director of Community Development
Joyce Zaykowski, Capital Projects Program Manager
Melissa Rush, Junior Council Member

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

Sam Troy, Wilkes-Barre, PA appeared before Council relative to File of Council No. 19 of 2016 (2017 Action Plan).

Mr. Sauer informed Mr. Troy that there will be a public hearing on the Action Plan next Wednesday, December 14th at 3:30 p.m.

RESOLUTION

Resolution No. R101-16 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R101-16

Whereas, the National Incident Management System (NIMS) is an incident management structure used by federal, state, local and tribal responders to an emergency situation; and

Whereas, NIMS uses best practices developed by responders throughout the country; and

Whereas, Wilkes-Barre City's Emergency Response Plan must adopt NIMS in order to meet state and federal criteria; and

Now, Therefore, Be It Resolved, that the Wilkes-Barre City Council hereby reaffirms it's commitment to the system by updating the original NIMS Resolution and adopts the National Incident Management System again as part of the City's Emergency Response Plan.

RESOLUTION NO. R0102-16

That, the proper city officials are hereby authorized to execute Supplemental Agreement No. 048394-D with the Commonwealth of Pennsylvania, Department of Transportation related to the Sidney Street Bridge Project.

RESOLUTION NO. R0103-16

Resolved, that the City Council of the City of Wilkes-Barre hereby authorizes City Market & Café Inc., to utilize approximately ten (10') feet of the City right-of-way located in front of its Public Square location 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.

MINUTES

Of the Parking Authority of the City of Wilkes-Barre of October 18, 2016.

Of the Zoning Hearing Board of October 19, 2016.

Of the Wilkes-Barre City Planning Commission of October 19, 2016.

Of the Regular Session of City Council of November 17, 2016.

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

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

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

Nays none.

Absent – Belusko – 1.

ORDINANCE

FILE OF COUNCIL NO. 19 OF 2016 – AN ORDINANCE ADOPTING THE 2017 ACTION PLAN ENCOMPASSING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AND HOME PROGRAM BUDGETS FOR PROGRAM YEAR FORTY-THREE AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED TO COMPLETE PROGRAM ACTIVITIES. (FIRST READING).

Ms. Gilbert moved to adopt the Ordinance.

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

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

Nays none.

Absent – Belusko – 1.

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Brooks congratulated Ms. Gilbert on being accepted to George Washington University for her Masters Degree in Political Management.

Mr. Brooks thanked the Administration for taking care of the issues he brought up at Tuesday's Work Session.

Mr. Brooks commented on the PFM report that Council received on Tuesday and the proposed 2017 Budget.

Miss Rush mentioned that the Junior City Council will be hosting a clothing and food drive for Ruth's Place.

Ms. Gilbert said that she has heard concerns from several residents about Trans Med's (Ambulance) failure to get their state license. She asked when they would be eligible to get their state license. She also asked if they are unable to get the license would it mean they terminate their agreement with the city.

Mr. Klapat replied that the provisional license means that they didn't meet the minimal criteria to get the regular license. He said they have 90 days to meet that criteria, if within that 90 day period they do not, they lose their state license and they will be unable to operate.

Mr. Barrett said that he has been reviewing the proposed 2017 budget along with the report from PFM. He said the report says that if the city does nothing there will be problems. He said it appears that a lot of it has to do with debt payment. He discussed taking advantage of the city's credit rating and restructuring the debt.

Mr. Wampole said that there has already been preliminary discussion on what the options are.

Mr. Barrett pointed out the Act 120 training line in the budget. He explained that it is a long running arbitration award where the city pays people for not writing parking tickets. He added through parody it went into the fire department. It amounts to over \$200,000 a year. He said he has a problem approving a budget with that in it. He said he understands that there are contractual things that obligate us to it, but at some point he hopes it can be addressed.

Mr. Barrett asked if the budget is put on the next Council agenda that the Mayor be present to answer questions.

PUBLIC DISCUSSION

Dr. Gere Reisinger, Seneca Nation of Indians, Sacred Site Advisor, Kingston, PA appeared before Council relative to Native American Riverfront Heritage Park (Kirby Park along the river) and incorporating the Seneca Trail from Kirby Park to Tunkhannock.

Linda Joseph, Wilkes-Barre, PA appeared before Council to thank Mr. Wampole for meeting with her and Fran Radilla last week to discuss neighborhood concerns and for addressing the issues and to thank Council member Tony Brooks and Officer Robert Collins for joining her last Thursday to visit the businesses in the 400 block of Hazle Street and to Chief Lendacky for arranging for Officer Collins to be there.

Angel Mathis, Wilkes-Barre, PA appeared before Council relative to the exclusivity contract with Service Electric, public health concerns with Chick-Fil-A (peanut oil) and condition of Wilkes-Barre Area Schools.

Mr. Frati told Ms. Mathis that the city has a Franchise Agreement with Service Electric. He said that means that their system is everywhere throughout the city. Another company can come in and do the same thing, but it is too expensive for them to create the infrastructure that Service Electric has in place.

Ronald Shivers, Kingston, PA appeared before Council relative to being abused by a police officer during a recent arrest.

Carissa Sewell, Wilkes-Barre, PA appeared before Council relative to her husband's (Ronald Shivers) recent arrest (conduct of arresting officer).

Angel Jirau, Wilkes-Barre, PA appeared before Council relative to Martin Luther King Day.

Mr. Wampole said that the city is still in the middle of negotiations with three of the four unions.

Phil Meyers, President, Wilkes-Barre PBA, appeared before Council relative to police officers concerns regarding Chief Lendacky (initiate an investigation) and a Police Department Morale and Administration Survey.

Emily and Julius Zuckerwar, Swoyersville, PA appeared before Council relative to the city's dog park (rules).

John Suchoski, Wilkes-Barre, PA appeared before Council relative to closing City Hall on Martin Luther King Day, zoning issues coming before City Council, Trans Med Ambulance Service (doing business with owner) and gaming funds (support one big project).

Bob Kadluboski, Wilkes-Barre, PA appeared before Council relative to the Mayor's presence at Council meetings, giving speakers more time, reduce Mayor's

salary/healthcare, the Mayor hiring new employees, the Mayor's Help Line position, city's debt, having the Auditor General audit the pensions and pension laws.

Mr. Barrett said that Council cannot order the Mayor to attend Council meetings, but he said he will not vote on a budget unless he is at the meeting.

Mr. Barrett informed Mr. Kadluboski that it is not within Council's jurisdiction to strike positions from the agenda. He mentioned that Council has given the Administration recommendations and it is up to them to come back to Council with an amended budget.


Mr. Ryan stated for the record that he does not recall Mr. Kadluboski asking him about the pension law (working part time for a full time pension). He added that Mr. Kadluboski has spoke to Attorney Carl Frank, the attorney for various pension boards, and he told him what the law is.

Mr. Barrett asked the City Attorney to research this issue and provide Council with a legal opinion.

There being no further business to discuss the meeting adjourned at 7:28 p.m


Bill Barrett, Chairperson

ATTEST:


Jim Ryan, City Clerk