

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL

FEBRUARY 23, 2017

PLEDGE OF ALLEGIANCE

ROLL CALL

RESOLUTION

CONSENT AGENDA (RESOLUTIONS)

ORDINANCES

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
FEBRUARY 23, 2017

RESOLUTION

Approving the transfer of a restaurant liquor license into the city from Luzerne for
Outsiders Saloon, South Main Street.

CITY COUNCIL
FEBRUARY 23, 2017

CONSENT AGENDA (RESOLUTIONS)

Appointing Cynthia Witkowski Sipple to the Human Relations Commission.

Appointing Ron Felton to the Human Relations Commission.

Authorizing the proper city officials to enter into an agreement with the most qualified bank for the lease purchase of a 2018 Mack GU813 25 cu. yd. garbage packer.

Authorizing the proper city officials to rescind Resolution No. r0110-16 dated December 22, 2016 related to the Solomon Creek Retaining Wall Repair grant application.

Authorizing the proper city officials to submit a \$125,000.00 Keystone Communities program grant application funded by the Pennsylvania Department of Community and Economic Development to be used for the Solomon Creek Retaining Wall Repair Project.

MINUTES

Of the Zoning Hearing Board of January 18, 2017.

Of the Special Session of City Council of February 2, 2017.

Of the Regular Session of City Council of February 9, 2017.

CITY COUNCIL
FEBRUARY 23, 2017

ORDINANCES

FILE OF COUNCIL NO. 3 OF 2017 – AN ORDINANCE AMENDING ARTICLE VI. OF CHAPTER 29 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “TRAFFIC AND MOTOR VEHICLES”. (RESIDENTIAL PERMIT PARKING – STANLEY STREET) **(SECOND AND FINAL READING)**

FILE OF COUNCIL NO. 5 OF 2017 - AN ORDINANCE AUTHORIZING THE INCURRENCE BY THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA OF NON-ELECTORAL DEBT BY THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR NOTES COLLECTIVELY. **(FIRST READING)**

CITY COUNCIL

FEBRUARY 23, 2017

The City Council of the City of Wilkes-Barre met in Regular Session on February 23, 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.

Ms. Gilbert read the following statement:

On behalf of City Council, no comments per Council's Rules and Procedures stated before each meeting, will be allowed from any member of the public beyond the rail. As many of you know, comments by the public are reserved for pending legislation and the public discussion portions of the meeting only. Any person who violates such rule will be removed from Council Chambers immediately. Your cooperation is sincerely appreciated.

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, Controllor
Jay Delaney, Fire Chief
Tim Henry, City Attorney
Cathy Payne, Assistant City Clerk
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.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to the Ordinance regarding the General Obligation Bond and the Resolutions relative to the Solomon Creek Wall and the purchase of a garbage packer.

Ron Felton, Wilkes-Barre, PA appeared before Council relative to the Resolution appointing him to the Human Relations Commission.

John Suchoski, Wilkes-Barre, PA appeared before Council relative to the Ordinance regarding the General Obligation Bond (the Controller's opinion)

Controller Darren Snyder said that what is being proposed will offset the annual payments for one year, but then it will raise it in 2019 to over 8 million dollars. At that point, the payments would go back to about 8 million, 7 million, and so on. That being said, that it is a temporary fix that will lower the payments for next year only. So if the Administration is unable to lower its expenses we will be back to where we are right now in two years looking at possibly refinancing again.

Mr. Ryan pointed out that in addition to Mr. Felton, Cynthia Witkowski Sipple is in the audience, who is also on the agenda for appointment to the Human Relations Commission.

RESOLUTIONS

RESOLUTION NO. R0029-17

A RESOLUTION OF THE MUNICIPALITY OF WILKES-BARRE COUNTY OF LUZERNE COMMONWEALTH OF PENNSYLVANIA, APPROVING TRANSFER OF RESTAURANT LIQUOR LICENSE # R-13164, LID #81488 INTO THE CITY OF WILKES-BARRE, LUZERNE COUNTY FROM LUZERNE.

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 January 24, 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 Louis Weihbrecht, Outsiders Saloon, 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 Louis Weihbrecht, Outsiders Saloon, 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-13164, LID #81488 from Eileen Rosengrant, 347 Vaughn Street, Luzerne, PA 18709, to be located at 650 South Main Street, Wilkes-Barre, PA 18701.

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 23, 2017.

Mr. Brooks moved to adopt the Resolution.

Mr. Barrett said that there have been some conversations with the Police Administration in reference to this Resolution. The police have looked at the call history for this particular address over the last four years and there are over 130 police responses of all different types. It is going to take them some time to get the information together for Council. He said he has spoke with the Police Chief and she has some concerns about it. Mr. Barrett said he understands that there was a club there, but this is also looking back before that.

Louis Weihbrecht, owner of Outsiders Saloon, Wilkes-Barre, PA appeared before Council relative to the liquor license transfer and the number of police calls to the property.

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

Yeas Brooks – 1.

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

Resolution No. R0030-17 to and including the minutes appeared on the Consent Agenda (Resolutions).

RESOLUTION NO. R0030-17

Whereas, Ordinance No. 10 of 2016 of the City of Wilkes-Barre authorizes the establishment of a City Human Relations Commission. All members of the commission shall be appointed by the City Council.

Whereas, it is the desire of City Council to appoint the person referenced below to the Human Relations Commission for a one (1) year term.

Now, Therefore, Be It Resolved, that the following person is hereby appointed as a member of the Human Relations Commission:

<u>NAME</u>	<u>TERM BEGINS</u>	<u>TERM EXPIRES</u>
Cynthia Witkowski Sipple 1423 North Washington Street Wilkes-Barre, PA 18705	February 23, 2017	February 23, 2018

RESOLUTION NO. R0031-17

Whereas, Ordinance No. 10 of 2016 of the City of Wilkes-Barre authorizes the establishment of a City Human Relations Commission. All members of the commission shall be appointed by the City Council.

Whereas, it is the desire of City Council to appoint the person referenced below to the Human Relations Commission for a three (3) year term.

Now, Therefore, Be It Resolved, that the following person is hereby appointed as a member of the Human Relations Commission:

<u>NAME</u>	<u>TERM BEGINS</u>	<u>TERM EXPIRES</u>
Ronald L. Felton 35 Westminster Street Wilkes-Barre, PA 18702	February 23, 2017	February 23, 2020

RESOLUTION NO. R0032-17

To hereby authorize the proper city officials to enter into an agreement with the most qualified bank for the lease purchase of a 2018 Mack GU813 25 Cu.Yd. Garbage

Packer. The packer will be purchased through the State Co-Stars Program and the cost is #188,364.00.

And further, the funds for this purchase will come from the General Fund in an existing equipment lease line.

RESOLUTION NO. R0033-17

That, the proper city officials are authorized to rescind Resolution No. R0110-16 dated December 22, 2016 related to the Solomon Creek Retaining Wall Repair grant application.

RESOLUTION NO. R0034-17

Be It Resolved, that the City of Wilkes-Barre, Luzerne County hereby requests a Keystone Communities Program grant of \$125,000.00 from the Pennsylvania Department of Community and Economic Development to be used for the Solomon Creek Retaining Wall Repair project.

Be It Further Resolved by the City Council of the City of Wilkes-Barre to authorize the appropriate city officials to submit a \$125,000.00 Keystone Communities Program grant application funded by from the Pennsylvania Department of Community and Economic Development to be used for the Solomon Creek Retaining Wall Repair project.

Now, Therefore, Be It Resolved, that the Applicant does hereby designate Anthony G. George, Mayor and Darren Snyder, City Controller as the officials to execute all documents and agreements between the City of Wilkes-Barre and the Pennsylvania Department of Community and Economic Development to facilitate and assist in obtaining the requested grant along with any or all other projects documents, related to the Solomon Creek Retaining Wall Repair project, if the application is approved.

I, Jim Ryan, duly qualified City Clerk of the City of Wilkes-Barre, Luzerne County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City Council of the City of Wilkes-Barre at a regular meeting held February 23, 2017 and said Resolution has been recorded in the Minutes of the City of Wilkes-Barre and remains in effect as of this date.

In Witness thereof, I affix my hand and attached the seal of the City of Wilkes-Barre, this 23rd day of February, 2017.

MINUTES

Of the Zoning Hearing Board of January 18, 2017.

Of the Special Session of City Council of February 2, 2017.

Of the Regulars Session of City Council of February 9, 2017.

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

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

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

Nays none.

ORDINANCES

FILE OF COUNCIL NO. 3 OF 2017 – AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 29 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED “TRAFFIC AND MOTOR VEHICLES”. (RESIDENTIAL PERMIT PARKING – STANLEY STREET) (SECOND AND FINAL READING)

Mr. Brooks moved to adopt the Ordinance.

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

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

Nays none.

FILE OF COUNCIL NO. 5 OF 2017 – AN ORDINANCE AUTHORIZING THE INCURRENCE BY THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA OF NON-ELECTORAL DEBT BY THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR NOTES COLLECTIVELY. (FIRST READING)

Mr. Belusko moved to adopt the Ordinance.

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

Yeas Barrett, Belusko and Merritt – 3.

Mr. Barrett said that this has been done in the past. He said PNC has been the underwriter in the past, along with a co-underwriter RBC, Financial. RBC Financial are specialist in Pennsylvania Municipal Bond Restructuring. Mr. Barrett said he thinks it is

a good idea to have them again. They are familiar with the city's financial history. He recommended that the Administration consider them as a co-underwriter for the second reading.

Nays Brooks and Gilbert – 2.

PRESENTATIONS BY COUNCIL MEMBERS

Mr. Brooks congratulated Ms. Gilbert and the five members that have been appointed the Human Relations Commission thus far.

Ms. Gilbert informed Council that she is working with Attorney Henry on a Panhandling Ordinance.

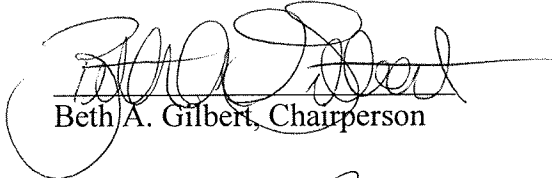
Ms. Gilbert said she has noticed that there has been a lack of department heads at the Council meetings. She said she thinks they should attend meetings to help answer questions from the public.

PUBLIC DISCUSSION

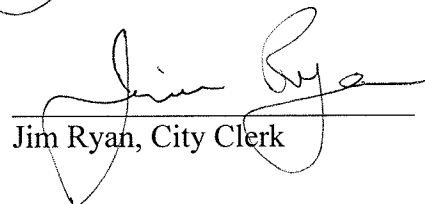
John Suchoski, Wilkes-Barre, PA appeared before Council relative to the Panhandling Ordinance, Council voting down the liquor license transfer for Outsiders Saloon and video taping the Work Session.

Sam Troy, Wilkes-Barre, PA appeared before Council relative to Outsiders Saloon, selling the parking assets, city finances, commuter tax and the need for a swimming pool and a skate park in the city.

There being no further business to discuss the meeting adjourned at 6:44 p.m.


Beth A. Gilbert, Chairperson

ATTEST:


Jim Ryan, City Clerk

