

CITY OF WILKES-BARRE  
PENNSYLVANIA



# CITY COUNCIL AGENDA

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CITY COUNCIL

FEBRUARY 23, 2006

6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

RESOLUTION – Creation of a Business Improvement District

CONSENT AGENDA (ORDINANCES)

PRESENTATION BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL  
FEBRUARY 23, 2006

CONSENT AGENDA (RESOLUTIONS)

Approving the transfer of a Restaurant Liquor License from Dallas Township to premise located at 12 South Main Street, Wilkes-Barre.

Authorizing the proper City officials to enter into a new contract for a Plan Document for a Deferred Compensation Program.

Authorizing the proper City officials to enter into Supplemental Reimbursement Agreements with the Commonwealth of Pennsylvania for reimbursement costs associated with the Barney and Regent Streets Project.

Authorizing the proper City officials to execute a memorandum of understanding with Luzerne County for the purpose of applying for and/or obtaining a 2006 Byrne Justice Assistance Grant to be used for Police equipment/saturation patrols.

MINUTES

Of the Regular Session of City Council of February 9, 2006.

CITY COUNCIL  
FEBRUARY 23, 2006

RESOLUTION

Directing the City Clerk and the City Solicitor to work with the Diamond City Partnership and all of the property owners located in the proposed service area to develop a mutually satisfactory business plan, a schedule, and all necessary ordinances for the creation of a Business Improvement District in Downtown Wilkes-Barre.

CITY COUNCIL  
FEBRUARY 23, 2006

**CONSENT AGENDA (ORDINANCES)**

**FILE OF COUNCIL NO. 1 OF 2006** – AN ORDINANCE AMENDING FILE OF COUNCIL NO. 43 OF 2004, ENTITLED “AN ORDINANCE AMENDING THE OPEN RECORDS POLICY FOR THE CITY OF WILKES-BARRE, SPECIFICALLY FILE OF COUNCIL NO. 2 OF 2003, AS AMENDED. (FIRST READING ON TITLE) (Changing the initial response to request from ten to five business days in order to be in compliance with the State change in this regard).

**FILE OF COUNCIL NO. 2 OF 2006** – AN ORDINANCE ESTABLISHING A COMMERCIAL BUILDING INSPECTION PROGRAM WITHIN THE CITY OF WILKES-BARRE (TITLE ONLY).



February 23, 2006

Wilkes-Barre, Pa.

Resolution No. \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

A Resolution of the City of Wilkes-Barre, County of Luzerne, Commonwealth of Pennsylvania, approving transfer of Restaurant Liquor License No. R-1218 (CBC Steakhouse Inc., 243 Memorial Highway, Dallas, PA 18612-1232) into the City of Wilkes-Barre from Dallas 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, Tuesday, February 21, 2006, the City Council 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 restaurant liquor license into the municipality.

Now, Therefore, Be It Resolved, Wilkes-Barre Entertainment, Inc. has requested the approval of the City Council of the City of Wilkes-Barre for the proposed transfer of Pennsylvania Restaurant Liquor License R-1218 to its facilities within the City of Wilkes-Barre 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 the City Council of the City of Wilkes-Barre finds that the transfer of a restaurant liquor license into the City of Wilkes-Barre by Wilkes-Barre Entertainment, Inc. will not adversely affect the welfare, health, peace and morals of the municipality or its residents.

Be It Further Resolved, that the City of Wilkes-Barre approves, by adoption of this Resolution, the proposed transfer of Wilkes-Barre Entertainment, Inc. to be located at 12 South Main Street, Wilkes-Barre.

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 adopted by the City of Wilkes-Barre at its meeting on February 23, 2006.

Submitted by \_\_\_\_\_

ROLL CALL

YEAS

RESOLUTIONS

NAYS

**CITY OF WILKES-BARRE  
PENNSYLVANIA**

**Jim Ryan, City Clerk  
40 East Market Street  
Wilkes-Barre, PA 18711  
Telephone 570-208-4117**



**Cathy Payne, Assistant City Clerk  
Lisa Sanfilippo, Legislative Clerk  
Fax 570-208-4171  
TDD 570-208-4139**

**OFFICE OF THE CITY CLERK**

**MEMORANDUM**

**TO:** Members of City Council  
**FROM:** Jim Ryan, City Clerk *J.R.*  
**RE:** Inter-Municipal Liquor License Transfer  
**DATE:** February 6, 2006

Tim Henry received the attached information relative to a proposed Inter-Municipal Liquor License Transfer.

The Corporation requesting the transfer will be attending Thursday's Regular Session to make a presentation before Council.

The Resolution approving said proposed transfer can not be considered by Council until after a public hearing has been held.

Thank you.

JR:lms  
attachments

# ZATOR LAW OFFICES

AMERICAN HERITAGE BUILDING  
4400 WALBERT AVENUE AT RIDGEVIEW DRIVE  
ALLENTOWN PA 18104

JOSEPH A. ZATOR II  
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DIRECT E-MAIL [ahoffman@zatorlaw.com](mailto:ahoffman@zatorlaw.com)

February 2, 2006

**TRANSMITTED VIA FACSIMILE**  
**(570) 208-4153**

Timothy Henry, Esquire  
Solicitor  
City of Wilkes-Barre  
40 E. Market Street  
Wilkes Bane, PA 18711

**Re: Inter-Municipal Transfer of Liquor License  
Wilkes-Barre Entertainment, Inc.**

Dear Mr. Henry:

My client, Wilkes-Bane Entertainment, Inc., plans to open a business in downtown Wilkes-Bane and with it bring to the City new interest and 30 to 40 part-time or full-time jobs. In particular, Wilkes-Bane Entertainment intends to lease space in the retail area of the building complex located at 12 South Main Street, for the purpose of operating a nightclub. The creation of this type of business brings positive attention to and should aid with the economic revitalization of the area. Patrons of the nightclub learn about the many benefits of the City, drawing additional businesses to the area around the nightclub, leading to additional patrons and businesses. The City of Scranton experienced such constructive effects through the Flashbacks nightclub in downtown Scranton.

To accomplish its goals, Wilkes-Bane Entertainment has signed an Agreement of Sale to purchase a liquor license. The license, with Pennsylvania Liquor Control Board License No. R-1218 and LID 9850, presently is held in safekeeping for CBC Steakhouse, Inc. That company had traded as Triple B Steak and More on Memorial Highway in Dallas, Pennsylvania.

The transfer of the liquor license from Dallas to Wilkes-Bane will require the approval of the City Council of Wilkes-Bane. Following that approval, Wilkes-Bane Entertainment will pursue the transfer process with the PLCB, a necessary prerequisite for the opening of the nightclub.

Steven Toomey, President of Wilkes-Bane Entertainment, will attend the meeting of the City Council on February 9, 2006. He will be prepared to present to the City Council the information

Timothy Henry, Esquire  
February 2, 2006  
Page -2-

which I have summarized in this letter, as well as be available for questions from the City Council.

The PLCB has promulgated a form Resolution to document the approval of an intermunicipal transfer. I have enclosed with this letter, and Mr. Toomey will bring with him, that form Resolution. We look forward to the review of this matter by the City Council and encourage it to approve of the transfer.

If you would like additional information, or have any questions, in advance of the meeting on February 9<sup>th</sup>, please do not hesitate to contact me.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,  
  
Andrew D. Hoffman

ADH:kn

cc: Mr. Steven Toomey (via email [stoomey@rcn.com](mailto:stoomey@rcn.com))



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Council Resolution No. 35583 of February 26, 1981, authorized the execution of such contracts as necessary for the initiation of a Deferred Compensation Program for employees of the City of Wilkes-Barre; and

WHEREAS, in order to comply with recent changes to the applicable laws and Internal Revenue Service rules and regulations, such contracts must be amended; and

WHEREAS, subsequent resolutions were adopted with regard to changes in the Deferred Compensation Law.

NOW, THEREFORE, BE IT RESOLVED, THAT the proper City Officials are hereby authorized to enter into a new contract for a Plan Document for a Deferred Compensation Program; and

FURTHER, that the proper City officials are hereby authorized to enter into any future amendments to contracts that must comply with applicable laws and Internal Revenue Service rules and regulations pursuant to Federal Tax Law changes applicable to the Deferred Compensation Program.

Submitted by \_\_\_\_\_

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. \_\_\_\_\_

Resolution No. \_\_\_\_\_

*BE IT RESOLVED* by the City Council of the City of Wilkes-Barre:

THAT, the proper City officials are hereby authorized to enter into Supplemental Reimbursement Agreements 048124-C & 048125-D with the Commonwealth of Pennsylvania for reimbursement of costs associated with the Barney St. Bridge Project and the Regent Street Bridge Project, respectively, and

FURTHER, that the City's 20% share of the design and construction costs will be funded by the Community Development Block Grant.

Submitted by \_\_\_\_\_

ROLL CALL

YEAS

RESOLUTIONS

NAYS

Luzerne County  
City of Wilkes-Barre  
Regent Street Bridge

SUPPLEMENTAL AGREEMENT NO. 048125D  
MPMS NO. 9038  
FED ID NO. 24-6000718

THIS SUPPLEMENTAL AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the Commonwealth of Pennsylvania, acting through the Department of Transportation, hereinafter called the COMMONWEALTH,

AND

the City of Wilkes-Barre, Luzerne County, of the Commonwealth of Pennsylvania, acting through its proper officials, hereinafter called the MUNICIPALITY.

WITNESSETH:

WHEREAS, the parties entered into Agreement No. 048125, dated September 24, 2001, whereby the COMMONWEALTH was to provide to the MUNICIPALITY Federal funds for the design, acquisition of right-of-way and allowable utility relocation of the Regent Street Bridge as set forth herein; and,

WHEREAS, the parties under date of February 20, 2003, by Supplemental Agreement No. 048125A, supplemented the Agreement to increase Design, Utility and Right-of-Way costs.

WHEREAS, the parties under date of October 10, 2003, by Supplemental Agreement No. 048125B, supplemented the Agreement to increase Right-of-Way costs and to change the Right-of-Way Acquisition procedures from the MUNICIPALITY to the DEPARTMENT.

WHEREAS, the parties under date of September 1, 2004, by Supplemental Agreement No.

048125C, supplemented the Agreement to increase Right-of-Way costs.

WHEREAS, the parties further desire to amend Agreement No. 048125 and Supplemental Agreements Nos. 048125A, 048125B and 048125C for the purpose of increasing Design costs and including construction costs.

NOW THEREFORE, the parties agree to amend Agreement No. 048125 and Supplement Agreement Nos. 048125A, 048125B and 048125C in accordance with the following:

1. Paragraph 8(b) is amended to revise the maximum reimbursement from the COMMONWEALTH to the MUNICIPALITY from \$332,000.00 dollars to \$2,020,000.00 dollars as set forth in Supplemental Exhibit AAAAA, which is attached to and made a part of this Supplemental Agreement.
2. Supplemental Agreement No. 048125C, Exhibit AAAA is hereby replaced by Exhibit AAAAA.
3. Paragraph 16, Arbitration Clause, of Agreement No. 048125 is deleted in its entirety.
4. All other terms and conditions of Agreement No. 048125, and Supplemental Agreement Nos. 048125A, 048125B, 048125C not modified by this Supplemental Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement the date first above written.

ATTEST

MUNICIPALITY

\_\_\_\_\_  
Title: \_\_\_\_\_ Date \_\_\_\_\_ BY \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

If a Corporation, the President or Vice-president must sign and the Secretary, Treasurer, Assistant Secretary or Assistant Treasurer must attest; if a sole proprietorship, only the owner must sign; if a partnership, only one partner need sign; if a limited partnership, only the general partner must sign. If a Municipality, Authority or other entity, please attach a resolution.

**DO NOT WRITE BELOW THIS LINE – FOR COMMONWEALTH USE ONLY**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

BY \_\_\_\_\_  
District Executive \_\_\_\_\_ Date \_\_\_\_\_

APPROVED AS TO LEGALITY  
AND FORM

FUNDS COMMITMENT DOC. NO. \_\_\_\_\_  
CERTIFIED FUNDS AVAILABLE UNDER  
SAP NO. \_\_\_\_\_  
SAP COST CENTER \_\_\_\_\_  
GL. ACCOUNT \_\_\_\_\_

BY \_\_\_\_\_  
for Chief Counsel \_\_\_\_\_ Date \_\_\_\_\_

BY \_\_\_\_\_  
Comptroller \_\_\_\_\_ Date \_\_\_\_\_

BY \_\_\_\_\_  
Deputy Attorney General \_\_\_\_\_ Date \_\_\_\_\_

This agreement is split 0%, expenditure amount of \$0.00 for Federal funds and 80%, expenditure amount of \$2,020,000.00 for State funds. The related Federal Assistance program name and number; N/A; N/A. The State assistance program name and number is Appropriation 183; Bridge Project Local; Symbol 183.

EXHIBIT AAAAA  
PROJECT COSTS

	<u>Municipality Incurred Costs</u>	<u>Commonwealth Incurred Costs</u>	<u>Phase Totals</u>
Design	\$215,000.00	\$27,000.00	\$242,000.00
Utilities	\$10,000.00	\$0.00	\$10,000.00
Right-of-Way	\$200,000.00	\$60,000.00	\$260,000.00
Construction	<u>\$2,100,000.00</u>	<u>\$300,000.00</u>	<u>\$2,400,000.00</u>
<b>SUBTOTALS</b>	<b>\$2,525,000.00</b>	<b>\$387,000.00</b>	<b>\$2,912,000.00</b>

COST SHARING  
(Municipality Incurred Costs)

	Federal	State	Municipality	Phase Subtotals
Design	\$0.00	\$100,000.00	\$25,000.00	\$125,000.00
Preliminary				
Design-Final	\$0.00	\$72,000.00	\$18,000.00	\$90,000.00
Utilities	\$0.00	\$8,000.00	\$2,000.00	\$10,000.00
Right-of-Way	\$0.00	\$160,000.00	\$40,000.00	\$200,000.00
Construction	<u>\$0.00</u>	<u>\$1,680,000.00</u>	<u>\$420,000.00</u>	<u>\$2,100,000.00</u>
<b>TOTALS</b>	<b>\$0.00</b>	<b>\$2,020,000.00</b>	<b>\$505,000.00</b>	<b>\$2,525,000.00</b>

COST SHARING  
(Commonwealth Incurred Costs)

	Federal	State	Municipality	Phase Subtotals
Design	\$0.00	\$14,400.00	\$3,600.00	\$18,000.00
Preliminary				
Design-Final	\$0.00	\$7,200.00	\$1,800.00	\$9,000.00
Utilities	\$0.00	\$0.00	\$0.00	\$0.00
Right-of-Way	\$0.00	\$48,000.00	\$12,000.00	\$60,000.00
Construction	<u>\$0.00</u>	<u>\$240,000.00</u>	<u>\$60,000.00</u>	<u>\$300,000.00</u>
<b>TOTALS</b>	<b>\$0.00</b>	<b>\$309,600.00</b>	<b>\$77,400.00,</b>	<b>\$387,000.00</b>

TOTAL COST

Federal	State	Municipality	Total
\$0.00	\$2,329,600.00	\$582,400.00	\$2,912,000.00

COUNTY: Luzerne  
MUNICIPALITY: City of Wilkes-Barre  
PROJECT NAME: Regent Street Bridge  
Reimbursement Agreement No. 048125D

Luzerne County  
City of Wilkes-Barre  
Barney Street Bridge

SUPPLEMENTAL AGREEMENT NO. 048124C  
MPMS NO. 9034  
FED ID NO. 24-6000718

THIS SUPPLEMENTAL AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the Commonwealth of Pennsylvania, acting through the Department of Transportation, hereinafter called the COMMONWEALTH,

AND

the City of Wilkes-Barre, Luzerne County, of the Commonwealth of Pennsylvania, acting through its proper officials, hereinafter called the MUNICIPALITY.

WITNESSETH:

WHEREAS, the parties entered into Agreement No. 048124, dated September 24, 2001, whereby the COMMONWEALTH was to provide to the MUNICIPALITY Federal funds for the design, acquisition of right-of-way and allowable utility relocation of the Barney Street Bridge as set forth herein; and,

WHEREAS, the parties under date of February 20, 2003, by Supplemental Agreement No. 048124A, supplemented the Agreement to increase Design, Utility and Right-of-Way Costs.

WHEREAS, the parties under date of October 10, 2003, by Supplemental Agreement No. 408124B, supplemented the Agreement to increase Right-of-Way costs and to change the Right-of-Way Acquisition procedures from the Municipality to the Department.

WHEREAS, the parties further desire to amend Agreement No. 048124 and Supplemental Agreement Nos. 048124A and 048124B for the purpose of increasing Design Costs and including construction costs.

NOW THEREFORE, the parties agree to amend Agreement No. 048124 and Supplemental Agreement Nos. 048124A and 048124B in accordance with the following:

1. Paragraph 8 (b) is amended to revise the maximum reimbursement from the COMMONWEALTH to the MUNICIPALITY from \$214,400.00 dollars to \$1,974,400.00 dollars as set forth in Supplemental Exhibit "AAAA", which is attached to and made a part of this Supplemental Agreement.
2. Supplemental Agreement No. 048124B Exhibit "AAA" is hereby replaced by Supplemental Exhibit "AAAA".
3. Paragraph 16, Arbitration Clause of Agreement No. 048124 is deleted in its entirety.
4. All other terms and conditions of Agreement No. 048124, and Supplement Agreement Nos. 048124A and 048124B not modified by this Supplemental Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement the date first above written.

ATTEST

MUNICIPALITY

\_\_\_\_\_  
Title: \_\_\_\_\_ Date \_\_\_\_\_ BY \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

If a Corporation, the President or Vice-president must sign and the Secretary, Treasurer, Assistant Secretary or Assistant Treasurer must attest; if a sole proprietorship, only the owner must sign; if a partnership, only one partner need sign; if a limited partnership, only the general partner must sign. If a Municipality, Authority or other entity, please attach a resolution.

**DO NOT WRITE BELOW THIS LINE – FOR COMMONWEALTH USE ONLY**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

BY \_\_\_\_\_  
District Executive Date

APPROVED AS TO LEGALITY  
AND FORM

FUNDS COMMITMENT DOC. NO. \_\_\_\_\_  
CERTIFIED FUNDS AVAILABLE UNDER  
SAP NO. \_\_\_\_\_  
SAP COST CENTER \_\_\_\_\_  
GL. ACCOUNT \_\_\_\_\_

BY \_\_\_\_\_  
for Chief Counsel Date

BY \_\_\_\_\_  
Comptroller Date

BY \_\_\_\_\_  
Deputy Attorney General Date

This agreement is split 0%, expenditure amount of \$0.00 for Federal funds and 80%, expenditure amount of \$1,974,400.00 for State funds. The related Federal Assistance program name and number is N/A; N/A. The State assistance program name and number is Appropriation 183; Bridge Project Local; Symbol 183.

EXHIBIT AAAA  
PROJECT COSTS

	<u>Municipality</u> <u>Incurred Costs</u>	<u>Commonwealth</u> <u>Incurred Costs</u>	<u>Phase Totals</u>
Design	\$220,000.00	\$20,000.00	\$240,000.00
Utilities	\$10,000.00	\$0.00	\$10,000.00
Right-of-Way	\$38,000.00	\$40,000.00	\$78,000.00
Construction	<u>\$2,200,000.00</u>	<u>\$300,000.00</u>	<u>\$2,500,000.00</u>
 SUBTOTALS	 \$2,468,000.00	 \$360,000.00	 \$2,828,000.00

COST SHARING  
(Municipality Incurred Costs)

	Federal	State	Municipality	Phase Subtotals
Design	\$0.00	\$116,000.00	\$29,000.00	\$145,000.00
Preliminary				
Design-Final	\$0.00	\$60,000.00	\$15,000.00	\$75,000.00
Utilities	\$0.00	\$8,000.00	\$2,000.00	\$10,000.00
Right-of-Way	\$0.00	\$30,400.00	\$7,600.00	\$38,000.00
Construction	<u>\$0.00</u>	<u>\$1,760,000.00</u>	<u>\$440,000.00</u>	<u>\$2,200,000.00</u>
 TOTALS	 \$0.00	 \$1,974,400.00	 \$493,600.00	 \$2,468,000.00

COST SHARING  
(Commonwealth Incurred Costs)

	Federal	State	Municipality	Phase Subtotals
Design	\$0.00	\$4,000.00	\$1,000.00	\$5,000.00
Preliminary				
Design-Final	\$0.00	\$12,000.00	\$3,000.00	\$15,000.00
Utilities	\$0.00	\$0.00	\$0.00	\$0.00
Right-of-Way	\$0.00	\$32,000.00	\$8,000.00	\$40,000.00
Construction	<u>\$0.00</u>	<u>\$240,000.00</u>	<u>\$72,000.00</u>	<u>\$360,000.00</u>
 TOTALS	 \$0.00	 \$288,000.00	 \$72,000.00	 \$360,000.00

TOTAL COST

	Federal	State	Municipality	Total
	\$0.00	\$2,262,400.00	\$565,600.00	\$2,828,000.00

COUNTY: Luzerne  
MUNICIPALITY: City of Wilkes-Barre  
PROJECT NAME: Barney Street Bridge  
Reimbursement Agreement No. 048124C



February 23, 2006

Wilkes-Barre, Pa.

Resolution No. \_\_\_\_\_

*BE IT RESOLVED* by the City Council of the City of Wilkes-Barre:

That, the proper City officials are hereby authorized to execute a memorandum of understanding with Luzerne County for the purpose of applying for and/or obtaining a 2006 Byrne Justice Assistance Grant to be used for Police equipment/saturation patrols.

Submitted by \_\_\_\_\_

ROLL CALL

YEAS

RESOLUTIONS

NAYS

CITY OF WILKES-BARRE  
Pennsylvania  
Thomas M. Leighton, Mayor

Timothy J. Henry, Esquire  
City Attorney




William E. Vinsko, Jr., Esquire  
Assistant City Attorney

Margaret M. Sharksnas  
Paralegal

OFFICE OF THE CITY ATTORNEY  
40 East Market Street  
Wilkes-Barre, PA 18711  
Tel. (570) 208-4155 Fax (570) 208-4153

MEMORANDUM

TO: JIM RYAN, CITY CLERK

FROM: TIMOTHY J. HENRY, CITY ATTORNEY 

RE: 2006 BYRNE JUSTICE ASSISTANCE GRANT

DATE: FEBRUARY 17, 2006

The Police Department will be applying for the above-referenced grant. The amount of the grant will be approximately \$17,239.00. One of the conditions to receiving the grant is an Interlocal Agreement between the City and County.

I will need a Resolution from Council which authorizes the proper City Officials to execute the Interlocal Agreement. Please have this matter placed on Council's Agenda for next week.

In the near future, I will provide you with a draft of the resolution. Thank you for your attention to this matter. Call with any question or comment.

cc: J. J. Murphy, Administrator  
Gerald Dessoie, Police Chief



February 23, 2006

Wilkes-Barre, Pa.

Resolution No. \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, the City Council of the City of Wilkes-Barre has fully supported the Diamond City Partnership, the public-private alliance to revitalize Downtown Wilkes-Barre; and

WHEREAS, City Council recognizes that, for Downtown Wilkes-Barre's revitalization to be truly successful, Downtown Wilkes-Barre must be perceived as clean, safe, and well-managed; and

WHEREAS, hundreds of other American downtowns have successfully addressed those issues through a legal mechanism known as a Business Improvement District; and

WHEREAS, Business Improvement Districts allow downtown property owners to pool resources to effectively address common concerns; and

WHEREAS, Business Improvement Districts are managed by the property owners that pay the costs through a non-profit corporation; and

WHEREAS, a Business Improvement District would allow Downtown's property owners to augment existing City services with supplementary security, cleaning, and management designed to meet Downtown's specific needs; and

WHEREAS, Business Improvement Districts are a partnership with local government, enabled under Pennsylvania law through the Neighborhood Improvement District Ordinance; and

WHEREAS, the Diamond City Partnership wishes to create a Business Improvement District to provide Downtown Wilkes-Barre with those supplementary services deemed necessary by the property owners in the proposed service area:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilkes-Barre fully supports the Diamond City Partnership's effort to create a Business Improvement District to serve Downtown Wilkes-Barre.

BE IT FURTHER RESOLVED that the City Council of the City of Wilkes-Barre directs the City Clerk and City Solicitor to work with the Diamond City Partnership and all of the property owners located in the proposed service area to develop a mutually satisfactory business plan, a schedule, and all necessary ordinances for the creation of a Business Improvement District in Downtown Wilkes-Barre.

Submitted by \_\_\_\_\_

ROLL CALL

YEAS

RESOLUTIONS

NAYS

FILE OF COUNCIL

NO. 1 OF 2006

PRESENTED IN CITY COUNCIL ON FEBRUARY 23, 2006

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AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 43 OF 2004, ENTITLED "AN ORDINANCE AMENDING THE OPEN RECORDS POLICY FOR THE CITY OF WILKES-BARRE, SPECIFICALLY FILE OF COUNCIL NO. 2 OF 2003, AS AMENDED. (FIRST READING ON TITLE) (Changing the initial response to request from ten to five business days in order to be in compliance with the State change in this regard).

FILE OF COUNCIL

NO. 2 OF 2006

PRESENTED IN CITY COUNCIL Feb 23, 2006

---

AN ORDINANCE

ESTABLISHING A COMMERCIAL BUILDING INSPECTION PROGRAM WITHIN  
THE CITY OF WILKES-BARRE. (TITLE ONLY)