

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 22, 2022**

Call to Order: Council met in a Regular Meeting session on Tuesday, November 22, 2022, in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:18 p.m.

Silent Meditation and Pledge of Allegiance: A silent moment was taken followed by the Pledge of Allegiance.

Roll Call: Barletta-present; Colombo-present; Mundie-present; Ondishin-present; Perry-present

Minutes of Previous Meetings: The minutes of the October 25, 2022, Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications:

1. **Oath of Office for Incoming Junior Council Members**
Perry gave the Oath of Offices for the incoming Junior Council members for years 2022-2023.
2. **Proclamation and Memoriam for Jo-Ann Yannuzzi (Resolution 2022-73).** Perry read City Proclamation for Jo-Ann Yannuzzi. This was presented to her husband, Joseph Yannuzzi.
3. **City of Hazleton's 2023 budget presentation- Daniel Lynch, City Administrator**
Perry stated Dan Lynch, City Administrator, will review the City's 2023 draft budget.

Lynch said he wanted to give a quick presentation of the 2023 City budget. He said he has handouts for all. He said presenting the 2023 City of Hazleton budget, tonight, is the first step in the process. Lynch stated as part of the ACT 47 process, the City submits the draft budget, in October, to their ACT 47 coordinators, to analyze it and reviewing if the budget proposal is plan compliant. Lynch stated the City received this letter, this week, that this budget proposal is plan compliant. He thanked Gerald Cross, Fred Reddig and Patty Moorhead for all their assistance and efforts in ACT 47. Lynch said the budget will go through "two rounds" of approval, through city council.

Lynch said the highlights, of the 2023 City of Hazleton budget, is the proposed millage remains at 6.78 mills, and there will be no tax raise, in real estate taxes, in 2023. This is the same millage for the City in year 2022. Lynch said when the City passed the 2022 budget, the "breakdown", for the millage, in 2022 and 2023, is different than it was before. He said 6.38 mills is for General Fund purposes, 0.19 for recreation, and 0.21 for debt service. Lynch stated prior to 2022, debt service made up 21% of the City's real estate tax millage. He said, in 2020, debt service millage was 1.4. He said of every dollar of real estate taxes, 21% or more was going towards debt. Lynch said all the debt was

incurred due to the City's financial hardships. He stated starting this year, in year 2022 and in this budget proposal, of 2023, debt service represents 3% of real estate tax millage goes. He said the two remaining debts the City has left in debt service, were the emergency loan, provided by DCED, in 2017, at 0% interest and redevelopment note, in 2018, due to an existing deficit, in the City finances, was \$1,000,000. Lynch stated more real estate taxes are going toward actual City services for the residents.

Lynch said the ACT 47 Plan, adopted by the City of Hazleton, in June, 2018, it included projections for the need to increase revenue. He said those projections totaled a millage of 1.78 mills. He said there was a small increase, in 2019, of .11 mills, .11 for 2019, .22 in 2020, and .60 mills, with no millage increase in 2022, and no projected increase in 2023.

Lynch said the City has a total taxable assessed value of \$961,484,400. He said this budget proposes a collection rate of 91%. Lynch said the value of 1 mill is \$872,840. He stated there are 9,926 unique parcels in the City. He said the median assessed value, for City properties, is \$76,700. Lynch said this is the "exact" middle of the properties.

Lynch said a breakdown of the City revenue: \$6,229,719 is derived from real estate taxes, \$2,050,000 from earned income tax, \$1,160,000 from all 511 taxes, and \$1,465,000 from licenses and permits. He said the majority of licenses and permits are from building permits in the City. Lynch said the breakdown, also includes, \$495,000 from fines, and the remaining revenue sources are from grants, parking revenue, miscellaneous revenue, the HCA agreement, and reimbursement from the General Fund account for OPEB expenses.

Lynch said for the City expenses, the general "umbrella" of administration expenses makes up 10.7% of City expenses with city council at 0.4%, Executive at 1.7%, Financial Administration at 3.4%, Tax Collection at 0.2%, Legal Services at 1.4%, City Clerk at 0.5%, Engineering at 0.7%, and Building and Grounds at 2.4%. The bulk would be the "big three" with fire, police and public works departments. The police department is 41.4%, fire department at 20%, and public works at 19.5%.

Lynch said some other budget expenses are parking at 1.3%, code department at 3.4%, planning and zoning departments at 1.8%, and general liability at 1.9%.

Lynch said a breakdown of one dollar (\$1), of Real Estate Taxes, 94 cents goes to the General Fund, 3 cents to recreation, and 3 cents to debt services. He said 94 cents goes into the General Fund with 10 cents for General Administration costs, 39 cents for police, 19 cents for fire, 18 cents for DPW, and 8 cents for parking, code, planning and zoning and insurance departments. He said the City of Hazleton's 2023 budget will be available for inspection starting tomorrow.

Lynch said there is some "shifting" of personnel. He said there is no payroll section in the budget. He said the City was trying to replace the City engineer who, recently, retired. He said the City was not able to do this, currently, but has an arrangement with Barry Isett & Associates to provide an "X" amount of hours, for the City, to be available, per week. He said it is expressed as contractual. He said some personnel are "separated" out. Lynch said the code department looks less but is separated out in the zoning department. He said the Humans Resources Department is moved back to the Executive section.

Lynch said, in conclusion, the City continues to improve its financial position. In 2018, the City was worrying about paying their bills by the end of the year. He said the City paid some debts off early and saved about \$125,000. He said the millage was moved into the General Fund and going for services for the general public. Lynch said he will be available to discuss the 2023 City of Hazleton budget and is willing to discuss it with anybody. He invited members of Junior Council to ask him questions.

Mundie said the City did not refinance the bonds when the interest rates were low. He asked what money was used to purchase the City's Fire Department equipment. Lynch stated the City used ARP (American Recuse Plan) money to purchase the vehicles. Mundie asked if the ARP money was used to purchase all of it. Lynch said yes. Lynch said the City used the ARP money to retire the debts. Mundie asked if the City has a surplus of money, from the budget of 2022, to 2023. Lynch said there is revenue replacement funds, from ARP, to be brought into the General Fund account. Mundie asked what the total funds were the City received from ARP. Lynch stated the total was \$17,900,000. Mundie asked how much the City has spent so far. Lynch said in terms of revenue replacement, in 2022, there was \$1,200,000 and "slated" to do, this year, \$1,700,000. Lynch said on the City spending the money, on other things, he would have to contact the Community Development office. Perry said he has asked for a couple of budgets. He said Allison could send this out to everyone. Mundie stated he has not received this, either. Perry said he wanted to receive these reports, monthly, to see what was going on with the money. He said the City needs to spend the money by 2026.

Mundie thanked and commended Lynch for the budget report. Perry stated Lynch's door is always open to discuss the 2023 budget. He said city council will "peruse" this stuff. Perry said city council received a letter, from PEL representatives, approving the 2023 budget and is compliant with their plan. He stated it is "up to us" to look at the budget and make decisions. Perry said city council, also, received additional reports, from Patty Moorhead- PEL representative, of a breakdown of the 2023 budget.

4. State Representative Robert Schnee presented a PA State of Representatives Proclamation to Hazleton City Council member Allison Barletta-Antolick in her fight with breast cancer. Barletta thanked all for her proclamation. She also thanked Schnee for his service as our state representative.

Bid Opening: None

Courtesy of the Floor (ON AGENDA ITEMS ONLY): Dee Deakos, 43 West Mine Street, Hazleton, spoke of Ordinance 2022-13- Zoning Amendments. She said speaking of multi-family units, there have been a lot of illegal apartments that have not gone in front of the zoning department. Deakos asked why the City has these units without them being monitored and "up to code". Deakos said off-street parking should, also, be for a single home.

Yesenia Rodriquez, 160 South Church Street, Hazleton, said she owns a building on the corner of Vine and Broad Streets, 300-306 Vine Street. She said this Zoning Ordinance is a lack of respect to the citizens of Hazleton. She asked the City how she will get three parking spaces, per apartment, plus one per bedroom. Rodriquez said she also, has three commercial units in this building. Atty. Logsdon said this issue could be addressed by the City Zoning officer. Rodriguez stated this falls into the multi-family dwelling. Atty. Logsdon asked if she is applying for a permit. Rodriguez said the permit, for the apartments, was denied. Atty. Logsdon said it was denied pursuant to the current City Zoning Ordinance

and not to Ordinance 2022-13. Rodriguez stated she has spent \$100,000 on a new roof for the building. She bought the building before the Zoning Ordinance was completed. Rodriguez said this ordinance is hurting the City's residents.

Brendon Morrero, 131 North Wyoming Street, Hazleton, asked about the debt service, in the City's 2023 budget. He asked why there is little going in the debt service. Lynch said prior to the 2022 budget, there was 1.4 mills of taxes going toward debt service for four debts. Morrero asked what the General Fund account is for. Lynch said this is for all the services the City provides including the fire department, police department and public works budgets. Lynch encouraged Morrero to stop by his office to discuss the budget.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

Ordinance 2022-13

An Ordinance Amending the City of Hazleton Zoning Ordinance (**1st READING**)

Presented by Perry. Seconded by Colombo.

On the Question:

Mundie said the multi-family unit parking spaces are changing to three parking spaces plus one space for every bedroom when there are more than three. He asked what was in the previous Zoning Ordinance. Mundie, also, asked if the City is "grandfathering" anyone else in, who had a previous rental. Mayor Cusat stated in Rodriguez's situation, this building has been closed for many years, and it is all new. Mundie asked Mayor Cusat how many residents it will affect. Mayor Cusat said it will affect any new conversions or apartments. Atty. Logsdon said the current Zoning Ordinance, under Section 801-C, Off-Street Parking, states three parking spaces for each dwelling unit and if there are more than three bedrooms, it would be one space per bedroom. Mayor Cusat said if it is a five-bedroom unit, they would need five parking spaces. Barletta said if there are only one or two bedrooms, the space needed would be three. Atty. Logsdon stated these units would not be considered multi-family units. He said there will be comments "coming in" from Luzerne County Planning and the City's Planning Commission. He said this is a document they will get other "input" on. Perry said one of the changes would be to the BYOB restaurant rules. Atty. Logsdon said another change is multi-family dwellings is no longer permitted in the R-1 & R-2 districts, and is a special exception in the R-2 zoning district. He said outdoor seating, for restaurants and BYOB's, is a permitted accessory use in the CC and CH zoning districts provided the seating is located in areas permitted by non-zoning ordinances under the code of ordinances, places of worship not permitted in R-1, R-2 and R-3 districts but permitted, but by right, in the CC and CH zoning districts. Atty. Logsdon said they added tiny homes and tiny developments into the ordinance, as they were permitted in the R-3 zoning district. He stated they defined a nightclub as, "a commercial establishment dispensing alcoholic beverages pursuant to the PA Liquor License law or an establishment where patrons, guests or visitors bring their own alcoholic beverages for consumption, on the premises, along with dancing and/or live recorded music". These terms do not include any adult use or restaurant. Atty. Logsdon said it "groups" in a bottle of wine or six pack that a restaurant

allows and would fall under a BYOB nightclub. He said the original intent of the BYOB ordinance was to “fence in” or “buffer” the BYOB establishment away from a school or place of worship. He said this ordinance allows people in, does not need a liquor license but could bring liquor. Perry stated they need to follow these rules in applying for a permit, go to the Zoning Department, and then be approved. He said the BYOB establishment would need to close by 11 p.m. Atty. Logsdon said the City has rules “built-in” for BYOB’s.

Atty. Logsdon stated, also, they inserted the definition of a tiny house. Also, a couple of amendments to the residential uses in Section 610, including, a zoning permit is required for a no-impact home-based business but no inspection is required, Subsection 610 C through E- a minimum size for a manufactured home, 750 square feet, and regulations with the tiny home and development section. Barletta asked if there is an increase in tiny homes in the City. Atty. Logsdon said it is a principal residential detached dwelling unit that has a total floor area of more than 500 and less than 750 square feet. Perry said it is as big as a shed.

Mundie asked if the solar setbacks are not correct, and someone puts a solar panel six feet from the edge, if they are “grandfathered” into it. Atty. Logsdon said this cannot be enforced later on.

Mundie stated the City is just changing the definition of the BYOB’s. He asked if there was anything, the City could do, for the people on Broad Street, to obtain a BYOB. Perry stated once this ordinance is passed, they could re-apply. Atty. Logsdon said they could use this ordinance as an accessory use to their restaurant.

Atty. Logsdon spoke of the changes on the City’s zoning map. Mayor Cusat said from Samuels Avenue from the corner of Poplar Street down to Nexi was changed to behind the PP&L property line to R-2. Atty. Logsdon said this was more of an omission when changing the City zoning map. He said he will bring this back when the City receives comments from Luzerne County Planning Commission and the City’s Planning Commission. He stated they will review this, again, next month. Mundie asked if this parking change is in other cities ordinances. Atty. Logsdon said there are a lot of different sizes and ordinances in townships. Mayor Cusat said if there are any recommendations made by City or county planning, it will come to them. Atty. Logsdon said he will take a look at other PA cities for comparisons.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

ORDINANCE PASSES UNANIMOUSLY ON 1st READING

Ordinance 2022-14

An Ordinance of the City of Hazleton, Luzerne County, Commonwealth of Pennsylvania, Amending Part II, CHAPTER 490, Taxation, of the City’s Code of Ordinances by Amending Article XIII, Local Economic Revitalization Tax Assistance; Repealing Prior Inconsistent Ordinances and Part of Ordinances; Providing for a Severability Clause; and Containing an Effective Date **(1st READING)**

Presented by Barletta. Seconded by Perry.

On the Question:

Atty. Logsdon said due to the changes on the City Zoning map, this is something the City would have to address. He said the City no longer has an I-1 and I-2 district, but everything goes under the (GI) general industrial district. He said the City needed to amend this for future requests from a

developer for a LERTA from the City. The process for applying would not change, but the terms for the escalating scale is 100-90-80-70-60-50-40-30-20-10 for ten years and then done or the developer could do a one-time payment calculation in equivalent to three years at 100% of the current land value plus the estimate of the total construction cost. In the sixth year, if the total construction cost is less than the current assessed value, the current owner agrees to make whole on the original one-time payment amount. Barletta said she likes the two options for the City. Perry said this would give the developer a chance to decide what they want to do. Atty. Logsdon stated most ordinances have a sliding scale. Perry said the biggest developer in the area, is Hazle Township. The biggest development will be along the Beltway from Route 93 and Route 309 with six buildings.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

ORDINANCE PASSES UNANIMOUSLY ON 1ST READING

Ordinance 2022-15 An Ordinance Authorizing the Vacation of a Portion of an Unnamed "Paper Street" off of Branch Court in the City of Hazleton (**1ST READING**)

Presented by Ondishin. Seconded by Barletta.

On the Question:

Atty. Logsdon said this was pursuant to a petition submitted to the City's City Clerk's office from Atty. Sharkey. He stated the property is located at 802-804 Branch Court with the paper street that stretches from Branch Court to McKinley Street near west 15th Street. The petition was submitted over to city council. He said the legal effect of the gentleman taking it over is that he would have to "take it up" with his attorney. Atty. Logsdon stated this ordinance would state that the City has no right to open it up and use it as a public thoroughfare. He said the City's right expired about 21 years ago. Perry stated the City has done a few paper streets before. Atty. Logsdon said the paper street is narrow and is grass.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

ORDINANCE PASSES UNANIMOUSLY ON 1ST READING

(2ND AND 3RD READINGS)

Ordinance 2022-12 An Ordinance Authorizing the Erection of a Stop Sign at Arthur Street and 9th Streets (**2ND READING**)

Presented by Barletta. Seconded by Colombo.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

ORDINANCE PASSES UNANIMOUSLY

RESOLUTIONS:

Resolution 2022-75

Resolution Approving Application for a Multimodal Transportation Fund Grant from the Pennsylvania Department of Transportation for Phase II of the Alter Street Improvements Project

Presented by Perry. Seconded by Ondishin.

On the Question:

Barletta asked if this between 2nd and 6th Streets. Atty. Logsdon said yes.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

RESOLUTION PASSES UNANIMOUSLY

Resolution 2022-76

Resolution Approving Application for a Multimodal Transportation Fund Grant from the Pennsylvania Department of Transportation for Phase II of the Wyoming Street Enhancement Project

Presented by Perry. Seconded by Barletta.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

RESOLUTION PASSES UNANIMOUSLY

Resolution 2022-77

A Resolution Approving the Action Plan for Fiscal Year 2023

Presented by Barletta. Seconded by Ondishin.

On the Question:

Barletta asked if the City is improving the traffic light on 15th and Alter Streets. Perry asked if the traffic light on 15 & Church Streets are being replaced. Mayor Cusat said yes.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

RESOLUTION PASSES UNANIMOUSLY

Resolution 2022-78

Appointment to Junior Council

Presented by Colombo. Seconded by Ondishin.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

RESOLUTION PASSES UNANIMOUSLY

New Business: None.

Old Business: None.

Comments from the Audience: Cindee DeLuca, Hazleton, said on Tuesday, October 11, 2022, she presented city council members and Atty. Sean Logsdon with packets. She said she would like to meet with them to discuss, at the end of this meeting, to see what the resolution is. Atty. Logsdon said he distributed this, internally, and is being looked into. He said having a private meeting would be no problem. Atty. Logsdon said they cannot discuss this in an "open" forum. He said they did receive it, and he did disseminate it to the people who are looking into it. DeLuca asked if the PA State Police were contacted because they are, also, involved. Atty. Logsdon said they cannot discuss the specifics because it is an internal matter and are contractual issues.

Dee Deakos, 43 West Mine Street, spoke of the City parking issues. She said with the winter season coming, she asked if there is a provision to put temporary provisions for the handicapped. Mayor Cusat said there is nothing in the ordinance to allow this.

Deakos spoke of the mini homes. She said there should be a provision in the ordinance, for a parking space. Mayor Cusat stated it is in the ordinance under single family, and this section, is not being amended. Deakos said the City needs to put stop signs at every intersection with an alley. Perry agreed this is a problem in the City. He said many City residents brought this to his attention.

Comments from Mayor: Mayor Cusat welcomed all the new Junior Council members.

Mayor Cusat wished everyone a Happy Thanksgiving.

Mayor Cusat said there will be a Christmas Tree Lighting ceremony on December 7th at City Hall. He said the event will begin at 5 p.m. and is in conjunction with Hazleton Chamber of Commerce, Hazleton Library, CAN DO and DEHAP. He said there will be three tree Santa Clause parades, in the City, on December 4th, December 11th and December 18th, 2022. On December 11th, the parade will end at Memorial Park where there will be a vendor market and pictures with Santa.

Comments from City Administrator: Lynch welcomed all new Junior Council members. He wished everyone a Happy and safe Thanksgiving.

Comments from Council: Perry welcomed all new Junior Council members.

Mundie thanked Lynch for the 2023 draft budget and no tax increase in the City.

Barletta concurred about the no tax increase in the City. She, also, welcomed Junior Council. Barletta wished everyone a Happy Thanksgiving.

Colombo welcomed all the new Junior Council members. He thanked them for showing their interest. Colombo, also, thanked Lynch for his budget presentation. He commended the fire, police and DPW Departments for all their awesome work. Colombo congratulated Leshko for the arrival of the "twin" fire engines. He stated he, Ondishin, and Perry were at the South Side Fire Station when the new vehicles arrived. Colombo said he received a call from the boys Charity Home. He said they are looking for some sweatpants and socks after the recent fire. He wished everyone a Happy Thanksgiving.

Ondishin congratulated the new Junior Council members. He wished everyone a Happy Thanksgiving. He stated the City just got "safer" with the arrival of the two new fire vehicles. He thanked Lynch for the City draft budget presentation. He said anyone who has "loved ones" in the City cemeteries, they repaved the roads, right off of Broad Street. Ondishin congratulated Barletta for her award.

Perry thanked the DPW Department with their recent installation of the City's Christmas lights.

Comments from Junior Council: None

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 7:40 p.m.