

MINUTES

HAZLETON CITY COUNCIL

REGULAR MEETING

WEDNESDAY, SEPTEMBER 12, 2018

Call to Order: Council met in regular session on Wednesday, September 12, 2018 in Council Chambers. The meeting was called to order at 6:00 pm.

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

Roll Call: Barletta-present; Colombo-present; Mope-present; Perry-present; Gavio-present

Minutes of Previous Meetings: The minutes of the August 8, 2018 Regular Meeting were approved unanimously.

Proclamations/Communications: None

Bid Opening:

BUSINESS AT HAND: RESTAURANT LIQUOR LICENSE TRANSFER HEARING @ 5:30 P.M.

A public hearing for an application for the Approval of Transfer of Restaurant Liquor License #R-3521, Lucky J Sportsbar, Inc., from the City of Wilkes-Barre to the City of Hazleton for use at 116-118 West Broad Street, Hazleton, PA, presently held in safekeeping by the Pennsylvania Liquor Control Board, was held at 5:30 p.m. prior to the city council regular meeting.

Courtesy of the Floor (ON AGENDA ITEMS ONLY): Dee Deakos, 43 West Mine Street, Hazleton, said the City does not need another bar on Broad Street. She said there were a lot of problems with bars in the past. She said this will not enhance the downtown. She asked how many bars will there be, now, on Broad Street.

Antonio Rodriguez, 718 Muir Ave. Hazleton, asked if the Liquor License resolution is on the agenda. Gavio said yes. He said to give them a chance.

Old Business:

ORDINANCES

Ordinance 2018-25 Regulating Mobile Food Service Establishments (2nd READING)

Presented by Barletta. Seconded by Mope.

Roll Call: Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

ORDINANCE PASSES ON 2nd READING

Ordinance 2018-25 Regulating Mobile Food Service Establishments (**3rd READING**)

Presented by Mope. Seconded by Barletta.

Roll Call: Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

ORDINANCE PASSES UNANIMOUSLY

Ordinance 2018-26 Amending Ordinance 2012-25 Establishing a Registration and Licensure Program for All Residential Rental Properties, All Institutional Occupancies, and Daycare Facilities, Section 7, Subsection b (Fees) (**2nd READING**)

Presented by Perry. Seconded by Barletta.

Roll Call: Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

ORDINANCE PASSES ON 2nd READING

Ordinance 2018-26 Amending Ordinance 2012-25 Establishing a Registration and Licensure Program for All Residential Rental Properties, All Institutional Occupancies, and Daycare Facilities, Section 7, Subsection b (Fees) (**3rd READING**)

Presented by Barletta. Seconded by Gavio.

Roll Call: Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

ORDINANCE PASSES UNANIMOUSLY

RESOLUTIONS

None

New Business:

ORDINANCES

Ordinance 2018-28 Amending Ordinance 2004-15, Prohibiting the Drinking Of “Alcoholic Beverages” Upon Any Public Access Property, Or In Any Vehicle Being Operated Or Parked Thereon, And To Prohibit Any Person To Have In Such Person’s Control, Any Open Container Containing Any Alcoholic Beverage; Upon Any Public Access Property; And To Provide Penalties For The Violation Thereof **(1st READING)**

Presented by Perry. Seconded by Colombo.

Roll Call: Barletta-no; Colombo-no; Mope-no; Perry-yes; Gavio-yes

ORDINANCE FAILS 3-2

Ordinance 2018-32 An Ordinance Establishing a Permit Program For The Moving of Household Goods in Bulk in the City **(1st READING)**

Presented by Perry. Seconded by Gavio.

On the Question:

Barletta stated she does not want to see the residents pay another fee. She said it is not the correct way to go about this. She said this will be hard to enforce on the weekends when most of the moving is done.

Gavio said he will vote for this. He said he checked with other communities around the area. He said the outlying fire and police departments benefited from the information of residents moving from their cities. He said this is a safety issue. He said it is beneficial to know who is moving in and out of the city. Perry said this would also show if a resident owes any fees to the city. He said if the residents are moving in the middle of the night, they are moving for another reason. He said it will take time and people need to be trained. He said Easton and other communities enforce this ordinance. Gavio said a lot of discretion needs to be used. He said the public needs to be educated.

Mope said most residents are moving at 2-3 o’clock in the morning. She said it is hard to keep track with the code and fire departments. Perry said this is meant for an educational thing. Gavio said it gives the city the tools to enforce.

Roll Call: Barletta- no; Colombo-yes; Mope-no; Perry-yes; Gavio-yes

ORDINANCE PASSES 3-2 ON 1st READING

Ordinance 2018-33 An Ordinance of the City of Hazleton to Require Permits for Yard Sales, to Regulate the Number of Yard Sales Permissible, to Establish a Time of Removal of Yard Sale Signs, and to Provide Penalties for Violations Thereof (**1st READING**)

Presented by Perry. Seconded by Gavio.

On the Question:

Barletta said this will cost the city more money to enforce - \$5.00. She said it will hurt the honest residents who do obtain their permits. She said the code department is already busy. Gavio stated most yard sales are innocent. He said he spoke, recently, with three business owners. He said one is seasonal, and two are small. He said this is not a top priority. He said it is for the residents who abuse their yard sales. He said the law will protect the small business owners who do abide by the rules. Barletta asked Atty. Logsdon when residents are having daily yard sales how can this be considered a business. She said they are running an illegal business. Atty. Logsdon said it comes down to a “proof” issue. Mayor Cusat said there is nothing that states how many yard sales a resident can have per year. Atty. Logsdon said there would need to be an ordinance that would define the term business. Barletta asked what determines a yard sale versus what the resident is selling. Atty. Logsdon stated the resident would obtain a business license from the city. Barletta said residents also sell their products online.

Mope agreed with the ordinance for a resident having three yard sales, and any after three would charge a fee. She said several residents are coming to city hall for their permits, but cannot get it because the departments are too busy. Perry said the ordinance states five yard sales per year with the first three free. He said it gives the tool for the city to stop the residents from running a business.

Roll Call: Barletta- no; Colombo-yes; Mope-no; Perry-yes; Gavio-yes

ORDINANCE PASSES 3-2 ON 1st READING

Ordinance 2018-34 An Ordinance Rescinding Ordinance 2009-16, and Amending a Portion of the Pennsylvania Uniform Construction Code (PA UCC), Act No. 45-1999 (**1st READING**)

Presented by Colombo. Seconded by Mope.

On the Question:

Colombo made a motion to table for further discussion.

Motion to Table

Roll Call: Barletta- yes; Colombo-yes; Mope-yes; Perry-no; Gavio-no

ORDINANCE TABLED

RESOLUTIONS

Resolution 2018-67 A Resolution of the City of Hazleton, County of Luzerne, Commonwealth of Pennsylvania, Approving the Transfer of Restaurant Liquor License No. R-3521 into the City of Hazleton from the PA Liquor Control Board

Presented by Barletta. Seconded by Gavio.

On the Question:

Mope said she is not against bringing licenses into the City. She said she would like more information on adequate parking, etc. She said she is not able to vote for this resolution. Perry said the City would do its due diligence making sure all permits and occupancies are taken care of.

Roll Call: Barletta-yes; Colombo-yes; Mope-no; Perry-yes; Gavio-yes

RESOLUTION PASSES 4-1

Comments from the Audience: Antonio Rodriquez, 718 Muir Ave., Hazleton, said the recent 9//11 city presentation was excellent. He said honoring the fire, police and veterans from 9/11 is right. He said there were about 3,000 victims from this tragedy. He complimented Mayor Cusat for his speech. He also commended Fire Chief Donald Leshko and Police Chief Jerry Speziale for their speeches. He thanked Anthony Colombo for orchestrating the 9/11 program. He also thanked council woman Allison Barletta for her presence at the event.

Charlie Schadder, 130 Samuels Ave., Hazleton, said he lives across from the Hazleton Heights wheat field. He said this property is owned by PP&L. He said according to Luzerne County records UBNW-13-004-VAR-000, this property is next to Paul & Roseanne Jubick. He said PP&L, on Poplar Street, put all new windows in their building, new lawn service, and resurfaced their parking lot. He asked what is wrong with the back of the building. Mope said it the grass is high and in violation that the code department needs to be notified. She asked Mr. Schadder if he notified the code department. He said yes. He said they cut the grass one time this year. He stated PP&L owns this property.

Dee Deakos, 43 West Mine Street, Hazleton, said an elderly resident stated her ½ double building has been vandalized. She said they decided to no longer rent and uses this for

storage. She asked if they use it for storage what it would fall under- rental or vacant. She said the City needs to look into these situations.

Comments from Mayor: None

Comments from Council: Barletta said she saw the Safe Grant approval, in the Standard Speaker, for the Hazleton City Fire Department. Mope said she hopes this “pays down” the new fire engine. Donald Leshko said the grant is not for the fire engine; it is for staffing.

Mope thanked everyone for coming to the meeting. She stated council makes their decisions on what they think is best. She stated 9/11 was meant for a memorial service for the people who did not survive. She said it was a sad day in the history of our country. She congratulated Chief Leshko for the recent grant.

Perry also thanked Chief Leshko for his recent grant writing skills. He thanked Mayor Cusat for his recent Town Hall Meeting. He said city council is doing everything they can to generate income for the the City. He also thanked Tony Colombo for his role in preparing the 9/11 program.

Gavio also thanked Tony Colombo for all his work. He thanked the Hazleton Fire Department for their grant writing. He said everyone should say a special prayer for impending Hurricane Florence scheduled to hit the Southern states.

Adjournment: Gavio motioned to adjourn the meeting. Meeting adjourned