

**MINUTES
HAZLETON CITY COUNCIL
WORK SESSION
WEDNESDAY, MARCH 10, 2021**

Council met for a WORK SESSION on Wednesday, March 10, 2021 via ZOOM Teleconferencing. The WORK SESSION began at 8:29 p.m.

In attendance were City Council President James Perry, Vice-President Anthony Colombo, Allison Barletta, Lauren Sacco and Jack Mundie. City Officials present were Mayor Jeff Cusat, Atty. Sean Logsdon, Dan Lynch, Fire Chief Donald Leshko, and Police Chief Brian Schoonmaker.

Perry stated city council and administration will be discussing the new City of Hazleton Zoning Ordinance. He said Atty. Logsdon and Mayor Cusat will give council an update on this.

Atty. Logsdon said he put this on as a WORK SESSION item. He said the City is still doing their codification process and will be part of the City's larger City Code. He said this is very lengthy and triple the size of the previous Zoning Ordinance. He said there is a map attached to the Zoning Ordinance. He said he sent out an e-copy to all city council members because he forgot to send it with the first email. Atty. Logsdon said there is a coded color map, on their computers, of the whole City and what zoning district is referenced. He said most of the ordinance is not a "huge amount" of a concern for council but is a part of a larger process. He said this process is a little different from the normal process for other ordinances. Atty. Logsdon said the City, first, needs to send this to the local Planning Commission. He stated it needs to be 30 days before the public hearing, give their review and give comments on the ordinance. He said a couple different agencies will be receiving this. He said besides the solicitor's office drafting this, there are several commissions looking at it, as well. He stated planning will look at it 30 days prior to the public hearing, the county Planning Agency will review it and give recommendations at least 30 days prior to the public hearing. He said the City would have to advertise the public hearing with proper notice. He said it is a little different than a traditional ordinance where it will be advertised twice, almost like a zoning hearing. Atty. Logsdon said the zoning hearing is advertised for two consecutive weeks, no greater than 30 days out and not more than 7 days out. He said it will be published in the Standard Speaker with a summary sent to them and kept in the City Clerk's office with a full text. Atty. Logsdon said the county's law library, at the courthouse, will receive this as soon as it is passed. He stated they will physically post notices of the hearing. He said there is no specific mailing he needs to do due to a general comprehensive free-zone and a re-write of the ordinance. He said once the City has the public hearing, there would be another public hearing if there were any substantial changes after this. He said once approved, it would be sent to the planning agency no later than 30 days after the adoption. He said council does not need to worry if they did not write this down, he will "keep an eye on it". He said he wanted to introduce this to council and get them a copy. Atty. Logsdon said only if someone is into land use and this is their hobby, this is not a book someone would read. Perry asked where it goes from here. Atty. Logsdon said he will discuss some of it tonight and will not go "page-by-page". He stated if council is of the opinion it is ready to go to planning, they could "shoot it over" to them and get their comments and also from county planning. He said it needs to be 30 days before the public hearing. He said there is a "ways-off" before the public hearing but try to move it as quicky as possible. He said the "game plan" is county planning would take it first.

Atty. Logsdon said Page 76 has Zoning Regulations. He told council members to look at the color-coded map to see where the districts are. He said some of the districts are renamed and could be cross-referenced to old zoning map. He said he could "shoot" a copy of this over to council. He said on Page 76 is Zoning District Regulations and without going into a whole "spiel" on permitted uses, non-permitted uses, special exceptions and conditional uses. He said this is what they are talking about "lingo-wise".

Atty. Logsdon said using the “lingo” of zoning, there is talk about permitted uses, special exceptions and conditional uses. He said the zoning officer will determine if a permitted use is a permitted use and Pedri would sign a zoning permit, they would pay the fee, and get the permit. He said if it is a non-permitted use, they look to special exception use, go the zoning hearing board, and present their case to try to get what is called a special exception. He said it is a “quasi-judicial board”. Atty. Logsdon stated this is like when council hears the local government appeals and acts like a panel of judges. He said the same thing applies to the zoning hearing board where they act like a panel of judges when there is a special exception or another zoning term variance. He said variances could take various shapes and forms. Atty. Logsdon said some are “harder to get, some are easier to get”. He stated this is laid out in the ordinance on how to get a variance and how to get a special exception. He said his last term would be a conditional use. He said conditional uses are similar to special exceptions but instead going to the zoning hearing board, they would go to city council. He said some of the ordinance needs to be re-formatted due to tables. He said if someone’s property is in zoning district R-1, and wants to put up a manufactured home, this is not permitted. He said short-term rental homes are a “hot topic” in zoning. He said they never know where they will spring up. He said it is not just a problem in the Poconos where there are the gated communities with pools. He said there are a lot of people getting out of the congested cities and using pools, skiing and outdoor activities. Perry asked if this is like an Airbnb. Atty. Logsdon said it is exactly an Airbnb. He said they tend to be fairly profitable and if the City does not have a hold on it, in the zoning ordinance, it could get out of hand very fast. He said the residential community and areas are “little hotels”. He said this is not troubling the City, currently, but is something that happens in different municipalities. He said until the government changes certain things about it, and something they could do with their property, the zoning ordinance, when passed, will state there are certain things that could be done in certain zoning districts. He said if someone comes to Pedri asking if they could do a short-term rental in the R-2 zoning district, that person would need a S, special exception. He said this would need to go to the zoning hearing board. He said on Page 79, there are rules for BYOB and night clubs that people would be concerned about. He said it is a comprehensive list. Atty. Logsdon said the City cannot account for everything, and have learned this over the years, but the City has accounted for a few things since 1995. He said the previous ordinance did not have the rules for an Airbnb. He said a lot of things, in this ordinance, are not there anymore.

Atty. Logsdon said if it is not a permitted use, a person could request a variance, but are not always easy to get one. He stated the standards, to meet the variance, are fairly consistent with the municipalities planning code. Atty. Logsdon said they are tough to get by walking into the Hazleton Zoning Hearing board and saying, “I want a variance to put a correctional facility in the R-1 district”. He said this is an issue, and tougher than it sounds.

Atty. Logsdon spoke of Page 85 in the Zoning Ordinance. He stated when they see the “C’s”, the “C’s” do not stand for council, but they, sort of, do. He said these are the conditional issues and hearings city council will be hearing. He stated hot, new issues, that did not exist in 1995, as medical marijuana and environmental things, the bigger uses that will affect the community in a way that city council needs to be involved with it and tried to add the “C’s” and the conditional uses in there. He said when you see the “C’s”, it is in a district where it is important enough for city council to have the final say in it. He stated city council would act as the zoning hearing board, and same standards apply, but it would go to the city council instead of the zoning hearing board. Perry asked what HOD stands for. Atty. Logsdon said it has something to do with the Downtown Overlay district. He said the old ordinance had these “non-governmental quasi committees.” that were involved in the zoning process. Atty. Logsdon said they have removed that and are no longer in this ordinance anymore. He said this is now the council’s function. Sacco asked if the Downtown Overlay district will be city council’s function. Atty. Logsdon stated yes. He said with their certain uses, or if something is going into the district, it will not go to a committee anymore. He stated it is planning and then council. He said there were two different types of committees previously involved in the zoning decisions in that area.

Atty. Logsdon said these are the highlights that he wanted to go through with council tonight. He said Pedri and Nocchi are reviewing this ordinance and have been this whole time. He said when it comes to

hearings, and more formal procedures and WORK SESSIONS, Chief Leshko, Pedri, and the administration staff would be involved to provide feedback, edits, and things they catch, typos. He said they went through this ordinance at “nauseum”, and eventually, the eye stops catching that stuff. He said getting into the “nitty-gritty” going to planning with comments and coming back with comments. He stated these are the highlights important to city council. Atty. Logsdon said they will let Pedri deal with the dimensional stuff and let the zoning hearing board deal with variances. He said he wants to deal with what city council will be intimately involved in such as conditional uses, different definitions, things that are missing that council may see is missing, or something unique, to the City, that council has seen. He said these are things that could be included.

Sacco asked if this ordinance is staying this size, or will it be downsized as the Business License Ordinance. Mayor Cusat said this ordinance will stay “as is”. He said the ordinance is smaller than it should be. He said this ordinance includes 2 ½ years of work. Perry said the City is modernizing. Atty. Logsdon said energy issues are new and big. Perry said wind turbines and solar panels. Atty. Logsdon said things that did not exist in 1995. He said this includes if a company comes to Pedri wanting to put in a cell plant in the City. Mayor Cusat said cell towers are “popping up”. Perry asked if there is a cell tower by the stadium. Mayor Cusat said yes, for cell towers. Perry asked if there is one by Little League Field. Mayor Cusat said that is for TV and radio that are 200-300 feet high. He stated there is one in the Heights. He said he is working, with a company, to put one at City View Park.

Atty. Logsdon said city council does not have to worry about buffering, shrubbery and dimensional variances. He said this would be the responsibility of Pedri, Zoning Department, the Zoning Hearing Board and solicitor’s office. He said if council could look at the reviewed areas and definitions, starting on Page 76 with the zoning district regulations. He said these are the most important things to review. He said, in terms of moving forward, he would need to know, from city council, when they are comfortable in “shooting it down” to county planning for their comments. Mayor Cusat said he will give city council two additional names to appoint members to the Planning Commission at their next meeting. Atty. Logsdon said it is not a council function, but it is an ordinance that has to be passed.

Atty. Logsdon said when city council is comfortable with this, he will get it down to planning. He said they will have 30 days to make comments. He said the sooner he sends it, the better. Perry asked if it has to officially be approved before it is sent to them. He said he thinks they would want to get it out as soon as possible. Mayor Cusat said he does not think it has to be approved. He told council to look it over and send administration or Logsdon a message in a few days. He said this could always be changed. Atty. Logsdon said this is a very good draft copy and not a first reading. He said Hazleton or county planning has not reviewed it yet.

Barletta asked where the City is at with the quad ordinance. Atty. Logsdon said they are waiting for a response from DCR. Barletta asked, “from last year”. Mayor Cusat that is due to COVID-19, and they are a state organization. Barletta said they are “a little quicker than that.” She asked what they have to wait for, “what the City could crush”. Police Chief Schoonmaker said they are waiting on their determination on titles for the motorcycles and quads or just the motorcycles, through PENN DOT, and DCR for the quads but are still requiring additional information from the City. He said the City is making sure they cover “all their bases” and for the final paperwork. He said once they get ownership, they could crush. Barletta asked how many the City has. Schoonmaker said about 15-20, in custody, at this point.

Perry adjourned the WORK SESSION meeting at 8:53 p.m.