

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 23, 2021**

Call to Order: Council met in regular session on Tuesday, March 23, 2021 via ZOOM Teleconferencing. The meeting was called to order at 7:05 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; Sacco-present; Perry-present

Minutes of Previous Meetings: The minutes of the March 10, 2021 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications: – Ted Ritsick-Department of Community and Economic Development Planner, Government Policy Specialist, will be discussing the City's Comprehensive Plan grant process.

Ritsick said he is a local government policy specialist and the DCED planner for Northeast PA. He said he is going to talk to everyone here about the City of Hazleton's Comprehensive Plan. He stated, in the City's ACT 47 Recovery Plan, Section ED-1, recommends the City develop a City-wide Comprehensive Plan and/or Economic Development Strategy. He stated there is \$30,000 allocated to do this. Ritsick said he wants to make everyone aware why they should do planning, a Comprehensive Plan, and whether it was in the ACT 47 or not, why it is a great thing for Hazleton to be doing and be involved in. He said, hopefully, by the end of this presentation, they will be excited and the City will want to do Comprehensive Planning.

Ritsick shared a Power Point presentation for the City's Comprehensive Plan. He stated Section 619.2 from the Pennsylvania's Municipal Planning Code, states, "Commonwealth Agencies shall consider and may rely upon Comprehensive Plans and Zoning Ordinances when reviewing applications for the funding or permitting of infrastructure or facilities." Ritsick stated if the City has a Comprehensive Plan, and is good, could show them that the City is using it and building towards a vision, the City is more likely to get more grant dollars. He said the next reason the City should do a Comprehensive Plan is a single significant "game-changer" for the City as a local government. He said it will be a "road-map to success and value adding", not only for the City of Hazleton but for the stakeholders in the City of Hazleton. He said all involved parties will know what the plan and vision is, what it looks like and how this is taken into consideration with the trends and changes that are occurring over the next 10 years. He said these changes would be technological changes, lifestyle changes, housing changes, and demographic changes. He said, "in light" of COVID, all four of these happened and accelerated rather quickly.

Ritsick stated a Comprehensive Plan consists of the City making an official statement of the governing body's future goals and have a "big picture look" of how many pieces, of the community should work, a tool to evaluate proposed development projects if it fits in for the City's vision or character, and it serves, as a guide for the future development of the municipality. He stated there is a planning definition, he really likes, from the American Planning Association, and it states, "Planners take a broad-view and look at how pieces of a community, buildings, roads and parks fit together, like pieces of a puzzle, and planners, then make recommendations how the community should proceed." He said this is how the City fits in because, he stated, sometimes, people will tell him, "They already have a nice downtown plan or they are part of the Luzerne/Lackawanna Joint Comprehensive Plan". He said Hazleton already does

have a Comprehensive Plan, adopted in June, 1992. He stated he is “willing to say” that the vision for Hazleton has changed since then.

He said he is a millennial and grew up watching Shrek. He said someone may ask where the City’s plan fits into the greater part of the county and local plans. Ritsick showed a slide of Shrek with the title, “Onions have layers, and Ogre’s have layers, do you get it” and the donkey from Shrek stated, “Planning has layers too”. He said the onion analogy is silly, but the broad view is the County’s Comprehensive Plan and takes the “10,000-mile super aerial view on Google earth” and is super-picture regional projects. He said, when zooming “down a layer”, it is looking just at the municipal boundaries of Hazleton, and how they interact to what is around them. He said, “zooming into one more layer”, and it is the close-up view into specialty plans, i.e.- downtown plans. Ritsick said, sometimes, plans take “deep dives” into things. He said, sometimes, the County’s Comprehensive Plan will look at specific areas in the county, and the City’s Comprehensive Plan will look at a few blocks and do some renderings. He said it works in layers, and informs and tries to be consistent “feeding into the overall vision”. He stated the components, of a Comprehensive Plan, that the Municipalities Planning Code outlines, in Section 301, that the City will look at, was shown on the screen. He said he is not going to read all of them, but they are for elected officials, general public, and “everyone in between”. He said everyone should be able to understand, grasp, and see where they are in the vision, see how they fit in, and could help. Ritsick said how you do this is the process, used at DCED, called The Implementable Comprehensive Plan. He said making a big, thick book with lots of data, numbers, no context and is hard to read does not get anywhere. Ritsick said a lot of money is spent on this expensive book because no one knows how to read it, not used, and is a lot to grasp. He stated it is tough because if a City invests well into a plan, they could reap the benefits over the course of the next 10 years and beyond. He said the Implementable Comprehensive Plan focuses on real issues. He said the City always needs to hit the requirements in the Municipalities Planning Code but it does not tell the City how much they need to devote to a certain section. Ritsick said if the City is being in the “implementable approach”, and focusing on a document that is easy understand and implement, the City would need to put their dollars and focus on the things that matter. He said it is about communicative organization and putting things in a way that most people could understand. Ritsick stated working ideas and action plans. He said a capacity to implement means that the City is doing, reasonably, things that they could do. Ritsick said it is good to dream big, but not so big that the City is unable to do anything. He said he would rather people have ideas they could envision and know they could implement, then “swing for the fence” and “whiff”. Ritsick said it is all about a methodical process of “hitting the singles”, doing the little things, and getting “step by step’ and “piece by piece” accomplished. He said there is also community ownership. Ritsick stated back to the fact that a plan is as good as a capacity that is implemented. He said when there are more people “on board”, and have people believing in this vision, there will be people who want to support it. He said this document is a good way to put it into writing.

Ritsick said maybe someone will ask, “What is Hazleton’s going to look like”. Ritsick stated he gets to see a lot of plans with a tons of counites in Northeast PA. He said he has colleagues who work throughout the state, and they talk about them. Ritsick said one of the things done, in Allentown, was they won an award from DCED, because their plan was very good, called Allentown Vision 2030. He said anyone could read the plan, would “100% recommend it”, to go on their website. He stated it was done with a \$225,000 budget and it was focused on implementation, it was community oriented, and because of the large Spanish speaking population, in Allentown, they made it bilingual. He said they not only did they do the plan in English and Spanish, and with public outreach, the actual document is in Spanish. He stated they went “the extra mile” to even put it in Spanish. Ritsick said they just throw it into Google translate and “dump it” online and say “it is done”, but they, actually, hired a firm to translate it, by hand, and redo the text in relation to the actual document. He stated it was written and oriented to native speakers and not just “an awkward” Google translate. Ritsick said they made sure their community was “all in” on their plan.

Ritsick said for Hazleton, it is good to go for a Comprehensive Planning process for around \$100,000. He said this is a good budget, for the City, to engage in a planning process similar to Allentown's where there is a community oriented implementable Comprehensive Plan where it is bilingual public participation in English and Spanish. He said the reason why he has Phase II as a full translation, and for funding purposes, it is important the City needs to get the processing going first. He said, perhaps, in an additional phase with another program, as long as it is communicated to the consultant that the files could be editable so the translation could occur, getting the plan written, in Spanish, as Allentown did, could happen after the document is produced.

Ritsick said the timeline would be, and this is a "ballpark, if the City would request \$70,000, from DCED, for a Comprehensive Plan, and would assume the City would receive this, this would happen in July. He said the City would issue, their RFP, in July, as well, once there is confirmation of receiving the funds and are granted by the department. Ritsick said the request for proposal "stays out there" for 30-45 days and should get in the proposals in September, 2021, for a committee to review them. He stated, in October, these proposals should be vetted, the consultants be picked, and work should begin. He said, after about one year, there should be a draft ready. He said early 2023, the City should have their plan adopted. He stated this is the very basic timeline. Ritsick said when it gets to proposal stages, the consultants will give the City a more detailed breakdown of how the process works. He said he gave it about 12 months, but some planning teams take a little longer, and extended it by 3-4 months. He said this timeline should be accurate within 3-4 months.

Ritsick said he will "field" questions from anybody and has his contact information on the slides. Perry thanked Ritsick for all the work he put into this. Perry stated Ritsick has been a great asset in this for the City. He asked Ritsick if the RFP, for the City, is ready to go. Ritsick said yes. He said are a few "tweaks", to be done, to the RFP, but no more than a few hours, or work, to have it ready. Perry asked if \$100,000 is enough money. Ritsick said this is a good number with getting competitive consultant teams bidding on this and getting the work done in a document that is effective. Perry said there are resolutions, on the agenda tonight, for additional money, for this, and for the user fee analysis.

Mundie asked Ritsick if there are other Comprehensive Plans for smaller cities in comparison to Hazleton. Ritsick said they are online and if he looks up other city names and Comprehensive Plans, they will come up. He said, regionally, Wilkes-Barre has not done a Comprehensive Plan in a long time. He said the City of Scranton is part of a very big nine municipality initiative called the Scranton and Abington Planning Association. He said there was good work in Bloomsburg. Ritsick said the Monroe County Planning website has a robust planning department. Mundie thanked Ritsick.

Barletta thanked Ritsick for the presentation; it was great. She said this is something Hazleton needs, and has not been done since 1992. Barletta said this will be a change to build a vision. She asked if Luzerne County's Comprehensive Plan would affect the City of Hazleton's plan because they are looking to change it. Ritsick stated DCED is funding the Luzerne/Lackawanna Joint Comprehensive Plan in part. He said every county is required to do a Comprehensive Plan update every 10 years. He stated Luzerne and Lackawanna counties are in an organization called an MPO (Metropolitan Planning Organization). He said the counties are a two-county MPO and each county has to do their Comprehensive Plan every 10 years. Ritsick said because the counties share a transportation planning entity, and because each county has a requirement to do it every 10 years, Luzerne and Lackawanna counties do them together. He said they do their transportation plans together and they do their Comprehensive Plans together in one big document. He said this document is in draft phase. Ritsick said, he believes, the consultants are presenting this draft plan to the Luzerne County Council tonight. He said it is very likely when the planning process starts, the broad view two-county plan would have been completed and adopted by the two counties. He said Hazleton will just be working to make their specific City recommendations and is generally consistent with the broad recommendations found in the two-county Comprehensive Plan. He said this goes back to the "Shrek analogy" with the different layers. He said this will not affect this but will

only complement.

Mundie asked how many years this plan “goes out”. Ritsick stated approximately 10 years. He said it does not expire, after 10 years, but committing to a plan the City needs to commit to a process. Ritsick said the City will make a plan, and normally, update it after 10 years. He said it is a good process to look at the plan, after each year, to see what the City has accomplished, what is not feasible anymore, what has changed, how to look forward, and what opportunities is the City presented with. He said it is a constant reflective process centered around this document. Mundie asked if Lancaster City has a Comprehensive Plan. Ritsick said he covers Northeast PA, and the furthest south, he goes, is to Schuylkill Count. He stated he thinks Lancaster does have a Comprehensive Plan.

Perry said Hazleton is a very diverse City and needs to get the community involved. He stated Mayor Cusat started to get a committee together, in the past, and the City was denied \$75,000 from the federal government. He said this is why DCED stepped in to take this over. He stated Mayor Cusat was moving on this process. Mayor Cusat said he is working on the Zoning Ordinance, the Parking Study is done, the Recreation Study is done, the Downtown Study, and the Transportation Study. He said there are a lot of little things that will help and be “pieced” into it. Perry stated the City is modernizing everything they could. Ritsick said the City will see how everything feeds into the Comprehensive Plan. He said the consultants will do their “due diligence” and look at all the other plans that surround the Comprehensive Plan. He said they will read the Zoning and saldo, read all the parking and transportation studies. Ritsick said it is important to push, as Allentown has done and had success, to involve community members, social service, healthcare, and the school district was a “real, really big one”. He said by getting the school district involved; they were able to tap a huge amount of people with the planning process. Ritsick said it would be a neat idea to get the school district, on board, and could send a survey out, while doing the Comprehensive planning process, to the school students. He said they would get to see what the future of the City would be.

Mayor Cusat asked if all the other ordinances and studies being done would be cheaper for the RFP And could get a better price. He stated the City just has the brand-new Zoning Ordinance, the saldo will be done, the parking study was done one or two months ago, and the recreation study was done, but does not know if it was released yet. He asked if this should be included in the RFP. Ritsick said the City should include the complimentary documents that would be involved in the plan. He said a good consultant will read them and tailor their proposal better. He stated when the City interviews this consultant, the City will see they did their homework and have a fundamental understanding of the contextual information the City could provide them. He said “in terms” of the price, given the complimentary documents, the \$100,000 price point is good because of the plan. He said Allentown had some complimentary documents, it helped them and had the large budget. Ritsick said looking at this number, knowing what the City has done, through the ACT 47 Plan, and everything, this should be a number that will get the City more “bang for their buck” relative to the work the City has already done. He said it is important that there are a lot of visuals and renderings done. Ritsick stated if there are blocks targeted, the City wants to have an element of graphic designs and landscape architecture. He said it is not cheap but worth having because it is worth it for people to see it and worth paying for. He said it is a little expensive to have this work done. Mayor Cusat said if it is a 10-year plan, it would be \$10,000/year to put in perspective to “sell the City’ to someone. He said when the investors, come in, they are looking for this information. He said it is helpful to have that the City has a plan, and what they have to offer. He said \$10,000/year is not that bad. Mayor Cusat stated the last one was 28 years. Perry said there are a lot of companies wanting to come to Hazleton with a lot of stuff happening at one time. He also said this is a very unique and diverse community and want to involve all. He said this would make for a great plan and for all the years, studies, and grants done.

Barletta stated that Ritsick mentioned the grants will help the City. Ritsick said yes. He stated when the City applies for the grants, they are applying to someone who sits at a desk, in either Harrisburg or

Washington, or elsewhere, and has never been to Hazleton and does not see the City's potential. Ritsick said they see a little text and a plan that is attached. He said, looking at the "scoring" to an analyst, the City could show to an analyst what they have done so far, it could be the difference between being chosen for a grant and not chosen for a grant. He said this is also for a City who is aggressive in their application process.

Perry thanked Ritsick for his help and asked him if he will be involved, in this process, as this moves forward and be the City's "guide". Ritsick said this is correct. He said he will make sure he is here, "every step of the way", because the City is in ACT 47. He said it is all "hands on deck" making sure to involve everyone and every step, of the process, from start to finish, he will be here.

Perry asked Ritsick to pass on the presentation to Sam Galski at the Standard Speaker. Ritsick said yes.

Bid Opening: None

Perry stated Mr. Patel will be speaking about the City's food trucks and small business owner concerns.

Courtesy of the Floor (ON AGENDA ITEMS ONLY): Sonny Patel, 902 West Diamond Ave., Hazleton, thanked everyone for having him here today. He said his concern is for the food trucks that are being permitted across from the convenience stores. Patel said the new concept of the convenience stores consists of food, beer and convenient store. He said people may notice that a lot of beer stores are coming. He said with their licenses, they sell food and spend anywhere from \$50,000-\$75,000 for equipment and having the standards. He said someone could buy a food truck, for \$30,000, and stand right across from their stores, and sell soda, chips and the same items they sell. He said nothing has been done to these items. He asked who has the power to change this ordinance. He stated the Zoning Board does not have the power. Atty. Sean Logsdon stated city council has the power. Perry stated this ordinance is on the tonight's agenda and said it will be addressed and discussed today.

Patel said there was a supermarket across from his convenient store, on Lincoln and First Streets, was given permission to open without handicapped parking and does not need as much money as he did, \$500,000, to get everything done. He said he was allowed to open, and this place was closed for one year, lost his "grandfather" off his business license. Patel asked how this place was approved. Atty. Logsdon asked if it was a permit issue. Patel said there was a dance studio there and then closed for one year. He stated any place that was closed for more than one year, they lose their "grandfather". Atty. Logsdon said this is a zoning issue and would have to check on this. Patel said he is on the Zoning Board and this place never came in front of the Zoning Board. Perry said sometimes businesses open and do not get approval. Patel asked how this supermarket was allowed to open and get approval. He stated they have a City license. Atty. Logsdon said they will have to check with the Zoning Department and if there is something that is not approved, with a change of use, a resident would have to go in front of the Zoning Hearing Board for their variance. Mayor Cusat said Patel is on the Zoning Hearing Board. Patel said they just "did it and opened up". He said they lost because it was closed for 1 -1/2 years. Atty. Logsdon said it depends on if the new use is a permitted use in that zoning district. Patel said he had his attorney check on the zoning thing. He stated if it is closed, for one year, and not reused, they have to come back to zoning for approval. Atty. Logsdon agreed. He said, what may have happened, was the person was given a permit just based on the application, a permitted use. He said he does not know the circumstances and is speaking "off the top of his head" but will check with Pedri on this. Patel said the owners are spending this money to upgrade their sites, and someone could just spend \$30,000 and not have all the legalities to open up. Patel said it is better for him to "go out" and spend \$30,000, on ten trucks, then upgrade his site for \$500,000. Perry stated Patel has a good point. Patel said after DCED's presentation, the City is spending all this money. He asked if the City wants to go this route, or does the City want someone, like him, who has invested millions of dollars, in the City, and needs an

issue resolved, does not get any answers. Perry agreed. He stated he needs to get answers. Patel said he does not care if the supermarket is open, and it is not hurting him, but one store guy may have problems. Perry stated Patel has two problems; the food trucks and the supermarket. Patel said any convenient store or restaurant, that is doing good, will have this problem. Patel said there is no ordinance to stop this. Sacco said it is a matter of time until they "make it down that way". Patel said he is an ordinary citizen, but someone has the power because they are elected officials. He said he is not trying to be mean but is asking for the ordinance to be changed. He stated he would really appreciate it. Perry said council will be working on the Food Truck Ordinance. Atty. Logsdon said he will ask Pedri what the permit issue is around the supermarket because of the change of use, if they received a zoning permit or whether it was a permitted use to talk about. He said council has the Food Truck amendments on the agenda tonight. He stated a few people have come to council with similar concerns. He said these are business owners, in this community, who pay taxes, and do their improvements, and get a business license, with a brick and mortar store, and a food truck is parked across from their establishment. He stated the City's Food Truck Ordinance was meant to regulate and control the places where they could be parked. He said these are the "little kinks" to be worked out. Perry stated enforcement is the key to this.

Mark Rabo, 1st Street, Hazleton, spoke of Ordinance 2021-8- in regard to the saldo fees. He asked if this includes everything: license fees, inspections, and administration fees.

He said in regard to the planning issue, he asked if a Blight Plan could be included. He said he was not able to ask Mr. Ritsick a question. Rabo said Mr. Gulotta at his previous Land Bank presentation, suggested a Blight Plan or study to be included with the Comprehensive Plan, for the Land Bank, to get the study. He asked if this could be passed on.

Atty Logsdon said regarding the fees, it would be simply an application fee. He said if a resident comes in for a residential subdivision and hands in their application, it would be a \$500.00 fee.

Perry stated there will be an Executive Session for possible litigation purposes.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

Ordinance 2021-10

Amending Ordinance 2017-11, Outdoor Burning Ordinance (1st READING)

Presented by Colombo. Seconded by Sacco.

On the Question:

Atty. Logsdon said this came up, in terms of, when this was originally passed, in 2017, there was no mechanism for anyone to request outdoor burning in the City. He said there is development going on in outlying areas, away from properties, and if someone wants to do a ceremonial fire or a

backyard BBQ. He said these issues are included in the 2017 Ordinance. He said the City would not want anyone burning on Wyoming Street or Broad Street. He said the City did not have when permitted or when applicable or when they want to do controlled burning of brush or old trees. He said it states it must be strictly supervised, by an adult, and leaves a lot of discretion to the City's fire chief. He said there is also a permit fee involved. Atty. Logsdon said the City could "shut it down" if the City has to step in and another ordinance that would come "into play" if the fire department would have to use personnel and resources to extinguish it. Atty. Logsdon said this would need to be permitted with the fire chief using his discretion if he thinks it is a good or bad idea. He stated he will be the authority on this. He stated there will be insurance involved. He said this gives the fire company authority to access and inspect the burning site. Sacco asked if it is a one-day permit. Atty. Logsdon said it is not stated as a one-day permit, it just states a permit. Sacco said the others give "X-amount of time". Atty. Logsdon said the ordinance states, "from 7:00 a.m.-4:00 p.m." She asked if they would be allowed to burn for one week. Atty. Logsdon said it all depends if they get a permit for one week, then they could burn for a week. Barletta asked where the resident goes for the permit, either the fire or code department. Atty. Logsdon stated the fire chief will be approving it. He said if someone comes in with a permit application, they could drop it off in the Permit Department and they could forward it to the fire chief to assign to a deputy who will examine the property to determine if it is a high wind day, dry conditions, etc. He said they do not want to give more work to the Code or Permit Departments. Sacco said he would have the ability to deny it. Barletta said there is a lot of things covered in this ordinance with the time and insurance. Perry said there is \$2,000,000 worth of insurance.

Donald Leshko, Hazleton City Fire Chief, said the City got a request from a developer about doing this type of burning. He said talking with Sean and Mayor Cusat, they felt it was necessary to look at doing, and also to be done correctly, in a manageable form, through this ordinance amendment. Perry said this would be for any wooded development area. He said this is for the City to cover this.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

ORDINANCE PASSES UNANIMOUSLY ON 1st READING

Ordinance 2021-11

Amending Ordinance 2018-25, Regulating Mobile Food Service Establishments (1st READING)

Presented by Sacco. Seconded by Colombo.

On the Question:

Barletta asked what the changes are to a permanent location. Atty. Logsdon said he tried to highlight everything. He stated the City Clerk printed out all the copies in color for city council members as they could follow along. Mayor Cusat said they amended some of the definitions to be more thorough on questions that may come up. He stated when they wrote the ordinance, he thought it was "pretty solid", even going back through it, it is still solid, but other questions could come up as, "what is a permanent location if I park my car there". Mayor Cusat stated they decided to add some definitions of what a permanent location and the non-permanent location is. Atty. Logsdon said the two definitions they added were a permanent location versus a non-permanent location. He said, technically, under this ordinance, there is not supposed to be food trucks in a residential lot, parking lot or anywhere else where they are sitting there forever. He stated, technically, this would be defined as a permanent location, and he would argue this point. He said this is why a permanent location was defined as the truck owner has a UCC-approved base and utilities are hooked up. Atty. Logsdon stated under this ordinance, there is not supposed to be a

fixed food truck location. He said he thinks this is also a health violation. Perry said there a lot of these and could “pick-out” where they are all the time. Mayor Cusat said they removed the one-day transient permit. He said in the new Business License Ordinance, this would make this “null and void” anyway because it is addressed in it. He said they pulled out the one-day transient permit. Barletta asked if this is for a food truck no longer allowed to have a permanent location where the mobile truck vendor will have to keep moving. Mayor Cusat said they could never have a permanent location, before, unless they argue what a permanent location is. He stated a permanent location is defined as something with a foundation and water, sewer and electric hooked up. He said a non-permanent location is a place that does not have all of these requirements. He said the old ordinance stated the truck had to keep moving and not be stationary, but someone could make the argument that it is a permanent spot if they parked there for a while. Mayor Cusat said this was not the intent, of the definition, when it was put in place. He said the other two changes that were made were primary entrance, Section 5A-1, was changed to the property line of an open and operating food service establishment. Barletta said this “makes sense”. Atty. Logsdon stated 100 feet could put somebody right outside someone’s door, across the street from a brick-and-mortar restaurant or food service establishment. Sacco said they are allowed to have their truck and could be on Wyoming Street on Monday, Church Street on Tuesday, and Beech Street on Wednesday, but keep moving around. Mayor Cusat said they need to move, every day, every two hours. He said it needs to be a minimum 100 feet from a property line. He stated if using Cusat’s Café, as an example, they would have to park 100 feet away and could not park in between. He stated the food truck operator would have to be 100 feet from a restaurant establishment. He said a food truck could not come and park on Wyoming Street where Frankie’s Restaurant is on 1st Street and Vesuvio’s “is up”. He said the City does not want these trucks to interfere with an established business. He said this was the intent of the original ordinance, and the only thing that was questioned is the definition of a permanent. He said that is why they came up with a more specific definition for permanent and their property line. Perry asked if privately owned properties, as the Hazleton Shopping Center, could allow food trucks on their property, if the City has control of this. Mayor Cusat said this is in zoning. Perry said he wants to make sure it addresses these issues and what Mr. Patel was discussing. Mayor Cusat said then it becomes a health issue. Perry asked how it works with Funfest, a one-day event or to celebrate an anniversary. Atty. Logsdon said this ordinance addresses this under exemption for City-sponsored events. Perry asked if anyone other than Funfest wants this, they would have to get it approved. Mayor Cusat said they would have to come to City Hall to get their event approved. He said, for example, if churches want to have an event and have food trucks, the City would “sign-off” on this. He said the only other change was, Section 5-A4, there was a “typo” and had to put in R-3 zoning district because this was omitted from the original ordinance. He said the original ordinance is strong enough as long as the definition is “tightened up” on permanent and non-permanent. Sacco asked if council passes and agrees on this, would the City have to give everyone a 30-day warning. Atty. Logsdon said if they wanted to, they could ban all food trucks outside of all industrial zones. Mayor Cusat stated, in theory, they are not changing the ordinance but changing the definition. He said, currently, a City code officer or zoning officer could go there and tell them they are not a permanent location and they need to move every two hours. He said whether it is voted on, or not, he said it still has the same meaning, but could be challenged on the definition of permanent or non-permanent. Atty. Logsdon said someone could argue that they are at a permanent location, took their “tires off”, and are selling fried pickles. Perry stated the key is enforcement. Mayor Cusat said yes, it needs to be enforced. He said the interpretation, of the ordinance, at first, states the truck needs to be 100 feet away, but they also need to meet all eight of the requirements. He said even though they meet seven requirements, they would fail because all eight needs were not met. Barletta said the ordinance states, “to be considered permanent, electricity, water and foundation wall need to be present”. She asked if all three need to be present before it is considered a violation. Mayor Cusat said they need running water and sewer. Atty. Logsdon said a foundation and permanent connected utilities. He said it is probably an extension cord running out to the truck. He stated he does not know if they are paying utility bills. He said they probably use a generator. He said this does not mean the food truck cannot be on private property, such as Giant Food Market. Atty. Logsdon said as long as the food truck has

written permission, from the property owner, to be there, they could park there, but they need to keep moving, not stay there overnight, or stay for 24 hours.

Sacco (*inaudible*). Perry asked if someone wants a food truck at City View Park this covers all this. Mayor Cusat said everything is already in the original ordinance, it is just the definitions. He said he has no problem if someone wants to organize a food truck event. He said it should not be an ordinance, it should be a permanent thing. He stated if someone wants to run Food Truck Friday, they could come to City Hall to get their business license and permits and go to that park. He said he does not know how happy businesses would be in that area. Barletta said they would have to pay \$100.00 for a business license. Mayor Cusat said they would also pay a \$50.00 permit fee. He said also included was a permit form. He said one was not attached to the last ordinance. He said it was referenced, in the ordinance, but was not attached. He said all this information is on the business license.

Perry said the City would have to give the truck owners some time to comprehend this with a warning. Mayor Cusat said they have been in violation since 2017. Barletta asked what the fine is for violation. Atty. Logsdon said it is not less than \$300.00 and not more than \$1,000. He said each day counts as a separate offense. He stated Section 8 exemptions still apply from the previous ordinance such as for farmer's markets or a City-sponsored event. Barletta said everything is the same with only "tightening-up" the ordinance with definitions. Perry said the example, from Sonny Patel, are people are investing money in their establishments and someone just parks a food truck and taking business away. Barletta agreed. She said it is not right with extension cords being run to the property. Perry said garbage and oil could be dumped in the sewers. Atty. Logsdon stated they have no restroom facilities and does not know what water they are using. He said there are health codes applied to food trucks if they park overnight. Mayor Cusat said they need to have water tanks inside their trucks.

Roll Call: Barletta-yes; Colombo-yes; Mundie-no; Sacco-yes; Perry-yes.

ORDINANCE PASSES 4-1 ON 1st READING

(2ND AND 3RD READINGS)

Ordinance 2021-8

An Ordinance Amending Ordinance Nos. 10-108, 94-12, 95-18, 95-26, 2003-07, 2005-8, 2006-34, 2007-9, 2007-29, 2009-17, 2010-2, 2011-8, 2012-9, 2015-25, & 2013-5, 2016-31 and Chapters 24, 140, & 203 of the Hazleton City Code for the Setting of Licenses, Fees and Inspections
(2nd READING)

Presented by Perry. Seconded by Sacco.

On the Question:

Perry asked if this is strictly for subdivisions. Atty. Logsdon said yes. He said he heard back from the Planning and Zoning Departments that the City's planning fees and subdivisions were adequately low. He said, now, they are "right on track" with what the reasonable fees would be.

Mundie asked Atty. Logsdon if these are in line with other surrounding cities. Atty. Logsdon stated, "yes, I believe so".

Perry asked if the City does the user fee analysis, would this give a more precise cost for the City.

He stated if the City does the cost analysis, with DCED, it would be \$40,000 more to do the extra study and would give "more teeth" to the fees. Mayor Cusat said, currently, the City is losing money due to advertising, the board, solicitor, stenographer, and secretary being paid. He said they changed the zoning numbers, a few years ago, but never addressed the planning part. Atty. Logsdon said the engineering professionals take a look at someone's plans, come in, shoot it out, get a huge bill from the engineering firm, and the City charges a \$350.00 application fee. He stated this just does not cover it.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

ORDINANCE PASSES UNANIMOUSLY ON 2nd READING

Ordinance 2021-8

An Ordinance Amending Ordinance Nos. 10-108, 94-12, 95-18, 95-26, 2003-07, 2005-8, 2006-34, 2007-9, 2007-29, 2009-17, 2010-2, 2011-8, 2012-9, 2015-25, & 2013-5, 2016-31 and Chapters 24, 140, & 203 of the Hazleton City Code for the Setting of Licenses, Fees and Inspections (**3rd READING**)

Presented by Colombo. Seconded by Perry.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

ORDINANCE PASSES UNANIMOUSLY

RESOLUTIONS;

Resolution 2021-24

Appointment to the Planning Commission
Jeff Yurek

Presented by Perry. Seconded by Sacco.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-25

Appointment to the Planning Commission
Judith Carey

Presented by Colombo. Seconded by Sacco.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-26

Resolution Approving Extension of Term of Act 47 Grant Contract
C000070236

Presented by Perry. Seconded by Sacco.

On the Question:

Perry stated the City is just extending for a period of one year.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-27

Approving Application for an ACT 47 Grant from the Department of
Community and Economic Development to Complete a Comprehensive
Plan and User Fee Analysis

Presented by Colombo. Seconded by Sacco.

On the Question:

Perry said it is for \$70,000 & \$30,000 to complete the plan plus the \$30,000 the City already has
would be a total of \$100,000. He stated the user analysis is up to \$30,000. He said all these things
will help the City and through the Comprehensive Plan.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-28

Authorizing the Offer of Early Retirement

Presented by Perry. Seconded by Colombo.

On the Question:

Perry said this is for an employee with 12 years of experience of at least 59 years of age with a lump sum of \$10,000 payable on or before June 1. Barletta asked if this applies only to the DPW Department, Non-Union and City Hall employees. Mayor Cusat said correct.

Mundie asked if the City was supposed to receive information from the actuary before the City did this. Mayor Cusat said the actuary deals with pension issues and it states, in the agreement, that this will not affect the pension at all. He said if an employee is eligible for a pension, they will get a pension. If the employee is not eligible, then they will not receive one. Mayor Cusat stated it does not change the pension calculations in any way. Perry said they did not have to do a study. Atty. Logsdon said right. He said the City was looking at this last year. He stated the actuary, last year, when responding to this, said there was not an actuary study to be done on this issue and healthcare would not be an actuary issue. Perry said once the City approves this, it could not be rescinded. Mayor Cusat stated there is a total of eight employees that would qualify for this and that is the maximum. Perry said this would include \$80,000 plus any kind of paid leave, sick time, or accrued time. Perry asked what they would receive. Mayor Cusat said they receive whatever was in their contract and nothing extra. He said this is a voluntary separation. Perry asked if they could get other money that is in their contract. Mayor Cusat said they receive what is listed in their contract. Mayor Cusat said this offers them \$10,000. He said this is nowhere near what the police and fire departments get. Mayor Cusat said they get ½ pay for the day. He said some City Hall employees get \$50.00 per day. He said if some would voluntarily part ways, some would not get anything. He said there are also healthcare benefits, Medicare Part B, offered for one year for employees 65 and above. He said the employees get this now, and this does not cost the City more, because if the employee stayed at City Hall, they would still receive this. Mundie asked what employees would be eligible for this. Mayor Cusat said City Hall union, DPW union and Non-Union full-time employees.

Mundie asked if Lynch did a financial analysis based on one, two, five or eight employees retiring and what the cost would be and the savings. Mayor Cusat said he did the analysis. He said if any senior employee, with 12 years of experience would leave, the City would save the money back with the new hire. He said if someone, in the City Hall union, was earning \$36,000/year, according to their contract, the replacement employee starting wage would be \$20,000/year. He stated even with the \$10,000, the City would be "netting" \$6,000 plus the benefit package would be different with different retirement packages. He said whatever employee leaves, the City would still make money. Perry said PEL representatives were concerned with how the City would pay the \$10,000 lump sum, but, Mayor Cusat stated this would be paid by the savings. Mayor Cusat said anyone with 12 years of service would save money, on the new hire, for that position. Mundie said, "their pension is whatever their pension is". He asked if this is being altered or changed. Mayor Cusat correct. He stated it is all spelled out in the agreement. Mundie said in their contract, not the City's agreement. Mayor Cusat said in their contract, in the City Code, and in the agreement that they will sign. He stated it spells out in this agreement, it does not change their pension. He said if the employee is eligible for their pension, they get their pension. If the employee is not eligible for their pension, they will not get their pension. He said there are no additional perks, for pension, in this. Mundie asked Mayor Cusat if the City is changing the pension requirements. Mayor Cusat said no. He said the lump sum bonus of \$10,000 does not get put into last year's wages. Mundie said it does not change the pension, even this money.

Perry said the employee needs to let the City know by May 1st and needs to retire by May 31st. He said the City may lose some DPW workers. He asked what department may have the most employees eligible for retirement. Mayor Cusat said there a few in each area.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-29

Authorizing the Reservation of City View Park for
August 20, 2021 and August 21, 2021

Presented by Perry. Seconded by Sacco.

On the Question:

Perry said someone has something going on this day. Mayor Cusat said somebody would like to use the park for an event on August 21, 2021. He said he felt it would be a conflict if he did the approval. He said, for this event, he said he needs approval from city council.

Mundie asked if someone wants to rent the park for an event, what would they need to do. Mayor Cusat asked, "on a normal situation". Mundie said yes. Mayor Cusat stated they would contact Gary Perna with a two-page form that needs to be filled out. He said the applicant filled out the form, but noticed there was a conflict. He said council, will hopefully, approve the usage. Mundie asked what the terms are and would they need to pay for electric or security to rent the park. Mayor Cusat stated, currently, there is nothing, in place, by ordinance or resolution. He said the City asks for a \$50.00 refundable fee for garbage clean-up. Mundie stated, "only \$50.00". Mayor Cusat said it is a public park and is trying to be reasonable. He said he wants to get to the point where the City could charge a little bit as to keep putting money back into the park. He said this would fall under the Parade and Special Event Ordinance where the City would set fees and guidelines for usage. He stated he treats this park as any other park. Mayor Cusat stated if someone wants to use Columbus Park, Memorial Park, or Beech Street the City allows them. He said City View Park is utilized the same way. Perry asked if a lot of people are asking to reserve the park. Mayor Cusat said there are four dance recitals reserved for this summer and a couple birthday parties were celebrated there. Perry said more people will want to use it after they see how useful it is. Mayor Cusat said he is getting donations of restaurant equipment. He said the garage, that is there now, was used as the concession stand. Mayor Cusat said he wants to have a working concession stand there. He said, someday, he wants to complete this process where the Recreation Department could run it and make money for the City. He stated this is a long-term vision, for the park, he sees. He said he is receiving and looking for restaurant equipment. Mayor Cusat said he is stockpiling this equipment. He said his charity has purchased some stuff and has donated. He said he is on the path, but still needs more time. Mundie asked if anyone could rent the park, even people outside the area. Mayor Cusat said yes. He said he has reached out to several plants offering the park for their yearly picnic. Mayor Cusat said he would like them to use the City's park instead of going to Elysburg. He said he has spoken to a charity, over the weekend. He said their headquarters are located in Pittsburgh and moving to the Freeland area. He said he is trying to get them to hold their "electricians rodeo" at the park. Mayor Cusat said this would bring hundreds of people to the area. He said the City's restaurants and hotels would love to have "hundreds of rooms booked" for the weekend. Mundie asked how many cars could be parked at the park. Mayor Cusat said at the first Fourth of July Event, they "clicked in" almost 600 cars. He said if the cars are parked properly, they could get a lot of cars up there.

Barletta asked how the insurance coverage works for the park once it gets bigger. Mayor Cusat said, according to any other park, it is covered under the umbrella policy. He said the City's insurance carrier stated the City does not need any additional insurance for events.

He said it is part of the normal insurance because it is considered as a playground just like any other park, but just on a “much larger scale”. Barletta said for the few groups, she is in, they need to get coverage for their events at the parks. She said the City may need to look into this once the events get bigger and there are not City-sponsored events. Mayor Cusat said the City has an event scheduled for July 3rd and the group is getting a \$1,000,000 insurance policy. He said he is working towards this, but needs to work on this in the Parade and Event Ordinance to have it set for the City.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

New Business: None.

Old Business: None.

Comments from the Audience: Mark Rabo, 1st Street, Hazleton, asked Atty. Logsdon about Ordinance 2021- Amending Ordinance 2018-25, Regulating Mobile Food Service Establishments. He said Section 9 under the Penalties, states, “\$300.00, but not more than \$1,000.” He said under Third-Class City Code, this is not allowed, because it states no more than \$500.00 could be charged. Rabo stated this may need to be amended to be \$500.00. He said under the Third-Class City Code, Part B, Section 12-604, it states, “an ordinance adopted pursuant to Subsection A may impose a penalty no more than \$500.00 for a violation of its provisions and may provide for other means of enforcement.” Rabo said under C, under license fees, it states, “the fee for the transient merchant license may not exceed \$250.00 per month during which any sale or solicitation is continued.” Rabo said the City has leeway on the license fee but the penalty states no more than \$500.00. He said Third-Class City Code provides for the definition of the transient merchants for licensing. He suggested this also be included in the ordinance as this would be helpful.

Rabo said Leshko and Schoonmaker will be happy to hear about the repealing of the fireworks act. He stated it is back n the table at the assembly. He said legislators, from Lehigh County, have put up the legislation to repeal with regards to obtaining illegal fireworks without proper licensing and training He said the House Bill # is 988 and was introduced by Representative Peter Schweyer of Lehigh County. Rabo said if Chief Schoonmaker, Chief Leshko and city council could send a letter “on down” because the City has been dealing with fireworks.

Rabo spoke of the Zoning Ordinance. He said he hopes the City is dealing with illegal building conversions and “chop shops” that have been plaguing the City.

Perry said Atty. Logsdon will be looking into Rabo’s first concern. Atty. Logsdon agreed.

Comments from Mayor: Mayor Cusat said the Easter Egg Drive thru Event is scheduled for Sunday, March 28th at City View Park at 2:00 p.m. He said the Easter Bunny will be there with 10 vendors scheduled to hand out candy and handouts. He said it will be like the “Trunk or Treat”.

Mayor Cusat said the new City of Hazleton website, Hazletoncity.org, is “up and running”. Perry said it looks very good, and thanked Gary Perna for all his work in this.

Mayor Cusat said the City is starting to do street cleaning and street washing of the City streets. He stated the City does not have any specific map, to go by, but are posting the orange signs 24-48 hours prior to work. He said they are trying to post when time allows. Perry asked if the City is ticketing cars. Mayor Cusat said they have been trying to fine people. Perry stated cleaning the streets are the City’s intent. Mayor Cusat said the business districts were cleaned first; Broad Street, Wyoming, Alter and Diamond Avenue. He said the Heights is always done first because it is flat. He said after they sweep, and if there is one more storm, they do not throw cinders, and just use salt. He stated the Northside of town, they use a mix, salt and anti-skid. He said they go towards the “hilly section” last in case there is a storm and may need to use the mix. He said there is a plan.

Comments from City Administrator: None- Absent.

Comments from Council: Mundie said he received a call tonight from a resident who lives on Tamarack Street, between Laurel and Wyoming, in the alley, by a stereo radio business. He said he told her if someone parks in front of her garage, she should call someone to tow the vehicle, and they would have to pay to get the car back. Mundie said she has spoken to Chief Schoonmaker about this situation. Mundie said she is afraid of being sued. Perry asked if the police could only do this. Schoonmaker said correct. Schoonmaker said it needs to be a police officer unless it is parked on her property. He stated he spoke to her the other day, explained to her the process of calling 911 and calling for an officer. He said she is approaching the individuals. Mundie asked if someone is parked in their lot, they need to call 911. Schoonmaker said if they are parked on their private property, they could have the vehicle towed, call 911, and call the Hazleton Police to let them know. He stated if it is parked blocking the driveway, on the street, they need to call 911 for an officer to ticket the vehicle and have it removed. Mundie asked if it is on their lot or private property, they could call the towing company to have it removed. Schoonmaker said if the resident does not want the car there, then, yes, they can. He said the resident has to do the follow-up with recording all the correct information. Mundie said this is what he told the lady if they are parking in front of her garage, on her property, she could call the towing company to have it removed. He said they would not sue her. Schoonmaker said he and the police officers spent about 25 minutes discussing everything. Mundie said it is not just this person, but little things happening, and this is why people are leaving. He said even noise. He said he told the last five police chiefs that people complain about noise. Mundie said when the police officers go there, they need to give them a warning about the noise and tell them their neighbors are complaining. He said the next time the police go there, they need to give all a ticket and let Joe Zola sort it out. He said he knows some people who moved out of Hazleton because of noise, because of little things. He said they need to make the City a safer and quieter place. Mundie said they need to stay on top of this. He stated it is not a big deal, to the police, but it affects a lot of people.

Perry said all city council members get calls, and the City Clerk gets a lot of them. He said enforcement is the key to get it “up and running”. He said it needs to be a well “oiled machine”. Perry said they are out there, and it is moving in the right direction.

Barletta asked if there is an update on how to spend the \$17,000,000. Mayor Cusat said no. Perry said PEL representatives said the City could pay their losses. Mayor Cusat said the City has \$540,000 in a short fall. Perry said there is more coming down but wants to make sure they are all “in the loop” together; Mayor Cusat, council and administration. He said the City would get half now. Barletta asked if the City could use it for storm drain cleaning. Mayor Cusat said, “according to the first thing, no, not yet”. He said, hopefully, they open up more options. He said the money could be used for water, sewage or broad-band infrastructure. Perry said, “that is broad as you could get”. He stated the City does not own the water, the sewer and does not have the broad band. Perry said it is a “wait and see”. He said he does not know what other municipalities are doing. He said the Pennsylvania Municipal League is doing

a short presentation on this money. Mayor Cusat said this is like the PPP loans with everybody soliciting and they will want a consulting fee.

Barletta said she was with another police agency tonight. She said the police department said their residents will not ride quads, in Hazleton, because of our City's strict quad policy. She stated the City is doing good with it because they are afraid to ride on the City's streets. She said this is something the City needs to move on because the summer is approaching. Mayor Cusat said he is ready to "crush".

Colombo reminded all about Easter Event on Sunday for the kids. He said the Easter Dinner meal will be March 31st and will be delivered to home-bound residents beginning at 5:00 p.m. He said residents could call 211 with the deadline of March 24th. He thanked all the participants who "stepped to the plate" to help provide this meal. He said all precautions will be taken.

Perry said Atty. Logsdon has composed a letter, for city council, to the Department of Transportation Secretary regarding not tolling bridges in Luzerne County. He thanked Sean for the letter. He stated the City is against this the tolling of the two bridges, I-80, Nescopeck Creek, and the Lehigh River. He said if anyone takes the back roads, they would be over these bridges. He said this is down by Tank and by White Haven.

Perry thanked the fire and DPW Departments in cleaning the City sidewalks and streets. He stated, daily, they have two street sweepers going. He said this is a massive effort. Perry stated they did a lot of work. He also thanked HPD for all their work to keep the citizens safe. He thanked Mayor Cusat for all his information at the recent Red-Carpet breakfast meeting. Perry said there are positives and negatives, just like in all cities. He said the City is growing and trying to keep up with Code. He said Mayor Cusat is looking for all the uses for the \$17,000,000. He asked if this money would go into the City's General Fund account. Mayor Cusat said this would be put into a special fund. Perry said this would not be a deficit anymore. He said there is a goal of property tax relief with the Homestead Exemption and removing the mercantile and per capita. Mayor Cusat said he is looking to get rid of the mercantile, per capita, and resident taxes, in 2022, and address the Homestead, for 2023. Perry said the City follows what the school district does to own their home. Mayor Cusat said yes; owner occupied.

Perry commended Gary Perna for the excellent job on the new City of Hazleton website. Barletta stated, "great job".

Comments from Junior Council: None- Absent.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 8:53 p.m.