

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 23, 2024**

Call to Order: Council met in a Regular Meeting session on Tuesday, January 23, 2024 in Council Chambers. The meeting was called to order by President Jim Perry.

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

Roll Call: Bruno-present; Colombo-present; Nilles-present by telephone; Ondishin-present; Perry-present

Minutes of Previous Meetings: The minutes of the January 9, 2024 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications: None

Bid Opening: None

Courtesy of the Floor (ON AGENDA ITEMS ONLY): Dee Deakos, 43 West Mine Street, spoke of Ordinance 2024-8- An Ordinance Amending the City of Hazleton Zoning Ordinance of 2021, as Amended and the Official Zoning Map Dated August 2021, as Amended, to Revise the Official Zoning Map to Change the Zoning District on Property Located from R-1 TO R-3 AND R-2 TO R-3. She stated this would increase the density in the City. Deakos stated residents could convert a home into a duplex or triplex and could ruin a neighborhood.

Maria Ortiz, Allentown, PA, spoke of Ordinance 2024-1- City Wide Incentive Plan- Ann Ordinance of the City of Hazleton Providing for Tax Relief for New Construction Residential Structures Located Within the City Limits that have Approved Plans and Permits Purchased During the Fiscal Years 2024 Through 2027. She stated she is a realtor, and her real estate firm rehabilitated some buildings including McKinley Castle, and a few properties on Poplar and Broad Streets. She said this ordinance encourages their new construction incentive. Ortiz said their next project is the old Legion building.

David Fatula, 105 Mark Road, Hazleton, spoke of Ordinance 2024-8- An Ordinance Amending the City of Hazleton Zoning Ordinance of 2021, as Amended and the Official Zoning Map Dated August 2021, as Amended, to Revise the Official Zoning Map to Change the Zoning District on Property Located from R-1 TO R-3 AND R-2 TO R-3. He stated ACT 61 is written, specifically, for the property on Poplar and Chestnut Street. Fatula said ACT 61 states this is not intended for "virgin", unimproved, overgrown and unsightly vacant land. He suggested the City re-write the ordinance to the intent of the act the City is circumventing.

Carmella Yenkevich, 523 West Diamond Ave., Hazleton, said she wanted to speak on the City budget and tax increase. She said the elderly population will not be able to afford the increase due to fixed incomes. She stated she hopes City Council reconsiders the increase.

Ken Zipovsky, 3 El Camino Road, Hazleton, spoke of Ordinance 2024-2 & 2024-3. He said a 20% increase in property taxes will be a tough "hit". He said the tax increase of 12%, in 2023, is a more reasonable number. Zipovsky said the City needs to look at different options.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

ORDINANCE 2024-8

An Ordinance Amending the City of Hazleton Zoning Ordinance of 2021, as Amended and the Official Zoning Map Dated August 2021, as Amended, to Revise the Official Zoning Map to Change the Zoning District on Property Located from R-1 TO R-3 AND R-2 TO R-3
(1ST READING)

On the Question:

Atty. Sean Logsdon said the amended Zoning map was not ready, for the last council meeting, due to the outlying areas not being ready, for review, by council. He said they put together the amended ordinance with a list of the properties that are subject to the zoning map change. Atty. Logsdon spoke of the zoning district changes and reviewed the new amended zoning map. He said the ordinance was sent to Luzerne County Planning Commission. Atty. Logsdon said the Luzerne County Planning Commission approved this ordinance. He said this ordinance is on the City's Planning Commission meeting agenda on January 24th. He stated the final public hearing will be held at the City Council meeting on February 27th. He said Council could table the ordinance, or pass the ordinance on a first reading.

MOTION TO TABLE:

Presented by Bruno. Seconded by Colombo.

Roll Call: Bruno-yes; Colombo-yes; Nilles-yes; Ondishin-yes; Perry-yes.

ORDINANCE TABLED

(2ND AND 3RD READINGS)

Ordinance 2024-1

City Wide Incentive Plan- Ann Ordinance of the City of Hazleton Providing for Tax Relief for New Construction Residential Structures Located Within the City Limits that have Approved Plans and Permits Purchased During the Fiscal Years 2024 Through 2027 **(2nd READING)**

Presented by Perry. Seconded by Ondishin.

On the Question:

Atty. Logsdon said he distributed a few changes, to City Council members, to the ordinance. He stated one is in Section 4- Improvements Defined. He read the proposed amendment to Section 4. Bruno said the City does not need an incentive to build apartment buildings.

Perry asked if any resident could build on any vacant or undeveloped property. Atty. Logsdon said correct. Mayor Cusat said an average unit to build, in the City, is about \$150,000 each. He said a \$6,000,000 project would bring in about \$48,000/year in taxes. He said the City is looking to build new and safer homes, and not convert the old buildings. Perry said the goal is to incentivize to build, in the City and increase the tax base. Atty. Logsdon stated this ordinance only refers to property tax abatement. He said the developer would have to go to the Hazleton Area School District and Luzerne County to request any school tax relief.

Atty. Logsdon said in Section 7, subsection d, there are proposed amendments to be added. He read the proposed amendments to all.

Mayor Cusat said there is a four year "window", to build in the City, to receive the incentive.

Bruno said it seems like an incentive to "rip down" older buildings to build a new building.

Atty. Logsdon said the City did advertise for a public hearing, to be held, tonight.

Perry asked if anyone has public comments on the matter.

Mayor Cusat stated he wants everyone to invest in the City and stabilize the City. He said the deadline to build is December 31, 2027.

PUBLIC COMMENT:

Maria Ortiz said her realtor agency is trying to keep the old architecture history, of the building, they are trying to rehabilitate. She said it is in the middle of the City, on Broad Street.

David Fatula said the City should not be incentivizing anyone to demolish any habitable buildings. He said this is what the PA State Act states. He said the City needs to follow ACT 61 of 2020.

Dee Deakos said some City residents share the same sewer and water lines. Atty. Logsdon said the Hazleton Water Authority and building code officer would all have to be compliant. He said a shared line is a major problem when done.

Bill Hvizda, Grant Street, said with three parking spaces allowed, in the City, this will be a lot of parking for buildings.

Perry stated City Council needs to make some amendments to the ordinance. Atty. Logsdon stated these are suggested amendments.

Perry made a motion to accept the two amendments proposed by Mayor Cusat. Ondishin said there is

not a lot of land left in the City.

MOTION TO AMEND (TWO AMENDMENTS):

Presented by Perry. Seconded by Nilles.

Roll Call: Bruno-no; Colombo-no; Nilles-yes; Ondishin-yes; Perry-yes.

MOTION TO AMEND PASSES 3-2

Roll Call (AS AMENDED): Bruno-no; Colombo-no; Nilles-yes; Ondishin-yes; Perry-yes.

ORDINANCE PASSES 3-2 AS AMENDED

ORDINANCE 2024-2 AMENDED BUDGET -An Amended Ordinance Providing for the Appropriation of Specific Amounts Estimated as Required for the Various Departments of the Government of the City of Hazleton, Luzerne County, Pennsylvania for and during the Fiscal Year, dating from January 1, 2024 and Ending December 31, 2024 (**2nd READING**)

Presented by Perry. Seconded by Ondishin.

On the Question:

Nilles asked Lynch regarding the extra money that is being put, in the City budget, for the paving projects. Nilles said a City resident is asking for a report of what is being spent, in the City, for paving streets. Lynch said he will make a “blanket statement” that any City resident is always welcome to come into his office and he will explain any City issue with them. He said he is happy to provide any information.

Perry said a City resident was complaining about many feral cats in the City. Perry said a Vector Control employee would cost the City about \$100,000. Perry said there is a program called TNR-trap, neuter and return in many cities. Mayor Cusat said if an animal is brought to the Hazleton Animal Shelter, they will neuter the animal if it is in a trap.

Lynch reviewed some numbers from the City 2024 budget.

Perry stated any City resident could pay their taxes in six monthly payments. He said the City does not want to cut City services.

Ondishin stated State Representative Dane Watro’s office will help any City fixed income residents obtain tax breaks through subsidizing programs.

Roll Call: Bruno-yes; Colombo-no; Nilles-yes; Ondishin-yes; Perry-yes.

ORDINANCE PASSES 4-1

ORDINANCE 2024-3

TAX RATE OF REAL ESTATE - An Ordinance of the City of Hazleton Amending the Tax Rate of Real Estate Located in the City of Hazleton, Pennsylvania, to Reflect the 2024 Amended Budget for All City Purposes for the Fiscal Year 2024, Beginning January 1, 2024 and Ending December 31, 2024 **(2nd READING)**

Presented by Perry. Seconded by Ondishin.

Roll Call: Bruno-yes; Colombo-no; Nilles-yes; Ondishin-yes; Perry-yes.

ORDINANCE PASSES 4-1

ORDINANCE 2024-4

Real Estate Tax Payments -An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 490, Taxation, adding Article XVII, Dates of Real Estate Tax Payments **(2nd READING)**

Presented by Colombo. Seconded by Perry.

On the Question:

Mayor Cusat stated after the tax bills are issued, there is a discount period for 60 days. He said if a City resident would opt into the payment plan, a payment would be made on day 30, day 60, day 90, day 120, day 150 and day 180. He said the resident would save 60 days, at the end, in the penalty phase with six equal payments.

Roll Call: Bruno-yes; Colombo-yes; Nilles-yes; Ondishin-yes; Perry-yes.

ORDINANCE PASSES

ORDINANCE 2024-6

An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 440, Streets and Sidewalks, Article II, Utility Cuts **(2nd READING)**

Presented by Perry. Seconded by Ondishin.

Roll Call: Bruno-yes; Colombo-yes; Nilles-yes; Ondishin-yes; Perry-yes.

ORDINANCE PASSES UNANIMOUSLY

ORDINANCE 2024-7

An Ordinance to Authorize the Erection of a Stop Sign at 14th Street and Alter Street **(2nd READING)**

Presented by Ondishin. Seconded by Colombo.

Roll Call: Bruno-yes; Colombo-yes; Nilles-yes; Ondishin-yes; Perry-yes.

RDINANCE PASSES UNANIMOUSLY

RESOLUTIONS:

RESOLUTION 2024-6 Appointment to the Hazleton City Water Authority

Presented by Perry. Seconded by Ondishin.

On the Question:

Perry nominated Michael DeCosmo, Jr. Ondishin seconded the nomination

Roll Call: Bruno-yes; Colombo-yes; Nilles-yes; Ondishin-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

RESOLUTION 2024-7 Appointment to the Hazleton Sewer Authority

Presented by Ondishin. Seconded by Perry.

On the Question:

Colombo nominated John Sullivan.

Roll Call: Bruno-yes; Colombo-yes; Nilles-yes; Ondishin-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

New Business: None.

Old Business: None.

Comments from the Audience: Dee Deakos, 43 West Mine Street, spoke of the City streets. She said a few years ago, an independent contractor was filling City potholes with leftover macadam. She asked if this program could be re-instated. Mayor Cusat said certain materials are recycled.

Laura Stancu, Poplar Street, Hazleton said all of the City Department managers have come to the City Council meetings except the Hazleton Municipal Airport Manager. Mayor Cusat said Joe Zeller oversees the airport operations. Stancu said she will ask Zeller any questions after the City Council meeting.

David Fatula, 105 Mark Road, Hazleton, spoke of the City's amended Zoning map. He asked why the area south of Broad and Terrace Blvd, listed as Central Highway, is not zoned for R-3. Mayor Cusat said there are doctor offices in this area. Fatula asked if a City resident has any recourse to the rezoning issue. Atty. Logsdon said the City began to re-zone some areas, in the City, about two years ago, and advertised this in the newspaper. Fatula stated some of his neighbors are unaware of the re-zoning process.

Thomas Powell, 1640 East Broad Street, Hazleton, said he was never notified of the rezoning of his property. He asked when he was going to be notified. Atty. Logsdon said a public notice will be in the newspaper. Powell said he was never prepared for this. He asked what high density is considered and what buildings would he expect to be behind his property. Mayor Cusat said high density includes town homes and single homes. Atty. Logsdon stated high density includes single-family units, two-family units, multi-family units, conversion two-family units, and home occupation houses. He said there would be no impact home-based businesses or manufactured homes. Mayor Cusat said for the City creating David Avenue, town homes would be more attractive to build. Powell said the City should call or send letters to the City residents who will be impacted by the re-zoning process. Lynch stated there are legal requirements the City needs to meet, and the City does meet them. Atty. Logsdon stated this issue will be before the Hazleton Planning Commission.

Fatula asked why Butler Enterprise property was not re-zoned to R-3. Mayor Cusat said City Council could make the change to R-3 and send the request to the City Engineer.

Bill Hvizda, Grant Street, asked why the City does not have front-end loaders to remove the snow off the streets. Mayor Cusat said the City removes the snow as close to the curb as they could. He said once a resident could park 12 inches to the curb, the car could be moved to the other side of the street. Mayor Cusat said after the first snowstorm, the City gave out 354 parking tickets.

Comments from Mayor: Mayor Cusat handed out, to all City Council members, the breakdown of the City's American Rescue Plan (ARP) that the City has spent so far, and the money committed to other projects. Mayor Cusat said the City has spent \$2,500,000. He stated \$493,000 is committed to City projects including computer software and license plate readers. Mayor Cusat said the City will be buying fire trucks that will cost \$2,400,000 and the ladder truck will be \$1,200,000. He said there is a total of about \$17,000,000 in investments for the City.

Comments from City Administrator: None

Comments from Council: Bruno said all City residents he has spoken to, they are all agreeable to raising taxes to fix the City streets.

Colombo thanked the DPW, police, fire and all City departments for all their work in the City.

Ondishin said the Hazleton Municipal Airport was missing an avgas truck. Zeller said the truck is supposed to come back on Saturday. Ondishin stated a lot of pilots are going to Northumberland for their fuel and the City is losing a lot of money. Zeller (*inaudible*).

Ondishin stated the airport is not competitive in fuel pricing, and still does not have self-serve fuel. He said there is a big runway, and a lot of access for planes.

Ondishin said if the taxes are not increased, then the City would go back into ACT 47.

Ondishin congratulated Maria Ortiz for renovating the City school.

Ondishin said he is seeing a lot of random Hazleton Police Department patrol cars out on the streets.

Nilles stated there are hard decisions to be made by City Council members.

Perry thanked all for coming to the meeting. He said there are very compassionate people who attended, and this is what the Council meetings are all about.

Perry said there are two streets that will be made into two-way streets in the City, West 13th & West 14th Streets.

Comments from Junior Council: None

Adjournment: Perry motioned to adjourn the meeting. The meeting was adjourned at 8:09 p.m.