

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 21, 2023**

Call to Order: Council met in a Regular Meeting session on Tuesday, November 21, 2023 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order.

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

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

Minutes of Previous Meetings: The minutes of the October 24, 2023 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications:

- PUBLIC HEARING- The City of Hazleton will consider for adoption an Ordinance to provide for a tax exemption for deteriorated areas and property pursuant to the Pennsylvania Tax Exemption and Mixed Use Incentive Program identified as Act No. 61 of 2020 (P.L. 631) July 14, 2020, for approximately 91 acres of land, located between Allen Drive to the South, Wilson Street to the West, Club Forty Road to the North, and Hazle Township to the East.**

Atty. Robert Gundlach, Fox Rothschild, attorney for the applicant, said he is here for two matters. He stated one is for the public hearing for the proposed Tax Exemption and Mixed-Use Incentive Program Ordinance and, second, for a proposed re-zoning of property on Club Forty Road.

Atty. Gundlach stated the Club Forty Road parcel is located in the City of Hazleton and consists of approximately 55 acres and contiguous to other land, in Hazle Township, and approximately 200 acres. His client has agreed to purchase 55 acres in the City of Hazleton. He said the applicant plans proposed apartments for this property. He said the Allen Ridge lands have single family homes built on them. Gundlach said the applicant has purchased 35 acres, the remainder of the Allen Ridge project, and has proposed 248 townhomes and 11 single family homes. He said there are detailed rules and regulations that the City solicitor will review and approve. Gundlach said it will be a very regulated community with maintenance-free living. Gundlach stated the Club Forty property, approximately 55 acres, the applicant is proposing apartments, and would not connect to Wilson Street. He stated this would provide a starter home for many residents. He said there are 24 units per building and would be built in phases.

Gundlach stated a Mixed-Use LERTA Ordinance is available, under the state code, and available for residential and commercial uses. He said they still need to go to the Hazleton School District and Luzerne County for their approval. He stated the LERTA Ordinance gives real estate tax relief for individuals. Gundlach said it would be on a sliding scale over ten years. After ten years, the applicant would be paying the full taxes for the land. Mundie asked if the applicant was asking for a LERTA for the townhomes and apartments. Gundlach said yes, for both. Mundie asked if, currently, the applicant owns the property. Gundlach stated they have an agreement of sale, and purchasing the Allen Ridge property early next year, and the Club Forty parcel will be contingent on all the approvals. Mundie asked who the owner was. Gundlach said the owner is Red Mill Holdings, LLC, with a total of 265 acres. He said there will be walking trails and a trail

system. Perry asked if the Mixed-Use LERTA Ordinance has been used in other municipalities. Gundlach said he was not sure. Perry thanked the City's Planning Commission for their hearing last night regarding the property.

Gundlach stated the "slab on grade" units will start at the "high" \$200,000's and the two-story models will sell for \$300,000, \$325,000 and up. The traffic study done projected approximately 72% of traffic will use Wilson Street, and the rest will use Allen Drive. Gundlach said his applicant will build all homes and are contracting with one national home builder. Mundie asked if the applicant would sell plots of land. Gundlach said the applicant will sell a pad to the national builder. He said some of the homes are pre-built. Gundlach said all townhomes will consist of three bedrooms and two and a half bathrooms. The single-family homes will consist of three to four bedrooms. Mundie asked if the homes would have City sewer and water. Gundlach said yes. He said the roads would be dedicated to the City. He said the development will consist of a large lot with a recreation play area and a dog park. Mundie asked how many communities his applicant has completed. Gundlach said the applicant has done multiple communities, including Bucks and Montgomery Counties. He said their latest project is outside of Quakertown, called Font Hill Court. Mundie asked if any of these developments are under Section 8. Gundlach said no.

Gundlach stated there will not be a traffic light installed in this area, on Route 93, due to it being a state road.

Perry asked Gundlach to address the spot zoning issue. Gundlach said one of the requirements is to submit the proposed re-zoning text amendment to the County Planning Commission. The County Planning Commission will review and make comments. He said one of their comments was to confirm that this did not constitute spot zoning. Perry asked if this area was zoned R-1. Gundlach said the area was zoned R-1 up until December, 2022. Gundlach said the applicant will build in three phases and will be listed on the final plans. Gundlach said the applicant is not sure of the total apartments that would be built. He said the applicant has an approximate plan of 360 apartments. He said parking would be in front of the apartments, with three story, walk-up, garden apartments.

Barletta asked if the applicant is looking for a tax exemption for 100% for the first three years. Gundlach said yes. He stated the ordinance is "right out" of the state statute. He said the land would not be tax exempt, but only what is built on the land. Mundie asked if Gundlach did other LERTA Ordinance's on any other property. Gundlach said no; this would be the applicants first Mixed-Use LERTA Ordinance. Gundlach said the applicant is hiring local subcontractors and site contractors. He said the national home builder buys the homes from the applicant and builds the homes.

Gundlach said the proposed ordinance to re-zone and amend the City Zoning Ordinance of 55 acres on Club Forty Road to R-3 and to amend the Zoning Ordinance is for parking. For projects over 200 units, the parking relief should be reduced to two spaces per unit. He said the Planning Commission approved the request for two spaces per unit.

Gundlach handed all affidavits and pertinent information to the City Clerk and City solicitor.

PUBLIC COMMENT: Dee Deakos, 43 West Mine Street, Hazleton, said it is good to see the City talking about more housing in the town. She said instead of re-zoning from R-1 to R-3, the R-3 uses includes heavy manufacturing, junk yards, establishments who use biohazards, recycling

centers and selling firearms and other weapons. Deakos said this should be a commercial or

industrial “type thing”.

Deakos asked how close this would be to the transfer station. Perry stated nothing has been filed with the City of Hazleton’s Zoning or Planning Commission. Mundie said Rinaldi had some deficiencies in his application and does not know where the process is. Mundie said Rinaldi had some issues to resolve with DEP.

Gundlach reiterated that there will not be any junk yards or adult centers in the R-3 district, which includes high-density residential. He said the ordinance comes right out of the PA State statute.

Tom Bruno, Hazleton, said with a 10-year tax abatement, he questioned this when residential buildings will be going up, paid for, owned and lived in. Gundlach said these apartments will bring people into the City. He said this is a three-year project.

Colombo asked what the “turn-over” rate is after 10 years. Gundlach said this 10-year program attracts them into housing and is an incentive.

Ondishin asked if someone buys his home, after five years, does the resident have to start “all over” in the tax program. Gundlach said the resident will “pick up” where he left off. He said this would have to be recorded with the assessor’s office.

Nathan Lee, Hazleton, said this is his first City Council meeting he is attending. Lee stated people are leaving in “droves” in the City. He asked Gundlach how they will build a tax base. He said Hazle Township and West Hazleton have what is “going on”. Lee stated this is a “beautiful” thing.

2. **Oath of Office to Incoming Junior Council Members.**

Junior Council Oath of Offices was administered by President Perry. Perry stated this is a project he started many years ago.

3. **City of Hazleton’s 2024 proposed budget presentation- Daniel Lynch, City Administrator.**

Lynch reviewed the City’s 2024 City budget. He said the proposed 2024 budget calls for a tax increase to real estate taxes of 1.15 mills. He said, currently, the City is dealing with a state mandated pension requirement, back-loaded loan payment from 2018, and a mandated GIS project involving stormwater.

Lynch said the median household income, in the City of Hazleton, is \$40,782. He said this household pays \$509.78 in ACT 205 EIT taxes to the City. With the budget proposal, this tax would be cut in half. In 2024, this household would see a net reduction of \$167.03. He said anyone working, in the City, should see a net deduction in their taxes in 2024. Mundie stated if someone does not work, in the City, their taxes would increase by 17% and non-residents would pay 1%.

Lynch stated the City has a mandated stormwater GIS project at a cost of \$98,000.

Lynch said the City has reduced its collection rate, in this budget, to 90%. He said this makes a value rate, of 1 mil, in the City, at \$911,609.

Lynch stated there are 9,926 unique parcels in the City. He said the median assessed value is

\$76,400. The median tax bill, in the City, would be \$605.85.

CITY REVENUE: Lynch stated \$7,197,237 was collected from real estate taxes, EIT taxes were raised from \$2,050,000 to \$2,550,000, \$1,200,000 collected from other 511 taxes, \$938,000 from Licenses and Permits, and \$435,000 collected from Fines.

CITY EXPENSES: Lynch said the City expenses breakdown for non-big service departments is 10.3 of all expenses and includes Council, Executive, Financial Administration Services, Legal Services, City Clerk, Engineering and Grounds Departments. He stated the bulk of real estate tax dollars goes toward the main service departments which includes the Police, Fire, Public Works, and the Code Department.

Lynch said the new Hazleton Police Department overhead expenses for the new building are built into the Buildings and Grounds budget. He said the City is confident that the overhead costs will be well "more than covered" by the rent which will be paid by Luzerne County when they move into City Hall.

Lynch said he is available, at any time, for City Council and the public, with any City budget questions. Lynch said the City population has grown by 18%, according to the Census Bureau, and the Bureau thinks the City is under reported by 30%.

Perry asked if this budget includes any new employee incomes. Lynch said the budget covers each of the City department's staffing "load". He said it, also, includes the full 51 police department officers. Perry said City Council will be voting, at the next City Council meeting, on December 5th, the first reading for the City budget for 2024.

Bid Opening: None

Courtesy of the Floor (ON AGENDA ITEMS ONLY): Dee Deakos, 43 West Mine Street, said under the ARP funds guidelines, the City would be able to use the ARP funds for infrastructure and the stormwater project.

Deakos said the City residents, senior citizens and people who are not working will be hit hard by the tax increase.

Deakos spoke of Resolution 2023-76- A Resolution Requesting Statewide Local Share Account Funds for Hazleton City for Projects and Improvements for the New Police Department Building. She said the City has spent \$1,750,000 on the new building. She asked if there was a "bum" heating system in the building. Deakos said the City owns several buildings in the City: the building at the corner at Pine and Chestnut or the old post office. She stated the police station could have been put in one of these buildings and saved some money.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

Ordinance 2023-7

An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 404, Solid Waste, Article I, Garbage, Rubbish, and Refuse, Amending Section 404-9, Garbage Collection and Disposal Fees
(1st READING)

MOTION TO REMOVE FROM TABLE:

Presented by Perry. Seconded by Mundie.

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

MOTION TO REMOVE FROM TABLE PASSED

On the Question:

Mundie said the HCA was going back some years to charge residents the garbage service that they did not receive. He stated the amendment will allow the HCA to go back only three years to charge their fees.

Mayor Cusat said City Council has the authority to set the rates. He stated the Garbage Ordinance needs to be redone. He said there are too many "angles" to make a decision.

Atty. Sean Logsdon said he will talk with the HCA Director and the Board Members regarding this issue.

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MOTION TO TABLE:

Presented by Perry. Seconded by Ondishin.

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

ORDINANCE TABLED 4-1

Ordinance 2023-8

An Ordinance of the City of Hazleton, Luzerne County, Commonwealth of Pennsylvania, Amending Zoning Map Contained with

the City's Zoning Ordinance Amending the Zoning Map Included as Part of the City Zoning Ordinance; Amending the Off-Street Parking Requirements for Multi-Family Dwellings; Providing for a Severability Clause; Repealing Prior Inconsistent Ordinances; Ratifying the Ordinance and Containing the Effective Date **(1st READING)**

Presented by Perry. Seconded by Ondishin.

On the Question:

Atty. Sean Logsdon said this is the City Council's first exposure to this project. Barletta stated if there is an amendment to be made, to the ordinance, it could be done at the next meeting.

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

ORDINANCE PASSES UNANIMOUSLY

Ordinance 2023-9

An Ordinance of the City of Hazleton Providing for a

Tax Exemption for Deteriorated Areas and Property Pursuant to the Pennsylvania Tax Exemption and Mixed-Use Incentive Program Identified as Act. No. 61 of 2020 (P.L. 631) July 14, 2020; Designating the Area to be Subject to the Program; Providing for an Exemption Schedule; Procedures for Obtaining an Exemption from Real Property Taxation; and Properties Not Eligible for the Exemption **(1st Reading)**

Presented by Perry. Seconded by Ondishin.

On the Question:

Gundlach said they made a presentation and are proposing an adoption of the ordinance for the parcel at Allen and Wilson Streets and for the 55 parcels of land on Club Forty Road for mixed-use housing.

Colombo suggested tabling the ordinance. He said he has a hard time with this ordinance. Colombo stated a lot of businesses in the City never received any tax relief. Perry stated the City needs to give an incentive to people to move here.

Barletta asked how many more police or firefighters the City would need due to the increase in population. She suggested tabling this ordinance.

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

ORDINANCE PASSES 3-2 ON 1st READING

(2ND AND 3RD READINGS)

None

RESOLUTIONS:

Resolution 2023-68 Appointments to Junior Council

Presented by Perry. Seconded by Ondishin.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-69 In Memoriam- Theresa Zogby

Presented by Perry. Seconded by Colombo.

On the Question:

Colombo said Theresa was a great person. He said the City was proud to have her. Mr. Bauder said she was "ahead of her time" in so many things she accomplished.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-70 In Memoriam- John Probert

Presented by Perry. Seconded by Colombo.

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

On the Question:

Colombo said he taught him so much. Perry said the City lost a true “pillar”.

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-71 A Resolution Authorizing the City of Hazleton to apply for a Statewide Local Share Account Grant on behalf of the Downtown Hazleton Alliance for Progress

On the Question:

Yoshie Gonzalez, Director of Downtown Hazleton Alliance for Progress, said they would like to apply for an LSA grant for the bingo building. They want to renovate the last phase of the building, Phase III, and the Hazleton Launch Box has been their partner tenant and doing great with cultural, economic and entrepreneurship development downtown. They are looking to grow with more space for biotech, labs and research with all their schools, which includes, Lackawanna Junior College and Luzerne County Community College. She said they already have some bids and are working with the grants they already have to finish Phase II and III.

Joe Clifford, Board Member of DEEHAP, thanked the City for supporting the development of the Art League in the downtown area, and development of the Launch Box and Hub. He said they are, currently, working on St. Paul’s Church and the CAN DO park.

Presented by Colombo. Seconded by Ondishin.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-72 Amending Resolution 2023-63 Requesting Local Share Account (LSA) Statewide Funds for Hazleton City Street Paving Project in the Heights Neighborhood of the City, which Amends the Value in the Previous Resolution 2023-63 Passed for this Same Project and Program

Presented by Perry. Seconded by Barletta.

On the Question:

Barletta asked if the amount is lower now. Atty. Logsdon stated talking with Community Development Director, the statewide LSA grant has a \$1,000,000 “cap”, and the original resolution request \$1,500,000. He said it is the exact same project, but a different amount requested.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-73 Amending Resolution 2023-62 Requesting Local Share Account (LSA) Statewide Funds for Hazleton City for Projects and Improvements at City View Park, Amending the Value in Resolution 2023-62, Passed for this Same Project and Program

Presented by Perry. Seconded by Barletta.

On the Question:

Atty. Sean Logsdon stated this is the same thing as Resolution 2023-72. He said this resolution is “scoped” to \$998,310.60 due to being over the cap of \$1,000,000.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-74 A Resolution Awarding the Bid for the Hazleton City Community Development CDBG Beech Street Hockey Rink Project

Presented by Perry. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-75

A Resolution Permitting the City of Hazleton to Apply for a Luzerne County Local Share Account Grant for the Hazleton Active Adult Center

Presented by Perry. Seconded by Colombo.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-76

A Resolution Requesting Statewide Local Share Account Funds for Hazleton City for Projects and Improvements for the New Police Department Building

Presented by Perry. Seconded by Colombo.

On the Question:

Barletta asked if the City is replacing the HVAC in the new building. Mayor Cusat said the HVAC does not need to be replaced, but the grants are open, and they will “throw it out there”.

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

RESOLUTION PASSES UNANIMOUSLY

New Business: None.

Old Business: None.

Comments from the Audience: Nathan Lee, Hazleton, said the City will move ahead with the development along Club Forty Road and Wilson Street.

Lee said the City cannot raise taxes on the City residents who have no incomes. Lee said there needs to be exemptions for them.

He said if City Council did not pass the development ordinance, the developer would go to another community to build the new homes.

Franklin Nunez, Hazleton, said it is a “no brainer” for the housing development in the City.

Nunez said putting the Hazleton Police Department in the old Gottstein building was, also, a “no brainer”. He said, now, everyone knows where they are located.

Comments from Mayor: Mayor Cusat welcomed all new Junior Council Members.

Mayor Cusat said he worked with Theresa Zogby, for many years, with Catholic Social Services, and foster children.

Mayor Cusat stated the Allen Ridge project will bring to the City about \$600,000 after ten years. He said the EIT tax that the City will get from the construction workers will be good for the City.

Mayor Cusat said the stormwater GIS system needs to be completed in 2024. The other three factors will need to be addressed, and are all unfunded mandates—pension, etc. Mayor Cusat said the City’s last HCA payment is in 2023.

Mayor Cusat wished everyone a Happy Thanksgiving.

Mayor Cusat said there are many Christmas events coming up- The CAN DO Christmas Tree lighting and Wassil Fest will be held on December 1st. There will be three City Santa parades on December 3rd, 10th & 17th. There will be a Christmas Tree lighting at City Hall on December 6th. Unico is having their Live Nativity, on December 17th, at Memorial Park. The Christmas Village Market will be held at Memorial Park.

Mayor Cusat said the building on Pine and Chestnut Streets has been bought back through the Land Bank. He stated the City no longer owns this building.

Mayor Cusat thanked Lynch for his 2024 budget presentation.

Comments from City Administrator: Lynch stated under the PA laws the City works under, they need to increase the real estate taxes. He said in recent years, the City has not increased taxes much at all.

Comments from Council: Colombo asked if there is any tax relief assistance for the elderly and poor in the City. Mayor Cusat said the City tried to put together the Homestead Exemption Assistance program, but did not work out.

Colombo wished everyone a Happy Thanksgiving.

Ondishin congratulated all Junior Council Members.

Ondishin stated there have been many recent fires in the City.

Fire Chief Donald Leshko stated ALL homes need to have smoke and carbon monoxide detectors. He said his fire company gets calls all the time with people looking for smoke detectors. He stated, currently, there is a shortage.

Perry thanked the DPW Department for all their hard work in the City, especially with putting up the Christmas lights.

Comments from Junior Council: Paul Neyhart congratulated the newly and re-elected Mayor Cusat and City Council Members.

Neyhart said the Gottstein building was the best choice for the new Hazleton Police Department.

Christian Craig spoke of the proposed Allen Ridge project. He said he does not know who would afford these townhomes and apartments in the City. Perry said the company must have done some research with the many plants opening up in the area.

Adjournment: Perry motioned to adjourn the meeting. Perry adjourned the meeting at 9:13 p.m.