

**MINUTES
HAZLETON CITY COUNCIL
LIQUOR LICENSE TRANSFER HEARING
OCTOBER 14, 2020**

Council met via ZOOM Teleconferencing regarding the transfer of a liquor license on Wednesday, October 14, 2020. Mr. Perry called the meeting to order at 5:31 pm.

Council President James Perry, Council Vice President Anthony Colombo, and Council Members Allison Barletta, Lauren Sacco, and Jack Mundie were present. Also present were Mayor Jeff Cusat, Atty. Sean Logsdon, and Attorney Joseph Ferdinand representing the law firm of Gillespie, Miscavige & Ferdinand on behalf of the Applicant.

Mr. Perry stated all council members are in attendance concerning the proposed transfer of Liquor License R-4942 (LID 11636) from Hazle Township to Hazleton City.

Mr. Perry said these proceedings are being transcribed by a court reporter, so only one person should speak at a time, keep all communication verbal, and try to keep your voice clear and legible.

Mr. Perry said the City will review some preliminary matters. He asked the applicant and his counsel to identify themselves and give their addresses. Joseph Ferdinand, 67 North Church Street, Hazleton, PA. Also, Hans Deibler, 38-40 Girardville, PA identified themselves.

Mr. Perry said Section 461 of the PA Liquor Code authorized the Liquor Control Board to approve the transfer of liquor licenses across municipal boundaries within the same county for the purpose of economic development. Subsection b.3 of Section 461 requires that an intermunicipal transfer must first be approved by the governing body of the receiving municipality. Subsection b.3 also requires that Hazleton City as the receiving municipality issue a resolution approving or disapproving the intermunicipal transfer. Subsection b.3 mandates that prior to adoption of such a resolution, at least one hearing be held for the purpose of receiving comments or recommendations from interested individuals residing within Hazleton City concerning the intent to transfer the license into Hazleton.

Mr. Perry stated on September 3, 2020, Everything Bagels, LLC's request for the proposed intermunicipal transfer was received by city council. He will first open the matter up to the applicant to present its request to council. He will, then, allow, any council member or City official the opportunity to ask any questions they may have. After this, he will open the matter for comments and recommendations from interested individuals residing within Hazleton City. Mr. Perry stated he would like the applicant to address the following: (1.) Applicant's proposed business, whether it will be a bar, restaurant, or the like. (2.) Whether the proposed use is a permitted use at this location. (3.) What zoning district is the property located. He said council will consider the request and may vote on the same during the regular meeting following this hearing. He stated the council will apply in deciding this request for transfer is whether the proposed intermunicipal transfer will adversely affect the welfare, health, peace and morals of this City or the residents. Mr. Perry then turned the hearing over to the applicant.

Atty. Ferdinand said Mr. Deibler will explain his application to the City. He said, first, the court reporter will need to swear him in for his brief comments. Donna Ritter, court reporter, asked Mr. Deibler if he swears that his testimony, in this matter, will be the truth, the whole truth and nothing but the truth. Mr. Deibler said yes. Ritter asked Deibler to state his full name and spell his last name. He said Hans Deibler. Atty. Ferdinand said this is a request, by Mr. Deibler, to the City, to permit the transfer of the identified Pennsylvania Liquor Control Board license from Route 940 & 28th Street, Harleigh, Hazle Township, PA to the City. He said the request is for the approval, be given, to have the license moved to 243 East Broad Street, Hazleton. He stated it is the former Knights of Columbus building. He stated Mr. Deibler reached a lease agreement with the owner of the building. Ferdinand said he is going to lease the premise there. He stated the bar remains in the premises. He said he will show council photographs

of what the interior and exterior, of the building, looks like. Ferdinand said this is a central commercial zoning district and is in the downtown overlay. He said Mr. Deibler did go in front of the Hazleton Zoning Hearing Board, in September, and received an approval for his special exception request to locate at the premises he identified. He showed a few photos of the exterior front and rear of the building. He said there is plenty of room on this lot, a corner lot, on the north side of Broad Street, and bounded on the east by Poplar and the south by Spruce Alley. He said there are commercial neighbors, Zeiner's Towing and the railroad tracks run by. Ferdinand said there are former residents in the Hazleton Art League, next to the subject's premises, but is vacant, at this time. He stated, across Broad Street, to the south, and across Spruce Alley, to the north, there are residential uses there. Ferdinand asked Deibler to explain, to city council and Mayor Cusat, his plans and if he received approval from the PA Liquor Control Board for the transfer.

Mr. Deibler said he plans to have a corner pub with fried food, beer and takeout beer with a small place for people to gather with a bar and tables inside and conduct a restaurant/tavern-type establishment. Ferdinand asked Deibler if he is familiar with Hazleton. Deibler said yes; he has business in the area with different contacts. He said he is not far from there and excited to get in town. He said there is a lot of industry in town and is a good opportunity. Deibler said it is a busy street. Ferdinand asked if he could use parking along Poplar Street and then on the lot, itself, for his patrons. Deibler stated there is metered parking on Broad and Poplar Streets. He said, in back, there is a large parking lot, with 25-30 parking spots. Ferdinand said Deibler indicated, at the zoning hearing, that he would improve the back parking lot with stone. Deibler said he would grade the "grass off", maintain the property and keep it adequate. Ferdinand said Deibler negotiated a lease with the owner, Mrs. Martinez. Deibler said yes; he has it "in hand" and is ready to move forward. Ferdinand said, at this time, council could ask any questions.

Mr. Mundie asked if Deibler is leasing the building from the owner. Ferdinand said yes. Mundie also asked if there were any protestors at the zoning hearing board meeting. Ferdinand said no. Mundie asked if anyone has protested at all. Ferdinand said he is unaware of anyone protesting. Deibler said no. He said the meeting, at City Hall, had no contenders. Mundie said he is only concerned with parking and taking care of the lot. He said using the lot, for parking, would help.

Perry asked Deibler what his hours of operation would be. Deibler said, by law, he is able to be open from 7 a.m. to 2 a.m. He stated he was going to "feel out" where the business lays. Deibler said it would probably not be long hours. He said he wants to have the maximum hours, as possible, and adjust to the business. Perry asked if he is going to have bagels at his business. Perry said it sounds like it is going to be just a bar. Deibler said he does some baking with food and so forth. Perry asked if there is enough lighting in the back. Deibler said he could, definitely, light the parking lot to make it safe for the patrons getting in and out. Perry asked if there are a lot of repairs, to be done, to get open. Deibler said there should not be too much with the Knights of Columbus closing. He said there is a small kitchen. Deibler said he needs an underwriter to get in there to give him a floor plan and update the kitchen. Deibler said he wants to put fryers and hoods to get the bar food going. Ferdinand showed city council photographs of the current interior of the building. He said there is some personal property stacked in there. Ferdinand showed one picture of the bar and he said it is the original bar. Perry asked if there is a second floor. Ferdinand said yes, but Deibler is just leasing the first floor.

Colombo asked what the occupancy is of the building. He asked how many people would fit in the building with a fire inspection. Ferdinand said this would come with the fire inspection. Mayor Cusat said with the fire code it would be determined if there is fixed or loose seating. He said this would come later. Perry asked if there would be take-out liquor. Deibler said there will be take-out beer with six packs and quarts.

Perry asked the public and individuals for questions or comments. No one commented.

Ferdinand thanked city council and Mayor Cusat for the opportunity in explaining this. He said Deibler is a businessman in the area with experience with the PA Liquor Control Board. He stated members of his family have had restaurant and pub experience. He said Deibler will make good use of the property.

Ferdinand said “keeping the lights on” this side of the Broad Street would be a good idea. Perry agreed. He stated properties have been this way, in this section, for a long time. He said some properties need refurbishing and upkeep.

Mundie asked if Deibler has ever been cited by the PLCB. Deibler said he owns the Ashland Grill, in Ashland, PA, which opened in 2009. He stated he tried live entertainment, about five years ago, and one of the neighbors complained because the sound went up “over the hill”. He said he received a noise violation from this.

Deibler thanked everyone for their time and looks forward to doing business in Hazleton.

Perry adjourned the hearing at 5:47 p.m.