

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, JULY 12, 2022**

Call to Order: Council met in a Regular Meeting session on Tuesday, July 12, 2022 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:18 p.m.

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

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

Minutes of Previous Meetings: The minutes of the June 7, 2022 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications: None

Bid Opening: None

Courtesy of the Floor (ON AGENDA ITEMS ONLY): None

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

None

(2ND AND 3RD READINGS)

None

RESOLUTIONS:

Resolution 2022-41

Resolution Approving Application for a Multimodal Transportation Fund Grant from the Commonwealth Financing Authority for Phase II of the Wyoming Street Enhancement Project

Presented by Perry. Seconded by Ondishin.

On the Question:

Atty. Logsdon stated this was the same resolution the City passed in 2021, in terms of applying

for a multi-modal through the Commonwealth Financing Authority. He said it is the same project and same phase for Wyoming Street.

Perry stated this project goes up to Holly Street.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2022-42 Resolution Approving Application for a Multimodal Transportation Fund Grant from the Commonwealth Financing Authority for Phase II of the Alter Street Improvements Project

Presented by Sacco. Seconded by Ondishin.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2022-43 Rescinding and Replacing Resolution 2022-24 HAZLETON CITY COUNCIL LUZERNE COUNTY, PENNSYLVANIA – Resolution of the City Council of the City of Hazleton, Luzerne County, Pennsylvania, Authorizing the Filing of a Formal Application and Business Plan for a Redevelopment Assistance Capital Program Grant in the Amount of One Million Dollars (\$1,000,000.00) on Behalf of the USA Pork Packers, Inc. for a Project Known as the USA Pork Packers Facility Expansion in the City of Hazleton, Luzerne County Project

On the Question:

Atty. Logsdon said this resolution was passed in early 2022. He stated as the City was going through the processing and paperwork, he realized Perry and Mayor Cusat signed the documents. He said because the City was going to be involved with the administration of the RAC-P grant, they needed to change the authorization to sign orders to the Community Development Director Joe Zeller.

Presented by Sacco. Seconded by Colombo.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2022-44 Awarding the Contract for the St. Stanislaus Park Improvements Project

Presented by Perry. Seconded by Sacco.

On the Question:

Atty. Logsdon said the pickle-ball courts will be going in this area. He said the City received one bid. He said the City engineers took a look at the bid, and were debating if it should be “re-bid” to see if anyone else would bid on it. He said the prices, the City received, are “in-line” with what they projected for the project. He said if the City did re-bid the project, it would delay the project. Atty. Logsdon said when they put the “ground-level” in, for the court, it needs to settle.

Perry asked where the pickle-ball courts will be located. Mayor Cusat said it will be where the basketball courts were. He asked how many “pickle ball” courts there will be. Mayor Cusat said a total of six.

Mundie said the pickle-ball courts are half the size of a tennis court. He asked if the City could make one or two pickle ball courts a tennis court. Mayor Cusat said the City has tennis courts all over. Mundie stated Beech Street and Altmiller tennis courts are nice. He said he thought about tennis courts in case pickle ball “fades out”.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2022-45

Approving the Intergovernmental Cooperation Agreement between the City of Hazleton and Hazle Township for Engineering and Inspection Reviews concerning the Development of Northpoint Development, LLC

Presented by Perry. Seconded by Colombo.

On the Question:

Perry asked if there is a total of six buildings. Atty. Logsdon said yes. He said this is the Northpoint Planning Development. He stated there are a total of six buildings: three in the City and three in Hazle Township with some “overlap” on each. He said because the City uses the same special project engineer, as Hazle Township, it is more efficient and saves time. Perry asked if most of the buildings are in the City. Atty. Logsdon stated two are entirely, in the City, and one and five are, mostly, in the City. He stated the agreement will be signed by Hazleton City Council.

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

RESOLUTION PASSES UNANIMOUSLY

New Business: None

Old Business: None

Comments from the Audience: Eugene Babula, North Lee Court, Hazleton, asked what pickle ball is. Mundie said it is a “shorter” game of tennis with a bigger paddle. Perry stated it is a very popular game.

Babula asked what the “word” is on the noise issue he spoke of at a past meeting. Police Chief Schoonmaker said “call-wise”, the City is “in-line” with 2021. He stated, this year, the only difference is that, in 2022, there were much less fireworks complaints versus noises. He said the Hazleton Police Department average calls between July 1st and July 5th were 626 calls for service. Babula said his dog was killed by a “hit and run” driver due to the illegal fireworks. Schoonmaker said the police department responds to every noise complaint. He said the police needs cooperation with the neighbors and community engagement to “push” these citations and offenses through. Babula said the problem is the retaliation of the perpetrators. Schoonmaker said this is a “whole” other category of criminal charges. He said the citations will be filed with the magistrate’s office. Babula asked why the police cannot write the citation “on the spot”. Schoonmaker said it takes much more time to file a criminal citation versus a parking citation.

Michael Rehal, 134 Samuels Ave., Hazleton, said he was here, about one year ago, to talk about the fine for parking his car on his property. He said he received a letter, from the Code Department, that they were trying to call him. He stated he called them back, but no one answered the telephone. He said he was approved, by Hazleton Zoning Department, that he could park a car on his driveway. Rehal said he received a letter that he needs to go “in front of” Judge Zola. He stated the letter states, “the yellow car appears, in rear, of yard, tires sunken into ground, appears to not have been moved in years”. Rehal said he appeared before Judge Zola, years ago, and Zola gave Rehal his money back because Judge Zola stated Rehal was “in the right”. He said Zola told him he would continue the case for one month, and he had the opportunity to put cement down and have it zoned. Rehal stated he already had it zoned. Rehal stated he feels he is being harassed. He said the car is on private property, fenced in, and was posted on December, 2020. He stated Diane Panzarella and Nadine Sist are not representing the City to help the citizens with their concerns. Mundie asked if Rehal has his car covered. Rehal said he has it covered. Rehal stated he tried to work with Panzarella. He said he put air in the car tires. He said he will, now, have to get a lawyer. Mundie said the Code Department does their job based on the City ordinance. He stated if someone has a car covered and fenced-in, the City could put, in the ordinance, that a resident could do this. He said some people have antique cars and do not have a garage. Mundie said an antique car should be exempt from this. Perry asked Rehal what Panzarella wants him to do. Rehal said Panzarella wants him to put cement down and do “all this” in one month. He said he went through the Hazleton Zoning Department years ago. Sacco asked Rehal when he went through zoning, they approved he could park his car on the grass. Rehal said yes. He said Paul states as long as he keeps the grass cut, it was fine. Mundie stated Paul Katner was a “tough” code guy. Perry asked if the car is inoperable. Rehal said it needs a battery. Perry asked if this is a violation of the Quality-of-Life Ordinance. Atty. Logsdon said he does not know if he was cited under the Quality-of-Life or the Property Maintenance Ordinance. Sacco asked if he was approved for zoning, years ago, if the City would have a record of this. Rehal stated it was about 20 to 30 years ago. Atty. Logsdon said the City should if it was approved for the car to be parked in the yard. He said it looks like it was a Quality-of-Life violation, Ordinance 2022-6.

Rehal asked why other vehicles, on the street or in the yard, are not getting ticketed. He said he spoke to his other neighbors, and they said they never got a ticket. Perry said if the car does not have a plate or inspection sticker, this would be a police matter. Rehal stated a car with antique plates does not need to be inspected. Perry asked Atty. Logsdon to look into this. Atty. Logsdon asked Rehal if he entered a plea for this. Rehal said he already “adjudicated” on this, about 10 years ago, with Judge Joe Zola. He said he already has it zoned. Rehal stated he feels he is being “singled-out”. He said he was given 30 days to get it zoned, but already went through this. Atty. Logsdon said Rehal could go to the zoning department, they could “pull” the file, and issue a permit. Mayor Cusat stated zoning cannot tell him to keep the car on grass. Rehal said he is talking about 20 years ago when he went to the zoning department. Mayor Cusat said even though it violates the Quality-of-Life Ordinance, it still violates the International Property Maintenance Code. He said the resident needs to have a surface under the car, i.e.- macadam or cement. Rehal said the City just changed the law and this is something new. Atty. Logsdon asked if

Rehal has the zoning department decision from years ago. Perry said they will have to get together with Panzarella. Atty. Logsdon stated he will follow up with Panzarella.

Comments from Mayor: None

Comments from City Administrator: None

Comments from Council: Mundie said he tried to help Al Petrone regarding the BYOB Ordinance. He said a nightclub cannot be within 20 feet of a house, church or school. He said Petrone's establishment is in a commercial district on Broad Street. He said this would be a special exception that would allow him to open up as a BYOB. Atty. Logsdon said they appealed to the Zoning Hearing Board. He stated they were looking for a special exception with six criteria to be met. He said a variance is very hard to get. Perry stated Gary Perna could read the ruling.

Gary Perna, Zoning Hearing Board Secretary, stated the Zoning Hearing Board concluded that under Section 604G, City of Hazleton Zoning Ordinance of 2021, prevents BYOB clubs from operating within 200 feet of any residential place, place of worship, public use, school, or childcare center. Perna said they did not provide substantial evidence to what they were going to be doing. He said, on this fact, they ruled that because there was a childcare center, residential use, and place of worship, within the block, these are the reasons this was denied. He said three of the contingents of being denied were met. Mundie said even though it is a commercial district on Broad Street. Perna said yes. He stated it could be denied because it came for a special exemption. He said there are two homes, a place of worship and a childcare center near the establishment. Mundie said there are bars, with BYOB's, near homes in the City. Perna said they could have been approved before the 2021 Zoning Ordinance. Mundie said before the Zoning Ordinance, there was no BYOB Ordinance. Perna said the BYOB Ordinance was outside the Zoning Ordinance and was from 1996. He said this Zoning Ordinance covers everything. Mundie asked who they would appeal this decision to. Perna stated the appeal needs to go through Luzerne County Court of Common Pleas.

Ondishin congratulated Mayor Cusat for the recent Fourth of July fireworks.

Ondishin, also, congratulated Tom Kennedy for his recent award and all his work with the hospital.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 6:53 p.m.