

**ALTOONA CITY COUNCIL MEETING MINUTES  
WEDNESDAY – MARCH 24, 2010 - 7:00 P.M.  
COUNCIL CHAMBERS - 1320 WASHINGTON AVENUE, ALTOONA, PA**

The meeting was televised live on cable Public Access Channel 14 and rebroadcast Thursday, March 25, 2010.

**CALL TO ORDER** – by Mayor Schirf at 7:00 PM in Council Chambers.

**SILENT MEDITATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** – taken by City Clerk Linda Rickens Schellhammer

Present: Councilmen Butterbaugh, Cagle, Geis, Kelley, Neugebauer by telephone and Mayor Schirf

**ALL PUBLIC COMMENT-**

Vincent Eilenberger, 1269 N. 13<sup>th</sup> Street, Altoona-representing the Jason Ibrahim campaign team and on behalf of wife Melissa and mother Michelle; asked Council to honor Jason Ibrahim by appointing another like-minded individual; stated that Jason Ibrahim promoted a culture of life; stated that Jason Ibrahim was pro-life and that he is more pro-life now than ever before as Jason stands before the throne of God and sees the thousands and millions of souls that have been slaughtered by what we in this country call pro-choice; stated Council has an opportunity to honor Jason's vision and his memory by appointing a like-minded man to his seat on City Council to serve until the next municipal election and that it is because of this that he and his team and family are endorsing Michael Haire who also represented younger minded individuals; the reasons for endorsing Michael include the pro-life issue and its importance to our community and our nation; also Michael is a logical choice and fair choice to represent the desires of the citizens of Altoona because Michael was the runner-up behind Councilman Geis in the last municipal election who got plenty of votes which would make him a prime candidate for the position; Vincent stated may Jason Ibrahim rest in peace and may the thousands of aborted children rest in peace that he is now celebrating before the throne

Mark Rice, 226 Calder Street, Altoona, PA and son Dominick; stated his family supported Jason Ibrahim and he and his wife worked their neighborhood for Jason's campaign and that they supported Jason for Council because of his culture of life stand and his desire for conservative fiscal responsibility; stated Jason was obviously elected on those platforms; stated Michael Haire has the same platform and values and would move forward those platforms and values and he encouraged Council to vote for Michael Haire

Paul Stauffer, 1721 N. 5<sup>th</sup> Street, Altoona, PA; stated that he distributed flyers during Jason Ibrahim's campaign and did material for his website and during that time he got to know Michael Haire and he asked Council to vote for Michael Haire stating Michael is a good fit for the City; Mr. Stauffer stated that

Michael is next in line vote wise and it is a democratic issue

Anne Zelnosky, 309 Campbell Avenue, Altoona, PA; stated she wants to see the members of the community well represented on Council and that the successor to Jason Ibrahim should be someone who shared the same world view and political philosophy and that in the time that she has known Michael Haire that she believes he is capable in fulfilling the vision that Mayor Schirf mentioned at Jason's funeral as far as advancing the agenda; stated that some know her as a pro-life advocate and an advocate for the right to life of all innocent human beings for nearly 40 years and while that may not be an issue that this Council has to deal with on a regular basis that she firmly believes that it is fundamentally her right and that she could not trust anyone in elected office who did not respect her right to life; Mrs. Zelnosky stated why would she trust them with her purse if she cannot trust them with her life; stated that belief in the sanctity of life lies at the foundation of our government and it was recognized by our founding fathers in the Declaration of Independence and our reliance on God was also mentioned in our Constitution and that all of Council would want to uphold those documents as they uphold our community; stated that there are no doubt many qualified candidates and that the qualifications to be on City Council technically are minimal and no doubt that many could meet and exceed the qualifications but at the very foundation of our government is the respect of her rights and the rights of the citizens; Mrs. Zelnosky strongly suggested Council appoint Michael Haire.

Tim Hooper, 906 23<sup>rd</sup> Avenue, Altoona, PA-asked for Council to support Michael Haire for the Council seat stating he was a close friend of Jason Ibrahim and he trusts Council will make the right decision

Nancy Shade, 317 S. 3<sup>rd</sup> Street, Altoona, PA – encouraging an appointment for Michael Haire stating she and her family served on Jason's campaign and knew what his goals were for the City and knew how much he loved the City and that Michael Haire can best represent those goals

Maureen Levery, 138 Davis Road-thanked Council for their time and service stating she and her family supported Jason Ibrahim for his family friendly vision for Altoona and asked Council to support Michael Haire

Bob Tuggy, 711 N. 13<sup>th</sup> Street, Bellwood, PA-stated he worked at Link Computer with Jason and considered him a close personal friend and co-worker and that he got to know Jason extremely well and he was a part of his campaign and went door to door in Altoona and helped him to get elected; stated he was excited to be a part of Jason's campaign because of his sanctity of life and his belief in fiscal responsibility for the City of Altoona and that it is because of these same beliefs that he and his family, wife Beth and children, ask Council to support and vote for Michael Haire to replace Jason Ibrahim and in so doing Council will honor the life and memory of Jason, an outstanding husband, father and citizen of Altoona

Aaron Harchak, 105 Bell Avenue, Altoona, PA- representing his wife Kelley and daughter Ava and parents Robyn and Linda Harchak and brother Andrew Harchak, a former co-worker of Jason, and his wife Natalie; stated they all worked on Jason's campaign going door to door trying to get Jason elected into the position Jason had on City Council and having looked at the other candidates that ran with Jason believe that Michael Haire is the best choice for Jason's seat and added their endorsement of Michael Haire

Dan McNulty, 2532 Dysart Avenue, Altoona, PA- stated he has a wife and three children and loves his family and he knows that Jason loved his family also and everything Jason stood for as far as God and church and family and politics and Jason needs to be replace with someone of like standing and values and he feels that Mike O'Haire would do the best job

Daniel Ingram, 2815 9<sup>th</sup> Street, Altoona, Pa – stated he is a small business owner and Jason Ibrahim attended his church and that he was glad when Jason got elected to the Council seat; stated he came to endorse Michael because of his good foundation which is the glue that holds everything together, a strong pro-life, truth and honesty; stated small things are the best

Kristine Boyes, 2711 5<sup>th</sup> Street, Altoona, PA – stated she is also representing her husband who had to work; stated she worked on Jason's campaign and that she and her husband were very good friends with Jason and they really appreciated his political views of commitment to life and fiscal responsibility and having excitement for new and practical solutions to problems; stated the voters were clear when they elected Jason and that is what the voters supported too and that Council should appoint Michael Haire who also received a lot of votes on the same fundamental values

Kathleen Shade, 1311 11<sup>th</sup> Street, 2<sup>nd</sup> floor, Altoona, PA- stated she was representing her and her husband Jason; stated that Jason Ibrahim was a good friend who they helped on his campaign and that his strong pro-life stance would affect all of his other decisions as a City Councilman; stated Michael Haire would be the best appointee to represent what Jason believed and was voted in for

Elizabeth Ibrahim, 1014 N. 2<sup>nd</sup> Street, Altoona, Pa – stated she was Jason's widow and stated she wanted to personally ask Council to appoint Michael Haire to replace Jason and to continue everything her husband stood for

Tom Cooney, 4006 Cortland Avenue, Altoona, Pa – stated he wanted to express support for Michael Haire

Bruce Miller. 2800 Old 6<sup>th</sup> Avenue Road, Tyrone, PA – stated he and his family wanted to be there to endorse Michael Haire and thanked Council for all of their time and efforts for the City

Matt Matula, 593 Moser Road, Altoona, PA – stated he was there to endorse Mike O’Haire for City Council

## **DISCUSSION ON CANDIDATE AND RESOLUTION**

Mayor Schirf stated that he worked closely with the City Solicitor, City Manager, and City Clerk to make sure the best process was put forth; Mayor Schirf thanked all that spoke and all the applicants for their letters and resumes and stated they were received in advance and reviewed; Mayor Schirf read into the record, in no particular order, the nine applicants for Jason Ibrahim’s Council seat to include Michael C. Haire, Michael J. Lang, Phillip D. Luciano II, Matthew McCaulley, Jan Mills Sr., Lynn Marie Nagle, Theodore E. Newkirk, Michael John Pennington, James Pruesser;

Mayor Schirf asked Council for nominations out of the nine candidates.

Councilman Butterbaugh nominated Michael Haire for Jason Ibrahim’s seat for his attendance at Council meetings stating he attended more than the other eight candidates combined, for his passion for the City of Altoona, for his beliefs and goals which were similar to Councilman Ibrahim, for his work ethic as he visited over 2,500 when he ran for City Council, for being a man of the people and listening to the people, he being well respected in the community, for being the next highest vote getter in the municipal election, for having good business experience as his management position at Ollingers would suggest, for having great passion for the City. Councilman Butterbaugh stated that when he was campaigning many citizens said they wanted to see new folks on City Council and see somebody young. Councilman Butterbaugh stated Michael Haire is a man of his faith, very involved in his church, a man of christian ethic and morals. Councilman Butterbaugh stated he received over twenty e mails and over one dozen telephone calls and over fifteen people came to speak at the Council meeting and of those people 100% were for Michael Haire and therefore Councilman Butterbaugh nominated Michael Haire for the position of City Councilman.

Councilman Kelley nominated Jan Mills for the position of City Councilman stating he has known Jan for well over twenty years and considers him a good friend with the interests of the community at heart. Councilman Kelley stated Jan had experience in the business sector and as a government auditor which are both good tools which will be helpful to Council. Councilman Kelley stated Jan is active in his church and in the community, mostly in scouting and in working with young people.

There were no further nominations and there was a motion to close the nominations by Councilman Cagle which was seconded by Councilman Kelley. The majority was in favor and answered yea.

A nomination was made by Councilman Butterbaugh and seconded by Mayor Schirf

The City Clerk read the nomination which was appointing Michael Haire to the position of City Councilman to fill the unexpired term of Jason Ibrahim until the first Monday of January 2012. (did not pass)

The City Clerk called for the vote which did not pass by a vote of 2 to 4; Councilman Butterbaugh and Mayor Schirf voted yes; Councilman Cagle, Councilman Geis, Councilman Kelley, and Councilman Neugebauer voted no.

The Mayor asked for the second nomination. A nomination was made by Councilman Kelley and seconded by Councilman Geis

The nomination was:

**a)appointing Jan Mills Sr. to the position of City Councilman to fill the unexpired term of Jason Ibrahim until the first Monday of January 2012. (044-10)**

The City Clerk read the nomination and called for the vote which passed 4 to 2. Councilman Cagle, Councilman Geis, Councilman Kelley, and Councilman Neugebauer voted yes; Councilman Butterbaugh and Mayor Schirf voted no.

Councilman Cagle asked to address all who were walking out of the meeting following the vote. Councilman Cagle stated he prepared a statement as follows: Councilman Cagle was shocked and saddened by the untimely death of fellow Councilman Jason Ibrahim. Councilman Cagle stated City Council was charged with a task of appointing a candidate to fill Jason's seat for an interim term until the next municipal election. Council received nine applicants for this vacancy and through review of applications, resumes and references the applicants were narrowed to two, Michael Haire and Jan Mills. Councilman Cagle stated many e mails and correspondence was for Michael Haire but he decided to do his due diligence and contact the candidates himself, ask them the exact same questions and pray. Councilman Cagle stated for the record that he is profoundly pro-life and agreed with Jason Ibrahim wholeheartedly and his view of the sanctity of life. Councilman Cagle stated he was excited to serve with Jason Ibrahim and that Jason was excited to work with him as well on an upcoming event called the Altoona Day of Prayer to be held May 6<sup>th</sup>. Councilman Cagle stated that through his interviews with Michael Haire and Jan Mills he compared their answers to the three campaign platforms that Jason ran on which were pro-life, practical strategies and fiscal responsibility. Councilman Cagle stated that both candidates answered to his satisfaction and he was encouraged by their stance on pro-life and if he didn't feel that one of these candidates was not a pro-life candidate that he would not have recommended them. Councilman Cagle stated that both Jan and Michael met the criteria and his reason for voting for Jan was that Jan stepped in two times when there was a need for a Mayoral candidate then and of course now, that Jan has a strong

belief in the sanctity of life, Jan is a volunteer and mentor with the Boy Scouts, and that Jan comes with years of experience and wisdom. Councilman Cagle stated while he believes Michael Haire has a very bright future in local politics it was the right time for Jan Mills and that Jan has pledged to serve for the interm term and not to seek re-election when it comes to serving the last two years of Jason's term. Jan also volunteered to volunteer for Michael Haire's campaign should Michael decide to run and should Michael decide to have Jan as a volunteer. Councilman Cagle thanked all who came to the meeting and who contacted him in support of their candidate. Councilman Cagle stated he acknowledged and applauded their passion but felt a responsibility to make known some disappoint he had in the entire process. Councilman Cagle stated that some of the tactics that were used to support a certain candidate he did not agree with. Councilman Cagle stated he did not condone political threats or pressure and while it's not illegal it is a manipulative tactic and not appreciated. Councilman Cagle stated he dismissed the notion that him voting for a different candidate than what was supported by the people who spoke tonight at the meeting and those who contacted him previously somehow disrespects the memory of Jason Ibrahim. Councilman Cagle stated Jason was important to him as well and he would also be carrying on his legacy and that he and Jason were beginning to work on projects together. Councilman Cagle stated nobody will replace Jason and he believes Council achieved the goal that was asked which was a pro-life candidate with practical strategies and fiscal responsibilities. Councilman Cagle spoke directly to Michael Haire thanking him for his application and for wanting to run and asked Michael to run in the next municipal election.

Mayor Schirf congratulated Jan Mills and welcomed him to City Council stating Jan would be sworn into office on Thursday, March 25<sup>th</sup> at City Hall by the City Clerk

### **MAYOR AND COUNCIL REPORTS**

2010 Census- Mayor Schirf asked all to return their completed forms as soon as possible; the return rate for the last census was 73%; there will be a March to the Mailbox on Thursday, April 1st, Census Day as Mayor Schirf and members of Council will walk to the post office; Mayor Schirf encourage community leaders and city residents to participate in the walk

Altoona Regional health System - Bon Secours will be closing in November and a study will be put in place and will eventually come to City Council and the Planning Commission

E. Juniata basketball court – expecting completion in early fall

Juniata Memorial Pool - will be closed for the summer; a feasibility study was approved and the rec commission will be looking into various options to possibly replace the pool and to make it better

Columbia Softball League - will go to Prospect Field and use Westfall Park as a back up

George B Kelley Federation Baseball League - will upgrade Geesey Park as funds allow

Central Blair Rec – will hold an Easter Egg Hunt at Vets Field with 19,000 eggs

At this time Councilman Neugebauer thanked Council for allowing him to participate in the meeting by phone and stated he would be leaving the meeting at this time which was at 7:45 p.m.

Garden Heights - Councilman Geis stated there was a meeting with Garden Heights residents on March 15<sup>th</sup> on the traffic in their neighborhood; there will be a traffic study in early April; Councilman Geis motioned to have a sub-committee of Council to meet with the members of that community periodically and come back to the full body of Council with recommendations; Councilman Geis stated the neighborhood is of full belief that businesses on Plank Road should exist via Plank Road and they shouldn't exit through the neighborhood; Councilman Geis thinks there will be recommendations for one way streets; Councilman Geis, Councilman Butterbaugh and Councilman Kelley offered to serve on this ad-hoc committee with Councilman Cagle as an alternate; this was added to the agenda as a resolution

IRC - Councilman Geis announced the Yard Waste Collection that would take place in the City from April 5<sup>th</sup> through April 15<sup>th</sup>; in the future there will be deregulation of electricity and the City is looking at this in order to get the best price; there will be three different sizes of recycling bins in the future

BPRC - Councilman Butterbaugh stated the Blighted Property Review Committee met and determined 7 more properties for consideration which will now be on the 30 day appeal list

PLCM - Councilman Kelley asked Council to consider attending the PLCM district meeting on April 21<sup>st</sup> in Lock Haven; good for new members of Council and legislative issues and for networking with other municipalities

Street Sweeping – The City Clerk stated street sweeping will begin March 29<sup>th</sup> for two weeks starting with snow emergency routes; residents are asked to sweep everything to the street and also move their cars overnight; the Mayor encouraged all on 6<sup>th</sup> and 7<sup>th</sup> avenues to participate; Dave Diedrich stated the main routes are done first citywide and evening is the best time as there isn't as much traffic and they do the neighborhoods during the day because the majority of cars are gone to work which makes it easier; Dave stated sweeping continues throughout the entire summer with the next two weeks being the biggest blitz on two shifts; Councilman Kelley asked to have the street

sweeping announcement on the Nixle system; the City Clerk will place the information on Nixle

## MANAGERS REPORT

Questions for Joe Weakland:

Towing – Joe Weakland provided a memo from Chief Freehling with a summary of the meeting that was held by the Altoona Police Department and members of the towing companies; there is also a towing request review form that will be used; Scott Beveridge of Blair County Emergency 911 made it very clear that 911 is not going to accept contractors on their list. Joe Weakland stated this was the City's recommendation to begin with.

## PRESENTATIONS

Countywide Income Tax Collection - A.C. Stickel, City Controller

A.C. Stickel provided a bullet point handout regarding ACT 32 with the most important item being the Blair Co. Tax Collection Committee, tasked with implementing countywide tax collection by January 2012; A. C. stated that at their last meeting they voted almost unanimously to establish a tax collection bureau to collect all of the earned income taxes in Blair County and potentially some of the other 511 taxes later; A.C. stated the law stipulates that this must be in place by January 1, 2012 but Blair County is moving fairly quickly and may be ready as soon as January 1, 2011; A.C. stated they are initially looking at one location in the center of the county; electronic filing is mandated; the intention is to set it up so that there are 0 due returns and the tax will be collected by the employer

Joe Weakland stated real estate tax and the other 511 taxes are still going to have to be collected; the contract with Centax expires at the end of 2010; the City will need to decide what to do – collect them in house, renew the Centax contract or find someone to collect them; there will be space available in City Hall to collect them; in the future Joe stated he will be working with Council to see what direction they would like to go either in house or outside

Monthly Financial Report – Omar Strohm, Director

February 2010- revised spread sheet provided – rev received are 607,347, year to date- 955,555, 3.93% of this year's budget revenues; compared to last year Feb. revenue receipts totaled 512,679, year to date 816,625 which was 3.59 % of last year's budgeted revenues

Expenditures totaled 2,949,523, year to date through February totaled 4,011,475 which is 16.48% of this year's budgeted expenses; compared to last year Feb. expenses receipts totaled 2,406,256, year to through Feb. 2009 3,460,244 which was 15.22% of last year's budgeted expenditures; during Feb 2010 expenditures exceeded revenues by 2,342,176, year to date through

February by 3,055,920; compared to last year expenditures exceeded revenues by 1,893,577, year to date by 2,643,619

A recurring item is under expenditure item 4700 debt service; typically this remains equivalent from year to year but this year took a major jump because of the bond payments; another outstanding item is under personnel administration where almost 400,000 was spent this year than was spent last year; this is due to a major increase received in health insurance and also the City is one month ahead on the payments; the City has not received any of its major revenue sources yet; these would be property tax and earned income tax; this explains why expenditures are so far ahead of revenues; the final number for healthcare costs was an increase of 13%

## **RESOLUTIONS**

**b) approving the minutes of the Altoona City Council Meeting held Wednesday, March 10, 2010. (0045-10)**

**c) supporting the Census 2010 "Take 10 Challenge" and asking City residents to take 10 minutes to complete and return their census questionnaires via mail at the U.S. Post Office by the April 1<sup>st</sup> deadline. (0046-10)**

**d) encouraging community organizations and city residents who will benefit from an increase in census numbers to participate in a Census 2010 National Walk-Along Program entitled "March to the Mailbox" which will form in front of City Hall at the corner of 13<sup>th</sup> Avenue and 12<sup>th</sup> Street on Thursday, April 1<sup>st</sup> and walk from City Hall to the U. S. Post Office on 11<sup>th</sup> Avenue and 12<sup>th</sup> Street in order to raise awareness and as a reminder of the April 1<sup>st</sup> deadline for completion and mailing of census questionnaires. (0047-10)**

**e) awarding the Altoona Neighborhood Tree Revitalization Project Bid to Hawk Landscaping of 1626 St. Francis Lane, Altoona, PA in the amount of \$83,659.75 payable from the Tree Vitalize, Shade Tree Commission, MTRP and CDBG Funds and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0048-10)**

**f) approving the Engineering Agreement between the Commonwealth of PA, Keller Engineering and the City of Altoona for construction consultation services, construction inspection and bridge inspection for the Penn and Park Avenue Pedestrian Bridges in the City of Altoona in the amount of \$37,188.50 reimbursed under an agreement with PennDOT and further authorizing the Mayor to execute all documents and the City clerk to attest to same. (0049-10)**

**f)authorizing the transfer of a city-owned vacant lot at 1214 17<sup>th</sup> Avenue, Altoona, PA by Quit Claim Deed to the Altoona Redevelopment Authority in the amount of \$1.00 plus all other fees related to this transaction and further authorizing the Mayor to execute all documents and the City Clerk to attest to same. (0050-10)**

**g)amending the 2008 CDBG Recovery Funds transferring \$20,389.51 from the completed 7<sup>th</sup> Avenue Curb and Sidewalk Installation Project and \$43,314.68 from the completed 16<sup>th</sup> Avenue Curb and Sidewalk Installation Project to create the CDBG-Recovery Street Paving Project with a total budget of \$63,704.19. (0051-10)**

**h)approving the formation of a Garden Heights Committee of Council who will serve as representatives and will meet with the neighborhood periodically. The committee will consist of Councilman Geis, Councilman Kelley, Councilman Butterbaugh. Councilman Cagel will serve as an alternate. (0052-10)**

Item h was opened to the floor for public comment as it was added to the agenda after the earlier public comment section:

Public Comment

Vincent Eilenberger, 1269 N. 13<sup>th</sup> Street, Altoona-stated this committee was a good idea

Public Comment was closed to the floor

the resolutions were read by the City Clerk; the consent vote was taken and passed 5 to 0; Councilman Neugebauer was absent

## **ORDINANCES -Adoption**

### **Mayor Schirf**

**1)An Ordinance entitled "Driveway Construction" to require all persons connecting to City Streets, Avenues, Roadways, and Rights-of-Way, including those to be offered for public dedication, to obtain permits therefore; to require submission of plans and fees as part of the permit application; to require driveways to comply with City of Altoona Standards and Specifications, as well as PennDOT design requirements; to provide penalties for violation and establish an effective date. (ORD. NO. 5607)**

This ordinance was read by City Clerk Linda Rickens Schellhammer

Introduction – Mayor Schirf

Motion for Adoption – Mayor Schirf

Second – Councilman Cagle

The vote was taken by City Clerk Linda Rickens Schellhammer and passed 5 to 0; Councilman Neugebauer was absent

**DISCUSSION ITEMS** - none

**MEDIA** – Bill Kibler, *Altoona Mirror*, Chris Forshey, WRTA Radio; Ben Manning, WTAJ TV 10

**ADJOURNMENT** – by Mayor Schirf at 8:30 p.m.