

**ALTOONA CITY COUNCIL MEETING MINUTES  
& 2011 BUDGET REVIEW & BUDGET INTRODUCTION  
WEDNESDAY – NOVEMBER 9, 2011 - 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, November 10, 2011.

**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, Mills, Neugebauer and Mayor Schirf

**PRESENTATIONS-** City of Altoona MS 4 Progress Update – Travis Marks and Ashley Wilmont, Penn State Student Interns; talked about how they, as part of the Blair County Conservation District's Stream Monitoring Program are helping the City to meet its Federally Mandated MS4 requirements.

**Monthly Financial Review** – Omar Strohm, Finance Director

Omar reviewed September financials; stated that the numbers make it look like the city is doing better than it actually is; receiving pension money that is dedicated specifically for pensions; the money flows through the general fund but can't be used for anything else

**ALL PUBLIC COMMENT-** Pat Miller, Executive Director of GAEDC discussed the upcoming Spirit of Christmas Parade to be held December 1<sup>st</sup> at 6pm in Downtown Altoona

Julie Herchak, 1112 14<sup>th</sup> Avenue, Altoona, PA, discussed traffic pattern changes for downtown Altoona and her ideas and presented Council with plan and map to review

**MANAGER'S REPORT** – the Manager's Report was distributed previously; no questions or comments at this time

**MAYOR AND COUNCIL REPORTS** – Mayor Schirf stated the following: the Juniata Streetscape Project is complete and banners will be installed for Christmas; the Mayor also mentioned various transportation improvement projects that will be completed next year

**RESOLUTIONS**

**a) approving the minutes of the Altoona City Council Meeting held Wednesday, October 26, 2011. (0134-11)**

**b) approving the Repository Bid submitted by Amanda Irvin of 1704 3<sup>rd</sup> Avenue, Altoona, PA for the property located at 1700-02 3<sup>rd</sup> Avenue, Altoona, PA, Control No. 012-43710, in the amount of \$340.00 and further authorizing City Manager Joseph F. Weakland to execute all documents and the City Clerk to attest to same. (0135-11)**

the resolutions were read by the City Clerk and the consent vote was taken on all items and passed 7 to 0 with all present

## **ORDINANCES**

### **Introduction**

**An Ordinance of the City of Altoona, in the County of Blair, Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the year 2012. (2012 BUDGET) (FIRST READING)**

The ordinance was read by City Clerk Linda Rickens Schellhammer and introduced by Mayor Schirf

A motion was made by Councilman Neugebauer for the proposed budget ordinance to pass the first reading; there was a second by Councilman Cagle; a vote was taken by City Clerk Linda Rickens Schellhammer and passed 7 to 0

The adoption date for the proposed 2012 budget was set for Wednesday, December 14, 2011, the last stated Council meeting for the month of December 2011

### **Introduction**

**An Ordinance of the City of Altoona, in the County of Blair, Commonwealth of Pennsylvania, fixing the tax rate for the year 2012. (2012 TAX MILLAGE)**

The ordinance was read by City Clerk Linda Rickens Schellhammer and introduced by Mayor Schirf

### **Adoption**

#### **Introduced by The Governing Body**

**AN ORDINANCE OF THE CITY OF ALTOONA AMENDING AND RESTATING THE FOLLOWING TITLES OF THE ALTOONA PLANNING CODE: 1. TITLE ONE ENTITLED "DELEGATION OF POWER, AUTHORITY AND**

**RESPONSIBILITY", ARTICLE I (CONCERNING THE ALTOONA CITY PLANNING COMMISSION) TO DELETE SECTIONS 102 (MAINTENANCE OF PROPERTY), 103 (MEMBERSHIP), 104 (APPOINTMENT OF COMMISSIONERS), 105 (TERMS OF COMMISSIONERS), 106 (VACANCIES ON THE COMMISSION), 107 (COMPENSATION), 108 (REMOVAL OF COMMISSIONERS), 109 (POWERS AND DUTIES OF THE PLANNING COMMISSION), 110 (CONDUCT OF BUSINESS), 111 (SUPPORT STAFF) AND 112 (RELATIONSHIPS TO OTHER PLANNING AGENCIES) INASMUCH AS SAID SECTIONS ARE REDUNDANT TO AND POTENTIALLY INCONSISTENT WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) AND INCLUDE IN SECTION 101 OF ARTICLE I (COMMISSION ESTABLISHED) THAT THERE SHALL BE SEVEN PERSONS SERVING ON THE ALTOONA CITY PLANNING COMMISSION PURSUANT TO THE MPC; DELETE ARTICLE II IN ITS ENTIRETY, WHICH ESTABLISHED THE CITY OF ALTOONA'S DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT, INASMUCH AS THE SAME IS SET FORTH IN THE CITY'S ADMINISTRATIVE CODE; DELETE SECTIONS 302 (MEMBERSHIP), 303 (REMOVAL OF ZONING HEARING BOARD MEMBERS), 304 (THE ORGANIZATION OF BOARD), 305 (QUORUM), 306 (CONDUCT OF BUSINESS), 307 (FISCAL RESPONSIBILITIES), 308 (POWERS AND DUTIES OF THE ZONING HEARING BOARD) AND 309 (SUPPORT STAFF) OF ARTICLE III CREATING THE ZONING HEARING BOARD INASMUCH AS SAID SECTIONS ARE REDUNDANT AND POTENTIALLY INCONSISTENT WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AND INCLUDE IN SECTION 301 OF ARTICLE III THAT FIVE PERSONS SHALL SERVE AS MEMBERS ON THE ZHB; DELETE ARTICLE IV, REGARDING PROFESSIONAL DEVELOPMENT AND CERTIFICATION, IN ITS ENTIRETY INASMUCH AS THE SAME IS NOT REQUIRED AND IS UNNECESSARY; 2. TITLE TWO ENTITLED "OFFICIAL MAP" SHALL BE DELETED IN ITS ENTIRETY INASMUCH AS THE CITY HAS NO OFFICIAL MAP AND THE SAME IS UNNECESSARY; 3. TITLE THREE, ENTITLED "ZONING", ARTICLE II TO DELETE SECTIONS 204 (VARIANCES), 205 (SPECIAL EXCEPTIONS), 206 (CONDITIONAL USES), 207 (ENFORCEMENT), 208 (PROCEDURAL CHALLENGES), 209 (SUBSTANTIVE CHALLENGES), 210 (APPEALING THE DETERMINATION OF THE ZONING OFFICER), 211 (TIME LIMITATIONS), 212 (APPEALS TO COURT), 213 (THE ZONING OFFICER), 214 (THE ZONING HEARING BOARD) AND 215 (THE CITY COUNCIL) INASMUCH AS SAID SECTIONS ARE REDUNDANT TO AND POTENTIALLY INCONSISTENT WITH THE MPC; ARTICLE IV, SECTION 417A(2), WHICH REQUIRES THAT APPLICANTS FOR HOME BASED BUSINESSES GET A NOTARIZED ACKNOWLEDGEMENT OF NOTICE SIGNED BY THEIR NEIGHBORS SHALL BE DELETED; ARTICLE V (DISTRICT PROVISIONS) SHALL BE AMENDED TO PERMIT OFF SITE PARKING AS A SPECIAL EXCEPTION IN THE SINGLE HOUSEHOLD RESIDENTIAL ZONE (SECTION 502.3I), THE LIMITED RESIDENTIAL ZONE (SECTION 503.3I), AND THE MULTIPLE HOUSEHOLD RESIDENTIAL ZONE (SECTION 504.3J). THIS IS TO PERMIT RESIDENTS AND**

**BUSINESS TO USE LOTS AND GARAGES ACROSS STREETS OR ALLEYS AS PARKING WHERE APPROPRIATE AND WHERE VIABLE BUILDINGS WILL NOT BE DEMOLISHED, SUBJECT TO THE DISCRETION AND CONDITIONS OF THE ZONING HEARING BOARD; SECTIONS 501.3G, 502.3G, 503.3G, 504.3H, 505.3I, 506.3E, 507.3C AND 509.3B ALL OF WHICH RELATE TO THE STUDENT HOME REGULATIONS ARE CLARIFIED WITHOUT CHANGING THEIR EFFECT WITH THE EXCEPTION OF RESTATING SEPARATION DISTANCES AND REVISING THE REQUIREMENT TO FILE SEALED PLANS; THE SETBACK PROVISIONS OF SECTIONS 501.11, 502.11, 503.11B, 503.12B, 504.11B, 504.12B, 505.11B, 505.12B, 506.12, 506.13B, 507.11, 507.12B, 508.11, 508.12B, 509.12B, 510.13B AND 511.13B SHALL BE AMENDED TO ALLOW ADDITIONS TO AN EXISTING BUILDING THAT ARE IN LINE WITH THAT BUILDING IN SIDE YARDS, SO LONG AS (1) THE ADDITION DOES NOT ENCROACH ANY FURTHER INTO THE REQUIRED SIDE YARD THAN THE EXISTING BUILDING ALREADY DOES, AND (2) THE ADDITION DOES NOT ENCROACH ON ANY FRONT OR REAR SETBACK REQUIREMENTS; HOWEVER, THE REQUIREMENTS FOR SETBACKS FROM PUBLIC RIGHTS-OF-WAY ARE PROPOSED FOR DELETION, INASMUCH AS SAID REQUIREMENTS CONFLICT WITH THE OTHER SPECIFIED SETBACKS; THE PERMITTED USES IN THE HIGHWAY BUSINESS COMMERCIAL ZONE (SECTION 508.2), CENTRAL BUSINESS COMMERCIAL ZONE (509.2), LIGHT INDUSTRIAL ZONE (510.2), AND GENERAL INDUSTRIAL ZONE (511.2) ARE AMENDED TO PERMIT RESIDENCES OF ALL TYPES; ARTICLE VI RELATING TO REGULATION FOR PORTABLE SIGNS ( TABLE A) SHALL BE DELETED; INTERNALLY ILLUMINATED SIGNS SHALL BE PERMITTED IN THE MIXED RESIDENTIAL-COMMERCIAL ZONING DISTRICT BY AMENDMENT TO TABLE E OF SECTION 605; 4. TITLE FOUR (ENVIRONMENTAL MITIGATION) IS AMENDED TO REFLECT CHANGES REQUIRED BY APPLICABLE LAW INCLUDING DEFINITIONS FOR MANUFACTURED HOME PARKS/SUBDIVISIONS WERE ADDED TO SECTION 302;THE DATE OF THE FLOOD INSURANCE RATE MAPS CURRENTLY IN USE WAS ADDED TO SECTION 303, NEW FLOODPLAIN IDENTIFICATION REQUIREMENTS WERE ADDED TO SECTION 303C, NEW RULES FOR THE EXPANSION OF STRUCTURES IN SPECIAL FLOODPLAIN AREAS WERE ADDED AT SECTION 306B, NEW TECHNICAL FLOOD PROOFING REQUIREMENTS WERE ADDED FOR RESIDENTIAL AND NONRESIDENTIAL STRUCTURES AT SECTION 307C AND THE TERM "FLOODPLAIN" REPLACED THE TERM "FLOODWAY AREAS" IN SECTION 308 AND NEW RESTRICTIONS ON VARIANCES WERE ADDED AT SECTION 309; 5. TITLE SIX, (PLANNED DEVELOPMENT) IS AMENDED TO DELETE THE FOLLOWING ARTICLES: ARTICLE I, (PLANNED DEVELOPMENT GENERALLY), ARTICLE II, (PLANNED RESIDENTIAL DEVELOPMENT), ARTICLE III, (TRADITIONAL NEIGHBORHOOD DEVELOPMENT), ARTICLE IV, (MOBILE HOME PARKS AND CAMGROUNDS) AND ARTICLE V, (TRANSFER OF DEVELOPMENT RIGHTS); 6.TITLE SEVEN (LAND DEVELOPMENT), ARTICLE I, SECTION**

**109 WAS AMENDED TO REFLECT THE DEFINITION OF LAND DEVELOPMENT SET FORTH IN THE MPC; 7. TITLE NINE (FINANCING CAPITAL IMPROVEMENTS), ARTICLE III, SECTIONS 304B-310 ARE DELETED INASMUCH AS SAID SECTIONS ARE REDUNDANT TO AND POTENTIALLY INCONSISTENT WITH THE MPC; 8. TITLE TEN (ADMINISTRATION) ARTICLES II (INTERDEPARTMENTAL REVIEW PROCESS) AND III ((FEE SCHEDULES) SHALL BE DELETED; AND 9 ALL APPENDICES TO THE ALTOONA PLANNING CODE SHALL BE DELETED.**

**(Ord. No. 5621)**

This ordinance was read by City Clerk Linda Rickens Schellhammer

Introduction – The Governing Body

Motion for Adoption – Councilman Geis

Second – Councilman Butterbaugh

The vote was taken by City Clerk Linda Rickens Schellhammer and passed 6 to 1 with all present; Councilman Mills voted no

### **Adoption**

#### **Introduced by Councilman Neugebauer**

**AN ORDINANCE OF THE CITY OF ALTOONA ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES: BY PROVIDING THE STANDARDS OF SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THE STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF ALTOONA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR REGISTRATION OF RESIDENTIAL RENTAL UNITS AND ANNUAL REGISTRATION OF VACANT BUILDINGS AND REGISTRATION FEES FOR VACANT BUILDINGS; EXEMPTIONS FROM PAYMENT OF REGISTRATION FEES; AUTHORIZATION FOR FILING OF MUNICIPAL LIENS FOR DELINQUENT PAYMENT OF REGISTRATION FEES; EXCEPTIONS FROM REGISTRATION; REPEALING ORDINANCE NUMBER 5599 AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.**

**(Ord. No. 5622)**

This ordinance was read by City Clerk Linda Rickens Schellhammer

Introduction – Councilman Neugebauer

Motion for Adoption – Councilman Neugebauer

Second – Councilman Geis

The vote was taken by City Clerk Linda Rickens Schellhammer and passed 7 to 0 with all present

### **Adoption**

#### **Introduced by Councilman Butterbaugh**

**AN ORDINANCE OF THE CITY OF ALTOONA LEVYING A TAX ON EARNED INCOME AND NET PROFITS OF BOTH RESIDENTS AND CERTAIN NON-RESIDENTS OF THE CITY OF ALTOONA FOR GENERAL REVENUE PURPOSES AND LEVYING A TAX ON EARNED INCOME AND NET PROFITS OF BOTH RESIDENTS AND CERTAIN NON-RESIDENTS FOR THE SPECIAL PURPOSE OF RAISING REVENUE TO DEFRAY COSTS RELATED TO THE PENSION PLANS OF THE CITY OF ALTOONA; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS.**

**(Ord.No. 5623)**

This ordinance was read by City Clerk Linda Rickens Schellhammer

Introduction – Councilman Butterbaugh

Motion for Adoption – Councilman Cagle

Second – Councilman Butterbaugh

The vote was taken by City Clerk Linda Rickens Schellhammer and passed 6 to 1 with all present; Councilman Mills voted no

**DISCUSSION ITEMS** – none

**MEDIA** – Bill Kibler, *Altoona Mirror*; Chris Forshey, WRTA Radio

**ADJOURNMENT** – by Mayor Schirf at 7:45 p.m.