

ALTOONA CITY COUNCIL MEETING MINUTES
WEDNESDAY – OCTOBER 22, 2014 - 7:00 P.M.
COUNCIL CHAMBERS - 1320 WASHINGTON AVENUE, ALTOONA, PA

The meeting was televised live on cable Public Access Channel 14 and re-broadcast Thursday, October 23, 2014.

CALL TO ORDER – by Mayor Pacifico at 7:00 PM in Council Chambers

SILENT MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL – taken by City Clerk Linda Rickens Schellhammer

Present: Councilmen Butterbaugh, Cacciotti, Cagle, Haire, Kelley, Neugebauer and Mayor Pacifico

PRESENTATIONS- a Veterans Day Proclamation was presented to Floyd Dutton, Parade Grand Marshal; the Central PA National Guard Veterans Association also honored Public Works Director Dave Diedrich with a plaque for all of his help with the Laws Mall and the storage of the reviewing stand and electrical work

The September Monthly Financial Review was given by Omar Strohm, Finance Director, who reviewed the revenues and expenditures for September of 2014 with comparison to last year; there were no questions

Mayor Pacifico announced that Council held an Executive Session Thursday, October 16th for the purpose of potential litigation and real estate matters

PUBLIC COMMENT – offered and none given

MANAGER'S REPORT – the report was distributed previously and there were no further questions on the report; Interim City Manager Peter Marshall read his memo regarding noise as follows: *The proposed noise ordinance is based on non-technical, common sense provisions. The problem with our current ordinance is that it requires significant technical training and knowledge to withstand a serious legal challenge. Without the knowledge and training, the City is not in a position to prosecute violators. We have no one on staff with that level of training. Our existing ordinance was modeled from State College's noise ordinance. State College has replaced their ordinance because they could not win in court. The ordinance they adopted is what we used to model our proposed ordinance.*

SUGGESTED ORDINANCE CHANGES BY CESARE BATTISTI NEIGHBORS -

There were three suggested changes to the proposed noise ordinance made by one or more neighbors of Cesare Battisti. The first suggests language that

would add the words "in effect 24/7". Our ordinances are all in effect 24/7 after adoption. I do not recommend language that stipulates the ordinance is in effect 24/7. The second suggests that the words, "warnings are not required", be added to the ordinance. Enforcement personnel have discretion as to when a violation can be best dealt with a warning or an arrest. Every circumstance is different. I cannot recommend that this language be added to the ordinance. The third suggests that citations for violations should be issued to the person or persons or establishment who allows an unreasonable noise to be created. Actually, the proposed ordinance states, "It shall be unlawful for any person to make or cause to be made any unreasonable noise or to allow any unreasonable noise to be caused in or on any rental or personal property occupied or controlled by that person." The ordinance goes on to state "...it shall also be unlawful for any person to create, assist in creating, or as owner, lessee or occupant of the property on which the activity is located, to permit any of the following acts:" (it then lists ten cases which would violate the ordinance). I believe this is sufficient for all potential cases.

CESARE BATTISTI_- We heard a number of neighborhood complaints about unreasonable noise coming from the Cesare Battisti. The City assumed responsibility for noise and other ordinance enforcement, rather than the Liquor Control Board which normally provides enforcement. No arrests were ever made by City Police. It is my opinion that the City should pass the noise enforcement function back to the Liquor Control Board. They are in a position to affect the Liquor License of the club if they find continuing violations. The City Police will continue to enforce our ordinances, but will not replace the Liquor Control Board's enforcement.

Interim City Manager Peter Marshall recommended reverting back to the PA Liquor Control Board for the monitoring of the Cesare Battisti

Councilman Haire asked if a resolution was adopted by Council would the monitoring of the Cesare revert back to PLCB and not allow outdoor noise or music; the Interim City Manager And City Solicitor stated yes it would no longer be allowed and no longer would it be monitored by the Altoona Police Department

RESOLUTIONS

a)approving the minutes of the Altoona City Council Meeting held Wednesday, October 8, 2014. (0139-14)

b)awarding the Rebid Underground Storage Tank Removal to Bolger Brothers, Inc. of 1028 Burns Avenue, Altoona, PA in the amount of \$21,200.00 for Base Bid "A", \$4,500.00 for Base Bid "B", Bid "A" For Price Only if contaminated soil and/or water is encountered, \$8,800.00 for Disposal of Soil, \$4,400.00 for Disposal of Water Base Bid A for price only if encountered and less \$1000.00

for used equipment allowance and further authorizing the Interim City Manager to execute all documents and the City Clerk to attest to same. (0140-14)

authorizing City Solicitor Larry Clapper to file the 2015 Tax Millage/Earned Income Tax Petition with the Blair County Court of Common Pleas. (0141-14)

the resolutions were read and the consent vote was taken by City Clerk Linda Rickens Schellhammer; the consent vote passed 7 to 0 with all present

ORDINANCES – Adoption - Councilman Butterbaugh

1)AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA, BLAIR COUNTY, PENNSYLVANIA, BY AMENDING CHAPTER 15 KNOWN AS "AUTHORITIES, BOARDS AND COMMISSIONS" BY ADDING A NEW ARTICLE XI TO CHAPTER 15, TO BE ENTITLED "ALTOONA GENERAL AUTHORITY" PROVIDING FOR: THE INTENTION AND DESIRE OF THE COUNCIL OF THE CITY OF ALTOONA TO ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE MUNICIPALITY AUTHORITIES ACT OF 2001, AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE "ALTOONA GENERAL AUTHORITY"; SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION; APPOINTING THE FIRST MEMBERS OF THE BOARD OF THE AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION; AUTHORIZING THE TAKING OF ALL SUCH ACTION AS MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE SAID AUTHORITY; AND ESTABLISHING AN EFFECTIVE DATE.

The ordinance summary was read by City Clerk Linda Rickens Schellhammer and was previously introduced by Councilman Butterbaugh; the City Clerk asked for a motion to adopt the proposed ordinance and a motion was not received and the ordinance did not pass; Councilman Bruce Kelley made a motion to table; Councilman Dave Butterbaugh seconded the motion; a vote was taken to table the proposed ordinance by the City Clerk which passed 6 to 1; Councilman Michael Haire voted no; Council stated the reason for tabling is that they may want to amend the proposed ordinance and make changes

DISCUSSION ITEMS AND ANNOUNCEMENTS - Councilman Butterbaugh announced the proposed Home Rule Charter will be on the ballot on November 4th for a vote

A public hearing on the LERTA boundaries will be held on Thursday, October 23rd at ABCD Corp. with the City, the County and the School District at 4:00 p.m.

MEDIA in attendance included Bill Kibler for the *Altoona Mirror* and Steve Willet, WRTA Radio

ADJOURNMENT – by Mayor Pacifico at 7:45 p.m.