

ALTOONA CITY COUNCIL MEETING MINUTES
WEDNESDAY – March 23, 2016 - 7:00 P.M.
CITY OF ALTOONA TRAINING FACILITY & COUNCIL CHAMBERS
1320 WASHINGTON AVENUE, ALTOONA, PA

The meeting was televised live on cable Public Access Channel 14 and re-broadcast Thursday, March 24, 2016.

CALL TO ORDER – by Mayor Pacifico at 7:13 PM in Council Chambers; the Mayor apologized for Atlantic Broadband's delay

SILENT MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL – taken by City Clerk Linda Rickens Schellhammer

Present: Council members Butterbaugh, Cagle, Haire, Jordan, Neugebauer and Mayor Pacifico

Absent: Councilman Cacciotti

PUBLIC COMMENT – Austin Fink of 216 Hope Lane stated Penn State is working toward establishing a Capital Day which is an initiative for students to travel to Harrisburg and meet with members of the House and Senate in an effort to increase funding for Penn State which will decrease tuition

RESOLUTIONS

- a) approving the minutes of the Altoona City Council Meeting held Wednesday, March 9, 2016. (0038-16)
- b) approving the Repository Bid submitted by James and Paula Imler of 2017 4th Avenue, Altoona, PA for property located at 2021 4th Avenue, Altoona, PA in the amount of \$200.00 and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0039-16)
- c) awarding the Broad Avenue Curb and Sidewalk Project – Phase II to Gordon L. DeLozier, Inc. of 136 Montgomery Street, Hollidaysburg, PA in the amount of \$454,778.34 payable from CDBG Funds, DCED Grant and PennDOT Tree Mitigation Agreement and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0040-16)
- d) awarding the Ash Tree Treatment – Arborjet Tree IV Project Bid to Bennetti Tree Service, Inc. of 162 Bennetti Drive, Altoona, Pa in the amount of \$10,410.00 payable from the Shade Tree Commission Line Item and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0041-16)

City Clerk Linda Rickens Schellhammer read the resolutions into the record; a consent vote was taken by the City Clerk on all items and passed 6 to 0;

Councilman Cacciotti was absent

ORDINANCES

Introduction

Councilman Butterbaugh

1) AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA BY AMENDING CHAPTER 633 ENTITLED "STREETS AND SIDEWALKS", TO ADD A NEW ARTICLE VI TO BE ENTITLED "STREET VACATIONS" PROVIDING FOR: A PURPOSE, PROCEDURE FOR VACATING A STREET, INCLUDING BY PETITION OF A MAJORITY IN NUMBER OF OWNERS OF PROPERTY ABUTTING ON THE LINE OF THE PROPOSED STREET TO BE VACATED AND FOR VACATING A STREET WITHOUT SUCH A PETITION; RESERVATION OF EASEMENTS FOR UTILITIES FOR ALL SUCH STREETS VACATED; UTILITIES AND DRAINAGE RESPONSIBILITIES; STRIKING VACATED STREETS FROM THE CITY BLOCK PLAN; REPEAL OF ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; SEVERABILITY OF PROVISIONS AND PROVIDING AN EFFECTIVE DATE.

This ordinance was read into the record by City Clerk Linda Rickens Schellhammer and introduced by Councilman Butterbaugh

Introduction

Councilman Neugebauer

2) AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA TO ADD A NEW CHAPTER 555 TO BE ENTITLED "PROTECTION OF PUBLIC PROPERTY", TO: 1. DEFINE TERMS AND PROVIDE INTERPRETATION OF TERMS; 2. PROHIBITING POSSESSION OF OR TAMPERING WITH PUBLIC PROPERTY ON STREETS, ALLEYS, OR PUBLIC GROUND; 3. PROHIBITING TAMPERING WITH OR POSSESSION OF STAKES, POSTS AND MONUMENTS, WARNING LAMPS, SIGNS OR BARRICADES; 4. PROHIBITING REMOVAL OF MATERIAL FROM STREETS, ALLEYS OR PUBLIC GROUNDS; 5. PROHIBITING DEPOSITING OF HARMFUL SUBSTANCES ON STREETS, ALLEYS, SIDEWALKS OR PUBLIC GROUNDS AND/OR PROPERTY NOT OWNED BY THE PERSON CAUSING SUCH DEPOSITS AND PROVIDING FOR POSTING OF FINANCIAL SECURITY IN CERTAIN SITUATIONS WHICH MAY INVOLVE THE LIKELIHOOD OF HARMFUL SUBSTANCES BEING SO DEPOSITED; 6. PROVIDING FOR EXCEPTIONS, ENFORCEMENT AND PENALTIES; 7. REPEAL ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; 8. PROVIDE

SEVERABILITY OF PROVISIONS; AND 9. PROVIDE AN EFFECTIVE DATE.

This ordinance was read into the record by City Clerk Linda Rickens Schellhammer and introduced by Councilman Neugebauer

DISCUSSION ITEMS & ANNOUNCEMENTS

Steve Harker of the Cesare Battisti Club stated a letter was previously distributed to Council requesting a noise exemption for outdoor music on Friday nights and for occasional special functions in their outdoor pavilion; the Cesare added additional drop down curtains and moved the location of the stage area so that noise is more toward the railroad tracks in the rear of their property; the Board of Directors of the Cesare believes that in the past the noise ordinance allowed for 10 or 11 pm; the Board does not think a couple of the neighbors that are against the outdoor music should influence City Council to refuse the request when the majority is in favor of the Cesare's request for outdoor music; Mr. Harker stated to Council that the Cesare Battisti Club is a well-run organization and a family friendly atmosphere and they donate back to the community; examples of the Cesare's donations are the Mt. Lion Backpack Program, local high school athletic programs, and the annual scholarship program for graduating seniors; the money for these donations comes from the members and patrons of the Cesare and having outdoor music events brings in funds which allows the Cesare to donate to the community; Mr. Harker stated the Cesare forwarded documentation in the past which stated why the three families who are against the outdoor music are against it

Mayor Pacifico asked if he could stop by the Cesare during an afternoon to see the changes that have been made to the pavilion area; Mr. Harker asked Mayor Pacifico to contact the club to set this up

Councilman Butterbaugh asked about the process and procedure at this point and whether a resolution would be needed; City Solicitor Larry Clapper stated the Cesare is asking City Council to petition the court to exempt their property from the LCB's noise requirements; if Council is in favor of the request Mr. Clapper stated he would prepare a resolution for a council agenda authorizing the filing of a petition; the LCB would set up a hearing with the LCB and they would have to decide if they want to exempt this property; the Cesare Battisti did have an exemption for two years which expired in November of 2015

Vice-Mayor Haire asked if the Cesare would be exempt from the new noise ordinance that Council is currently reviewing; Larry Clapper stated if the LCB exempts the Cesare then they fall under the City's noise ordinance and not the LCB's rules and regulations and the City's Police Officers and Code Enforcement Officers would be the enforcers of the noise ordinance; the Cesare would not be exempt from a current ordinance or a new ordinance

Larry Clapper asked if it was Council's desire to petition the LCB; Vice-Mayor Haire asked what the next step would be; Larry Clapper stated he would prepare a resolution authorizing the City to file a petition with the LCB; if City Council adopts the resolution then Larry Clapper stated he would petition the LCB and a hearing would be held at the Cesare Battisti Club; the hearing would be advertised and the public would have the opportunity to attend and speak for or against the exemption

Councilman Cagle stated he would be interested in the Mayor making his visit to the Cesare and then having a future discussion as to what the Mayor saw before doing anything further

MEDIA – media attendance included Bill Kibler, *Altoona Mirror* and Steve Willett of WRTA

ADJOURNMENT – by Mayor Pacifico at 7:35 pm