

ALTOONA CITY COUNCIL MEETING MINUTES
WEDNESDAY – FEBRUARY 8, 2017 – 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, February 9, 2017.

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

SILENT MEDITATION

PLEDGE OF ALLEGIANCE – led by Girl Scout Troop 46542, Fairview Hills

ROLL CALL – taken by City Clerk Linda Rickens Schellhammer

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

PRESENTATIONS – Quarterly Financial Review – Omar Strohm, Finance Director, reviewed the 4th quarter of 2016 with Council via opengov.com and demonstrated the expenses and revenues broken down in detail by department stating you can show comparison, break out into various charts by month and compare to the budget and look at variances in year-end numbers by category; DCED provided the opengov tool to all of its Act 47 municipalities and the City of Altoona was selected as the first City to receive this tool and the City is the pilot; the primary user in each department has been trained and the City can also set up user accounts for Council should they care to view the information anytime

Mr. Strohm reviewed the financials as follows: under revenues the City received \$9.77 million in real estate taxes which is more than budgeted for; the revenues received for tax types are incomplete due to the modified accrual accounting system whereby the first 68 days of the year could be revenues and expenditures attributable to the prior year so the numbers are not final; 4th quarter revenue receipts to-date total \$8,763,351 or 28.58% of 2016's budgeted revenues; expenditures are also below year-end because of modified accrual accounting; 4th quarter to date total \$7.78 million or 27.49% of total year-to-date expenditures and 26.42% of expenditures budgeted in 2016; the 2016 trail the 2015 numbers; public safety is the largest part of the pie chart, then public works and administration; referring to the excel spreadsheet and the highlighted cells.

Mayor Pacifico announced that he was nominating Chris Harpster for the Shade Tree Commission and Councilman Butterbaugh seconded the motion

Mayor Pacifico opened the floor for public comment; there was no public comment; the City Clerk called for the vote; the consent vote was taken and passed 7 to 0 with all present

PUBLIC COMMENT – offered and none given

RESOLUTIONS

a) approving the minutes of the Altoona City Council Meeting held Wednesday, January 11, 2017. (0012-17)

b) approving an Early Intervention Program Grant Application with the Pennsylvania Department of Community and Economic Development (DCED) and authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0013-17)

c) approving an agreement between the City of Altoona and the Altoona Area School District for collection of the City's Per Capita Tax for the period July 1, 2017 through June 30, 2020 and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0014-17)

d) approving a Repository Bid in the amount of \$250.00 submitted by Kristen Conner of 1810 18th Street, Altoona, PA for property located at 901-907 19th Avenue, Altoona, PA and further authorizing the City Manager to execute the Taxing District Form. (0015-17)

e) approving a Repository Bid in the amount of \$150.00 submitted by Terri Moore of 1002 22nd Avenue, Altoona, PA for property located at 1808 10th Street, Altoona, PA and further authorizing the City Manager to execute the Taxing District Form. (0016-17)

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 7 to 0 with all present

ORDINANCES

Introduction

1) AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA TO INCLUDE A NEW CHAPTER 555 TO BE ENTITLED "PUBLIC GATHERINGS" TO: 1. REQUIRE A PERMIT FOR PUBLIC GATHERINGS ON PUBLIC PROPERTY; REQUIRE PERMIT APPLICATIONS, PERMIT FEES AND WAIVER OF FEES PROVISIONS; REQUIRE INSURANCE FOR COMMERCIAL EVENTS; DEFINITIONS; PROVIDE PENALTIES FOR VIOLATION; PROVIDE SEVERABILITY OF PROVISIONS, REPEALER; AND PROVIDE AN EFFECTIVE DATE.

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

Introduction

2)AN ORDINANCE OF THE CITY OF ALTOONA AMENDING CHAPTER 673 ENTITLED "TRANSIENT RETAIL BUSINESSES " TO: 1. REVISE SAID CHAPTER PROVIDING: 1. DEFINITIONS; 2. EXEMPTIONS INCLUDING FOR CERTAIN RELIGIOUS AND CHARITABLE ENTITIES; 3. AN APPLICATION PROCESS FOR ALL OTHER TRANSIENT RETAIL BUSINESSES TO OBTAIN A LICENSE FROM THE CITY; 4. PROCEDURES FOR INVESTIGATION AND ISSUANCE OF LICENSES; 5. THE SETTING OF FEES BY RESOLUTION OF CITY COUNCIL FROM TIME TO TIME; 6. RESTRICTIONS FOR LOUD NOISE AND SPEAKING DEVICES; 7. USE OF STREET PROVISIONS AND TIME RESTRICTIONS; 8. A REQUIREMENT FOR EXHIBITION OF ALL LICENSES; 9. PROHIBITION OF UNINVITED SOLICITATIONS; PENALTIES FOR VIOLATION; 10. PURPOSE AND 11. AN EFFECTIVE DATE.

This Ordinance was read into the record by City Clerk Linda Rickens Schellhammer and introduced by Councilman Cacciotti.

Introduction

3)AN ORDINANCE OF THE CITY OF ALTOONA AMENDING CHAPTER 679 OF THE CODE OF THE CITY OF ALTOONA ENTITLED "TREES" BY ADDING PROVISIONS TO REQUIRE REMOVAL OF DANGEROUS TREES ON PRIVATE PROPERTY; REPEAL OF ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; PROVIDE SEVERABILITY OF PROVISIONS AND PROVIDE AN EFFECTIVE DATE.

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

Introduction

4)AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA CHAPTER 470 ENTITLED "NOISE" TO PROVIDE: ADDITIONAL DEFINITIONS; ADDITIONAL NOISE LEVEL RESTRICTIONS; NOISE EXEMPTIONS FROM THE LIQUOR CONTROL BOARD AND REVOCATION OF SUCH EXEMPTIONS; REQUIRE A PLAN FOR CORRECTION OF VIOLATION; REAFFIRM CHAPTER 470 AS AMENDED; REPEAL OF INCONSISTENT ORDINANCES; SEVERABILITY OF PROVISIONS AND AN EFFECTIVE DATE.

This Ordinance was read into the record by City Clerk Linda Rickens Schellhammer and introduced by the Governing Body.

Introduction

5)AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA BY REVISING CHAPTER 633 ENTITLED "STREETS AND SIDEWALKS", TO REPEAL AND REENACT ARTICLE VI 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; A LIST OF STREETS VACATED; REPEAL OF ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; SEVERABILITY OF PROVISIONS AND PROVIDING AN EFFECTIVE DATE.

THE FOLLOWING STREETS AND/OR ALLEYS OR PORTIONS THEREOF ARE HEREBY VACATED, SUBJECT TO THE PROVISIONS OF THIS ARTICLE VI:

1.ALLEY RIGHT-OF- WAY BETWEEN 25TH AVENUE AND WOPSONONOCK AVENUE BETWEEN 4TH STREET AND 5TH STREET, ALTOONA, PA CONTAINING FIVE THOUSAND SIX HUNDRED FORTY-SIX AND SIXTY-ONE ONE-HUNDREDTHS (5,646.61) FEET, IN THE ATTACHED PLAT AND LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A" AND "B" RESPECTIVELY.

This Ordinance was read into the record by City Clerk Linda Rickens Schellhammer and introduced by Councilwoman Jordan.

Introduction

6)AN ORDINANCE OF THE CITY OF ALTOONA IN THE COUNTY OF BLAIR, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE RENAMING OF CERTAIN STREETS AND AVENUES IN THE CITY OF ALTOONA, COUNTY OF BLAIR, AND COMMONWEALTH OF PENNSYLVANIA.

BE IT ENACTED AND ORDAINED THAT THE FOLLOWING STREET/AVENUE NAME CHANGES BE MADE AS FOLLOWS: FROM BRANCH AVENUE TO 9TH AVENUE FROM SOUTH BRANCH AVENUE TO 9TH AVENUE REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; PROVIDING SEVERABILITY OF PROVISIONS AND PROVIDING AN EFFECTIVE DATE.

This Ordinance was read into the record by City Clerk Linda Rickens Schellhammer and introduced by Vice-Mayor Haire.

Introduction

7)AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA SPECIFICALLY CHAPTER 94 ENTITLED "PENSIONS," ARTICLE I ENTITLED "PAID FIREMEN'S PENSION FUND" TO: ADD REQUIRED INTERNAL REVENUE CODE AND STATE LAW PROVISIONS; ADD BENEFITS THAT HAVE BEEN COLLECTIVELY BARGAINED; REPEAL ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; PROVIDE SEVERABILITY OF PROVISIONS AND PROVIDE AN EFFECTIVE DATE.

This Ordinance was read into the record by City Clerk Linda Rickens Schellhammer and introduced by Councilman Cagle.

Adoption – The Governing Body

8)AN ORDINANCE OF THE CITY OF ALTOONA INCURRING "LEASE RENTAL DEBT," AS DEFINED IN THE PENNSYLVANIA LOCAL GOVERNMENT UNIT DEBT ACT, IN THE OUTSTANDING PRINCIPAL AMOUNT OF \$15,525,142.63 EVIDENCED BY ITS GUARANTY OF 100% OF THE PAYMENTS DUE UNDER A DEBT OBLIGATIONS PREVIOUSLY ISSUED BY THE ALTOONA WATER AUTHORITY TO THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY (PENNVEST), IN CONNECTION WITH THE AUTHORITY'S WATER SYSTEM, AND PAY RELATED EXPENSES; AUTHORIZING A GUARANTY AGREEMENT, BY AND AMONG THIS CITY, AS GUARANTOR, THE AUTHORITY, AND PENNVEST, AS LENDER, SECURING THE DEBT OBLIGATIONS; PLEDGING THE FULL FAITH, CREDIT, AND TAXING POWER OF THIS CITY IN SUPPORT OF ITS GUARANTY; APPOINTING A SINKING FUND DEPOSITORY IN CONNECTION WITH SUCH GUARANTY; AND AUTHORIZING RELATED ACTIONS AND DOCUMENTS. (ORD. NO. 5692)

Bond Counsel Jens Demgaard pointed out that there were outstanding loans at various stages and the amount for this loan changed to \$15,525,142.63 because it is still being drawn on so this number is the amount that could be drawn

This ordinance was read into the record by City Clerk Linda Rickens Schellhammer.

Introduction – The Governing Body

Motion for Adoption – The Governing Body

Second – The Governing Body

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

Adoption – The Governing Body

9)AN ORDINANCE OF THE CITY OF ALTOONA INCURRING “LEASE RENTAL DEBT,” AS DEFINED IN THE PENNSYLVANIA LOCAL GOVERNMENT UNIT DEBT ACT, IN THE OUTSTANDING PRINCIPAL AMOUNT OF \$29,691,652.73, EVIDENCED BY ITS GUARANTY OF 100% OF THE PAYMENTS DUE UNDER A DEBT OBLIGATIONS PREVIOUSLY ISSUED BY THE ALTOONA WATER AUTHORITY TO THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY (PENNVEST), IN CONNECTION WITH THE AUTHORITY’S SANITARY SEWER SYSTEM, AND PAY RELATED EXPENSES; AUTHORIZING A GUARANTY AGREEMENT, BY AND AMONG THIS CITY, AS GUARANTOR, THE AUTHORITY, AND PENNVEST, AS LENDER, SECURING THE DEBT OBLIGATIONS; PLEDGING THE FULL FAITH, CREDIT, AND TAXING POWER OF THIS CITY IN SUPPORT OF ITS GUARANTY; APPOINTING A SINKING FUND DEPOSITORY IN CONNECTION WITH SUCH GUARANTY; AND AUTHORIZING RELATED ACTIONS AND DOCUMENTS. (ORD. NO. 5693)

This ordinance was read into the record by City Clerk Linda Rickens Schellhammer.

Introduction – The Governing Body

Motion for Adoption – The Governing Body

Second – The Governing Body

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

Adoption – The Governing Body

10)AN ORDINANCE OF THE CITY OF ALTOONA, INCURRING LEASE RENTAL DEBT IN THE PRINCIPAL AMOUNT OF \$15,625,000 TO BE EVIDENCED BY A GUARANTY AGREEMENT SECURING THE OUTSTANDING WATER REVENUE BONDS OF THE ALTOONA WATER AUTHORITY, PREVIOUSLY ISSUED TO CONSTRUCT IMPROVEMENTS TO THE PUBLIC WATER SYSTEM OPERATED BY THE AUTHORITY; APPROVING A GUARANTY AGREEMENT OF THIS CITY, GUARANTYING THE PRINCIPAL AND INTEREST DUE ON THE WATER BONDS; SPECIFYING THE ANNUAL GUARANTY OBLIGATIONS OF THIS CITY UNDER THE GUARANTY AGREEMENT, AND PLEDGING THE FULL FAITH, CREDIT, AND TAXING POWER OF THIS CITY TO SECURE THE GUARANTY; CREATING A SINKING FUND AND APPOINTING A SINKING FUND DEPOSITORY; AND AUTHORIZING OTHER APPROPRIATE ACTIONS. (ORD. NO. 5694)

This ordinance was read into the record by City Clerk Linda Rickens Schellhammer.

Introduction – The Governing Body

Motion for Adoption – The Governing Body

Second – The Governing Body

The vote was taken by City Clerk Linda Rickens Schellhammer and passed

7 to 0 with all present.

Adoption – The Governing Body

11)AN ORDINANCE OF THE CITY OF ALTOONA, INCURRING LEASE RENTAL DEBT IN THE PRINCIPAL AMOUNT OF \$29,115,000 TO BE EVIDENCED BY A GUARANTY AGREEMENT SECURING THE OUTSTANDING SEWER REVENUE BONDS OF THE ALTOONA WATER AUTHORITY, PREVIOUSLY ISSUED TO CONSTRUCT IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OPERATED BY THE AUTHORITY; APPROVING A GUARANTY AGREEMENT OF THIS CITY, GUARANTYING THE PRINCIPAL AND INTEREST DUE ON THE SEWER BONDS; SPECIFYING THE ANNUAL GUARANTY OBLIGATIONS OF THIS CITY UNDER THE GUARANTY AGREEMENT, AND PLEDGING THE FULL FAITH, CREDIT, AND TAXING POWER OF THIS CITY TO SECURE THE GUARANTY; CREATING A SINKING FUND AND APPOINTING A SINKING FUND DEPOSITORY; AND AUTHORIZING OTHER APPROPRIATE ACTIONS. (ORD. NO. 5695)

This ordinance was read into the record by City Clerk Linda Rickens Schellhammer.

Introduction – The Governing Body

Motion for Adoption – The Governing Body

Second – The Governing Body

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

Adoption – The Governing Body

12)AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA TO REVISE CHAPTER 405 ENTITLED "LEASE AND/OR CONVEYANCE OF CITY OWNED LANDS", TO APPROVE AN ASSET CONVEYANCE AGREEMENT WHICH CONVEYS THE LAND AND FACILITIES OF THE WATER AND SEWER SYSTEMS OF THE SAID AUTHORITY TO THE CITY OF ALTOONA AND ALSO APPROVES TWO TWENTY YEAR LEASE AGREEMENTS WHEREIN THE CITY OF ALTOONA WILL LEASE THE LAND AND FACILITIES OF THE SAID WATER AND SEWER SYSTEMS TO THE ALTOONA WATER AUTHORITY UPON THE TERMS AND CONDITIONS SET FORTH IN SAID AGREEMENTS WHICH ARE ATTACHED HERETO AS EXHIBIT "A" WITH REGARD TO THE CONVEYANCE AGREEMENT, EXHIBIT "B" WITH REGARD TO THE WATER SYSTEM LEASE, AND, EXHIBIT "C" WITH REGARD TO THE SEWER SYSTEM LEASE; THIS ORDINANCE WILL ALSO REPEAL ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; PROVIDE SEVERABILITY OF PROVISIONS AND PROVIDE AN EFFECTIVE DATE. (ORD. NO. 5696)

This ordinance was read into the record by City Clerk Linda Rickens Schellhammer.

Introduction – The Governing Body

Motion for Adoption – The Governing Body

Second – The Governing Body

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

MAYOR & COUNCIL DISCUSSION ITEMS AND ANNOUNCEMENTS – Vice-Mayor Michael Haire thanked Bond Counsel Jens Demgaard, City Solicitor Larry Clapper, Former Interim City Manager Peter Marshall and City Manager Marla Marcinko for helping the City through the process of working with the Altoona Water Authority for a lease agreement, stating it was a long process that was worth it in the end and Council is grateful for the help

Councilman Neugebauer reminded the public that on Friday, February 10th from 6pm to 10pm, "Show a Little Heart" fundraiser would be sponsored by Blair County Community Action Agency to benefit the Mountain Lion Backpack Program and included a dinner, dancing and fundraising

Councilman Cagle stated Saturday, February 25th the Central Blair Recreation Commission's Annual Community Classic Dinner would be held honoring Donna Gority with the Respected Citizen Award and Guest Speaker, Roberto Clemente Jr.; the cost is \$35.00 with tickets available at the Central Blair Recreation Commission Office, 2101 5th Avenue

MEDIA – media attendance included Bill Kibler, *Altoona Mirror*

ADJOURNMENT – by Mayor Pacifico at 7:55 p.m.