

ALTOONA CITY COUNCIL SPECIAL MEETING MINUTES  
FOR THE SOLE PURPOSE OF ADOPTING A RESOLUTION REGARDING  
THE PROCESS OF ENFORCING BUSINESS CLOSURES IN ACCORDANCE  
WITH THE ORDERS ISSUED BY THE GOVERNOR OF PA  
FRIDAY - MAY 8, 2020 - 5:00 P.M.  
REMOTELY VIA CISCO WEBEX

Mayor and Council, the City Manager, City Solicitor, City Clerk and Department Directors participated remotely via Cisco Webex. The meeting was scheduled to broadcast live on Atlantic Broadband Cable Public Access Channel 14 and re-broadcast on Channel 14 on Saturday, May 9 at 7:00 p.m. but due to a technical issue, the meeting did not broadcast. However, a link to the audio file was added to the City's website following the meeting.

CALL TO ORDER - by Mayor Pacifico at 5:00 p.m.

SILENT MEDITATION

ROLL CALL – taken by the City Clerk

Present – Vice-Mayor Butterbaugh, Councilmembers: Cacciotti, Carper, Ickes, Kelley and Mayor Pacifico

Absent – Councilwoman Jordan

Mayor Pacifico turned the meeting over to Vice-Mayor Butterbaugh, who prepared a statement to read into the record as follows:

Vice-Mayor Butterbaugh stated he called the meeting to make sure staff had clear direction and to help the business community at this difficult time, stating many times our business owners have answered the call to be blessings to our City and when times were tough or when there was a need, the local businesses would always be first in line to help the cause. This time is different, and the businesses need the City's support, now more than ever. The stress and the financial impact is difficult now for many of the businesses who have always worked hard to make Altoona a great place to live. The resolution on this agenda ensures there will not be any citations issued by the City to our much-appreciated businesses. Council decided to introduce a resolution that moves the approach from citation to education. The virus is here and it is a threat to many in our community, and it is important to follow the CDC, COVID-19 best practices. In keeping with the Governor's directive, City staff, the Solicitor, and the Mayor and Councilmembers worked to find a way to uphold the guidelines in a way to not penalize our most faithful City businesses, while also promoting public health and safety during this pandemic. Vice-Mayor Butterbaugh also thanked staff and Mayor and Council for the work over the last few days and for the team effort to do the right thing the right way, stating, "May God bless our Altoona businesses."

Mayor Pacifico stated the purpose of tonight's meeting is to provide clarity on the City of Altoona's position on the enforcement of the Governor's order; the Mayor stated he, staff and the Council have been working on how to address

these confusing mandates that were placed on the City to enforce for the state. It was unfair for the Governor to place the burden on local municipalities to enforce these orders with very little guidance from the commonwealth. The Mayor stated the resolution says that the City will issue warnings to non-compliant businesses and provide information about the Governor's order. This will also place the burden back on state agencies and/or state licensing boards if they choose to further enforce with citations. The Mayor stated essentially the City is saying the City will warn you but the City cannot say that the state will not fine you. Mayor Pacifico stated, the collaborative effort that took place between himself, Council, and City staff, lead to a letter being sent to the Governor that the Mayor believes weighed in on the Governor's decision to move Blair County into the yellow phase. Mayor Pacifico thanked all of the businesses that have been complying with the Governor's business closure to this point. Mayor Pacifico stated the news today gets the City one step closer to getting the City's economy back up and moving, while it is still important to be mindful to continue to practice social distancing, wear masks in public, and practice handwashing during the transition, from the red phase to the yellow phase and eventually green.

#### ALL PUBLIC COMMENT

Thomas Gerlach, 530 22<sup>nd</sup> Avenue, Altoona stated the job of the Police Chief is to enforce traffic laws, criminal laws and ordinances and what Governor Wolf has done is none of the above, and even if it is considered to be a law, it is clearly in violation of the U.S. Constitution; Mr. Gerlach recommended Council disregard and stand up to Governor Wolf

Jennifer Hrivnak of 5 Log Cabin Court, Altoona thanked Council for clarifying the meaning of the meeting stating she represents three businesses, all in the food service industry, that have recently opened and developed in Downtown Altoona, and as they start to move into yellow and hopefully green, it is important to keep the conversation going regarding restaurants and how they can open and fully function; they operate on small profit margins and if they can't fully open, it will have quite an impact on them and others

Jim Ellis thanked Council for what they have done and asked for clarification and if they as businesses are to interpret this as the Council encouraging businesses to open; Mayor Pacifico stated his intention is that the state put the City in a bad position by asking the City to enforce the order and the Council is telling the state, the City will enforce it to a certain point but the state can punish businesses further than a warning if that is what they want to pursue; the City is not encouraging businesses to take matters into their own hands

Mayor Pacifico offered public comment to anyone else that may have been on the call; there was no additional public comment

RESOLUTIONS - The following resolution was read into the record by the City Clerk:

**WHEREAS**, the recent outbreak of the COVID-19 virus resulted in the Governor of Pennsylvania, Tom Wolf, issuing an order on March 19, 2020 requiring all businesses deemed by the Commonwealth to be non-life-sustaining to close their physical locations by 8:00 p.m. that date; and

**WHEREAS**, the Governor further ordered that enforcement actions against businesses that did not close their physical locations were to commence at 8:00 a.m. Monday, March 23, 2020; and

**WHEREAS**, the Governor released Business Closure Order Enforcement Guidelines which direct local municipal authorities to enforce the aforementioned business closure orders through a progressive discipline scheme; and

**WHEREAS**, businesses located in the City of Altoona complied with the Governor's order and demonstrated a remarkable level of cooperation in remaining closed for nearly two months, despite suffering significant financial losses, while the citizens of the Commonwealth faced the challenges posed by the virus; and

**WHEREAS**, the Governor has announced that 24 counties across the Commonwealth would be permitted to move from the "Red" closed category to the "Yellow" partially opened category, and will be permitted to reopen certain businesses on May 8, 2020, conditioned upon following certain guidelines; and

**WHEREAS**, Blair County was not included among the counties that would be permitted to begin reopening on May 8, 2020, despite its relatively low infection rate by comparison to other neighboring counties that are being permitted to reopen; and

**WHEREAS**, Blair County's non-inclusion in the first wave of re-openings has resulted in confusion and concern among the public and business owners as to the standard being employed to determine whether and when local businesses may re-open and enforcement of the Governor's orders; and

**WHEREAS**, the Council of the City of Altoona wishes to provide some clarification regarding the handling of enforcement actions stemming from the Governor's orders and take actions to facilitate the re-opening of Blair County businesses as soon as possible.

**NOW, THEREFORE, BE IT RESOLVED AND THE SAME IS HEREBY RESOLVED** by the City Council of the City of Altoona the following:

1. The Council of the City of Altoona shall send a letter to the Governor addressing the continued closure of Blair County and requesting that it be permitted to begin reopening immediately based on information and statistics which demonstrate its suitability to be moved from the "Red" category into the "Yellow" category.
2. Businesses found to be in violations of the guidelines issued by the Governor shall be issued a warning with reference where to find more specifics on the particular guidelines applicable to their business.
3. For businesses that continue to operate contrary to the Governor's orders after receipt of a warning, the City of Altoona will expect that these violations will be pursued by the Pennsylvania State Police and/or any appropriate Commonwealth Agency or licensing board. (Resolution 0028-20)

The City Clerk called the roll for a vote which passed 6 to 0; Councilwoman Jordan was absent

Mayor Pacifico asked the Council if they wanted to speak at this time.

Councilman Carper stated he is generally pleased with the direction Council took at this meeting and there are no clear answers, but with little direction and guidance regarding the shut down order, Council did what they could and businesses should understand that there are still risks that they take if they violate the order. Councilman Carper stated the Council took into account public health, the health of the economy, as well as practicality in their decision. Councilman Carper stated he hopes that it leads to a greater amount of education about the pandemic and about CDC guidelines for safe business practices in this new time. Councilman Carper stated this should not be interpreted as a green light, as there are a lot of facets that are beyond the control of Altoona City Council. Councilman Carper stated defiance of the Governor's order could put a business at risk of negative repercussions at the state level and the Governor has not ruled out taking harsh actions, which he reiterated in his press conference on this date. Councilman Carper stated everyone needs to take the virus seriously and not consider it a hoax as the virus is here. Councilman Carper stated he understands very well the desperation facing families right now, who have put their lives on hold for the last two months, and whose entire livelihoods are on the brink of disaster. Councilman Carper asked that people use their heads to stay as safe as possible. Councilman Carper asked to give an insight into his life at this time stating even when Blair County moves into yellow, he and his wife, Shannon, will continue to live with an abundance of caution. Councilman Carper stated, while holding his young daughter Charlotte during the meeting, that she is the person that made him a Dad

and that she is a large part of his everything. Councilman Carper stated you are told a lot when you become a parent, about the good times to come and the hard times. Kids are a living, breathing piece of your heart walking around on the earth. Councilman Carper stated that unfortunately Charlotte has bad lungs. At this time, she is doing pretty good but in February of 2020, Charlotte was diagnosed with Influenza A, which is relatively common, and a lot of people get it every year and are fine. Charlotte's situation quickly became scary. Charlotte was sick for about three weeks as it invaded her lungs and did some damage, and as a result, Charlotte is on a breathing treatment every morning when she wakes up and every evening before she goes to bed. Councilman Carper stated that he hopes eventually that Charlotte's lungs will be strong enough that she will not need to have breathing treatments. Councilman Carper stated Charlotte and her brother Jack are his entire world, and he would go to great lengths to protect them, and that is why, with very few exceptions, he and his wife Shannon are living with overwhelming caution, since Charlotte recovered from the flu, only to be slammed with the pandemic a few weeks later. Councilman Carper stated COVID is a very real threat for Charlotte and his family, and everyone probably knows someone like Charlotte, and if not, the person in the aisle with you in the grocery store probably does. Councilman Carper stated he is using this platform for Charlotte and those like her, and asks that all continue to take this threat seriously, and only go out if you have to, and be mindful of the people around you, not because any one person is ordering you to do it, but because you are doing your part to protect people like Charlotte. Councilman Carper said he would not be doing his part to protect his family if he did not make this plea. Councilman Carper thanked the Mayor for the opportunity to speak and encouraged everyone to be safe.

QUESTIONS FROM THE MEDIA – Bill Kibler of the *Altoona Mirror* attended the meeting via phone and asked questions of Mayor and Council at this time.

ADJOURNMENT by Mayor Pacifico at 5:35 p.m.