

ALTOONA CITY COUNCIL MEETING MINUTES
MONDAY – MARCH 14, 2022 - 6:00 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 15, 2022.

CALL TO ORDER – by Vice-Mayor Ickes at 6:00 PM in Council Chambers
SILENT MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL – taken by City Clerk Linda Rickens Schellhammer

Present: Council members Beatty, Butterbaugh, Carper, Ellis, Ickes and Kelley

Absent: Mayor Pacifico

ALL PUBLIC COMMENT – Rick Hoover of 1706 N 5th Avenue spoke to Council about a proposed storage building behind his home stating he has lived in his home for 30 years and he is concerned about what storage units will bring to the neighborhood; stated he is house proud and pays his taxes and has fixed up his home and lives in a good area that is not zoned for a business such as storage units.

Erica Hoover of 1510 N 5th Avenue stated she does not see why storage units are needed when there are five in a 10-block area already; questioned where the entrance to storage units would be.

Mike Lockard of 1703 N 5th Avenue stated Smith Welding is in the neighborhood and was approved by Council several years ago; although it is a well maintained business, they do not follow the guidelines that were established as there were to be no evenings and no weekends or holidays of operation and there are; if the storage units are approved this would be in front of his house; the storage units are only beneficial to one person, who does not live in the neighborhood, and will not increase the property values of the other property owners' homes in the neighborhood; this area started with one building as the Longbranch (which has since been demolished) was there when Smith's came in; at the time of the Longbranch the area was zoned residential and the change was made when Smith's came in; Smith's expanded their business and now have two buildings on the property, which are kept nice; Mr. Lockard asked Council to vote no and to not consider re-zoning this area for storage units as it will begin to affect the neighborhood

Bonita Shreve of 1413 Ivyside Drive, Blair County 2nd Amendment Coalition, asked Council to consider the adoption of an amended resolution with additional language than what is being presented in item g on this agenda

RESOLUTIONS

- a) approving the minutes of the Altoona City Council Meeting held Monday, February 14, 2022. (0041-22)
- b) approving an RFP for a Downtown Parking Study payable from the Contingency Line Item and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0042-22)
- c) amending the 2021 Community Development Block Grant (CDBG) Program changing the project locations of the 2021 Street Reconstruction Project from the proposed locations submitted with the application for CDBG funding, to the actual locations posted. (0043-22)
- d) awarding the 2022 CDBG Street Reconstruction Project to Grannas Bros. Stone & Asphalt Co., Inc., of P.O. Box 488, 157 Grannas Road, Hollidaysburg, PA 16648, in the amount of \$124,963.08, payable from CDBG Funds (PY 2021), and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0044-22)
- e) approving an Election Polling Place Agreement between the County of Blair, on behalf of the Board of Elections, and the City of Altoona, for polling places located at the City of Altoona Training Facility & Council Chambers and Fire Stations No. 1, No. 2 and No. 3, for the 2022 primary and general elections, and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0045-22)
- f) approving the renaming of the Booker T. Washington Outdoor Basketball Court at the corner of 13th Avenue and 19th Street, to the Don Witherspoon Court, in honor and memory of Mr. Don Witherspoon. (0046-22)
- g) approving the Second Amendment Sanctuary Referendum Intergovernmental Cooperation Agreement and authorizing the Mayor to execute all documents and the City Clerk to attest to same. (0047-22)
- h) approving the submission of a grant application to the Commonwealth of Pennsylvania Department of Community and Economic Development (DCED) for a Statewide Local Share Assessment Grant in the amount of \$687,959.00, for a Rosenbauer Custom Pumper fire engine, and further authorizing the City Manager to execute all documents associated with the grant application and for the City Clerk to attest to same. (0048-22)
- i) approving the creation of the Blair County state designated Enterprise Zone to encompass core areas in the County to include the City of Altoona, Logan Township, Hollidaysburg Borough, Tyrone Borough, Williamsburg Borough and

Roaring Spring Borough and authorizing the Altoona Blair County Development Corporation (ABCD) to request the creation and administer the Blair County Enterprise Zone and represent the City of Altoona's membership through the term of the Enterprise Zone designation. (0049-22)

City Clerk Linda Rickens Schellhammer read the resolutions into the record

Vice-Mayor Ickes stated that Council held an Executive Session prior to the February 28th Council worksession for the purpose of real estate matters; the meeting was then re-opened to the floor for public comment

Dan Casey of 417 N 12th Avenue stated Ed Kreuz can add a business because it will be first class; also, Ed Kreuz spoke of adding a gym instead of storage units; Mr. Casey stated the Berkheimer Tax Office located inside City Hall is very small and that he has closets bigger than that office and the City should consider re-locating Berkheimer's office within the building; Mr. Casey stated Breezeline cable company provides terrible customer service and has high rates

Vice-Mayor Ickes asked that item g be pulled for discussion.

The City Clerk took the consent vote excluding item g, which passed 6 to 0; Mayor Pacifico was absent.

City Solicitor Tom Finn stated the agreement states the City will not enforce residents rights with City money and this has to be consistent; Solicitor Finn stated for this to work the municipalities must adopt the same resolution and there is no authority by state statute to add the language that the 2nd Amendment Coalition is recommending

Councilman Butterbaugh stated he is a member of the 2nd Amendment Coalition and they worked hard to get the referendum passed; Councilman Butterbaugh stated he is a member of the Blair County Tea Party, who also got involved and helped to get it passed; the referendum was worded as worded in item g; after it was passed the Coalition wanted to give it more teeth and others got involved and created another draft of the referendum with added penalties, etc.; Councilman Butterbaugh stated he didn't mind adopting the new version but the verbiage could give somebody the right to sue who we may not want to have that right or taxpayer money could end up being spent on something never intended; at no time did the added penalties get suggested or discussed; as a Councilmember you are sworn in to uphold the Constitution of the Commonwealth of Pennsylvania and Council is very limited on what can be done; the Attorneys agreed as well and hopefully this helps with the history and why we are here now although he has no problem tabling it if that is the will of Council

Councilman Ellis stated Commissioner Webster voted last week to introduce and pass the legislation that the County passed and he was present at the meeting in

April of the 2nd Amendment Coalition and if it is acceptable with where Commissioner Webster stands then he is comfortable with it as well

Vice-Mayor Ickes asked about the value of tabling the resolution; Councilman Butterbaugh stated he was hoping the Attorney who wrote the amendment would have attended this evening to defend this himself; if not tabled Councilman Butterbaugh stated he would vote yes; also, if the Coalition has to get back together at a later time to re-write the current referendum, then they will

Vice-Mayor Ickes stated if there is a no vote tonight the entire process was for nothing and they are drowning out the voice of the entire process

Councilman Kelley stated the two groups spearheaded this and those that did the work are now not happy with the final product and he empathizes with them; Councilman Kelley questioned a timeline for having this passed

Solicitor Finn stated there is not a timeframe but it has been adopted by almost all of the municipalities in Blair County to date; Solicitor Finn stated the City or any of the municipalities do not have statutory authority to add anything

Councilman Carper stated the language of the referendum is verbatim in the product and that is what is hard and if Council fails to pass this then they fail to pass an agreement at all

Solicitor Finn stated all of the municipal solicitors in Blair County began to work on this in December of 2021 and it was a collaborative effort over time and it was given careful consideration; Solicitor Finn sympathizes with the Coalition but when drafting something they have to follow the law and stand for the rule of the law

Councilman Beatty stated he never saw a group of people work so hard to get something accomplished and do it county-wide and if Council passes what was written, that is the will of the people; if it has to be re-worked at a later time it can be looked at.

At this time the City Clerk read resolution g and called the roll for a vote which passed 6 to 0; Mayor Pacifico was absent

Introduction

AN ORDINANCE OF THE CITY OF ALTOONA, BLAIR COUNTY, PENNSYLVANIA, WHICH ADOPTS CERTAIN PORTIONS OF THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE AND THEREBY AMENDS CHAPTER 358 OF THE ALTOONA CITY CODE "FIRE PREVENTION".

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

Introduction

AN ORDINANCE OF THE CITY OF ALTOONA, BLAIR COUNTY, PENNSYLVANIA, WHICH ADOPTS CERTAIN PORTIONS OF THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THEREBY AMENDS CHAPTER 550 OF THE ALTOONA CITY CODE "PROPERTY MAINTENANCE" AND ADDS SUBSECTION E, CHAPTER 700 "FIRE SAFETY REQUIREMENTS" AND FURTHER UPDATES CHAPTER 550 OF THE ALTOONA CITY CODE TO PROPERLY IDENTIFY APPLICABLE STANDARDS FOR PROPERTY MAINTENANCE AND ALSO IDENTIFIES THE CITY OF ALTOONA DEPARTMENT OF CODES AND INSPECTIONS AS THE ADMINISTRATOR OF THE CITY CODE.

This ordinance was read into the record by City Clerk Linda Rickens Schellhammer and introduced by Vice-Mayor Ickes

Introduction

AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA, CHAPTER 800 ENTITLED "ZONING," TO: 1. AMEND SECTION 800-27 ENTITLED "ZONING MAP" TO REZONE, FROM R-L, LIMITED RESIDENTIAL TO I-G GENERAL INDUSTRIAL, THREE PARCELS OF PROPERTY BOUNDED BY N. FOURTH AVENUE ON THE EAST, BY LANDS NOW OR FORMERLY OF MIKE HELSEL CONSTRUCTION, LLC, ON THE NORTH, AN UNNAMED ALLEY ON THE WEST, AND BY N. SEVENTEENTH STREET ON THE SOUTH; UPON THE REQUEST OF EDWARD C. KREUZ JR., ALL AS SHOWN ON THE MAPS ATTACHED TO SAID ORDINANCE AS EXHIBITS "A" "B" AND "C"; 2. PROVIDE ENABLING AND SEVERABILITY OF PROVISIONS, REPEALER AND 3. ESTABLISH AN EFFECTIVE DATE.

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

Adoption – The Governing Body

AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA TO REVISE CHAPTER 633 ENTITLED "STREET VACATION" TO VACATE A PORTION OF AN UNNAMED ALLEY LOCATED BETWEEN 27TH STREET AND 26TH STREET, ALTOONA, CONTAINING FOUR THOUSAND SIX HUNDRED FORTY-EIGHT SQUARE FEET, IN THE CITY OF ALTOONA, BLAIR COUNTY, PENNSYLVANIA; REAFFIRM CHAPTER 633 AS AMENDED; PROVIDE SEVERABILITY AND REPEAL PROVISIONS; AND PROVIDE AN EFFECTIVE DATE. (ORD. NO. 5787)

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

Introduction – The Governing Body

Motion for Adoption – Councilman Beatty

Second – Councilman Butterbaugh

The vote was taken by City Clerk Linda Rickens Schellhammer and passed 6 to 0; Mayor Pacifico was absent

CITY MANAGER UPDATES

City Manager Omar Strohm provided the following:

- Omar introduced the City's new Community Development Director, Diana White
- Omar stated he distributed subject matter for future worksessions and asked that they be returned by the end of next week at which time a list will be aggregated and a discussion will be held about the process moving forward; ARPA is not part of the subject matter generated for future worksession discussions by Council but will most always be on all future agendas
- Omar stated he is planning to attend PELRAS training Wednesday and Thursday in State College

MAYOR & COUNCIL DISCUSSION ITEMS AND ANNOUNCEMENTS

Councilman Butterbaugh thanked the plow drivers for their work and for doing a good job during the most recent storm.

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

ADJOURNMENT – by Vice-Mayor Ickes at 7:04 p.m.