

JOHNSTOWN CITY COUNCIL

CITY COUNCIL AGENDA

ANTHONY C. TRUSCELLO COUNCIL CHAMBERS

WEDNESDAY JULY 10, 2019

PUBLIC HEARING – 5:00PM LERTA

5:20PM UDAG Fund Amendment

5:40PM Sheetz Liquor License

REGULAR MEETING – 6:00PM

*Document Forwarded with Agenda

CALL TO ORDER;

INVOCATION;

PLEDGE OF ALLEGIANCE;

ROLL CALL;

APPROVAL OF MINUTES;

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION;

PUBLIC COMMENT – AGENDA ITEMS ONLY (Limit 5 minutes)

REPORTS;

- a. CITY MANAGER
- b. MAYOR
- c. CITY SOLICITOR
- d. CITY ENGINEER
- e. COUNCIL UPDATES/ NEIGHBORHOOD LIASONS
 1. Planning Commission Minutes for June 5, 2019
 2. June 22 code complaints from J. Williams-1
 3. June 24 code complaints from J. Williams re-submitted 2nd& 3rd time-8
 4. June 20 fax from J. Williams re: Notice of intent to File Petition Seeking Preliminary Injunction Relief
 5. June 29 fax from J. Williams re: 4th Submission-2018 City Inventory Submission
 6. June 29 fax from J. Williams re: Inquiry: Retention of non-Employee Solicited Services

PETITIONS;

ORDINANCE FOR FINAL READ

1. BILL 18 OF 2019. AN ORDINANCE AMENDING ORDINANCE NO. 5265, PASSED FINALLY ON JANUARY 16, 2019 TITLED AN ORDINANCE ESTIMATING THE AMOUNT OF REVENUES RECEIVED BY THE CITY OF JOHNSTOWN FROM VARIOUS SOURCES AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES FOR THE OPERATIONS OF THE VARIOUS FUNDS, BUREAUS, DEPARTMENTS, AND THE PAYMENT OF DEBT SERVICE AND PENSION FUND OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDER YEAR BEGINNING JANUARY 1, 2019, INCLUDING THE FOLLOWING CITY OF JOHNSTOWN FUND SECTIONS, AND THE RESPECTIVE FUNDS “BUDGET EXHIBIT A DETAILS: TO AMEND THE 2019 UDAG FUND TO MAKE APPROPRIATIONS FOR CITY-WIDE DEMOLOTION COST, AND TO CORRECT ERROR IN UDAG FUND EXHIBIT “A” MATHEMATIC TOOL, AS PER AMENDED BUDGET EXHIBIT ‘A’ ATTACHED HERETO, AND ADDITIONAL 2019 EXHIBIT ‘A’ AMENDMENTS, ATTACHED THERETO, IN VARIOUS OTHER CITY FUNDS AS AMENDED ON JUNE 12, 2019. *
2. BILL 20 OF 2019. AMENDING ORDINANCE NO. 5270 PASSED FINALLY IN COUNCIL ON MAY 8, 2019, AMENDING ORDINANCE NO. 5266 PASSED FINALLY ON JANUARY 16, 2019: “FIXING THE SALARIES AND WAGES TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN FOR THE CALENDAR YEAR BEGINNING ON JANUARY 1, 2019, TO DELETE THE IMPROPER ACTIONS AND REFERENCE AS TO BUDGET AMENDMENT IN BEING CONTAINED IN SAID ORDINANCE NO. 5270, AND TO FURTHER PROVIDE AUTHORIZATION FOR THE COMPENSATION HOURLY RATE OF PART TIME FIREFIGHTERS
3. BILL 21 OF 2019. AN ORDINANCE OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE ESTABLISHMENT OF A PROPERTY TAX EXEMPTION FOR CERTAIN UNDERUTILIZED, BLIGHTED, OR DETERIORATED INDUSTRIAL, , COMMERCIAL, OR OTHER BUSINESS PROPERTY; DEFINING ELIGIBLE AREAS; SETTING A MAXIMUM EXEMPTION AMOUNT; AND AN EXEMPTION SCHEDULE; AND PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION.

ORDINANCE FOR FIRST READ

1. BILL NO. 23 OF 2019. AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 4275, CODIFIED ORDINANCE OF THE CITY OF JOHNSTOWN CHAPTER 1060,

TITLED GARBAGE AND RUBBISH COLLECTION AND DISPOSAL, PASSED FINALLY ON MAY 26, 1982 AND AMENDED BY ORDINANCE NO. 4297 ON 12-20-82; ORD. NO. 4500 ON 10-11-89; ORD. NO. 4671 ON 7-13-94; ORD. NO. 4699 ON 12-21-94; ORD. NO. ON 4762 ON 12-30-96; ORD. NO. 4982 ON 12-19-05; ORD. NO. 4903 ON 1-8-03; ORD. NO. 4909 ON 3-12-03; ORD. NO. 4920 ON 11-12-03; ORD. NO. 4956 ON 12-8-04; ORD. NO. 5015 ON 3-12-08; ORD. NO. 5040 ON 10-13-09; ORD. NO. 5053 ON 2-24-10; ORD. NO. 5067 ON 4-28-10; ORD. NO. 5082 ON 4-13-11; ORD. NO. 5100 ON 2-15-12; ORD. NO. 5107 ON 7-11-12. MORE SPECIFICALLY AMENDING CODIFIED ORDINANCE SECTION 1060.14, TEMPORARY CHANGES; SECTION 1060.19, REFUSE COLLECTION FEES; SECTION 1060.20, STICKERS; SECTION 1060.21, ENFORCEMENT. ATTACHED AS EXHIBIT TITLED CHAPTER 1060, GARBAGE AND RUBBISH COLLECTION AND DISPOSAL *

2. BILL NO. 24 OF 2019. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA APPROVING A LEASE AGREEMENT WITH DQE COMMUNICATIONS INC. ON CITY REAL PROPERTY LOCATED ON FRANKLIN STREET (TAX MAP NO. 76-006.-100.000), FOR THE SUM OF \$15,000.00 *
3. BILL NO. 25 OF 2019. AN ORDINANCE REPEALING ORDINANCE NO. 5265, PASSED FINALLY ON JANUARY 16, 2019, and as amended by Bill 18 of 2019 on July 10, 2019 TITLED: AN ORDINANCE ESTIMATING THE AMOUNT OF REVENUES TO BE RECEIVED BY THE CITY OF JOHNSTOWN FROM VARIOUS SOURCES AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES FOR THE OPERATIONS OF THE VARIOUS FUNDS, BUREAUS, DEPARTMENTS, AND THE PAYMENT OF DEBT SERVICE AND PENSION FUND OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2019, BUDGET EXHIBIT "A" DETAILS, and more specifically Fund (24) SEWER UPGRADE/MAINTENANCE/REPAIR FUND, due non-compliance with Home Rule Charter Article X titled Financial Procedures“, and the Cambria County Court of Common Pleas April 18, 2018 Ordered Stipulation of Settlement and Release and Joint Motion (Dkt 2017-4061) *
4. BILL NO. 26 OF 2019. FURTHER AMENDING ORDINANCE NO. 5152, PASSED FINALLY ON AUGUST 13, 2014, TITLED AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ADOPTING A SEWER USE ORDINANCE, REQUIRING THE ELIMINATION OF OVERFLOWS, AND FURTHER REQUIRING TELEVISED AND/OR PRESSURE TESTING OF ALL REAL PROPERTY WITHIN THE STRUCTURE LOCATED THEREON AND REMEDIATION OF ALL PRIVATE SIDE

LATERAL LINES FAILING TO PASS SAID TESTS, IN THE EVENT SANITARY FLOWS EXCEED DEP-SPECIFIED DESIGN CRITERIA FOLLOWING PHRASE COMPLETION OF CITY SEWER CONTRUCTION, TO NOW FURTHER AMEND TO DELETE SECTION 2 TITLED UNLAWFUL CONNECTIONS; AND SECTION 15 TITLED PENALTIES, DUE TO LACK OF ENFORCEMENT, AND/OR SELECTIVE ENFORCEMENT, AS WAS THE PURPOSE AND INTENT OF Ordinance No. 5152 when passed finally on August 13, 2014. *

5. BILL NO. 27 OF 2019. AN ORDINANCE AMENDING ORDINANCE NO. 5166 passed finally on January 28, 2015, amending Ordinance No. 5152, passed finally August 13, 2014, amending Ordinance No.5103 passed finally March 28, 2012.(and Repealed) all relating to and enacting LATERAL TESTING BY MUNICIPALITY, and as enacted by Section (4) of Ordinance No. 5166, No. 5152, and No. 5103 *
6. BILL NO. 28 OF 2019. AN ORDINANCE OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, ESTABLISHING USE OF TARPAULINS WITHIN THE CITY; PROVIDING FOR DEFINITIONS; PROVIDING RESTRICTIONS ON THE USE OF TARPAULINS WITHIN THE CITY; PROVIDING FOR AN EFFECTIVE DATE. *

RESOLUTIONS

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE THE RESPECTIVE 2018 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES, AND MORE SPECIFICALLY, BUDGET EXHIBIT (A) AS ATTACHED HEREIN. **(Tabled 3/13/19)**
2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY MANAGER TO AUTHORIZE THE JOHNSTOWN PUBLIC WORKS DEPARTMENT TO CORRECT/ REPAIR SIDEWALK DEFICIENCIES AT ROXBURY PARK ALONG FRANKLIN STREET. **(Tabled 3/13/19)**
3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH GIBSON THOMAS ENGINEERING TO PROVIDE

SPECIAL ENGINEERING SERVICES AS REQUIRED TO THE CITY OF JOHNSTOWN EFFECTIVE JUNE 1, 2019 (**Tabled 5/8/19**) *

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH CAMPBELL DURRANT BEATTY PALOMBO & MILLER, P.C. TO PROVIDE SPECIAL LABOR COUNSEL LEGAL SERVICES TO THE CITY OF JOHNSTOWN EFFECTIVE JUNE 1, 2019 (**Tabled 5/18/19**)
5. A RESOLUTION OF THE CITY OF JOHNSTOWN AUTHORIZING AND DIRECTING THE BEARD LEGAL GROUP – THE CITY SOLICITORS, TO PROCEED WITH LEGAL ACTION AGAINST PROPERTY OWNERS WHICH ARE NON-COMPLIANT AND IN VIOLATION OF THE CITY OF JOHNSTOWN’S VACANT PROPERTY ORDINANCE (**Tabled 6/12/19**)
6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN CAMBRIA COUNTY, PENNSYLVANIA ADOPTING AN OFFICIAL CITY OF JOHNSTOWN BANNER. *
7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN CAMBRIA COUNTY, PENNSYLVANIA IN SUPPORT OF “RESTORE PENNSYLVANIA”, A \$4.5 BILLION DOLLAR INFRASTRUCTURE IMPROVEMENT PLAN. FOR THE STATE OF PENNSYLVANIA. *
8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A GRANT AGREEMENT FOR A PENNSYLVANIA HISTORICAL & MUSEUM COMMISSION KEYSTONE PRESERVATION PLANNING GRANT IN THE AMOUNT OF \$24,000.00 TO BE USED FOR PHASE II OF THE COMPREHENSIVE HISTORIC BUILDING SURVEY (THE PROJECT) LOCATED IN THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AND FURTHER AUTHORIZING THE CITY MANAGER TO TAKE ANY/ ALL ACTIONS NECESSARY TO EFFECTUATE THE SAME. *
9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE FILING OF A GRANT REQUEST FOR \$75,000.00 FOR ACCESSIBILITY IMPROVEMENTS WITH THE

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
(DCED), COMMONWEALTH OF PENNSYLVANIA. *

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE FILING OF A GRANT REQUEST FOR \$50,000.00 TO CONTINUE A FAÇADE IMPROVEMENT PROGRAM WITH THE DEPARTMENT OF COMMUNITY DEVELOPMENT (DCED), COMMONWEALTH OF PENNSYLVANIA. *

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA SEEKING THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA'S DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT REQUESTING, PURSUANT TO THE ACT OF JULY 10, 1987 (P.L. 246, NO 47, KNOWN AS THE, KNOWN AS THE MUNICIPALITES FINANCIAL RECOVERY ACT, TO RECOMMEND THE CITY OF JOHNSTOWN BE PLACED UNDER RECEIVERSHIP PURSUANT TO THE "ACT" *

12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA DIRECTING THE CITY MANAGER WITH THE ASSISTANCE OF THE APPOINTED PROFESSIONAL ENGINEERING SERVICE OF THE EADS GROUP AND/OR ANY SUBSEQUENT RETAINED PROFESSIONAL ENGINEERING SERVICE FOR INNER CITY SEWER UPGRADE PROJECT TO PREPARE A WRITTEN REPORT OF THE CITY OF JOHNSTOWN'S OWNED PROPERTIES SUBJECT TO SEWER COMPLAINCE PURSUANT TO THE DEP CONSENT ORDER, INCLUDING COMPLAINCE WITH EXISITING CITY ORDIANCES FOR LLEGAL CONNECTIONS, AND IMPOSED DEADLINES CONTAINED IN DEP CONSENT ORDER, CITY PROPERTIES WHEREBY ANY AND ALL CORRECTIVE ACTIONS HAS BEEN TAKEN AND COMPLETED, ESTIMATED COST FOR ALL PROPERTIES LISTED IN THIS RESOLUTION, AS FOLLOWS: *

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, GIVING WRITTEN NOTICE OF TERMINATION FOR CAUSE, OF GEORGE HAYFIELD AS JOHNSTOWN CITY MANAGER EFFECTIVE UPON PASSAGE OF THIS RESOLUTION, FOR CAUSE, AND WITH AN

EFFECTIVE TERMINATION DATE OF NO LATER THAN FRIDAY, AUGUST 2, 2019, FOR INCLUDING BUT NOT LIMITED TO:

1. FAILURE TO COMPLY WITH THE TERMS OF THE JULY 1, 2018 EXECUTED EMPLOYMENT AGREEMENT
 2. FAILURE TO COMPLY WITH REQUIREMENTS OF CITY OF JOHNSTOWN HOME RULE CHARTER, ARTICLE VI, CITY MANAGER, 11.6-602. DUTIES; ARTICLE X. FINANCIAL PROCEDURES, 11.10-1010. ADMINISTRATION OF THE BUDGET; 11.10.1005. BUDGET
 3. FAILURE TO COMPLY WITH REQUIREMENTS, INCLUDING THE ENFORCEMENT AND COMPLIANCE WITH, THE ADMINISTRATIVE CODE OF THE CITY OF JOHNSTOWN, ORDINANCE NO. 4654, AS AMENDED;
 4. FAILURE TO COMPLY WITH CERTAIN PROVISIONS CONTAINED IN THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN
 5. FAILURE TO COMPLY WITH TERMS AND CONDITIONS OF THE CAMBRIA COUNTY COURT OF COMMON PLEAS APRIL 18, 2018 ORDERED STIPULATION OF SETTLEMENT AND RELEASE AND JOINT MOTION (DKT 2017-4061) UPON ASSUMING THE POSITION OF CITY MANAGER, EFFECTIVE, JULY 1, 2018 *
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14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SOLICIT BIDS AND REQUEST FOR PROPOSALS FOR SALE, LONG TERM LEASE, CONCESSION AGREEMENT, OR OPERATIONS AND MANAGEMENT AGREEMENT ON THE CITY OWNED BERKLEY HILLS GOLF COURSE FACILITY AND PROPERTY LOCATED AT 361 GOUCHER STREET, UPPER YODER TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA. *
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15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, COUNTY OF CAMBRIA, COMMONWEALTH OF , PENNSYLVANIA APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-13994 INTO THE CITY OF JOHNSTOWN. *
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16. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN ACCEPTING THE CODIFICATION OF ORDINANCES UPDATED FOR THE PERIOD OF JANUARY 1, 2018 THROUGH DECEMBER 31, 2018. *

17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA DIRECTING THE CITY MANAGER TO AUTHORIZE THE JOHNSTOWN PUBLIC WORKS DEPARTMENT TO CORRECT/ REPAIR SIDEWALK DEFICIENCIES AT ROXBURY PARK ALONG FRANKLIN STREET. *

NEW BUSINESS;

OLD BUSINESS;

PUBLIC COMMENT-NON AGENDA ITEMS (LIMIT 3 MINUTES)

1. Patrick Parlock of Brat Towing, 804 Horner St. Topic: Towing
2. John DeBartola, 1197 Bedford St Topic: Local Government

RECESS/ADJOURNMENT;

NEXT SCHEDULED MEETINGS –

TUESDAY, JULY 16, 2019 AT 5:00PM (SPECIAL MEETING)

WEDNESDAY, AUGUST 14, 2019 AT 6:00PM (REGULAR MEETING)