

JOHNSTOWN CITY COUNCIL
CITY COUNCIL AGENDA
ANTHONY C. TRUSCELLO COUNCIL CHAMBERS
WEDNESDAY SEPTEMBER 11, 2019
REGULAR MEETING – 6:00PM

*Document Forwarded with Agenda

CALL TO ORDER;

INVOCATION;

PLEDGE OF ALLEGIANCE;

ROLL CALL;

APPROVAL OF MINUTES;

1. REGULAR MEETING OF JUNE 12, 2019 (Tabled 8-14-19)
2. REGULAR MEETING OF JULY 10, 2019
3. WORKSHOP OF JULY 16, 2019
4. SPECIAL MEETING OF JULY 23, 2019
5. REGULAR MEETING OF AUGUST 14, 2019

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION;

- 1.

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

PLANNING COMMISSION MINUTES- AUGUST 7, 2019

1. CODE COMPLAINTS FROM J. WILLIAMS – 2
2. CODE COMPLAINTS FROM C. STANTON – 35
3. CODE COMPLAINTS FROM L. YUTZY – 13
4. CODE COMPLAINTS FROM D. CALLAHAN- 38
5. CODE COMPLAINTS FROM A. MANGOS- 5

6. CODE COMPLAINTS FROM C. CEGLAR- 2
7. CODE COMPLAINTS FROM K. BAREFOOT-1
8. CODE COMPLAINTS FROM J. THOMPSON-1

PETITIONS;

ORDINANCE FOR FINAL READ

ORDINANCE FOR FIRST READ

1. BILL NO. 29 OF 2019. AN ORDINANCE TO PARTIALLY VACATE FULMER ALLEY FROM 1-3 CAMPBELL TOWARDS THE END OF FULMER ALLEY IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.*
2. BILL NO. 30 OF 2019. AN ORDINANCE TO VACATE JONES PLACE FROM NAPOLEON STREET TO ROBB AVENUE IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.*
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) * (Tabled 8/14/19)
4. BILL NO. 31 OF 2019. AN ORDINANCE REPEALING ORDINANCE NO. 5272, PASSED FINALLY ON AUGUST 14, 2019, TITLED: AN ORDINANCE AMENDING ORDINANCE NO. 5265 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 CALENDER YEAR BEGINNING JANUARY 1, 2019, BUDGET EXHIBIT "A" DETAILS, TO AMEND THE 2019 UDAG FUND.

RESOLUTIONS

1. 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 COMPLAINE PURSUANT TO THE DEP CONSENT ORDER, INCLUDING COMPLAINE 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:*
(Tabled 8/14/19)

2. 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, SEPTEMBER 6, 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*
(Tabled 8/14/19)

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA DIRECTING THE CITY MANAGER GIVE PUBLIC NOTICE OF THE CITY OF JOHNSTOWN SEEKING REQUEST FOR PROPOSALS (RFP) FROM THIRD PARTY SOURCES FOR ALL CODES ENFORCEMENT, INCLUDING BUT NOT LIMITED TO INSPECTIONS, RESPONDING TO SUBMITTED CODE ENFORCEMENT COMPLAINTS, ISSUANCE OF FINES, PENALTIES PURSUANT TO CITY OF JOHNSTOWN CODIFIED ORDINANCES IN ACCORDANCE WITH APPLICABLE COMMONWEALTH OF PENNSYLVANIA STATUTES RE: RULES OF CIVIL AND/ OR CRIMINAL COURTS.* (Tabled 8/14/19)

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN ACCEPTING THE CODIFICATION OF ORDINANCES UPDATED FOR THE PERIOD OF JANUARY 1, 2018 THROUGH DECEMBER 31, 2018 (Tabled 8-14-19) *
[Expense from General Fund/ 01.400.34.013.00 Leg Body/ legal notice/ adv]

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH LECKEY'S DEMOLITION SERVICE IN THE AMOUNT OF \$169,975.00 FOR CONTRACT #2019-25, CDBG STRUCTURE DEMOLITION PROGRAM TO DEMOLISH EIGHTEEN (18) STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN. * (Tabled 8/14/19)

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH LECKEY'S DEMOLITION SERVICE IN THE AMOUNT OF \$160,531.95 FOR CONTRACT #2019-25 CDBG STRUCTURE DEMOLITION PROGRAM TO DEMOLISH SEVENTEEN (17) STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN. * [Expense from CDBG Fund/ 04.609.29.290.17/ Demo Clearance Grant Expenses/ 2018]

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP-CITY SOLICITORS TO INITIATE AND FILE LEGAL ACTIONS AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO Codified Ordinances 484.10 PARKING

IN MUNICIPAL METERED AREAS; WAIVER FINE.AND ADMINISTRATIVE CODE, ORDINANCE NO. 4654, AS AMENDED, SECTION 212 ORDINANCES *(i) Enforcement of ordinances; procedures; procedures* AND *(j) Penalties.* *

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP-CITY SOLICITORS TO INITIATE AND FILE LEGAL ACTIONS AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO ORDINANCE NO. 5265, PASSED FINALLY ON JANUARY 16, 2019, SUBSECTION 1.A AND ADMINISTRATIVE CODE, ORDINANCE NO. 4654, AS AMENDED, SECTION 212 ORDINANCES (i) ENFORCEMENT OF ORDINANCES; PROCEDURES; PROCEDURES AND (j) PENALTIES*
9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP-CITY SOLICITOR TO INITIATE AND FILE LEGAL ACTIONS AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO THE CITY OF JOHNSTOWN'S CODIFIED ORDINANCES, CHAPTER 236 DEPARTMENT OF FINANCE b.) PRE AUDIT, IN ACCORDANCE WITH ADMINISTRATIVE CODE, ORDINANCE NO. 4654, AS AMENDED, SECTION 212 ORDINANCES (i) ENFORCEMENT OF ORDINANCES; PROCEDURES; PROCEDURES AND (j) PENALTIES*
10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP-CITY SOLICITORS TO INITIATE AND FILE LEGAL ACTIONS AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO CODIFIED ORDINANCES 223.09 CITY INVENTORY, AND ADMINISTRATIVE CODE, ORDINANCE NO. 4654, AS AMENDED, SECTION 212 ORDINANCES (i) ENFORCEMENT OF ORDINANCES; PROCEDURES; PROCEDURES AND (j) PENALTIES*
11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A MUNICIPAL WINTER TRAFFIC SERVICES SUPPLEMENTAL AGREEMENT WITH THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE EFFECTIVE DATE OF OCTOBER 15, 2019 AND THE WINTER SEASONS OF 2019-2020; 2020-2021; 2021-2022.*
12. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO ENGAGE THE COHEN LAW GROUP IN CABLE FRANCHISE RENEWAL SERVICES AT A RATE OF \$13,320 FOR CABLE FRANCHISE RENEWAL NEGOTIATIONS AND CABLE FRANCHISE FEE AUDIT SERVICES.*
[Expense from General Fund/ 01.404.40.021.00 Legal/ Court Fees]

13. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR A GRANT THROUGH PA WALKWORKS TO PREPARE A COMPLETE STREETS POLICY FOR THE CITY OF JOHNSTOWN IN THE AMOUNT OF \$5,000.00.*

14. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE TASK ORDER NO. 47 TO THE EADS GROUP, INC. FOR THE DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, PREPARATION OF PERMIT APPLICATIONS, AND ADMINISTRATION OF FUNDING OF THE DOWNTOWN SIDEWALK PROJECT. [Expense from State Grant Fund/ 13.690.29.341.00/ Washington St.] (ARC)*

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN ALL AGREEMENTS, MORTGAGES, GUARANTEES AND ALL OTHER LOAN CLOSING DOCUMENTS FOR DNJ INVESTMENT PROPERTIES, LLC [Expense from State Grant Fund/ 13.649.29.339.00/ Enterprise Zone Grant Expenses-Direct Business Loans] *

16. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS FROM DEPARTMENT TO DEPARTMENT WITHIN THE RECREATION FUND TO ELIMINATE THE RESPECTIVE 2019 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES, AND MORE SPECIFICALLY, BUDGET EXHIBIT AS ATTACHED HEREIN *

17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA ACKNOWLEDGING THE EFFECTIVE DATE OF THE SECURITY AND EXCHANGE COMMISSION RULES REGARDING MUNICIPAL ADVISOR REGISTRATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACTUAL ENGAGEMENT TO WORK WITH BOENNING & SCATTERGOOD, INC. SERVING AS MANAGING UNDERWRITER FOR THE STRUCTURING, MARKETING, APPROVING AND ISSUING OF BONDS FOR THE CURRENT REFUNDING OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES OF 2013. *

NEW BUSINESS;

OLD BUSINESS;

MOTION;

PUBLIC COMMENT-NON AGENDA ITEMS (LIMIT 3 MINUTES)

RECESS/ADJOURNMENT;

NEXT SCHEDULED MEETINGS –

WEDNESDAY, OCTOBER 9, 2019 AT 6:00PM/ REGULAR MEETING