

JOHNSTOWN CITY COUNCIL
CITY COUNCIL AGENDA
ANTHONY C. TRUSCELLO COUNCIL CHAMBERS

WEDNESDAY NOVEMBER 14, 2018

EXECUTIVE SESSION- 5:00PM

PUBLIC HEARING- 5:30PM

REGULAR MEETING – 6:00 PM

*Document Forwarded with Agenda

CALL TO ORDER;

INVOCATION;

PLEDGE OF ALLEGIANCE;

ROLL CALL;

APPROVAL OF MINUTES;

1. September 12, 2018 Regular Council Meeting
2. September 26, 2018 Non-Voting Budget Session
3. October 10, 2018 Regular Council Meeting

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION;

PUBLIC COMMENT – AGENDA ITEMS ONLY (Limit 5 minutes)

REPORTS;

- a. CITY MANAGER
- b. MAYOR
- a. CITY SOLICITOR
- b. CITY ENGINEER
- c. COUNCIL UPDATES/ NEIGHBORHOOD LIASONS
 1. Oct. 3 Planning Commission Minutes
 2. Oct. 12 letter from C. Stanton re: Roxbury Park Playground Safety Concerns
 3. Oct. 17 letter from J. Williams re: 12/17/13 Agreement for Collection Services
Johnstown Credit Bureau
 4. Oct. 17 letter from J. Williams re: Resolution No. 9795 Retention of Young, Oaks &
Brown Auditing Firm
 5. Oct. 19 letter from J. Williams re: 2017 Audit
 6. Oct. 19 letter from J. Williams re: City Economic Development Loan Programs

7. Nov. 1 letter from J. Williams re: Johnstown Planning Commission
8. Nov. 5 letter from J. Williams re: Proposed 2019 Budget & Wage & Salary Ord.

PETITIONS;

ORDINANCES FOR FINAL READ

1. BILL NO. 25 of 2018. AN ORDINANCE TO PARTIALY VACATE POPPY ALLEY FROM 143 LORAIN STREET TOWARDS CROYLE STREET TO THE END OF POPPY ALLEY IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.
2. BILL NO. 27 OF 2018. AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, COUNTY OF CAMBRIA, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NO. 5246 PASSED FINALLY ON DECEMBER 13, 2017, AND AS AMENDED BY ORDINANCE NO. 5251 ON MARCH 15, 2018, AND AMENDED BY ORDINANCE NO. 5254 ON MAY 9, 2018, THE CITY OF JOHNSTOWN 2018 WAGE AND SALARY ORDINANCE, TO AMEND THE 2018 WAGE AND SALARY ORDINANCE TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN FOR THE CALENDER YEAR WITH AN EFFECTIVE DATE THE DAY AFTER FINAL APPROVAL OF CITY COUNCIL
3. BILL NO. 30 OF 2018. AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5245 PASSED FINALLY DECEMBER 13, 2017 TO AMEND THE 2018 BUDGET, MORE SPECIFICALLY REVENUE AND EXPENDITURES BUDGET FOR THE SEWER RENTAL/ UPGRADE/ MAINTENANCE/ REPAIR FUND, BUDGET EXHIBIT (A) TO REFLECT INCREASED SEWER FUND BUDGET REVENUE DUE TO HIGHER PROJECTED REVENUES FROM SANITATION SEWER UPGRADE CHARGE FEES AND INCREASE OF NON-ELIGIBLE PENNVEST RELATED PAVING EXPENDITURE LINE ITEM, AS DETAILED ;AND TO FURTHER REPLACE LANGUAGE REFERENCING THESE MATTERS BEING RESOLVED TO INSTEAD STATE THAT THESE MATTERS ARE ORDAINED AND ENACTED AND CHANGE ANY OTHER LANGUAGE REFERENCING RESOLUTION TO INSTEAD REFERENCE AN ORDINANCE.*
4. BILL NO. 31 OF 2018. AN ORDINANCE OF THE CITY OF JOHNSTOWN CHANGING TRAFFIC FLOW FROM ONE WAY TO TWO WAY ON BAUMER STREET FROM SPRUCE STREET TO TEAK STREET.

5. BILL NO. 32 OF 2018. AN ORDINANCE AMENDING ORDINANCE NO. 5245, PASSED FINALLY ON DECEMBER 13, 2017 AND REPEALING AND REPLACING ORDINANCE NO. 5250, PASSED FINALLY ON MARCH 15, 2018; NO. 5253, PASSED FINALLY ON MAY 9, 2018; AND NO. 5257 PASSED FINALLY ON JULY 11, 2018, IN ORDER TO PROVIDE FOR THE PROPER ALLOCATION OF REVENUE AND EXPENSES RELATED TO THE BROAD STREET SEWER PROJECT, SHPO HISTORICAL SURVEY, SALARY CHANGES ARRIVING FROM THE ADOPTION OF COLLECTIVE BARGAINING AGREEMENTS, ADJUST THE EXECUTIVE SECRETARY/ CITY CLERK POSITION AND DEPARTMENT, REALIZE A SHORTFALL OF REVENUE FROM THE RECREATION FUND, REALLOCATE FUNDS REFLECTING LACK OF RECEIPT OF 2018 ECONOMIC DEVELOPMENT ASSISTANCE GRANT, AND TO ALLOCATE REIMBURSEMENT FUNDS TO THE 2018 UDAG BUDGET, FOLLOWING PUBLIC NOTICE AND A PUBLIC HEARING.
6. BILL NO. 35 OF 2018. 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 FOR THE VARIOUS BUREAUS, DEPARTMENTS, AND THE PAYMENT OF DEBT SERVICE OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDER YEAR BEGINNING JANUARY 1, 2019;
7. BILL NO. 36 OF 2018. AN ORDINANCE FIXING THE SALARIES AND WAGES TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2019;

ORDINANCES FOR FIRST READ

1. BILL NO. 28 OF 2018. AN ORDINANCE DIRECTING THE CAMBRIA COUNTY BOARD OF ELECTIONS TO PLACE ON THE MAY 2019 MUNICIPAL PRIMARY ELECTION BALLOT, FOR THE CITY OF JOHNSTOWN, THE BALLOT REFERENDUM QUESTION FOR CONSIDERATION BY THE REGISTERED VOTERS OF THE CITY OF JOHNSTOWN, WHICH IF RECEIVING A MAJORITY OF THE VOTES CAST, ESTABLISHES A GOVERNMENTAL STUDY COMMISSION, AND FURTHER THE ELECTION OF SEVEN (7) GOVERNMENTAL STUDY COMMISSIONERS DURING THE MAY, 2019 MUNICIPAL PRIMARY ELECTION, PURSUANT TO THE COMMONWEALTH OF

PENNSYLVANIA 53. Pa C.S. Chapters 29 (Home Rule), 30 (Optional Plans) & 31 (Optional Plans) Home Rule Charter and Optional Plan Laws. **(Tabled 10/10/18)**

2. BILL NO. 29 OF 2018. AN ORDINANCE AMENDING ORDINANCE NO. 5102, PASSED 3-28-12 AND/ OR ANY AND ALL SUBSEQUENT AMENDMENTS, AND THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN; CHAPTER 1484 TITLED: RESIDENTIAL RENTAL PROPERTY REGISTRATION AND MORE SPECIFICALLY, SUBSECTION 1484.05 REGISTRATION AND LICENSING OF RESIDENTIAL RENTAL PROPERTIES, BY ADDING SUBSECTION 1484.05.01 TITLED: POSTING OF NON-COMPLIANT PROPERTY REGISTRATION AND INSPECTION REQUIREMENTS. **(Tabled 10/10/18)**

3. BILL NO. 37 OF 2018. AN ORDINANCE AMENDING ORDINANCE 4438, PASSED SEPTEMBER 23, 1987 AND KNOWN AS THE “REALTY TRANSFER TAX ORDINANCE OF THE CITY OF JOHNSTOWN,” AS CODIFIED AT CHAPTER 88 OF THE CITY OF JOHNSTOWN PENNSYLVANIA CODE OF ORDINANCES BY INCREASING THE RATE OF TAX FROM ONE PERCENT (1%) TO TWO AND ONE HALF PERCENT (2.5%) COMMENCING FEBRUARY 1, 2019.*

RESOLUTIONS;

1. A RESOLUTION 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 DETAILED*

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY MANAGER WITH THE ASSISTANCE OF THE CITY SOLICITORS TO PROCEED WITH AND ADVERTISE FOR REQUEST FOR PROPOSALS FOR THE SALE OF CITY OWNED TIMBER AS IDENTIFIED IN THE TIMBER INVENTORY/ APPRAISAL OF AUGUST 2015, PREPARED BY MICHAEL BARTON FORESTRY CONSULTING AND THE EADS GROUP.**(Tabled 10/10/18)**

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA DIRECTING THE CITY MANAGER AND THE CITY SOLICITOR TO SEEK REQUEST FOR PROPOSALS (RFP), AND OR QUOTES FROM AT LEAST (2) QUALIFIED TESTING PERSONS, FIRMS, AND LLC FOR FURTHER TESTING AND MONITORING OF THE ENTIRE PUBLIC SAFETY BUILDING, INCLUDING ALL FLOORS AND BASEMENTS FOR PRESENCE OF MOLD AND OTHER HAZARDOUS CONDITIONS, INCLUDING BUT NOT LIMITED TO AIR QULAITY, ELECTRICAL, FLOODING, ROOF STORM AND RAIN WATER INFILTRATION INTO ALL AREAS OF THE BUILDING AND TO DIRECT THE CITY MANAGER TO CLOSE AND RESTRICT TOTAL ACCESS TO THE PUBLIC SAFETY BUILDINGBY JOHNSTOWN POLICE PERSONNEL, POLICE RECORDS PERSONNEL, JOHNSTOWN FIRE PERSONNEL, JOHNSTOWN REDEVELOPMENT AUTHORITY PERSONNEL AND THE GENERAL PUBLIC.*
4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA DIRECTS THE CITY MANAGER THRU THE ASSISTANCE OF THE BEARD LEGAL GROUP-CITY SOLICITORS TO CONTACT THE CITY OF JOHNSTOWN'S INSURANCE CARRIERS REGARDING THE CITY'S ABILITY TO INSURE CONTINUING LIABILITY COVERAGES WITH REQUIRED STANDARDS FOR THE SAFETY OF PERSONS USING AND VISITING ANY OF THE (14) STATED AND ACKNOWLEDGED CITY PLAYGROUNDS AS PUBLISHED ON THE CITY'S INTERNET WEBSITE, INCLUDING ON SITE COMPLIANCE INSPECTIONS BY AN INDEPENDENT QUALIFIED PERSONS, FIRMS AND LLC.*
5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOW, 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 MUNICIPALITIES FINANCIAL RECOVERY ACT, TO RECOMMEND THE CITY OF JOHNSTOWN BE PLACED UNDER RECIEVERSHIP PURSUANT TO THE "ACT"*
6. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH A. LIBERONI, INC. AWARDING CONTRACT 2017-09 FOR THE CONSTRUCTION OF THE KERNVILLE SANITARY/STORM SEWER SEPARATION PROJECT.*

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO SUBMIT THE NECESSARY PAPERWORK ON BEHALF OF SNYDER ENVIRONMENTAL SERVICES, INC. TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION IN ORDER TO SUPPLY THE HIGHWAY RESTORATION AND MAINTENANCE BOND FOR THE KERNVILLE SANITARY/STORM SEWER SEPARATION PROJECT CONTRACT 2017-08.*
8. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH SNYDER ENVIRONMENTAL SERVICES, INC. AWARDED CONTRACT 2017-08 FOR THE CONSTRUCTION OF THE KERNVILLE SANITARY/STORM SEWER SEPARATION PROJECT.*
9. A RESOLUTION OF CITY COUNCIL, OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER AND CITY SOLICITOR TO RETAIN VALBRIDGE PROPERTY ADVISORS TO PERFORM A PRELIMINARY APPRAISAL REVIEW ON THE SALEM FAMILY LIMITED PARTNERSHIP, PROPERTY IN CONNECTION WITH TAX ASSESSMENT APPEAL LITIGATION.*
10. A RESOLUTION OF CITY COUNCIL, OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER AND CITY SOLICITOR TO RETAIN VALBRIDGE PROPERTY ADVISORS TO PERFORM A PRELIMINARY APPRAISAL REVIEW ON THE RICHARD I. SOMIARI AND STELLA A. SOMIARI, PROPERTY IN CONNECTION WITH TAX ASSESSMENT APPEAL LITIGATION.*
11. A RESOLUTION OF CITY COUNCIL, OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER AND CITY SOLICITOR TO EXECUTE THE ATTACHED SETTLEMENT AGREEMENT WITH WALNUT MANAGEMENT CORPORATION, TO RESOLVE A TAX ASSESSMENT APPEAL REGARDING PROPERTY LOCATED AT 132 WALNUT STREET, JOHNSTOWN, PA 15901, AND TO TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE SAME.*
12. A RESOLUTION OF CITY COUNCIL, OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER AND CITY SOLICITOR TO EXECUTE THE ATTACHED SETTLEMENT AGREEMENT WITH JOHNSTOWN MEDICAL DEVELOPMENT CORPORATION TO RESOLVE A TAX ASSESSMENT APPEAL REGARDING PROPERTIES LOCATED AT 321 MAIN STREET JOHNSTOWN, PA 15901, AND 332 LOCUST STREET JOHNSTOWN, PA 15901 AND TO TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE SAME.*

13. A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, SUPPORTING AN INTERGOVERNMENTAL AGREEMENT IN THE FORM OF AN ADMINISTRATIVE AGREEMENT OF UNDERSTANDING WITH REDEVELOPMENT AUTHORITY OF CAMBRIA COUNTY (RACC) TO PROVIDE LIMITED REDEVELOPMENT SERVICES IN WHICH THE CITY WILL RECEIVE SALARY REIMBURSEMENTS FOR THE WORK PERFORMED BY STAFF*

MOTIONS;

NEW BUSINESS;

OLD BUSINESS;

PUBLIC COMMENT – NON-AGENDA ACTION ITEMS (Limit 3 minutes)

RECESS/ADJOURNMENT;

NEXT SCHEDULED MEETINGS –

WEDNESDAY, NOV. 28, 2018 AT 5:00 PM (NON VOTING WORKSHOP)

WEDNESDAY, DEC. 12, 2018 AT 6:00 PM (REGULAR MEETING)