

CITY OF JOHNSTOWN PENNSYLVANIA

CITY COUNCIL AGENDA

WEDNESDAY, AUGUST 9, 2017

ANTHONY C. TRUSCELLO COUNCIL CHAMBER

EXECUTIVE SESSION – 5:45 PM

REGULAR MEETING 6:00 PM

LEGEND: \* Document forwarded with agenda

CALL TO ORDER;

INVOCATION;

PLEDGE OF ALLEGIANCE;

ROLL CALL;

APPROVAL OF MINUTES;

1. Regular meeting of June 14, 2017
2. Special meeting of June 22, 2017
3. Regular meeting of July 12, 2017

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION;

PUBLIC COMMENT - AGENDA ITEMS ONLY (Limit 10 Minutes)

REPORTS;

a. CITY MANAGER

2016 Audit

b. MAYOR

c. CITY SOLICITOR

\* Opening of Submissions for Professional Forensic Auditing Services

\* Ethics Training Update

d. CITY ENGINEER

e. COUNCIL UPDATES

1. June 25, 2017 from C. Stanton & J. Williams re: Crosswalk button/safety concern of wheelchair bound individuals
2. July 14, 2017 from J. Williams re: agenda
3. July 13, 2017 from J. Williams re: Administrative Code Violation
4. July 17, 2017 from J. Williams & C. Stanton re: Non-Compliance- Commonwealth of Pennsylvania 65 P.S. §§67.101 et seq., (“RTKL”)
5. July 18, 2017 from J. Williams re: Seventh Amended Recovery Plan
6. July 18, 2017 from J. Williams re: Ballot referendum-Forensic Audit
7. July 19, 2017 from J. Williams & C. Stanton re: City/EADS Agreements(s)
8. July 24, 2017 from J. Williams re: Non-Compliance Home Rule Charter ARTICLE X. FINANCIAL PROCEDURES Cambria County Court Dkt. 2016- 3199 Settlement Stipulation
9. July 24, 2017 from J. Williams re: 2018 City Operating Budget Submissions
10. July 24, 2017 from J. Williams re: Resolution No. 9964
11. July 31, 2017 from J. Williams re: Non-Compliance Home Rule Charter §11.4-407. Codification of Ordinances & PA title 53 Municipalities Generally §3144
12. July 31, 2017 from C. Stanton & J. Williams re: Safety Concerns-road undermining, blocked storm water grates/inlets
13. Aug. 1, 2017 from J. Williams re: Council Agenda Updates, Aug. 9, 2017
14. Aug. 2, 2017 from J. Williams & C. Stanton re: Non-Compliance Home Rule Charter ARTICLE X. FINANCIAL PROCEDURES §11.10-1006. Capital Program.Re; Non-Compliance Cambria County Court Dkt. 2016- 3199 Settlement Stipulation
15. Code complaints: N. Spencer-1; John ?-1; Dennis Callahan-2; J. Warhul-4; K. Blough-1; W. Penrose-14; J. Williams-5; C. Stanton-16; L. Yutzy-19.

**ORDINANCES FOR FINAL READ AND ADOPTION;**

1. BILL NO. 16 OF 2017 AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5213 PASSED FINALLY ON DECEMBER 29, 2016 AS THEN AMENDED BY ORDINANCE 5226 PASSED FINALLY ON APRIL 12, 2017 CITY OF JOHNSTOWN BUDGET TO AMEND THE 2017 BUDGET TO PROPERLY ALLOCATE REVENUE AND EXPENSES RELATING TO THE DELINQUENT BUSINESS PRIVELEGE TAX COLLECTED TO DATE, TO REALIZE THE SHORTFALL OF REVENUE FROM THE TAX LIEN SALE, AND TO REALLOCATE FUNDS TO BE RECEIVED FROM THE 2017 LEAD BASED PAINT GRANT.
2. BILL NO. 17 OF 2017 AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5214 PASSED FINALLY ON DECEMBER 29, 2016 AND THEN AMENDED BY ORDINANCE 5227 PASSED FINALLY APRIL 12, 2017 CITY OF JOHNSTOWN 2017 WAGE AND SALARY ORDINANCE TO AMEND THE 2017 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 CALENDAR YEAR WITH AN EFFECTIVE DATE THE DAY AFTER FINAL APPROVAL OF CITY COUNCIL.

3. BILL NO. 20 OF 2017 AN ORDINANCE ADOPTING THE SEVENTH AMENDED MUNICIPAL RECOVERY PLAN OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, PURSUANT TO THE MUNICIPALITIES FINANCIAL RECOVERY ACT (ACT 47 OF 1987) AS AMENDED.

**ORDINANCES FOR FIRST READ;**

1. BILL 21 OF 2017 AN ORDINANCE 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 DEPENDENT SPECIFIED DESIGN CRITERIA FOLLOWING PHRASE COMPLETION OF CITY SEWER CONSTRUCTION, 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. 51526 when passed finally on August 13, 2014.\*
2. BILL 22 OF 2017 AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 5166, PASSED FINALLY ON JANUARY 28, 2015, TITLED AN ORDINANCE OF THE CITY OF JOHNSTOWN ADOPTING LATERAL RESALE ORDINANCE REQUIRING LATERAL TESTING UPON SALE OR TRANSFER OF ALL REAL PROPERTY WITH STRUCTURES LOCATED THEREIN TO DETERMINE IF ILLEGAL STORM OR SURFACE WATER IS CONNECTED TO THE SANITARY SEWER, REMEDIATION OF DEFECTS, AND TO SET FOR REGULATION RELATED THERETO, AS AMENDED BY ORDINANCE NO. 5220, PASSED FINALLY ON FEBRUARY 8, 2017, 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. 5166 when passed finally on January 28, 2015. \*
3. BILL 23 OF 2017 AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5213 PASSED FINALLY ON DECEMBER 29, 2016, AS AMENDED BY ORDINANCE 5226 PASSED FINALLY ON APRIL 12, 2017 AND AS AMENDED BY ORDINANCE NO. \_\_\_\_\_, PASSED AUGUST 9, 2017 TO FURTHER AMEND THE 2017 BUDGET TO PROPERLY ALLOCATE REVENUE AND EXPENSES RELATING TO THE CDBG AND HOME ALLOCATIONS.\*

4. BILL NO. 24 OF 2017 AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 4806, PASSED FINALLY AUGUST 19, 1998 AND KNOWN AS THE "INTERNATIONAL PROPERTY MAINTENANCE CODE," TO REVISE AND FURTHER ESTABLISH SPECIFIC PROVISIONS TO ADDRESS THE FILING OF PROPERTY MAINTENANCE VIOLATIONS AS NONTRAFFIC CRIMINAL CITATIONS PURSUANT TO PENNSYLVANIA RULE OF CRIMINAL PROCEDURE 403.\*

## **RESOLUTIONS;**

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA DIRECTING THE CITY SOLICITOR TO PREPARE, AND EXECUTE ON BEHALF OF THE CITY OF JOHNSTOWN THE CONTRACT/AGREEMENTS FOR RETENTION OF THE AUDITING FIRM OF

TO CONDUCT A FORENSIC AUDIT OF ALL CITY OF JOHNSTOWN ECONOMIC DEVELOPMENT LOAN PROGRAMS, INCLUDING BUT NOT LIMITED TO (1) THE FEDERALLY FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT (JOBS DEVELOPMENT REVOLVING LOAN PROGRAM; (2) THE FORMER FEDERAL URBAN DEVELOPMENT ACT GRANT (UDAG REVOLVING LOAN PROGRAM), (3) THE COMMONWEALTH OF PENNSYLVANIA ENTERPRISE ZONE PROGRAM LOAN FUNDING (A/K/A ENTERPRISE LOAN PROGRAM; A/KA KEYSTONE COMMUNITIES PROGRAM AND/OR AS NAMED/DESIGNATED BY THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE CALENDAR YEARS BEGINNING ON JANUARY 1, 2002 THRU DECEMBER 31, 2002, AND EACH FOLLOWING YEAR THRU DECEMBER 31, 2014; AND FOR THE PERIOD BEGINNING ON JANUARY 1, 2015 THRU APRIL 7, 2015, under the terms and conditions stipulated in Ordinance No. 5228, passed finally by the May 16, 2017 City of Johnstown Ballot Referendum; and at expenditure/cost in the accepted amount of \_\_\_\_\_, with the Director of Finance authorized to debit the 2017 City of Johnstown Budget General Fund Expenditure line item.01-405-31-049 Non-Dept. Professional Services-Auditing, and/or by executed Transfers of Funds to meet the total required Contracted/Agreed financial obligations, pursuant to Home Rule Charter ARTICLE X. FINANCIAL PROCEDURES, § 11.10-1010. Administration of the Budget. (d) Transfer of Appropriations\*

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA DIRECTING THE CITY SOLICITOR TO CONTACT 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 MUNICIPALITIES FINANCAIL RECOVERY ACT, AND MORE SPECIFICALLY, SECTION 224.1 TITLED: 'PERFORMANCE OF COORDINATOR. (a) REVIEW OF COORDINATOR. \*

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPROVING DONALD ROBERTSON'S REQUEST TO PURCHASE ONE YEAR, ONE MONTH, TWO WEEKS, AND THREE DAYS OF MILITARY SERVICE COMPLETED PRIOR TO EMPLOYMENT WITH THE CITY OF JOHNSTOWN TO INCREASE HIS LENGTH OF SERVICE TO THE CITY FOR POLICE PENSION CALCULATIONS.\*
4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN AND EXECUTE ALL AGREEMENTS, MORTGAGES, GUARANTEES AND ALL OTHER LOAN CLOSING DOCUMENTS FOR JJG PROPERTIES LLC.\*
5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A HOME PROGRAM SUB-RECIPIENT AGREEMENT AWARDED FUNDS TO THE NORTHERN CAMBRIA COMMUNITY DEVELOPMENT CORPORATION FOR THE REHABILITATION OF TWO SINGLE FAMILY HOMES IN THE CITY OF JOHNSTOWN AND TO TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE SAME.\*
6. A RESOLUTION OF CITY COUNCIL, OF THE CITY OF JOHNSTOWN. PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO EXECUTE THE SALE OF THE 2004 PIERCE FIRE ENGINE TO COAL RUN VILLAGE VOLUNTEER FIRE DEPARTMENT FOR THE AMOUNT OF \$70,000\*
7. A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE RETENTION OF, AND HEREBY RETAINING WEISS BURKHARDT KRAMER LLC FOR LIMITED REPRESENTATION WITH REGARD TO INVESTIGATION OF A PERSONNEL MATTER.\*
8. 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. 41 TO THE EADS GROUP, INC. FOR THE DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, PREPARATION OF FUNDING APPLICATIONS, PREPARATION OF PERMIT APPLICATIONS, ADMINISTRATION OF FUNDING, AND INSPECTION SERVICES OF THE BROAD STREET INTERCEPTOR LATERAL REHABILITATION PROJECT.\*
9. A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ACCEPTING AND ACKNOWLEDGING THE FIVE (5) YEAR CAPITAL PROGRAM SUBMITTED BY THE CITY MANAGER TO THE CITY COUNCIL ON JULY 12, 2017.\*

10. A RESOLUTION, of the City Council of the City of Johnstown, Pennsylvania, approving the FY 2017 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs applications.\*

MOTIONS;

NEW BUSINESS;

OLD BUSINESS;

PUBLIC COMMENT – NON-AGENDA ITEMS (Limit 5 Minutes);

1. John DeBartola, 1197 Bedford St. re: Local government

RECESS/ADJOURNMENT

NEXT REGULARLY SCHEDULED MEETING SEPTEMBER 13, 2017

