

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

WEDNESDAY June 13, 2018

PRESENTATIONS- 5:00 PM – Deb Grass –Financial Condition Evaluation

REGULAR MEETING – 6:00 PM

*LEGEND: - Document forwarded with agenda

INVOCATION;

PLEDGE OF ALLEGIANCE;

OATH OF OFFICE;

ROLL CALL;

APPROVAL OF MINUTES;

1. Regular meeting May 9, 2018
2. Special meeting May 16, 2018

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION;

PUBLIC COMMENT – AGENDA ITEMS ONLY (Limit 10 minutes)

REPORTS;

- a. CITY MANAGER
- b. MAYOR
- c. CITY SOLICITOR

COUNCIL UPDATES;

1. May 13 letter from J. Williams & C. Stanton re: Solicitors
2. May 17 letter from J. Williams
3. May 23 letter from Kathy Aust
4. June 1 letter from C. Stanton & J. Williams re: Construction laydown site-Cypress Ave
5. Code complaints from J. Williams & C. Stanton – 7
6. Code complaints from C. Stanton - 48

NEIGHBORHOOD LIAISONS

ORDINANCES FOR FINAL READ

1. BILL NO. 18 OF 2018. AN ORDINANCE AMENDING ORDINANCE NO. 5166 PASSED FINALLY ON JANUARY 28, 2016, 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 (AND REPEALED) ALL RELATING TO AND ENACTING LATERAL TESTING BY MUNICIPALITY, AND AS ENACTED BY SECTION (4) OF ORDINANCE NO. 5166, NO. 5152, AND 5103.(tabled 4-11-18)
2. BILL NO. 20 OF 2018. AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 4159 PASSED FINALLY IN COUNCIL THE 24th DAY OF OCTOBER, 1979 THE SHORT TITLE OF WHICH IS “THE ZONING ORDINANCE OF THE CITY OF JOHNSTOWN” BY REZONING CERTAIN BLOCKS OF LAND LOCATED IN THE 21ST WARD OF THE CITY OF JOHNSTOWN.

BILLS FOR FIRST READ

1. BILL NO. 3 OF 2018 AN ORDINANCE DIRECTING THE CAMBRIA COUNTY BOARD OF ELECTIONS TO PLACE ON THE NOVEMBER, 2018 GENERAL 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 NOVEMBER, 2018 GENERAL 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 Plans Law (**Tabled 1-2-18**)
2. BILL NO. 4 OF 2018 AN ORDINANCE AMENDING ORDINANCE 4654, TITLED: AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER, AND OTHER MUNICIPAL OFFICIALS, PASSED FINALLY ON OCTOBER 27, 1993 AND AS AMENDED BY ORDINANCE NOS. 4654,4693, 4731, 4894, 4880, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5055. 5058, 5069, 5177, 5194, ~~AND 5199~~, AND 5210 BY FURTHER AMENDING CERTAIN SECTIONS OF ARTICLE II – ELECTED OFFICIALS- COUNCIL ORGANIZATION AND PROCEDURES, AND ARTICLE IV –CITY MANAGER TO PROVIDE UPDATED PROCEDURES AND IMPROVE EFFICIENCY IN CONDUCTING CITY BUSINESS. **TABLED MAY 9, 2018.**

3. BILL NO. 21 OF 2018 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 THERON AND REMEDIATION OF ALL PRIVATE SIDE LATERAL LINES FAILING TO PASS SAID TESTS, IN THE EVENT SANITARY FLOWS EXCEED DEP-SPECIFIED DESIGN CRITERIA FOLLOWING PHASE 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. 5152 when passed finally on August 13, 2014.*
4. BILL NO. 22 OF 2018 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5245 PASSED FINALLY ON DECEMBER 13, 2017, AMENDING ORDINANCE 5250 PASSED FINALLY ON MARCH 15, 2018, AMENDING ORDINANCE 5253 PASSED FINALLY ON MAY 9, 2018, CITY OF JOHNSTOWN BUDGET TO AMEND THE 2018 BUDGET TO PROPERLY ALLOCATE REIMBURSEMENT FUNDS IN 2018 UDAG BUDGET.*

RESOLUTIONS;

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA DIRECTING THAT “REQUEST FOR PROPOSALS” BE PREPARED/DEVELOPED AND ADVERTISED SEEKING SUBMISSIONS FOR THE EXCLUSIVE A) RIGHTS FOR EVENT PROMOTIONS, B) SCHEDULING, C) STADIUM MANAGEMENT OPERATIONS AND D) CONCESSION OPERATIONS AT THE POINT STADIUM, E) INCLUDING WITH AN OPTION BEING AWARDED “NAMING RIGHTS” TO THE FACILITY (POINT STADIUM). **(tabled 4-11-18)**
2. A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A SALES AGREEMENT FOR THE PURCHASE OF CERTAIN PROPERTY REFERENCED HEREIN AS 722 BARCLAY STREET, FROM FIRST SUMMIT BANK IN AN AMOUNT NOT TO EXCEED \$6,000.00. **(tabled 5-9-18)**
3. A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A SALES AGREEMENT FOR THE PURCHASE OF

CERTAIN PROPERTY REFERENCED HEREIN AS 722 BARCLAY STREET, FROM FIRST SUMMIT BANK IN AN AMOUNT NOT TO EXCEED \$6,000.00. * (Includes contingency of title search results)

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUCTION OFF THE FOLLOWING PUBLIC WORKS VEHICLE AND TRUCK BED.*

5. 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 SALE OF PROPERTY & SUPPLIES ACCOUNT OF SCRAP METAL SALVAGE FROM THE PW HIGHWAY DEPT. TO BE TRANSFERRED INTO THE PUBLIC WORKS HIGHWAY VEHICLE MAINTENANCE/REPAIR ACCOUNT DETAILED BELOW:*

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE RETENTION OF AND HEREBY RETAINING WILLIAM G. BARBIN, ESQUIRE TO REPRESENT ALL NAMED RESPONDENTS OTHER THAN THE CITY SOLICITOR'S OFFICE IN THE MANDAMUS ACTION FILED IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA AT CIVIL ACTION NO. 2018-2244, AND FURTHER AUTHORIZING THE CITY MANAGER, MAYOR, AND ATTORNEY BARBIN TO TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE THE LEGAL DEFENSE OF SUCH RESPONDENTS DURING ANY PERIOD IN WHICH A DETERMINATION OF INSURANCE COVERAGE FOR THE CITY REMAINS PENDING, AND FOR ANY ADDITIONAL PERIOD OF TIME DEEMED APPROPRIATE BY THE CITY AND/OR ITS INSURANCE CARRIER THEREAFTER.*

7. 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 EVERYTHING ICE PROPERTIES, INC. TO RESOLVE A TAX ASSESSMENT APPEAL REGARDING PROPERTY LOCATED AT 850 HORNER STREET JOHNSTOWN, PA 15902, AND TO TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE SAME.*

8. A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ACCEPTING THE PROPOSAL OF SARGENT'S GROUP, INC. FOR THE NAMING RIGHTS FOR THE POINT STADIUM AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY SOLICITOR TO DEVELOP A FORMAL NAMING RIGHTS AGREEMENT IN FURTHERANCE OF SAME.*

9. A RESOLUTION OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT A LIAISON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF LOCAL TAXES FOR THE DISTRICT, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES.*

10. A RESOLUTION, OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPROVING THE FY 2018 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS APPLICATIONS.*

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING AND DIRECTING THE CITY MANAGER AND CHIEF OF POLICE TO SIGN AN AGREEMENT and MEMORANDUM OF UNDERSTANDING, RESPECTIVELY WITH THE CAMBRIA COUNTY SPECIAL EMERGENCY RESPONSE TEAM ("CAMBRIA COUNTY SERT") FOR THE CITY OF JOHNSTOWN TO ACT AS A PARTICIPATING AGENCY FURNISHING LAW ENFORCEMENT MEMBERS FOR SERT TEAM ASSISTANCE TO LOCAL POLICE AND TO RECEIVE SPECIALIZED SERT TRAINING.*

12. A RESOLUTION, OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA APPROVING THE AMENDMENTS TO THE FY 2015 AND FY 2017 CDBG PROGRAMS.*

13. A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE SOUTHERN ALLEGHENIES PLANNING & DEVELOPMENT COMMISSION (SAPDC) FOR DESIGN AND ENGINEERING SERVICES FOR THE PROPOSED INCLINED PLANE PARK IN THE AMOUNT OF \$30,000.*

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CURTIS DAVIS FOR CONSULTING SERVICES FROM JULY 1, 2018 THROUGH SEPTEMBER 30, 2018 AT A RATE OF \$50.00 PER HOUR, WITH A TOTAL FEE NOT TO EXCEED \$5,000.*

15. A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA APPROVING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND _____ FOR A TERM COMMENCING JULY 1, 2018 AND CONTINUING THROUGH THE FIRST MONDAY IN JANUARY 2020 AT A YEARLY SALARY OF \$85,000.00 AS PER, AND CONTINGENT UPON THE TERMS OF THE AGREEMENT BETWEEN THE PARTIES.*

NEW BUSINESS;

OLD BUSINESS;

PUBLIC COMMENT – NON-AGENDA ITEMS (Limit 5 minutes)

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

RECESS/ADJOURNMENT;

NEXT SCHEDULED MEETING – WEDNESDAY, July11, 2018 AT 6:00 PM