

JOHNSTOWN CITY COUNCIL

CITY COUNCIL AGENDA

ANTHONY C. TRUSCELLO COUNCIL CHAMBERS

WEDNESDAY DECEMBER 12, 2018

PUBLIC HEARING- 5:00PM 2019 BUDGET ORDINANCE
2019 WAGE & SALARY ORDINANCE
PUBLIC HEARING- 5:30PM REALTY TRANSFER TAX ORDINANCE

REGULAR MEETING – 6:00 PM

*Document Forwarded with Agenda

CALL TO ORDER;

INVOCATION;

PLEDGE OF ALLEGIANCE;

ROLL CALL;

APPROVAL OF MINUTES;

1. October 24, 2018 Non-Voting Session
2. November 1, 2018 Special Council Meeting
3. November 14, 2018 Public Hearing
4. November 14, 2018 Regular Council Meeting

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. Nov. 7 Planning Commission Minutes
2. Nov. 26 letter from J. Williams re: 2017 City Independent Audit
3. Dec. 3 letter from J. Williams re: Non-Compliance with Ballot Referendum May 16, 2017 RE: Loan Review Committee
4. Dec. 4 letter from J. Williams re: 12/17/2013 Agreement for Collection Services Johnstown Credit Bureau

5. Dec. 4 letter from J. Williams re: Resolution No 9795 Approving Retention of Young, Oaks, Brown & Company, Accounting Firm
6. Dec. 4 letter from J. Williams re: City Economic Development Loan Programs
7. Nov. 26 letter from J. Williams re: 2017 City Independent Audit
8. Dec. 5 letter from J. Williams re: Professional Service Agreements/Contracts
9. Dec. 5 letter from Cambria Somerset Realtors Association re: Realty Transfer Tax
10. Dec. 6 letter from Beth Colvin re: No Increase on Realty Transfer Tax
11. Dec. 6 letter from Sue Lease re: Realty Transfer Tax

PETITIONS;

ORDINANCE FOR FINAL READ

1. BILL NO. 32 OF 2018. AN ORDINANCE AMENDING ORDINANCE NO. 5245, PASSED FINALLY ON DECEMBER 13, 2017 AND REPEALING 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, AND ORDINANCE NO. 5262, PASSED FINALLY ON NOVEMBER 14, 2018 IN ORDER TO PROVIDE FOR THE PROPER ALLOCATION OF REVENUE AND EXPENSES IN THE CITY OF JOHNSTOWN'S GENERAL FUND(01), COMMUNITY DEVELOPMENT FUND (04), UDAG FUND(8), PARKING FUND (02), SEWER UPGRADE MAINTENANCE/ REPAIR FUND (24), CAPITAL FUND (18), RECREATION FUND (22), STATE GRANT FUND (13). (As Amended) *
2. 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. **(TABLED 11-27-18)**
3. 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. **(TABLED (11-27-18)**
4. 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 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 38 OF 2018: AN ORDINANCE REPEALING ORDINANCE NO. 5173, PASSED FINALLY ON JUNE 10, 2015 AMENDING ORDINANCE NO. 5161 TITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING. WHICH INCLUDE AMENDING THE FY 2014 CDBG PROGRAM TITLED: SEWER LATERAL REPLACEMENT.*
4. BILL NO. 39 OF 2018: AN ORDINANCE REPEALING ORDINANCE NO. 5174, PASSED FINALLY ON JUNE 10, 2015 AMENDING ORDINANCE NO. 5161 TITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING FY 2013 AND FY 2014 CDBG PROGRAMS TITLED ECONOMIC DEVELOPMENT

ASSISTANCE GRANT EXPENSES, CODE ENFORCEMENT GRANT EXPENSES, REHAB DELIVERY GRANT EXPENSES, PUBLIC IMPROVEMENT GRANT EXPENSE, AND PUBLIC SERVICE.*

5. BILL NO. 40 OF 2018: AN ORDINANCE REPEALING ORDINANCE NO. 5184, PASSED FINALLY ON OCTOBER 14, 2015 AMENDING ORDINANCE NO. 5161 TITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING. WHICH INCLUDE AMENDING THE FY 2015 PROGRAM TITLED: PROCEEDS FROM GENERAL LONG TERM DEBT-LOAN REPAYMENTS-UDAG.*
6. BILL NO. 41 OF 2018: AN ORDINANCE REPEALING ORDINANCE NO. 5200, PASSED FINALLY ON MAY 11, 2016 AMENDING ORDINANCE NO. 5192 TITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE NO. 5192 FY 2016 CITY OF JOHNSTOWN BUDGET BILL TO INCLUDE THE SEWER LATERAL ASSISTANCE PROGRAM AND DEMOLITION IN UDAG.*
7. BILL NO. 42 OF 2018: AN ORDINANCE REPEALING ORDINANCE NO. 5203, PASSED FINALLY ON AUGUST 11, 2016 AMENDING ORDINANCE 5201 TITLED: AN ORDINANCE OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE NO. 5201 OF 2016 OF THE CITY OF JOHNSTOWN BUDGET TO INCLUDE THE REVENUE AND EXPENSES FOR FIRE GRANTS RECEIVED IN THE GENERAL FUND.*
8. BILL NO. 43 OF 2018: AN ORDINANCE REPEALING ORDINANCE NO. 5207, PASSED FINALLY ON OCTOBER 12, 2016 AMENDING ORDINANCE NO. 5201 OF 2016, AS AMENDED BY ORDINANCE NO. 5203 PASSED FINALLY ON AUGUST 11, 2016 SETTING FORTH THE 2016 CITY OF JOHNSTOWN BUDGET EXHIBIT A, TO INCLUDE GENERAL FUND REVENUES AND EXPENSES FOR THE POLICE GRANTS, AND TO AMEND THE MAIN STREET EAST CAPITAL BUDGET FUND, AND THE PARKING FUND AS PER THE 2015 INDEPENDENT AUDIT OF WESSEL & CO. RECOMMENDATIONS.*
9. BILL NO. 44 OF 2018: AN ORDINANCE REPEALING ORDINANCE NO. 5219, PASSED FINALLY ON DECEMBER 29, 2016 AMENDING ORDINANCE NO. 5192 PASSED FINALLY ON JUNE 28, 2016 AND ORDINANCE NO. 5203 PASSED FINALLY ON AUGUST 11, 2016 AND ORDINANCE NO. 5207 PASSED FINALLY ON OCTOBER 12, 2016, SETTING FORTH THE 2016 CITY OF JOHNSTOWN BUDGET EXHIBIT

A, TO INCLUDE BOTH DEBT SERVICE AND GENERAL FUND REVENUES AND EXPENSES FOR THE \$6,000,000 UNFUNDED DEBT LOAN TO BE REVIEWED BY YEAR END 2016.*

10. BILL NO. 45 OF 2018: AN ORDINANCE REPEALING ORDINANCE NO. 5226, PASSED FINALLY ON APRIL 12, 2017. AMENDING ORDINANCE NO. 5213 PASSED ON DECEMBER 29, 2016 CITY OF JOHNSTOWN BUDGET TO AMEND 2017 BUDGET TO PROPERLY ALLOCATE REVENUES AND EXPENSES RELATING TO DELINQUENT BUSINESS PRIVELEGE TAX COLLECTED AND RECEIVED BY TURNKEY TAXES ON 1/13/17 AND TO PROPERLY ALLOCATE THE TRANSFER OF FUNDSFROM ITC TO PARKING FUND.*
11. BILL NO. 46 OF 2018: AN ORDINANCE REPEALING ORDINANCE NO. 5234, PASSED FINALLY ON AUGUST 9, 2017. AMENDING ORDINANCE NO. 5213 PASSED ON DECEMBER 29, 2016 AS THEN AMENDED BY ORDINANCE NO. 5226 PASSED FINALLY ON APRIL 12, 2017 CITY OF JOHNSTOWN BUDGET TO AMEND 2017 BUDGET TO PROPERLY ALLOCATE REVENUES AND EXPENSES RELATING TO DELINQUENT BUSINESS PRIVELEGE TAX 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.*
12. BILL NO. 47 OF 2018: AN ORDINANCE REPEALING ORDINANCE NO. 5237, PASSED FINALLY ON SEPTEMBER 13, 2017. TITLED: AMENDING ORDINANCE NO. 5213 PASSED ON DECEMBER 29, 2016 AS AMENDED BY ORDINANCE NO. 5226 PASSED FINALLY ON APRIL 12, 2017, AND AS AMENDED BY ORDINANCE NO. 5234, PASSED FINALLY AUGUST 9, 2017 TO FURTHER AMEND THE 2017 BUDGET TO PROPERLY ALLOCATE REVENUES AND EXPENSES RELATING TO THE CDBG AND HOME ALLOCATIONS, ADDITIONAL SEWER UPGRADE PENNVEST EXPENSES, AND TO ALLOCATE THE ANTICIPATED FORENSIC AUDIT EXPENSES FROM ERNST AND YOUNG, AND TO ELIMINATE DEFICITS BALANCES AS NEEDED.*
13. BILL NO. 48 OF 2018. AN ORDINANCE AMENDING ORDINANCE NO. 4654, AS AMENDED BY ORDINANCE NOS. 4693, 4731, 4880, 4894, 4902, 4908, 4991, 5015, 5024, 5127, 5034, 5042, 5055, 5058, 5069, 5177) MAY 19, 2015 VOTER REFERENDUM, AND ORDINANCE NO. 5194, 5196, 5199, 5210, 5229, 5230, 5231 AND 5255) TITLED; AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POERS AND

DUTIES OF THE COUNCIL, THE CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME RULE CHARTER APPROVED BY THE VOTERS ON MAY 18, 1993, BY FURTHER AMENDING SECTION 212. ORDINANCES

RESOLUTIONS;

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, 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 CITY'S (14) STATED AND ACKNOWLEDGED CITY PLAYGROUNDS AS PUBLISHED ON THE CITY'S INTERNET WEB SITE, INCLUDING ON SITE COMPLIANCE INSPECTIONS BY AN INDEPENDENT QUALIFIED PERSONS, FIRMS AND LLC.*
2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBIA 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 RECEIVERSHIP PURSUANT TO THE "ACT"*
3. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR CONTINUATION OF POLICE SERVICES WITH THE JOHNSTOWN HOUSING AUTHORITY FOR THE VINE STREET, FULTON I. CONNOR & TOWN HOUSE TOWERS UPON REVIEW OF THE CITY SOLICITOR.*
4. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR THE CONTINUATION OF POLICE SERVICES WITH THE JOHNSTOWN HOUSING AUTHORITY FOR THE SOLOMON, PROSPECT, COOPERSDALE & OAKHURST COMMUNITIES UPON REVIEW OF THE CITY SOLICITOR.*

5. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN ESTABLISHING THE SCHEDULE OF CITY COUNCIL MEETINGS AND WORKSHOPS FOR THE YEAR 2019.*
6. A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA SELECTING A PROPOSAL FOR RENEWAL OF THE CITY GENERAL LIABILITY AND WORKERS' COMPENSATION INSURANCE PLAN(S) EFFECTIVE JANUARY 1, 2019 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY/ALL AGREEMENTS AND NOTICES NECESSARY TO EFFECTUATE SAME. *
7. A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA SUPPORTING A PETITION TO THE PENNSYLVANIA LIQUOR CONTROL BOARD ("BOARD'S") BY THE CITY OF JOHNSTOWN FOR THE PROPERTY KNOWN AS 80 BRIDGE STREET FOR THE SUBSTITUTION OF THE CITY OF JOHNSTOWN'S NOISE ORDINANCE FOR SECTION 493 (34) OF THE LIQUOR CODE.*
8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, SUPPORTING A PETITION TO THE PENNSYLVANIA LIQUOR CONTROL BOARD (BOARD'S) BY THE CITY OF JOHNSTOWN FOR THE PROPERTY KNOWN AS 229 MAIN STREET FOR SUBSTITUTION OF THE CITY OF JOHNSTOWN'S NOISE ORDINANCE FOR SEC. 493 (34) OF THE LIQUOR CODE.*
9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPOINTING BEARD LEGAL GROUP P.C. AS SPECIAL LABOR COUNSEL ON A MONTH TO MONTH BASIS EFFECTIVE DECEMBER 7, 2018*

MOTIONS;

1. TO ACCEPT THE AUDIT OF FINANCIAL STATEMENTS OF THE CITY OF JOHNSTOWN FOR THE YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017 PERFORMED BY WESSEL & COMPANY AND DELIVERED TO COUNCIL ON JUNE 26, 2018.

NEW BUSINESS;

OLD BUSINESS;

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

RECESS/ADJOURNMENT;

NEXT SCHEDULED MEETINGS –

WEDNESDAY, JANUARY 9, 2019 AT 6:00PM (REGULAR MEETING)