

JOHNSTOWN CITY COUNCIL  
CITY COUNCIL AGENDA  
ANTHONY C. TRUSCELLO COUNCIL CHAMBERS  
WEDNESDAY OCTOBER 9 2019  
REGULAR MEETING – 6:00PM

\*Document Forwarded with Agenda

CALL TO ORDER;

INVOCATION;

PLEDGE OF ALLEGIANCE;

ROLL CALL;

APPROVAL OF MINUTES;

1. SPECIAL MEETING OF AUGUST 28, 2019

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION;

1. NAACP FREEDOM FUND BANQUET OCTOBER 12<sup>th</sup>
2. RED RIBBON WEEK OCTOBER 22<sup>nd</sup>

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- SEPTEMBER 4, 2019

1. CODE COMPLAINTS FROM J. WILLIAMS – 8
2. CODE COMPLAINTS FROM C. STANTON – 33
3. CODE COMPLAINTS FROM L. YUTZY – 4
4. CODE COMPLAINTS FROM D. CALLAHAN – 11
5. 10/2/19 CODE COMPLAINTS LETTER – D. CALLAHAN
6. 9/25/19 CODE ENFORCEMENT LETTER – C. STANTON

PETITIONS;

**ORDINANCE FOR FINAL 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.

**ORDINANCE FOR FIRST READ**

1. BILL NO. 32 OF 2019. AN ORDINANCE TO VACATE VON ALT PLACE FROM HORNER STREET TO BAUMER STREET IN JOHNSTOWN, PENNSYLVANIA AS A PUBLIC THOROUGHFARE\*
2. BILL NO. 33 OF 2019. AN ORDINANCE REPEALING ORDINANCE NO. 4667, PASSED FINALLY ON 7/13/1994, AS AMENDED BY ORD. 4910 PASSED, FINALLY ON 4/9/2003, AND AS CODIFIED IN THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN CHAPTER 278 VACANT PROPERTY REVIEW COMMITTEE, AS TO BEING NON-COMPLIANT WITH COMMONWEALTH OF PENNSYLVANIA 'URBAN REDEVELOPMENT LAW' (1945 ACT 385, AS AMENDED) SECTION 12.1. BLIGHTED PROPERTY REMOVAL. (B) SUCH POWER ON THE PART OF ANY REDEVELOPMENT AUTHORITY SHALL BE CONDITIONED UPON THE CREATION OR EXISTENCE OF A BLIGHTED PROPERTY REVIEW COMMITTEE BY ORDINANCE OF THE GOVERNING AUTHORITY OF THE MUNICIPALITY. THE COMMITTEE SHALL BE MADE UP OF MEMBERS AS DETERMINED IN THE SAID ORDINANCE, BUT SHALL INCLUDE AT LEAST ONE MEMBER OF THE GOVERNING BODY, A REPRESENTATIVE OF THE REDEVELOPMENT AUTHORITY, A REPRESENTATIVE OF THE APPROPRIATE PLANNING COMMISSION, AND A REPRESENTATIVE TO BE DESIGNATED BY THE CHIEF EXECUTIVE OFFICER OR OFFICERS FROM THE EXECUTIVE BRANCH OF THE GOVERNMENT OF THE MUNICIPALITY.\*

3. BILL NO. 34 OF 2019. AN ORDINANCE AMENDING ORDINANCE NO. 5265, PASSED FINALLY ON JANUARY 16, 2019 AND AS AMENDED BY BILL 18 OF 2019 ON AUGUST 14, 2019 (ORDINANCE NO. 5272) 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 CALENDER YEAR BEGINNING JANUARY 1, 2019 BUDGET EXHIBIT "A" DETAILS, AND MORE SPECIFICALLY AMENDING THE FOLLOWING CITY OF JOHNSTOWN FUNDS:  
SECTION 1.
  1. [FUND (A) GENERAL FUND-EXHIBIT "A"-(01)]
  2. [FUND (C) COMMUNITY DEVELOPMENT-EXHIBIT "A"-(04)]
  3. [FUND (H) CAPITAL FUND-EXHIBIT "A" (18)]
  4. [FUND (K) RECREATION FUND- EXHIBIT "A" (22)]
  5. [FUND (M) SEWER UPGRADE/ MAINTENANCE/ REPAIR FUND-EXHIBIT "A" (24)]\*
4. BILL NO. 35 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.\*
5. BILL NO. 36 OF 2019. AN ORDINANCE OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, ESTABLISHING USE OF TARPAULINS WITHIN THE CITY; PROVIDING FOR DEFINITIONS; PROVIDING RESTRICTIONS ON THE USE OF TARPAULINS WITHIN THE CITY PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE\*

## **RESOLUTIONS**

1. 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)
2. 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.* \* (Tabled 9/11/19)
3. 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\* (Tabled 9/11/19)

4. 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\* (Tabled 9/11/19)
  
5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH AMERICAN ROCK SALT DEPARTMENT OF GENERAL SERVICES COSTARS PROGRAM, 5520 NY-63 MT. MORRIS, NY 14510 TO PROVIDE AND DELIVER TO THE CITY, ROCK SALT FOR THE CALENDAR YEAR AUGUST 2019 THRU AUGUST 2020.\*  
[EXPENSE BY LIQUID FUELS FUND 05.432.37.155.00]
  
6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH HOMER R. SLEEK & SONS, INC.,132 MOSSY LANE, JOHNSTOWN, PA 15905 TO PROVIDE AND DELIVER TO THE CITY, ANTI-SKID MATERIAL, AS4 SLAG FOR THE CALENDAR YEAR 2019-2020.\*  
[EXPENSE BY LIQUID FUELS FUND 05.432.37.155.00]
  
7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA REPEALING RESOLUTION NO. 10198, PASSED ON AUGUST 14, 2019 TITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS ELIMINATE THE RESPECTIVE 2018 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES, AND MORE SPECIFICALLY BUDGET EXHIBIT (A) AS ATTACHED, DUE TO NON-COMPLIANCE WITH HOME RULE CHARTER ARTICLE X FINANCIAL PROCEDURES; 11.10.1009 LAPSE OF APPROPRIATIONS, AND 11.10.1010 ADMINISTRATION OF THE BUDGET. (D) TRANSFER OF APPROPRIATIONS, AND FURTHER IN NON-COMPLIANCE OF THE APRIL 18, 2018 ORDERED STIPULATION OF SETTLEMENT AND RELEASE AND JOINT MOTION (DKT 2017-4061) AND FURTHER CONFIRMED BY THE SEPTEMBER 4, 2019 APRIL 18, 2018 ORDERED STIPULATION OF SETTLEMENT AND RELEASE AND JOINT MOTION (DKT 2017-4016)\*

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH LECKEY'S DEMOLITION SERVICE IN THE AMOUNT OF 160,531.95 FOR CONTRACT NO. 2019-25, CDBG STRUCTURE DEMOLITION PROGRAM TO DEMOLISH SEVENTEEN (17) STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN. (TABLED 9/30/19)\* [EXPENSE FROM CDBG FUND 04.609.29.290.17]

[CITY MANAGER, WITHDRAWS RESOLUTION AS CONTAINED HEREIN EFFECTIVE 10-9-19]

9. 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 ONE CANDLE INVESTMENTS, LLC.\* [EXPENSE FROM UDAG 08.676.00.365.00]
10. 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 BELLA BARRITA. \* [EXPENSE FROM JOB DEVELOPMENT 04.607.29.281.19]
11. 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 INTRIGNIA, INC.\* [EXPENSE FROM UDAG 08.676.00.365.00]
12. 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. AWARING CONTRACT 2018-02 FOR THE CONSTRUCTION OF THE OLD CONEMAUGH BOROUGH SANITARY/STORM SEWER SEPARATION PROJECT.\* [EXP. FROM /SEWER UPGRADE/ 2020 PENNVEST CONEMAGH 24.437. 02.341.19]
13. 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 A. LIBERONI, INC. AWARING CONTRACT 2018-01 FOR THE CONSTRUCTION OF THE OLD CONEMAUGH BOROUGH SANITARY/STORM SEWER SEPARATION PROJECT.\* [EXP.FROM/SEWER UPGRADE/ FY 2020 BUDGET/ PENNVEST/ CONEMAGH 24.437.02.341.19]

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN AUTHORIZING THE BEARD LEGAL GROUP-THE CITY SOLICITORS, TO PROCEED WITH LEGAL ACTION AGAINST PROPERTY OWNERS WHICH ARE NON-COMPLIANT AND IN VIOLATION OF THE CITY OF JOHNSTOWN'S VACANT PROPERTY ORDINANCE\*
15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA DIRECTING THE CITY SOLICITOR TO ADVISE AND ISSUE A FORMAL OPINION TO THE CITY COUNCIL OF THE PROCEDURES FOR THE ENFORCEMENT OF ORDINANCES, THE PENALTIES FOR NON-ENFORCEMENT; AND THE OBLIGATION AND REQUIREMENT OF ALL CITY EMPLOYEES, INCLUDING CITY COUNCIL AND THE CITY MANAGER, TO ABIDE BY AND TO ENFORCE DULY ENACTED ORDINANCES OF THE CITY OF JOHNSTOWN.\*
16. 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 CODE ENFORCEMENT, INCLUDING BUT NOT LIMITED TO INSPECTIONS, RESPONDING TO SUBMITTED CODE ENFORCEMENT COMPLAINTS, AND 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.\*
17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE FACILITY ENCROACHMENT AGREEMENTS 1269338 AND 1274790 WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR PROPERTY LOCATED IN JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA.\*

[EXPENSE BY/ SEWER UPGRADE / 24.431.02.341.00]

**NEW BUSINESS;**

**OLD BUSINESS;**

**MOTION;**

**PUBLIC COMMENT-NON AGENDA ITEMS (LIMIT 3 MINUTES)**

**RECESS/ADJOURNMENT;**

**NEXT SCHEDULED MEETINGS –**

WEDNESDAY, OCTOBER 30, 2019 AT 5:00PM/ 2020 BUDGET PRESENTATION  
MEETING

WEDNESDAY, NOVEMBER 13, 2019 AT 6:00PM/ REGULAR MEETING