



**CITY OF JOHNSTOWN
CITY COUNCIL AGENDA
ANTHONY C. TRUSCELLO
COUNCIL CHAMBERS
WEDNESDAY, NOVEMBER 9, 2022**

City Council

Frank Janakovic, Mayor
Michael Capriotti, Deputy Mayor
Charles Arnone
Ricky Britt
Laura Huchel
Rev. Sylvia King
Marie Mock

REGULAR MEETING - 6:00 PM

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES:

1. Special meeting minutes of October 5, 2022

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF

RECOGNITION: None

PUBLIC COMMENT - AGENDA ITEMS ONLY (Limit 5 minutes)

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

REPORTS:

1. CITY MANAGER
2. MAYOR
3. CITY SOLICITOR
4. CITY ENGINEER
5. COUNCIL UPDATES/ NEIGHBORHOOD LIAISONS

PETITIONS:

ORDINANCES FOR FINAL READ AND ADOPTION:

1. **Bill No. 16 of 2022 - Amusement Tax Amendment** - The City's amusement tax ordinance has become outdated and is in need of clarification and updates consistent with current state laws. The Act 47 team and City staff have worked together for over a year to compose an update to this ordinance. Council approved the first read of the ordinance at its October meeting. A line was added into the bill to exempt events benefitting non-profit organizations with fewer than 100 attendees.

The amusement tax is levied on performances such as concerts, theater shows and athletic events. The tax is proposed to be levied at a rate of 5% of the price of admission, or 5% of the gross revenue

collected. The amount of tax remains unchanged, at 5%. The Finance Department is charged with the collection of this tax.

AN ORDINANCE AMENDING ORDINANCE NO. 4374, PASSED FINALLY DECEMBER 11, 1985 AND AS AMENDED BY ORDINANCE 4417, PASSED FINALLY DECEMBER 31, 1986, AND AS AMENDED BY ORDINANCE NO. 4670 PASSED FINALLY JULY 13, 1994, AND AS AMENDED BY ORDINANCE NO. 4698 PASSED FINALLY DECEMBER 21, 1994, TITLED: AN ORDINANCE AMENDING PART EIGHT (BUSINESS REGULATION AND TAXATION CODE), TITLE FOUR (TAXATION) CHAPTER 870, AMUSEMENT TAX, TO PROVIDE CLARIFICATIONS AND UPDATES CONSISTENT WITH CURRENT LAW

Recommended Action - Make a motion to grant final approval to Bill No. 16 of 2022, amending the City's Amusement Tax ordinance.

- 2. Bill No. 17 of 2022 - Budget Amendment** - The budget amendment transfers five hundred thousand dollars of American Rescue Plan Act (ARPA) revenue from the home purchases account to the home repair account. This transfer will enable the City to continue the home repair/weatherization program for approximately fifty additional homeowners in the City. The initial 2.5 million dollars of ARPA home repair/weatherization funds has been obligated. Council approved first read of this amendment at the Council meeting on October 12th.

AN ORDINANCE AMENDING ORDINANCE 5321 PASSED FINALLY ON DECEMBER 8, 2021, AND AMENDED ON JULY 13, 2022, SEPTEMBER 14, 2022, AND OCTOBER 12, 2022 AS THE CITY OF JOHNSTOWN ANNUAL 2022 BUDGET, TO REFLECT ADDITIONAL INCOME AND EXPENDITURES OF THE GENERAL AND AMERICAN RECOVERY FUNDS, FOLLOWING PUBLIC NOTICE AND A PUBLIC HEARING

Recommended Action - Make a motion to grant final approval to Bill No. 17 of 2022, amending the City's 2022 budget to subtract \$500,000 from the home purchases ARPA account and add those funds to the ARPA home repair account.

ORDINANCES FOR FIRST READ:

- 1. Bill No. 18 of 2022 - Act 57 Ordinance** - Act 57 is a state law passed in 2022 that requires municipalities to provide waivers of real estate tax penalties and late charges in instances where the relevant tax notice was not received by the property owner within their first year of owning a property. This ordinance will bring the City's polices into compliance with Act 57 as required.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, COMMONWEALTH OF PENNSYLVANIA, REQUIRING THAT THE CITY OF JOHNSTOWN TAX COLLECTOR AND THE CAMBRIA COUNTY TAX CLAIM BUREAU, BEGINNING JANUARY 1, 2023, WAIVE ALL ADDITIONAL CHARGES FOR REAL ESTATE TAXES, IF THE TAXPAYER COMPLIES WITH ALL OF THE REQUIREMENTS AS SET FORTH HEREIN; DEFINING TERMS, PROVIDING FOR SEVERABILITY, REPEALER, AND EFFECTIVE DATE

Recommended Action - Make a motion to grant tentative approval to Bill No. 18 of 2022, providing for updated Local Tax Collection Law procedures set forth by the Commonwealth in Act 57 of 2022.

- 2. Bill No. 19 of 2022 - Tax Levy Ordinance** - The City must annually adopt a tax levy and assessment for real estate taxes. At 52.22021 mills, the real estate tax is proposed to remain unchanged for 2023. Also included in this levy is the collection of 2.8 mills for the Cambria County Library. This assessment was approved by City voters on May 21, 1991 in a referendum. This levy is also unchanged for 2023. The combined millage rate proposed for 2023 is 52.4821 mills, or 5.24821 dollars per hundred dollars on the assessed value of property.

AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING LEVY AND ASSESSMENT OF REAL ESTATE TAXES ON PROPERTY SITUATED IN THE CITY OF JOHNSTOWN AND FURTHER PROVIDING FOR THE IMPOSITION OF CERTAIN DISCOUNTS AND PENALTIES EFFECTIVE JANUARY 1, 2023

Recommended Action - Make a motion to grant tentative approval to Bill No. 19 of 2022, establishing the City's real estate tax rates for 2023.

- 3. Bill No. 20 of 2022 - Petition to Abandon Section of Glitch Place** - Norman Ed, of 625 Horner Street, petitioned the City to vacate a portion of Glitch Place, between Horner Street and Swallow Place. Several adjacent and neighboring property owners signed the petition. Mr. Ed owns the property on either side of this section of Glitch Place. Mr. Ed will attend the meeting to present his petition to City Council.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA TO VACATE GLITCH PLACE FROM HORNER STREET TO SWALLOW PLACE IN THE CITY OF JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE

Recommended Action - City staff deemed this section of alley to be non-essential and do not object to its abandonment. Make a motion to grant tentative approval to Bill No. 20 of 2022, abandoning a section Glitch Place between Swallow Place and Horner Street, as a public thoroughfare.

- 4. Bill No. 21 of 2022 - An Ordinance to Repeal Chapter 804, Business Licensing in General** - The Act 47 Team, City Solicitor and administration have been working for over year to update the City's business licensing regulations. The current ordinance is outdated and impractical to administer. In order to update the ordinance that regulates business licensing, the current ordinance must be repealed in full to be replaced by an entirely new ordinance. The new ordinances follow in the form of bills number 22 and 23.

AN ORDINANCE REPEALING IN FULL, ORDINANCE NO. 26, PASSED FINALLY MARCH 28, 1914, AS AMENDED BY ORDINANCE 2802, PASSED FINALLY JANUARY 18, 1949, ORDINANCE 4419, PASSED FINALLY DECEMBER 31, 1986, ORDINANCE 4670, PASSED FINALLY JULY 13, 1994, ORDINANCE NO. 4698, PASSED FINALLY DECEMBER 21, 1994, ORDINANCE 4723, PASSED FINALLY APRIL 26, 1995, ORDINANCE 4804, PASSED FINALLY APRIL 22, 1998, ORDINANCE 4965, PASSED FINALLY APRIL 13, 2005, AND ORDINANCE 5252, PASSED

FINALLY APRIL 11, 2018, CODIFIED AT PART EIGHT (BUSINESS REGULATION AND TAXATION CODE), TITLE TWO (BUSINESS REGULATION) CHAPTER 804, BUSINESS LICENSING IN GENERAL

Recommended Action - Make a motion to grant tentative approval to Bill No. 21 of 2022, repealing the code section that currently regulates business licensing in the City.

- 5. Bill No. 22 of 2022 - An Ordinance Adopting Updated Business Licensing Regulations** - The attached ordinance will provide a long-awaited overhaul of the City regulations that establish business licensing. The existing ordinance became outdated and difficult to enforce. The new ordinance will enable staff to

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA REQUIRING THE REGISTRATION OF BUSINESSES OPERATING WITHIN THE CITY OF JOHNSTOWN AND THE PAYMENT OF REGISTRATION FEES FOR THE SAME, AND FURTHER ADDRESSING DEFINITIONS, APPLICABILITY, ONE-TIME WAIVER OF SAID FEES, ADMINISTRATION, ENFORCEMENT, AND PENALTIES THE ORDINANCE, PROVIDING FOR A ONE TIME WAIVER OF THE REGISTRATION FEE, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE, SETTING FORTH VIOLATIONS AND PENALTIES

Recommended Action - Make a motion to grant tentative approval to Bill No. 22 of 2022, updating business licensing regulations.

- 6. Bill No. 23 of 2022 - An Ordinance to Update Regulations for the Use of Mechanical Amusement Devices** - Because the City's regulations for mechanical amusement devices were previously contained within the business licensing regulations, it is necessary for the City to adopt a new ordinance regulating mechanical amusement devices in the City.

AN ORDINANCE ADOPTING AND SETTING FORTH REQUIREMENTS FOR MECHANICAL AMUSEMENT DEVICE AND LICENSING TAX, TO BE CODIFIED WITHIN CHAPTER EIGHT (BUSINESS REGULATION AND TAXATION CODE), TITLE FOUR (TAXATION) OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES AS A NEW CHAPTER 804, ENTITLED "MECHANICAL AMUSEMENT DEVICES"

Recommended Action - Make a motion to grant tentative approval to Bill No. 23 of 2022, updating regulations for the use of mechanical amusement devices in the City.

RESOLUTIONS:

Approve the Purchase of Fire Department Hydraulic Rescue Tools - Hydraulic rescue tools are used for the purpose of performing vehicle and industrial rescue operations. The current tools are being replaced due to changes in NFPA standards and vehicle construction. The lowest COSTARS, state contract price for the AMKUS rescue tool and DeWalt power tools is \$43,051.84. The replacement of these tools is budgeted for in the 2022 City capital budget.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CCAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER AND FINANCE DIRECTOR TO SIGN ALL DOCUMENTS AND TAKE ANY/ALL OTHER ACTIONS NECESSARY IN THE PURCHASE AN AMKUS HYDRALIC RESCUE TOOL AND DEWALT POWER TOOLS FROM FIRE RESCUE PRODUCTS

Recommended Action - Make a motion to approve the purchase of hydraulic rescue tools for the Johnstown Fire Department.

Approve CDBG Funded Demolition Contract - Locher Demolition was the low bidder to demolish ten dilapidated residential dwellings throughout the City. This project is funded through the City's Community Development Block Grant (CDBG) program. The amount of the bid to be approved is \$99,825.00 and will be paid for completely with CDBG funds.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH LOCHER DEMOLITION & EXCAVATING LLC SERVICE IN THE AMOUNT OF \$99,825.00 FOR CONTRACT #2022-06, CDBG STRUCUTRE DEMOLITION PROGRAM TO DEMOLISH TEN (10) STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN

Recommended Action - Make a motion to approve the CDBG funded contract with Locher Demolition to demolish ten dilapidated residential dwellings throughout the City.

Approve DCED Grant Application - The EADS Group, on behalf of the City, is applying to the PA Department of Community and Economic Development for \$500,000 to repair deteriorated retaining walls and stream bank along St. Clair Run in the City's Morrellville neighborhood. The City applied last year for this same project and was unsuccessful. Feedback on the project and application was positive at that time, so the City intends to reapply for the funding.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR A GRANT THROUGH THE PA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO ASSIST WITH REMEDIATION AND REPAIR EFFORTS OF THE RETAINING WALLS AND STREAM BANK ON ST. CLAIR RUN IN THE AMOUNT OF \$500,000.00

Recommended Action - Make a motion to approve the DCED grant application in the amount of \$500,000 to the PA Small Water Program for repairs to retaining walls and stream bank along St. Clair Run.

NEW BUSINESS:

1. Board, Authority and Commission Vacancies - There are several vacant positions and reappointments that need to take place on various City boards, authorities and commissions. This applies to the Johnstown Housing Authority, Planning Commission, Zoning Hearing Board and Redevelopment Authority.

Staff publicly advertised for volunteers October. The responses are contained within the agenda packet. Staff intends to have this on the December agenda as an action item.

OLD BUSINESS:

1. 2023 Proposed Budget - City Council held a public workshop on November 2nd for the purposes of discussing the proposed 2023 City Budget, Capital Budget and Tax Levies. The City Manager presented these documents to City Council on October 31, 2022. If time permits, Council may continue budget discussions and present questions to staff about the 2023 proposed budget.

DEPARTMENT REPORTS:

1. Public Works
2. Police Department
3. Fire Department
4. Finance
5. Community Development
6. Code Enforcement

RECESS/ADJOURNMENT:

NEXT REGULARLY SCHEDULED COUNCIL MEETING - December 14, 2022 at 6:00 p.m.

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are available for public inspection the Friday before each regularly scheduled meeting at City Hall, located at 401 Main Street, Johnstown, Pa.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Hall (814) 539-2504 ext. 102. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.