



**CITY OF JOHNSTOWN
CITY COUNCIL AGENDA
ANTHONY C. TRUSCELLO
COUNCIL CHAMBERS
WEDNESDAY, DECEMBER 14, 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. Regular meeting minutes of November 9, 2022
2. Regular meeting minutes of October 12, 2022
3. Special meeting minutes of November 2, 2022

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:

1. Awards for Christmas Market Services

PUBLIC COMMENT - AGENDA ITEMS ONLY (Limit 5 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. 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. Council approved the first read of this ordinance at its November meeting.

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 for final approval of 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 52.2021 mills, the real estate tax is proposed to remain unchanged for 2023. Also included in this levy is the collection of .28 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. Council approved the first read of this ordinance at its regular November meeting. A public hearing will be held immediately prior to this Council meeting for the public to comment on this matter.

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 for final approval of 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. Council approved the first read of this ordinance at its regular November meeting.

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 for final approval of 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. Council granted tentative approval during first read of this ordinance at its regular November meeting.

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 final approval of Bill No. 21 of 2022, repealing in full 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 work with local business to ensure appropriate licensing. Council approved first read of this Bill at its regular November meeting.

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 final approval of Bill No. 22 of 2022, updating City 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. Council approved the first read of this Bill at its regular November meeting.

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 final approval for Bill No. 23 of 2022, updating regulations for the use of mechanical amusement devices in the City.

7. **Bill No. 24 of 2022 - Petition to Abandon a Section of Galena Alley** - Residents attended the regular City Council meeting in November to ask for the abandonment of a section of Galena Alley in the Prospect neighborhood, and subsequently submitted a petition that was first considered by Council at its special November 28th meeting. Staff subsequently evaluated the request and determined no adverse impacts to City interests or residents.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA APPROVING A PETITION TO VACATE A 70 FOOT SECTION OF GALENA PLACE BETWEEN PEELOR STREET AND COLLINS STREET IN THE CITY JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE

Recommended Action - City staff determined this section of alley to be non-essential, and Council voted to approve first read of the Bill at its November 28 special meeting. There is no objection to its abandonment. There are no underground utilities along this section of alley. Make a motion to grant final approval of Bill No. 24 of 2022, abandoning a section of Galena Alley between Peelor Street and Collins Street, as a public thoroughfare.

ORDINANCES FOR FIRST READ:

1. **Bill No. 25 of 2022 - Transfer of Property to Johnstown Water Authority** - The Greater Johnstown Water Authority requested the conveyance of a City owned property on Napoleon Street identified as tax parcel number 76-003.-125.000. If approved by Council, the Greater Johnstown Water Authority will cover all costs of the transfer. A map of the parcel is included with the agenda materials.

AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING AND APPROVING THE SALE OF A CITY-OWNED PROPERTY LOCATED IN THE 6TH WARD OF THE CITY OF JOHNSTOWN ON NAPOLEON STREET TO THE GREATER JOHNSTOWN WATER AUTHORITY (THE "AUTHORITY") AND FURTHER AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE CITY TO DO ALL THINGS NECESSARY TO CARRY OUT THE ORDINANCE, AND ANY/ALL ACTIONS INCIDENTAL TO SAID SALE AS REFERENCED IN THE AGREEMENT ENTERED BETWEEN THE PARTIES

Recommended Action - Determine if Council wishes to transfer this property to the Greater Johnstown Water Authority.

RESOLUTIONS:

Approve Traffic Signal Maintenance Agreement with PennDot - This agreement will allow PennDot to replace several traffic signals along PA Route 56/Broad Street in the Cambria City neighborhood. The replacement of these lights will be at PennDot's cost. Following the lighting upgrade, the City will maintain the new lights. The City is currently responsible for the traffic light maintenance in this location, so there the current practice will remain unchanged.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO EXECUTE ALL

DOCUMENTS REQUIRED AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE SUBMISSION OF THE ATTACHED APPLICATION FOR TRAFFIC SIGNAL MAINTENANCE TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

Recommended Action - Make a motion to approve the Traffic Signal Maintenance Agreement with the Pennsylvania Department of Transportation to install new traffic signals along PA Route 56/Broad Street in Cambria City.

Approve 2023 City Budget and Capital Plan - Council held two public budget workshops and a public hearing before tonight's meeting to formulate the 2023 City Budget and Capital Plan. The 2023 City Budget and Capital Plan have been drafted, posted and available for review in accordance with review requirements contained within the City's Home Rule Charter. As a reminder, City residents voted in 2021 to approve a referendum that changed the adoption process. The annual budget and capital plan may now be adopted by resolution.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA 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, THE PAYMENT OF DEBT SERVICE AND THE PENSION FUND OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2023, INCLUDING THE FOLLOWING CITY OF JOHNSTOWN FUND SECTIONS, AND THE RESPECTIVE FUNDS "BUDGET EXHIBIT DETAILS"

Recommended Action - Make a motion to approve the 2023 City Budget and Capital Plan.

Conference Center Management Agreement Renewal - Earlier this year, the City entered into a temporary management agreement with Top Dog Productions for management services at the Frank J. Pasquerilla Conference Center. Council approved the initial contract in September with a term through February 2023. The agreement contains a renewal option to extend services through February 2024. Staff is recommending Council approve the attached resolution that approves the renewal option through February 2024. The terms of the agreement will remain the same through the end of the proposed renewal option.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE TO TAKE ANY/ALL ACTIONS NECESSARY TO EXECUTE A CONTRACT RENEWAL OPTION WITH TOP DOG PRODUCTIONS FOR INTERIM EVENT MANAGEMENT SERVICES TO BE PROVIDED AT THE FRANK J. PASQUERILLA CONFERENCE CENTER ON A TEMPORARY/INTERIM BASIS FOR THE PERIOD OF FEBRUARY 1, 2023 THROUGH FEBRUARY 28, 2024

Recommended Action - Make a motion to approve the renewal option contained within the temporary management agreement with Top Dog Productions for management of the Frank J. Pasquerilla Conference Center through February 2024.

Balancing Budget Line Items for 2022 - This resolution balances budgetary line items, per requirements in the City Home Rule Charter. Funds are transferred from line items with surpluses at the end of each year to line items that have deficits.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE THE RESPECTIVE 2022 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES, AND MORE SPECIFICALLY, BUDGET EXHIBIT (A) ATTACHED

Recommended Action - Make a motion to approve the resolution permitting the City Manager to balance line items through the end of the year within previously approved budgetary amounts.

Adjusting Line Items for December 2022 - The City Home Rule Charter requires line items to be balanced at the end of the year. As City staff does not know the precise line item balances that will occur through the end of the calendar year, this resolution provides the City Manager authorization to adjust line items to balance the budget through the end of December. A report will be provided to Council at the January 2023 meeting showing what line items were adjusted. All line item adjustments shall take place within the previous budget amounts approved by Council.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER AND/OR HIS DESIGNEE TO MAKE ANY/ALL LINE ITEM ADJUSTMENTS NECESSARY FOR THE MONTH OF DECEMBER 2022 TO BRING SAID LINE ITEMS INTO A POSITIVE BALANCE, SUBJECT TO A LIMIT OF THE AMOUNT OF TOTAL EXPENDITURES BUDGETED FOR THE 2022 CALENDAR YEAR

Recommended Action - Make a motion to approve the resolution granting the City Manager authority to adjust line items through the end of the year within previously approved budgetary amounts.

Approve Consultant Selection for RAISE Environmental/Historic Preservation Reviews - The first step in the process for spending RAISE grant funding is to gain environmental and historic preservation clearances from the Federal Transit Administration. The City, in coordination with JAHA and CamTran, issued a request for proposals for these services in October. Following the submittal deadline, the three project partners conducted a thorough review of the submittals, interviewed the proposers, and recommend Michael Baker International as the firm to conduct these services. The contract amount is \$199,432, which is well under what was budgeted for this part of the project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE(S) TO TAKE ANY/ALL ACTIONS NECESSARY TO AWARD A CONTRACT TO MICHAEL BAKER INTERNATIONAL FOR ENVIRONMENTAL AND HISTORIC PROPERTY PLANNING SERVICES FOR THE RAISE GRANT PROJECT

Recommended Action - Make a motion authorizing the City Manager to enter into a contract with Michael Baker International to conduct environmental and historic preservation reviews for the RAISE grant.

Approve Purchase of Protective Clothing for Johnstown Fire Department - Johnstown Fire Department protective clothing is being replaced due to normal wear from use during firefighting and rescue incidents and has budgeted for replacement with new protective clothing which meets

current NFPA standards. The purchase is budgeted for in the 2023 Capital Plan. The cost of the new protective clothing is \$20,545.00 through the state contract (COSTARS) program.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER AND FINANCE DIRECTOR TO SIGN ALL DOCUMENTS AND TAKE ANY/ALL OTHER ACTIONS NECESSARY IN THE PURCHASE FIREFIGHTER PROTECTIVE CLOTHING FROM KAZA'S FIRE EQUIPMENT

Recommended Action - Make a motion authorizing the City Manager to take action to purchase new protective clothing for the Johnstown Fire Department.

Approve Purchase of 2023 Ford F-250 for Johnstown Fire Department - This vehicle is proposed to be purchased as a capital replacement for the existing Fire Chief's vehicle. The cost is \$48,912.16 through the state contract (COSTARS) program. The cost is budgeted for in the 2023 Capital Budget.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER AND FINANCE DIRECTOR TO SIGN ALL DOCUMENTS AND TAKE ANY/ALL OTHER ACTIONS NECESSARY IN THE PURCHASE A FORD F-250 PICK-UP TRUCK FROM SUPPES FORD OF JOHNSTOWN

Recommended Action - Make a motion to authorize the purchase of a Ford F-250 pickup truck for the Johnstown Fire Department.

Approve Purchase of Two Vehicles for Johnstown Police Department - The Police Department requests Council approve the purchase of two new patrol cars to replace aged and high mileage vehicles currently in use. The purchase of these vehicles is allocated in the 2023 Capital Plan. Both vehicles will be purchased on state contract through the COSTARS program. The cost for the two vehicles is \$70,696.00, plus an additional \$26,197.84 for outfitting. Total cost is \$96,893.84.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA, AUTHORIZING THE CITY MANAGER AND/OR HIS DESIGNEES TO SIGN ALL DOCUMENTS AND TAKE ANY/ALL OTHER ACTIONS NECESSARY TO EFFECTUATE THE PURCHASE OF TWO (2) POLICE VEHICLES FOR THE POLICE DEPARTMENT VIA A LEASE-TO-OWN MUNICIPAL FLEET FINANCING AGREEMENT

Recommended Action: Make a motion to approve the purchase of two new patrol vehicles for the Johnstown Police Department.

NEW BUSINESS:

OLD BUSINESS:

Board, Authority and Commission Vacancies - There are several vacant positions and reappointments that need to take place on various City boards, authorities and commissions. Staff publicly advertised for

volunteers October. The responses from interested individuals are contained within the agenda packet. Council is asked to make appointments as follows:

1. Johnstown Planning Commission - The terms of Steven Biter, Curtis Davis, Linda Orlosky, Michael Capriotti and Donald Buday expire at the end of January 2023. All have expressed interest in being reappointed. There is also a vacant seat formerly held by Chad McLaren.

Recommended Action - Adopt a motion appointing _____ to new four-year terms on the Johnstown Planning Commission, expiring 1/31/2027.

2. Johnstown Zoning Hearing Board - The terms of Anthony Caputo and Anthony Piro expire at the end of January 2023. Both wish to be reappointed.

Recommended Action - Adopt a motion appointing _____ to new three-year terms on the Johnstown Zoning Hearing Board, expiring 1/31/2026.

3. Civil Service Board - The terms of Clyde Williams and Michael Allen expire at the end of 2022. Both wish to be reappointed.

Recommended Action - Adopt a motion appointing _____ to new three-year terms on the Civil Service Board, expires 1/31/2025.

4. Johnstown Redevelopment Authority - The term of Monsignor Raymond Balta expires January 1, 2023. Monsignor Balta expressed interest in being reappointed.

Recommended Action - Adopt a motion appointing _____ to a four year term on the Johnstown Redevelopment Authority, expiring 1/1/2026.

5. Johnstown Housing Authority - The term of Angela Reed expired in August 2022. Ms. Reed wishes to be reappointed.

Recommended Action - Adopt a motion appointing _____ to a five year term on the Johnstown Housing Authority, expiring 8/1/2027.

6. Johnstown Water Authority - The term of Anthony Caputo expires at the end of 2022. Mr. Caputo expressed interest in being reappointed.

Recommended Action - Adopt a motion appointing _____ to new five-year term on the Johnstown Water Authority, expiring 12/31/2027.

7. Uniform Construction Code Board of Appeals - The term of Donald Buday expires at the end of 2022. Mr. Buday wishes to be reappointed. There is also a vacant seat.

Recommended Action - Adopt a motion appointing _____ to new five-year terms on the Uniform Construction Code Board of Appeals, expiring 12/31/2027.

8. Loan Review Committee - There are two vacant seats on this committee.

Recommended Action - Adopt a motion appointing _____ to new three-year terms on the Loan Review Committee, expiring 12/31/2025.

DEPARTMENT REPORTS:

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

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

RECESS/ADJOURNMENT:

NEXT REGULARLY SCHEDULED COUNCIL MEETING - January 11, 2023 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.