



**CITY OF JOHNSTOWN
CITY COUNCIL AGENDA
ANTHONY C. TRUSCELLO
COUNCIL CHAMBERS
WEDNESDAY, APRIL 12, 2023**

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 March 8, 2023
2. Special meeting minutes of March 28, 2023

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:

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. 23 of 2022 (TABLED) - An Ordinance to Update Regulations for the Use of Mechanical Amusement Devices** - Because the City's regulations for the use of mechanical amusement devices were previously contained within the recently amended 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 2022 meeting. At the December 2022 meeting, Council tabled the Bill so that staff could gather more information on how the enforcement of the ordinance will take place. The Bill remained tabled in January, February and March pending additional research regarding skill machines and enforcement of the proposed regulations.

Staff learned prior to the January meeting that skill machines will be subject to the ordinance, which increases the capacity needed to properly enforce the ordinance. Over the past two months, staff created what it believes is a viable solution for enforcement of the ordinance using a combination of existing staff and a third-party. If removed from the table for discussion, staff will provide an update on the process recommended for enforcement of the ordinance and collection of fees.

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 remove this item from the table for discussion. Staff will provide an update on how skill machines and other amusement devices are able to be regulated, and how the ordinance will be enforced. The Bill is prepared and recommended for adoption if Council concurs.

- 2. Bill No. 2 of 2023 - Lowering the Local Services Tax Rate** - As the City is scheduled to exit Act 47 at the end of April, Council must adopt an ordinance that will lower the effective Local Services Tax rate to \$47.00. The current LST rate of \$156.00 is enabled only by the City's participation in the Commonwealth's Act 47 program for financially distressed municipalities, which is scheduled to end on April 28, 2023.

AN ORDINANCE AMENDING ORDINANCE 5008, ADOPTED DECEMBER 12, 2007, AS AMENDED BY ORDINANCE NUMBER 5871, ADOPTED NOVEMBER 12, 2015, AND CODIFIED WITHIN THE CODE OF ORDINANCES OF THE CITY OF JOHNSTOWN, AT TITLE FOUR, TAXATION, CHAPTER 882, ENTITLED "LOCAL SERVICES TAX" TO AMEND THE ANNUAL RATE FOR THE LOCAL SERVICES TAX AND ADJUST THE EXEMPTIONS THERETO IN ACCORDANCE WITH SAME, BY LOWERING THE CURRENT TAX RATE TO FORTY SEVEN DOLLARS (\$47) EFFECTIVE APRIL 29, 2023

Recommended Action - Make a motion to grant final approval to the Bill that will lower the Local Services Tax rate from \$156.00 to \$47.00 pursuant to the City's anticipated exit from the Commonwealth's Act 47 program for financially distressed municipalities at the end of April 2023.

ORDINANCES FOR FIRST READ:

- 1. Bill No. 1 of 2023 (TABLED) - Zoning Map Amendment for Property at 1325 and 1339 Franklin Street** - Mom's House Inc. applied to rezone property at 1325 and 1339 Franklin Street from C-1 (neighborhood shopping district) to R-1 (one family residential zoning district). The request is for rezoning of the properties only. Any future requests to build improvements on the site will require additional City approvals.

The City Planning Commission considered the application at a special February meeting and voted 5-1 to recommend that City Council deny the application. The Cambria County Planning Commission commented in their review letter that the application is consistent with the Cambria County Comprehensive Plan.

Council tabled this Bill at its January 11, 2023 meeting, and then again at its February 8th meeting. To proceed with any approval or denial of the application, a public hearing needs to first be held. That public hearing is currently scheduled for Thursday, April 27, 2023 at 5:00 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE CITY OF JOHNSTOWN, ORDINANCE NO. 4964, ADOPTED APRIL, 13 2005, AND AS AMENDED BY ORDINANCE NO. 5086, PASSED, JUNE 22, 2011; ORDINANCE NO.5119, PASSED JANUARY 23, 2013; ORDINANCE NO.5139, PASSED NOVEMBER 27, 2013; ORDINANCE NO. 5191, PASSED, DECEMBER 9, 2015; AND ORDINANCE NO. 5330, PASSED, MARCH 9, 2022. BY REZONING CERTAIN PARCELS OF LAND LOCATED IN THE 8TH WARD OF THE CITY OF JOHNSTOWN

Recommended Action - Leave this item tabled pending the scheduled public hearing for this application on April 27th. Any action on the Bill can only take place after the public has been afforded the opportunity to comment on the application.

- 2. Bill No. 3 of 2023 - Fee Schedule** - Staff completed a review of the Home Rule Charter and Code of Ordinances to complete an inventory of fees charged for City services and equipment. Fees charged for City services are listed sporadically within existing ordinances, which makes updating fees on a regular basis prohibitive, costly and administratively demanding. The lack of a fee schedule also makes it difficult for those doing business with the City to understand the what services require a fee and how much the services cost.

A fee schedule is a standard component of municipal government, and the City currently does not have one. The goal of developing a fee schedule is to have all the City's fees listed in a centralized location and to be able to update the schedule on a regular (preferably annual) basis. The proposed bill centralizes the location of the service fees, providing easy access for residents, businesses and others to quickly ascertain the cost for a particular service the City provides. It will also enable the City Council to review fees on an annual basis without administrative burden.

AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AMENDING ORDINANCES 26 (PASSED 3-28-1914), 3703 (PASSED 10-27-66), 4276 (PASSED 5-26-82), 4318 (PASSED 11-22-83), 4389 (PASSED 9-10-86), 4390 (PASSED 9-10-86), 4419 (PASSED 12-31-86), 4528 (PASSED 2-28-90), 4544 (PASSED 9-26-90), 4670 (PASSED 7-13-94), 4698 (PASSED 12-21-94), 4701 (PASSED 12-21-94), 4704 (PASSED 12-21-94), 4705 (PASSED 12-21-94), 4706 (PASSED 12-21-94), 4723 (PASSED 4-26-95), 4724 (PASSED 4-26-95), 4770 (PASSED 3-12-97), 4795 (PASSED 2-11-98), 4805 (PASSED 8-19-98), 4810 (PASSED 9-9-98), 4818 (PASSED 1-27-99), 4820 (PASSED 2-28-01), 4837 (PASSED 12-8-99), 4850 (PASSED 3-22-00), 4863 (PASSED 11-8-00), 4864 (PASSED 11-8-00), 4869 (PASSED 1-10-01), 4920 (PASSED 10-12-05), 4938 (PASSED 4-28-04), 4955 (PASSED 12-8-05), 4965 (PASSED 4-13-05), 4968 (PASSED 8-10-05), 4972 (PASSED 10-12-05), 4975 (PASSED 10-12-05), 4979 (PASSED 10-12-05), 4986 (PASSED 2-22-06), 5021 (PASSED 7-9-08), 5054 (PASSED 2-24-10), 5055 (PASSED 2-24-10) 5064 (PASSED 3-24-10), 5068 (PASSED 5-26-10), 5087 (PASSED 6-22-11), 5090 (PASSED 9-24-11), 5102 (PASSED 3-28-12), 5139 (PASSED 11-27-13), 5144 (PASSED 3-5-14), 5146 (PASSED 4-24-14), 5148 (PASSED 5-14-14), 5182 (PASSED 9-9-15), 5191 (PASSED 12-9-15), 5198 (PASSED 4-20-16), 5221 (PASSED 2-8-

17), 5238 (PASSED 9-13-17) 5252 (PASSED 4-11-18), 5279 (PASSED 12-11-19), 5288 (PASSED 6-10-20), 5294 (PASSED 8-12-20), 5302 (PASSED 11-18-20), 5319 (PASSED 10-13-21), 5334 (PASSED 4-20-22), 5338 (PASSED 9-14-22), REPEALING VARIOUS OUTDATED CODES, ESTABLISHING NEW FEES FOR SERVICES, SETTING POLICY FOR CODE ENFORCEMENT, AND ESTABLISHING A FEE SCHEDULE WITHIN THE CITY OF JOHNSTOWN

Recommended Action - Make a motion to grant tentative approval to Bill No. 3 of 2023 that will amend the Code of Ordinances and establish a fee schedule for City services.

RESOLUTIONS:

Lot Merger Plan for Goodwill of the Southern Alleghenies - Goodwill of the Southern Alleghenies is requesting the merger of two lots along Coleman Avenue, commonly known as 545 Coleman Avenue. The purpose of the merger is for the organization to be able to consider future operational expansion at their current location. Any additional building expansion or site development will require future City approvals.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING A MINOR SUBDIVISION LOT MERGE CONSOLIDATING TWO PARCELS ON COLEMAN AVENUE IN THE CITY OF JOHNSTOWN

Recommended Action - Make a motion to approve the resolution authorizing the lot merge plan for Goodwill of the Southern Alleghenies at 545 Coleman Avenue.

Lot Merger Plan for Cambria County Association for the Blind - Cambria County Association for the Blind is requesting the merger of eleven lots between Hay Avenue and Suppes Avenue. The purpose of the lot merger is for the organization to be able to consider future operational expansion at their current location. Any additional building expansion or site development will require future City approvals.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING A MINOR SUBDIVISION LOT MERGE CONSOLIDATING ELEVEN PARCELS BETWEEN HAY AVENUE AND SUPPES AVENUE IN THE CITY OF JOHNSTOWN

Recommended Action - Make a motion to approve the resolution authorizing the lot merge plan for Cambria County Association for the Blind.

Lot Merger Plan for MSP Properties - MSP Properties is requesting the consolidation of seven parcels at the site of the current Dollar General along Horner Street. This lot merger is a part of the site development for the recently completed Dollar General store.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING A MINOR SUBDIVISION LOT MERGE CONSOLIDATING SEVEN PARCELS ON HORNER STREET IN THE CITY OF JOHNSTOWN

Recommended Action - Make a motion to approve the resolution authorizing the lot merge plan for MSP Properties.

Interim Agreement with Bishop McCort to Sell Concessions at Roxbury Park and Sargent's Stadium at the Point - City staff recently requested proposals to operate the concessions at both Sargent's Stadium and Roxbury Park. The City did not receive any proposals or bidders. So that the concession stands at both facilities are staffed, the City is recommending Council approve an interim agreement with Bishop McCort to operate the concession stands for 2023.

The Mill Rats have exclusive concession rights from May 1 through August 15 at Sargent's Stadium, per the terms of the City's agreement with their ownership that runs through 2025. The proposed interim agreement with Bishop McCort will not alter the terms of that agreement. This interim agreement covers concession sales for the time period outside of the Mill Rats agreement (Through April 31 and August 16-December 31). The Mill Rats held the concession agreement outside of their summer baseball season at Sargent's Stadium for 2021 and 2022. The Mill Rats did not provide a bid on the 2023 contract.

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 SIGN AN INTERIM AGREEMENT WITH BISHOP MCCORT TO SELL CONCESSIONS AT SARGENT'S STADIUM AT THE POINT AND ROXBURY PARK FOR CALENDAR YEAR 2023

Recommended Action - Make a motion to approve the resolution authorizing the City Manager to take necessary actions to enter an interim agreement with Bishop McCort to sell concessions at Sargent's Stadium at the Point and Roxbury Park for 2023.

Purchase of 2023 Sprinter 3500 Highroof Multipurpose Mobile Command/Crime Scene and Crash Investigation Van for the Johnstown Police Department - State Representative Frank Burns secured a \$200,000 grant for the Johnstown Police Department to purchase a Mobile Command/Crime Scene and Crash Investigation Van. The terms of the grant are such that the City must first purchase the vehicle and then be reimbursed by the grant. The vehicle will be paid for through the Capital Fund, Account No. 18.412.28.065.00. The Police Department sought COSTARS pricing for the van and was offered a price of \$188,462.00 by Mobile Concepts Specialty Vehicles Company. Additional outfitting of the vehicle will cost \$11,538.

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 OF A 2023 SPRINTER 3500 HIGHROOF MULTIPURPOSE MOBILE COMMAND/CRIME SCENE AND CRASH INVESTIGATION VAN, AND COMPUTER AND ELECTRONIC EQUIPMENT, TOOLS AND MISCELLANEOUS SUPPLIES NECESSARY TO SUPPORT ITS MISSION

Recommended Action - Make a motion to approve the resolution authorizing the purchase of a Mobile Command/Crash Investigation Van for the Johnstown Police Department.

NEW BUSINESS:

OLD BUSINESS:

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 - May 10, 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.