



**CITY OF JOHNSTOWN  
CITY COUNCIL AGENDA  
ANTHONY C. TRUSCELLO  
COUNCIL CHAMBERS  
WEDNESDAY, JUNE 14, 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 P.M.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES:

1. Regular Council meeting minutes of May 10, 2023
2. Special Council meeting minutes of May 31, 2023

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:

1. Proclamation to recognize Juneteenth
2. Proclamation to recognize Pride Month

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. 4 of 2023 - Pension Plan Updates** - Going back many years, the City Police, Fire and Non-Uniformed Pension Plans have been out of compliance with the Third Class City Code. Many of the benefits and terms of the pension plans were determined to be not in compliance with applicable law by the PA Department of Auditor General. Audits from the PA Department of Auditor General highlighted these conclusions in audits during both 2020 and 2023.

The purpose of this ordinance is to resolve the audit findings of the Auditor General by bringing non-compliant provisions of the Pension Plans into compliance with the Third Class City Code and otherwise resolving existing discrepancies between the collective bargaining agreements and Pension Plan documents.

AN ORDINANCE OF THE CITY OF JOHNSTOWN TO AMEND CERTAIN PROVISIONS OF THE PENSION PLANS ESTABLISHED FOR THE BENEFIT OF CITY UNIFORMED AND NON-UNIFORMED OFFICERS AND EMPLOYEES TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF PENSION AND RETIREMENT BENEFITS IN ACCORDANCE WITH APPLICABLE LAW

Recommended Action - Grant final approval for Bill No. 4, bringing the City's pension plans into compliance with applicable provisions of the Third Class City Code and the City's police, fire and non-uniformed collective bargaining agreements.

- 2. Bill No. 5 of 2023 - Wagoner Place Vacation** - The property owner abutting Wagoner Place in the 8<sup>th</sup> Ward (Cambria County Association for the Blind and Handicapped) has petitioned the City to vacate a section of Wagoner Place, between Hay Avenue and Suppes Avenue. Upon vacation, the property owner will assume all liability for utilities within the alley right-of-way. City staff and the Public Works Department take no exception to the vacation of this 150 foot long section of alley.

AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, VACATING WAGONER PLACE FROM HAY AVENUE TO SUPPES AVENUE AS A PUBLIC THOROUGHFARE

Recommended Action - Make a motion to grant final approval to Bill No. 5 of 2023, granting the vacation of Wagoner Place between Hay Avenue and Suppes Avenue.

ORDINANCES FOR FIRST READ:

- 1. Bill No. 7 of 2023 - CamTran Property Ownership** - There is a small piece of land between the Stonycreek River and Inclined Plane that apparently has no legal owner. It has been assumed that the Cambria County Transit Authority (CamTran) owns the property. But recent property research associated with the Inclined Plane project revealed that the ownership situation with this property is unknown. CamTran has asked the City to formally relinquish any rights to the property so it can have full access to and ownership of the property. The City does not object to CamTran's claim of ownership, nor does the City have any interest in the property. The property consists 0.4084 acres.

AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING AND APPROVING THE TRANSFER OF ANY/ALL CITY REAL ESTATE INTEREST(S) EXISTING WITHIN A TRACT OF PROPERTY LOCATED IN THE 17<sup>TH</sup> WARD OF THE CITY OF JOHNSTOWN LYING ALONG AND BETWEEN THE STONYCREEK RIVER WALL AND INCLINED PLANE TO THE CAMBRIA COUNTY TRANSIT AUTHORITY AND FURTHER AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE

CITY TO DO ALL THINGS NECESSARY TO CARRY OUT THIS SALE AND TAKE ANY/ALL ACTIONS INCIDENTAL TO SAME

Recommended Action - Make a motion to grant tentative approval to Bill No. 7 of 2023 approving the transfer of real estate interests for a 0.4084 acre tract of land in the 17<sup>th</sup> Ward of the City between the Stonycreek River wall and the Inclined Plan to the Cambria County Transit Authority (CamTran).

RESOLUTIONS:

**Lot Merger Plan for Horner Street Dollar General (TABLED)** - Following the April 12 Council meeting, staff reached out to MSP Properties to discuss this project, in accordance with direction from Council at the April 12 meeting. Subsequently, staff learned that the site developer, MSP Properties, sold the Dollar General to a California based company named Exchange Right.

Staff held a meeting with land development and legal staff from Exchange Right in May. During that meeting staff explained the concerns raised with the development of the property, in particular the lack of curbing in the parking lot, incomplete sidewalks and stormwater management. The staff from Exchange Right was receptive to the feedback from staff and stated they would investigate the matter further and provide a response to the City. In the interim, the City engineer will compile a punch list of items that need to be corrected at the site.

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 - Leave this item tabled until such time that Exchange Right provides a response to the information presented by staff in May.

**Liquor License Transfer Request** - G5 Sports Lounge Inc. requested a resolution approving the transfer of restaurant liquor license R-19598 from Galleria Mall, Suite 158, Richland Township, Cambria County to the City of Johnstown. The location of the proposed transfer is 570 Central Avenue, Johnstown, in the Moxham neighborhood. In order to open a restaurant, sports lounge or tavern at the proposed location on Central Avenue, the owner will need to comply with state building code requirements for that type of occupancy. A required public hearing was scheduled earlier in evening for the purposes of gathering public input.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE R-19598 INTO THE CITY OF JOHNSTOWN FROM THE TOWNSHIP OF RICHLAND

Recommended Action - Council will need to make a decision whether or not to recommend approval of the liquor license transfer from Richland Township, based upon the information presented by the applicant and input received from the public during the public hearing.

**Urban Design Ventures Contract** - Community and Economic Development Department staff conducted a request for proposals to assist the City with the administration of the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program. After conducting the request for proposals, staff recommends the approval of a contract with Urban Design Ventures.

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 URBAN DESIGN VENTURES, LLC FOR PROFESSIONAL SERVICES RELATING TO THE CITY'S HUD PROGRAMS

Recommended Action - Make a motion to approve the resolution authorizing the City Manager to sign a contract with Urban Design Ventures for the administration of various City programs through the US Department of Housing and Urban Development (HUD).

**Public Works Vehicle Purchase** - The Public Works Department seeks approval to enter into a lease to own agreement for a 2024 10 ton Freightliner 114SD, plus truck chassis and Aluminum Dump Body from Berman Truck Group and A & H Equipment.

A & H Equipment offered the lowest COSTAR quote at \$128,355.00 for the Freightliner truck and \$75,570.00 for the Aluminum Dump Body with Snow Equipment, for a total quote of \$203,925.00. The lease to own will be for seven years paid quarterly, charged to capital fund account 18.434.74.072.00.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO LEASE TO OWN A 2024 10-TON FREIGHTLINER 114SD PLUS TRUCK CHASIS FROM BERMAN TRUCK GROUP AND A 10' 6" ALUMINUM DUMP BED WITH SNOW EQUIPMENT FROM A & H EQUIPMENT

Recommended Action – Make a motion approve the lease to own agreement to purchase a 2024 10 ton Freightliner plus dump bed with snow equipment from A & H Equipment at a total price of \$203,925.00.

NEW BUSINESS:

OLD BUSINESS:

**Motion for Approval - Goodwill of the Southern Alleghenies Conditional Use Approval**

Per Council's direction at its May meeting, a motion is prepared to approve the conditional use application for Goodwill of the Southern Alleghenies to construct and operate a food pantry at 540 Central Avenue.

*Motion to approve Goodwill of the Southern Alleghenies' request for conditional philanthropic use of property located at 540 Central Avenue, Parcel #87-007-128, as presented at the May 10, 2023 public hearing, for purpose of constructing and operating the Moxham Food Pantry,*

*subject to the conditions set forth within the City Zoning Code at Section 1260.164, and further authorizing the City Manager to take any/all action necessary to issue a written determination confirming the grant of said request, on behalf of City Council.*

Recommended Action - Make the above motion to approve a conditional use application for Goodwill of the Southern Alleghenies at 540 Central Avenue.

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 - July 12, 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.*