



**CITY OF JOHNSTOWN
CITY COUNCIL AGENDA
ANTHONY C. TRUSCELLO
COUNCIL CHAMBERS
WEDNESDAY, MAY 10, 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 April 12, 2023
2. Public Hearing meeting minutes of April 27, 2023
3. Special Council meeting minutes of April 27, 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:

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.

At the April Council meeting, Council expressed its desire for a workshop to further discuss this Bill. A workshop will be scheduled in May for these purposes.

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 - Leave this Bill tabled so as to accommodate input and feedback at a forthcoming workshop to discuss the implementation and enforcement of this ordinance.

Bill No. 1 of 2023 - 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. After an April 27th public hearing, Council approved the first read of this Bill by a 5-2 vote at a special Council meeting.

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 - Make a motion to grant final approval to the zoning map amendment for property along Franklin Street owned by Mom’s House Inc.

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 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 - Table Bill No. 3 until it can be passed along with Bill No. 6 that establishes the City fee schedule.

ORDINANCES FOR FIRST READ:

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 this conclusion 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 tentative approval for Bill No. 4, bringing the City's pension plans into compliance with applicable Third Class City Code law and the City's police, fire and non-uniformed collective bargaining agreements.

Bill No. 5 of 2023 - Wagoner Place Vacation - The property owner abutting Wagoner Place in the 8th 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' 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 tentative approval to Bill No. 5 of 2023 allowing the vacation of Wagoner Place between Hay Avenue and Suppes Avenue.

Bill No. 6 of 2023 - Fee Schedule Adoption - In tandem with Bill No. 3 of 2023, this Bill establishes the actual schedule of fees in a centralized location, for the ease of use by City residents who are utilizing City services for which a fee is charged.

AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA ESTABLISHING A FEE SCHEDULE OF THE CITY OF JOHNSTOWN

Recommended Action - Make a motion to grant tentative approval to Bill No. 6 of 2023, establishing a fee schedule for the City of Johnstown.

RESOLUTIONS:

Lot Merger Plan for MSP Properties (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. To date, MSP Properties has not responded to staff requests for a meeting.

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 - Leave this item tabled until such time that MSP Properties responds to staff requests for a meeting.

Excavator Agreement with Johnstown Redevelopment Authority - The City and Johnstown Redevelopment Authority previously entered into an agreement for the purchase and use of an excavator to conduct demolition operations throughout the City. The agreement needs to be updated to reflect the current use of the excavator for joint demolition operations with the JRA. The JRA has approved the agreement as presented to Council, and the Public Works Department is in concurrence with the updated agreement.

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 A COOPERATION AGREEMENT (DEMOLITION
SERVICE) WITH THE JOHNSTOWN REDEVELOPMENT AUTHORITY

Recommended Action - Make a motion to approve the resolution authorizing the City Manager to take necessary actions to enter an agreement with the Johnstown Redevelopment Authority for the joint use of a 2004 Caterpillar hydraulic excavator.

RACP Application and Business Plan - The PA Department of Community and Economic Development awarded the City two million dollars in October of 2022 to use for the RAISE project. The funding is through the Redevelopment Assistance Capital Program (RACP) and the purpose of the funding is to offset inflationary cost increases anticipated with the project. A requirement of accepting this funding is for the City to submit an application and business plan within six months of the award. Staff prepared the required application and plan and are ready to submit to the PA DCED with Council's concurrence.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, APPROVING THE SUBMISSION OF AN
APPLICATION AND BUSINESS PLAN (A&BP) THROUGH THE PENNSYLVANIA
REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM (RACP) FOR THE CITY
OF JOHNSTOWN CONNECTIVITY PROJECT

Recommended Action - Make a motion to approve the application and business plan to be submitted to the PA DCED in order to comply with requirements for the RACP program.

Annual Action Plan for the Community Development Block Grant and Home Investment Partnerships Programs Application - In order to access Community Development Block Grant and Home Investment Partnership program funding from the US Department of Housing and

Urban Development, the City must adopt an annual resolution endorsing the annual action plan for these programs.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, APPROVING THE FY 2023 ANNUAL
ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME)
PROGRAMS APPLICATIONS

Recommended Action - Make a motion to approve the annual action plan resolution for the Community Development Block Grant and HOME Investment Partnerships programs applications.

Tetra Tech Contract Amendment - In FY 2020 the City of Johnstown was awarded a \$600,000 grant from the EPA for brownfields related work throughout Cambria County. The City released an RFP for environmental services to complete work through this grant award in October 2020, and selected Tetra Tech for this project in December 2020 at a contracted amount of \$536,350. It was realized in December 2022 that the project had experienced very little administrative expenses so those funds were asked to be moved to the contractual services line item of the budget so that additional environmental services work could be completed.

The EPA approved of this project modification so now the City's Project Coordinator, Community and Economic Development Department, is requesting City Council approval to amend the City's existing contract with Tetra Tech, to increase the contracted amount to \$595,500. This additional \$59,150 of additional work will allow for additional site work to be performed at the Mr. Gas and Cresson Ridge Sites, owned by Cresson Township (Cambria County) as well as the Moxham Bus Barn Site, owned by JRA. Phase II Environmental Site Assessments (ESA's) were completed at the Cresson Sites in 2021 and at the Moxham Bus Barn Site in 2022 using the existing grant funds.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, AMENDING THE AGREEMENT WITH
TETRA TECH, FOR ADDITIONAL ENVIRONMENTAL CONSULTING SERVICES
AND AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING
AGREEMENT FOR AN ADDITIONAL AMOUNT OF \$59,150, A NEW TOTAL FEE
OF \$595,500.00, ALONG WITH EXTENDING THE AGREEMENT END DATE TO
MARCH 30, 2024

Recommended Action - Make a motion to approve contract amendment with Tetra Tech for additional brownfield redevelopment work funded by the US Environmental Protection Agency.

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 - June 14, 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.