



**CITY OF JOHNSTOWN
CITY COUNCIL AGENDA
ANTHONY C. TRUSCELLO
COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 11, 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 September 13, 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. 8 of 2023 - Business Privilege Tax Collection Date Change - The City's current collection date for the Business Privilege Tax is in March, which makes the payment of this tax inconvenient for the businesses that pay it, as the current collection date is prior to April when most businesses file their taxes. The Greater Johnstown School District also collects this tax, but with a payment deadline in May. The City is proposing to change its collection date from March to May, in order to simplify the filing process for businesses. The change will also enable GJSD and the City to be able to send one bill instead of two.

AN ORDINANCE AMENDING THE CITY'S BUSINESS PRIVILEGE TAX ORDINANCE NO. 4312, PASSED NOVEMBER 22, 1983, AS AMENDED BY ORDINANCE NOS. 4610, 4670, 4816, AND 5327, AND AS CODIFIED AT TITLE FOUR, SECTION 872.05 OF CHAPTER EIGHT OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES, TO AMEND THE ANNUAL COLLECTION DATE OF THE BUSINESS PRIVILEGE TAX FROM MARCH TO MAY OF ANY APPLICABLE YEAR

Recommended Action - Make a motion to grant final approval to Bill No. 8 which will align the City of Johnstown Business Privilege Tax collection date with the Greater Johnstown School District's collection date.

ORDINANCES FOR FIRST READ:

Bill No. 9 of 2023 (TABLED) - Update to Public Participation Standards and Procedures at Council Meetings - Council wishes to update and clarify standards and procedures regarding public participation at City Council meetings to ensure compliance with current applicable law. Due to the timeline of pending litigation carrying into November, and the litigation being turned over to the City's insurance carrier, this Bill will need to be withdrawn. It is anticipated another ordinance with the intent to update public participation standards will be introduced, but not until later in the year or 2024.

AN ORDINANCE AMENDING ORDINANCE 4654 TITLED AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA DESIGNATED POWERS AND DUTIES OF THE COUNCIL, CITY MANAGER, AND OTHER MUNICIPAL OFFICIALS, PASSED FINALLY ON OCTOBER 27, 1993 AND AS AMENDED BY SUBSEQUENT ORDINANCES SPECIFICALLY LISTED AND DETAILED WITHIN NOTE 1 OF SAID ORDINANCE BELOW¹, BY AMENDING CERTAIN SECTIONS OF ARTICLE II – ELECTED OFFICIALS – COUNCIL ORGANIZATION AND PROCEDURES, AND SPECIFICALLY, CODIFIED ORDINANCE SECTION 210.13, TO PROVIDE UPDATED PROCEDURES AND STANDARDS FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS

Recommended Action - Make a motion to take Bill Number 9 off the table. Then make a motion to withdraw Bill Number 9 from future consideration in anticipation of an updated Bill that will update City public participation standards.

RESOLUTIONS:

Bid Approval to Purchase Anti-Skid Material for the 2023-24 Winter Season - Council is asked to consider approval of a contract with Ligonier Stone and Lime for the purchase of anti skid material for use during winter road maintenance operations. The Public Works Department conducted a bidding process for the contract which resulted in three bids. The contract with Ligonier Stone and Lime is the lowest bid, at a cost of \$25.10 per ton delivered.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO AUTHORIZE THE PURCHASE OF AS-2 ANTI SKID FROM LIGONIER STONE AND LIME D/B/A DERRY STONE AND LIME FOR THE 2023-2024 CALENDAR YEAR

Recommended Action - Make a motion to approve the bid from Ligonier Stone and Lime to purchase anti-skid material for the 2023-24 winter season at a price of \$25.10 ton delivered.

Bid Approval to Purchase of Rock Salt for the 2023-24 Winter Season - Council is asked to consider approval of a contract with American Rock Salt for the purchase of road salt for use

during winter road maintenance operations. The Public Works Department proposes to use the COSTARS state contract for this product which has been previously bid by the Commonwealth. The contract with American Rock Salt is the lowest current bid, at a cost of \$89.54 per ton delivered.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE OF ROAD SALT FROM AMERICAN ROCK SALT WITH DEPARTMENT OF GENERAL SERVICES COSTARS PROGRAM FOR THE 2023-2024 CALENDAR YEAR

Recommended Action - Make a motion to approve the bid from American Rock Salt through the Commonwealth of Pennsylvania's COSTARS program for the purchase of rock salt during the 2023-24 season at a price of \$89.54 per ton delivered.

Bid Approval for Granite Work at Fireman's Memorial Park - Council is asked to consider approval of a contract with F&G Monument Lettering for granite work to be completed as a part of the Fireman's Memorial Park project. The Department of Community and Economic Development conducted a bidding process for the project which resulted in one bid, in the amount of \$29,975.28.

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 F&G MONUMENT LETTERING IN THE AMOUNT OF \$29,975.28 FOR CONTRACT #2023-07, FIREFIGHTERS MEMORIAL PARK GRANITE WORK

Recommended Action - Make a motion to approve the bid from F&G Monument Lettering for granite work to be completed as a part of the Fireman's Memorial Park project.

Bid Approval for Concrete Work at Fireman's Memorial Park - Council is asked to consider approval of a contract with Moyer Concrete for concrete work to be completed as a part of the Fireman's Memorial Park project. The Department of Community and Economic Development conducted a bidding process for the project which resulted in the low bid amount of \$62,500.

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 MOYER CONCRETE IN THE AMOUNT OF \$62,500.00 FOR CONTRACT #2023-08, FIREFIGHTERS MEMORIAL PARK CONCRETE WORK

Recommended Action - Make a motion to approve the bid from Moyer Concrete for concrete work to be completed as a part of the Fireman's Memorial Park project.

Approval for Lighting Work at Fireman's Memorial Park - Council is asked to consider approval of a contract with Repco II for lighting work to be completed as a part of the Fireman's Memorial Park project. The Department of Community and Economic Development conducted a bidding process for the project which resulted in no bids. The Department of Community and

Economic Development subsequently obtained a fair and reasonable quote that is within range of the budgeted amount in the amount of \$35,112.

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 REPCO II IN THE AMOUNT OF \$35,112.00 FOR CONTRACT #2023-10, FIREFIGHTERS MEMORIAL PARK LIGHTING

Recommended Action - Make a motion to approve the bid from Repco II in the amount of \$35,112 for lighting work to be completed as a part of the Fireman's Memorial Park project.

Lot Merge Plan for Property at 143 Lorain Street - The property owners at 143 Lorain Street are seeking approval to merge two existing lots together for the purpose of selling the house located on one of the lots. The subdivision was recommended for approval by the Johnstown Planning Commission during their regularly scheduled September meeting. The Cambria County Planning Commission also reviewed the plan and recommended its approval.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING A MINOR SUBDIVISION LOT MERGE OF PROPERTIES LOCATED AT 143 LORAIN STREET

Recommended Action - Make a motion to approve the lot merge/subdivision plan for property at 143 Lorain Street.

HOME American Rescue Plan Funding (TABLED) - Earlier this year, the City conducted required public meetings to solicit input on the use of American Rescue Plan funding received through the HUD HOME program. The feedback received favored the development of a non-congregate shelter. It should be noted the use of this allocation of American Rescue Plan funding through the HUD HOME program is much more restrictive than other Rescue Plan funding received by the City, and is primarily intended for housing projects.

The City subsequently released a request for proposals for the development of a non-congregate shelter, and received two proposals. Only one proposal met the criteria for use of the funds for the intended project. That proposal is from Victim's Services, which proposes to construct the non-congregate shelter at 307 Vine Street.

At the August 9th Council meeting, the proposal was tabled and not discussed, and remained tabled at the August 22nd special Council meeting and September 13th regular Council meeting. The item is placed on the agenda for Council consideration and discussion.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO EXECUTE AND TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE AN AGREEMENT WITH VICTIM SERVICES INCORPORATED IN THE AMOUNT OF \$749,683.00 THROUGH THE CITY'S HOME AMERICAN RESCUE PLAN PROGRAM FOR THE DEVELOPMENT OF A NON-CONGREGATE SHELTER WITHIN THE CITY OF JOHNSTOWN

Recommended Action - Make a motion to remove the item from the table for discussion about the proposal for proposal from Victim's Services Inc. to construct a non-congregate shelter at 307 Vine Street.

NEW BUSINESS:

Tax Settlement for Property at 151-61 Fairfield Avenue - This settlement is in regards to a property at 155-61 Fairfield Avenue that burned in December 2018. The settlement is due to the owner paying taxes in 2019 and 2018 that were not adjusted by the assessor's office to account for the loss of the building due to the fire. The settlement will adjust the tax to be paid by the property owner to account for the lower assessed value due to the loss of the building. The settlement includes an adjustment for the 2018 taxes, and a reduction of the 2019 penalty and interest that accrued due to the incorrect assessment being used. There is no objection from staff to this settlement.

Recommended Action - Motion to approve settlement of the tax assessment appeal filed to Cambria County Docket Number 2022-3136 pursuant to the terms set forth in the Settlement Stipulation and further to authorize the solicitor to execute the necessary documentation to effectuate same.

Civil Service Board Vacancy - There is an open seat on the Civil Service Board. Bruce Newkirk is the lone volunteer for this position and previously served on this board. The appointment is for a three term that runs through 8/11/2026.

Recommended Action - Make a motion to appoint Bruce Newkirk to the Civil Service Board for a term that expires on August 11, 2026.

Motion to Appoint Interim Solicitor - Beard Legal Group provided notice to the City last month their firm would no longer provide legal services to the City as of October 2023. Since the notice for this action was rather short, the City needs immediate legal counsel. City staff secured the services of Dillon, McCandless, King, Coulter & Graham through the end of 2023.

Recommended Action - Make a motion to appoint Dillon, McCandless, King, Coulter & Graham as the City's interim solicitor.

OLD BUSINESS:

Planning Commission Vacancies - There remain two vacancies on the Planning Commission after member resignations earlier in 2023. Two applications on file for the Planning Commission vacancies are included with the agenda materials. The applications are from Mike Grandinetti and Linda Yutzy. Both terms expire on January 31, 2027.

Recommended Action - Review applications to serve on the Johnstown Planning Commission and make a motion for an appointment for terms that run through January 31, 2027.

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 - November 8, 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.