



**CITY OF JOHNSTOWN  
CITY COUNCIL AGENDA  
ANTHONY C. TRUSCELLO  
COUNCIL CHAMBERS**

**WEDNESDAY, NOVEMBER 10, 2021**

**PUBLIC HEARING – 5:30 pm**

**REGULAR MEETING – 6:00 PM**

**City Council**

Frank Janakovic, Mayor  
Marie Mock, Deputy Mayor  
Charles Arnone  
Ricky Britt  
Michael Capriotti  
Rev. Sylvia King  
Dave Vitovich

**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OF MINUTES:**

1. Special meeting minutes of September 29, 2021
2. Workshop minutes of September 29, 2021
3. Regular meeting minutes of October 13, 2021

**PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:**

**PUBLIC COMMENT – AGENDA ITEMS ONLY (Limit 5 minutes)**

**REPORTS:**

- a. CITY MANAGER
- b. MAYOR
- c. CITY SOLICITOR
- d. CITY ENGINEER
- e. COUNCIL UPDATES/ NEIGHBORHOOD LIAISONS
  1. Planning Commission minutes of October 6, 2021
  2. Civil Service Board minutes of October 18, 2021

**PETITIONS:**

**ORDINANCES FOR FINAL READ:**

1. Zoning Ordinance Amendment – This Ordinance is intended to address two frequent complaints from city residents. The first is the frequent parking of vehicles in residential yards. The second is the common practice of encircling a vacant parcel with wire cables and other unsightly items. The proposed Ordinance prohibits both.

A public hearing will have been conducted prior to the meeting.

**BILL NO. 8 OF 2021 - 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; ORDINANCE NO. 5256, PASSED JULY 11, 2018; ORDINANCE NO. 5309, PASSED JANUARY 13, 2021; AND ORDINANCE NO. 5314 PASSED JUNE 9, 2021 BY PROHIBITING PARKING IN CERTAIN RESIDENTIAL YARDS AND EXCLUDING CERTAIN TYPES OF BARRIERS FROM THE DEFINITION OF FENCE.

Recommended Action – Grant final approval to Bill No. 8 of 2021 amending the City of Johnstown Zoning Ordinance.

2. Ordinance Penalties – Ordinance No. 5283, adopted in January 2020, amended purchasing regulations to allow for credit cards. During subsequent codification Section 202.99 was inadvertently omitted from the Codified Ordinances. Section 202.99 provides for a penalty throughout the Codified Ordinances. This Ordinance corrects that error.

BILL NO. 12 OF 2021 - AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE OF THE CITY OF JOHNSTOWN TO CONFIRM, REINSTATE AND OR RESTORE SECTION 202.99; GENERAL CODE PENALTY, COMPLICITY, EQUITABLE REMEDIES.

Recommended Action - Grant final approval to Bill No. 12 of 2021 restoring Section 202.99, relative to penalties, to the Administrative Code.

#### ORDINANCES FOR FIRST READ:

1. Local Taxpayer Bill of Rights – Act 50 of 1998 required municipalities levying certain eligible taxes to adopt rules and regulations for the administration of those taxes. Johnstown adopted the required rules under Resolution No. 8535 dated 3/24/1999. The Act has since been amended. An Ordinance is now required for compliance. The proposed Ordinance repeals the original Resolution and adopts the restated regulations.

BILL NO. 15 OF 2021 - AN ORDINANCE IMPLEMENTING THE REQUIREMENTS OF THE LOCAL TAXPAYERS BILL OF RIGHTS BY ADOPTING RULES AND REGULATIONS, ADOPTING A DISCLOSURE STATEMENT, ADOPTING A FORM OF TAXPAYER PETITION AND ADOPTING ADMINISTRATIVE APPEAL PROCEDURES.

Recommended Action - Grant tentative approval to Bill No. 15 of 2021 adopting a restated Local Taxpayer Bill of Rights.

2. Wage & Salary Ordinance -- This Ordinance establishes the wages and salaries to be paid to all city employees in 2022. It received first read at a special meeting on November 1<sup>st</sup>. It has since been amended to reflect the separation of the codes enforcement department, the elimination of the right-to-know position, a slight wage increase to an administrative assistant position in community development, and a slight decrease in the new executive secretary position. Because of the number of changes, staff recommends that it receive first read again tonight, and receive final approval in December as planned.

BILL NO. 14 OF 2021 - AN ORDINANCE FIXING THE SALARIES AND WAGES TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS

AND BUREAUS OF THE CITY OF JOHNSTOWN FOR THE CALENDAR YEAR JANUARY 1, 2022.

Recommended Action – Grant tentative approval to Bill No. 14 of 2021 fixing salaries and wages to be paid in 2022.

RESOLUTIONS:

1. Employee Healthcare Opt-Out – City employees that elect to opt out of the employee healthcare plan are paid \$1,000 for employee-only coverage and \$2,000 if dependent coverage is included. That incentive to opt out is not substantial enough to encourage employees to opt out. Staff recommends that employees be paid 40% of any savings that is achieved by the city for that employee opting out. Every employee that this proposal encourages to opt out will save the city an average of \$9,500. The opt out provision is included in the FOP and AFSCME labor agreements, so a memorandum of understanding (MOU) is required to make the change for those two unions. It is not addressed in the firefighters' labor agreement. This Resolution adopts a MOU for the FOP and AFSCME agreements and approves the new policy for firefighters and all full-time non-union employees.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA APPROVING A FORTY (40%) PERCENT HEALTHCARE OPT OUT PROVISION FOR ALL UNION AND NON-UNION FULL-TIME EMPLOYEES.

Recommended Action – Adopt the proposed Resolution approving an opt out provision for employee healthcare of 40% of premium savings.

2. City Engineer Appointment – A Request for Proposals was issued for City Engineer. Eight responses were received. Based upon various factors listed in the RFP, three firms were selected to make presentations to the Assistant City Manager and the Public Works Director. At the conclusion of the process, the recommendation is that EADS be designated as City Engineer.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH THE EADS GROUP APPOINTING THE EADS GROUP AS CITY ENGINEER TO PROVIDE ENGINEERING SERVICES TO THE CITY OF JOHNSTOWN, AS REQUIRED.

Recommended Action – Adopt the proposed Resolution appointing The EADS Group as City Engineer.

3. Resolution Corrections – The Administrative Code requires that the adoption of any Resolution involving the expenditure of funds contain a reference to the budget line item from which the funds are appropriated. There were eight Resolutions approved during 2021 that did not contain that reference. This Resolution is intended to correct that oversight.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AFFIRMING THE ADOPTION OF PRIOR RESOLUTIONS DURING 2021 THAT INCURRED EXPENDITURE OF CITY FUNDS BUT IN WHICH AN APPROPRIATE BUDGET LINE ITEM WAS OMITTED.

Recommended Action – Adopt the proposed Resolution correcting and affirming eight prior Resolutions.

4. Commercial Building Demolition – This Resolution approves a contract for demolition of three commercial structures.

600 Maple Avenue	2-story brick
209 Market Street	2-story brick
231-241 Boyer Street	2-story 6-unit multi-family wood

The bid tab listing seven bidders is attached to the Resolution.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH RITENOUR & SONS CONSTRUCTION COMPANY, INC IN THE AMOUNT OF \$78,000.00 FOR CONTRACT FY 2021 PROJECT #3, CDBG STRUCUTRE DEMOLITION PROGRAM TO DEMOLISH THREE (3) STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN.

Recommended Action – Adopt the proposed Resolution awarding a contract to Ritenour & Sons Construction Company, Inc. in the amount of \$78,000.

5. Residential Building Demolition – This Resolution approves a contract for demolition of thirteen residential structures.

307 Morrell Place	2-story brick
347 Cooper Avenue	2-story wood
112-114 Bheam Avenue	2-story duplex wood
743 Central Avenue	2-story wood
1106 Cottage Place	2-story wood
629 Sherman Street	2-story wood
631 Sherman Street	2-story wood
404-406 Forest Avenue	2-story wood
730 Thomas Avenue	2-story wood
1092-1094 Solomon Street	2-story duplex wood
249 Sell Street	2-story wood
464 Decker Avenue	2-story wood
153-155 Barron Avenue	2-story duplex wood

The bid tab listing seven bidders is attached to the Resolution.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH LOCHER DEMOLITION AND EXCAVATING LLC IN THE AMOUNT OF \$96,775.00 FOR CONTRACT FY 2021 PROJECT #2, CDBG STRUCUTRE DEMOLITION PROGRAM TO DEMOLISH THIRTEEN (13) STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN.

Recommended Action – Adopt the proposed Resolution awarding a contract to Locher Demolition and Excavating LLC in the amount of \$96,775.

6. Right-to-Know -- The Open Records Officer is currently a separate part-time staff position. This position is being eliminated in 2022. The person serving at any time as Assistant City Manager will now also serve as the Open Records Officer.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA DESIGNATING THE ASSISTANT CITY MANAGER AS THE CITY'S OPEN RECORDS OFFICER UNDER PROVISIONS AND MANDATES OF THE COMMONWEALTH OF PENNSYLVANIA'S RIGHT-TO-KNOW LAW, EFFECTIVE JANUARY 1, 2022.

Recommended Action – Adopt the proposed Resolution designating the Assistant City Manager as the City's Open Records Officer.

7. Amended Agreement for Inclined Plane Riverside Park – In November 2020 City Council entered into an agreement with the Cambria County Transit Authority, Inclined Plane, Inc. and Conemaugh Valley Conservancy relative to the planned development of Inclined Plane Riverside Park at the base of the inclined plane. The plans have since grown to include additional trails, a zip line and adventure park, and facility rentals. Conemaugh Valley Conservancy wishes to amend the original Agreement to include these expanded plans. The City reserves the right to grant or deny final approval of any future proposed use.

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE TO ENTER INTO AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE AN AMENDMENT TO AN AGREEMENT DATED NOVEMBER 9, 2020 WITH THE CAMBRIA COUNTY TRANSIT AUTHORITY, INCLINED PLANE, INC., AND THE CONEMAUGH VALLEY CONSERVANCY PROVIDING FOR MORE EXTENSIVE PARK FEATURES, ALLOWING FOR THIRD PARTY CONTRACTS, AND PERMITTING CONCESSIONS AND OTHER SERVICES AT INCLINED PLANE RIVERSIDE PARK.

Recommended Action – Adopt the proposed Resolution approving an amendment to a previous agreement for Inclined Plane Riverside Park.

8. Naming of the Haynes Street Bridge as Harry M. Plows Bridge – This Resolution, introduced by Councilman Arnone, honors a resident whose simple act of patriotism resulted in a new annual tradition in Johnstown, the Veterans' Day Parade.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA DESIGNATING THE HAYNES STREET BRIDGE AS "HARRY M. PLOWS BRIDGE".

Recommended Action – Adopt the proposed Resolution designating the Haynes Street Bridge as Harry M. Plows Bridge.

9. City Manager Search – This Resolution authorizes the search for a new City Manager. The Act 47 Team will coordinate the search process. Applications are due on November 30<sup>th</sup>. The position could be filled as early as late January 2022.

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ESTABLISHING PROCEDURES AND SETTING DATES

FOR THE CITY MANAGER SEARCH PROCESS, AND FURTHER AUTHORIZING THE ADVERTISEMENT OF SAID POSITION TO BE FILLED ON AN EFFECTIVE DATE ANTICIPATED IN JANUARY 2022, WITH A DEADLINE FOR ALL SUBMISSIONS TO BE RECEIVED BY NOVEMBER 30, 2021.

Recommended Action – Adopt the proposed Resolution designating the Haynes Street Bridge as

10. City Charter Amendments – All seven referendums placed on the November 2<sup>nd</sup> ballot relative to Charter amendments were approved by the voters. The amendments are considered adopted upon certification of the election results. This Resolution authorizes the Interim City Manager to implement the amendments as detailed in Ordinance #5315 originally adopted by Council in July 2021.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO IMPEMENT THE SEVEN AMENDMENTS TO THE CITY OF JOHNSTOWN HOME RULE CHARTER AS SET FORTH IN ORDINANCE NO. 5315 AND AS APPROVED BY VOTER REFERENDUM.

Recommended Action – Adopt the proposed Resolution authorizing the implementation of recently approved City Charter amendments.

11. Building Code Board of Appeals – The City's Board of Appeals for matters related to the building code has five members appointed by City Council. The Administrative Code dictates that all members have 3-year terms. The Board meets so infrequently and conducts such little business that confusion exists over the expiration dates of terms of members. This Resolution is intended to affirm the expiration date of the terms of the current members.

A RESOLUTION AFFIRMING THE EXPIRATION DATES OF THE TERMS OF OFFICE OF CURRENT BUILDING CODE BOARD OF APPEALS MEMBERS

Recommended Action – Adopt the proposed Resolution affirming the expiration dates of the terms of office of current Board of Appeals members.

12. Fire Hose and Appliances – This Resolution authorizes the replacement of aged fire hose and appliances. These items will not be delivered until later in 2022 and are included in the 2022 capital budget.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND FINANCE DIRECTOR TO SIGN ALL DOCUMENTS AND TAKE ANY/ALL OTHER ACTIONS NECESSARY IN THE PURCHASE OF HOSE AND VARIOUS HOSE APPLIANCES FROM WITMER PUBLIC SAFETY GROUP.

Recommended Action – Adopt the proposed Resolution authorizing the purchase of fire hose and appliances.

13. Conceptual Designs for Main Street Revitalization – This Resolution authorizes the preparation of conceptual design images for the Main Street Revitalization Project. The conceptual designs will assist in explaining the project to the public and the businesses that line Main Street.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE AN AGREEMENT WITH ENVIRONMENTAL PLANNING AND DESIGN FOR MAIN STREET DESIGN SERVICES.

Recommended Action – Adopt the proposed Resolution authorizing an agreement with Environmental Planning and Design for conceptual drawings of the proposed Main Street Revitalization Project in the amount of \$15,000.

14. Sale of City Clean Fill Site – The City owns and operates a clean fill site in the City's west end. The site satisfied an important need that the City had during the period of time that the City was undertaking the sewer system rehabilitation. Now that the sewer system has been sold to GJWA, the City no longer has a need for the site.

This Resolution approves an Agreement to sell the clean fill site to GJWA. The terms of the Agreement include:

- 1) GJWA will have the DEP operating permit transferred to GJWA and will indemnify the City of any future liabilities.
- 2) GJWA will assume all costs associated with management of the site.
- 3) The City will be permitted to continue to use the site.
- 4) GJWA will pay to the City \$125,000 which is intended to reimburse the maintenance costs incurred by the City during the last quarter of 2021.
- 5) GJWA will decrease the sewer rates for city customers from \$55/mo. to \$53/mo. and will guarantee that rate for a period of four years, subject to conditions of GJWA's rate covenant with PENNVEST.
- 6) The City waives any right it may have had to annual installments provided in the earlier system sales agreement.

The Agreement anticipates that the sale will be completed by the end of 2021. The ultimate conveyance of the property will have to be completed by an Ordinance. That Ordinance is being developed by the City Solicitor and will require a special meeting during the approval process.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE AN AGREEMENT WITH GREATER JOHNSTOWN WATER AUTHORITY FOR THE SALE OF THE CLEAN FILL SITE TO THE AUTHORITY, SUBJECT TO FINAL APPROVAL OF THE CITY SOLICITOR.

Recommended Action – Adopt the proposed Resolution authorizing an agreement with GJWA for the sale of the clean fill site.

15. Small Business Success Center – The partnership between the City of Johnstown and the world-wide software company, Intuit, takes another step forward with the establishment of the development of the Johnstown Small Business Success Center. Johnstown was one of Intuit's first Prosperity Hub communities, and is now one of sixteen such communities in the country. Intuit and the City share the interest of growing small businesses. Through the Johnstown Small Business Success Center, entrepreneurs and existing small businesses will be able to find support and other resources to help them be successful. Assistance, not limited to business planning and financial services, will be available at the Center. The Center will also help train entrepreneurs

and business owners on how to make their business successful as clients will be able to interact with professional business coaches and Intuit staff every month. The Center will also provide shared-work space to bring professionals together to help foster business development within the City.

Through two agreements, Intuit will be providing the City \$250,000 to create and manage the Center, and the City will be contracting with Intrignia Inc. to create and operate the Center from its location above Pennsylvania Highlands Community College in Downtown Johnstown. The City will coordinate this initiative but not have to contribute financially to this new asset. With the creation of the Johnstown Small Business Center the City will become a hub of new small business development.

The first Resolution approves a Lease and Management Agreement in which the City leases space from Intrignia, and Intrignia provides the management services and operates the Small Business Success Center. The City agrees to pay \$250,000 to Intrignia.

The second Resolution approves an Agreement with Intuit wherein Intuit agrees to pay the full \$250,000 cost of the program.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE TO EXECUTE AND TAKE ANY/ALL ACTIONS NECESSARY TO EFFECUATE AN AGREEMENT WITH INTRIGNIA INCORPORATED TO SUPPLY THE OFFICE SPACE AND MANAGEMENT OF THE JOHNSTOWN SMALL BUSINESS SUCCESS CENTER.

Recommended Action – Adopt the proposed Resolution approving the Lease and Management Agreement with Intrignia for the Small Business Success Center.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE TO EXECUTE AND TAKE ANY/ALL ACTIONS NECESSARY TO EFFECUATE AN AGREEMENT WITH INTUIT FOR THE FUNDING TO SUPPORT THE DEVELOPMENT OF THE JOHNSTOWN SMALL BUSINESS SUCCESS CENTER.

Recommended Action – Adopt the proposed Resolution approving an Agreement with Intuit to fully fund the Small Business Success Center.

#### NEW BUSINESS:

1. 2020 Audit – The 2020 annual audit was presented to City Council on July 14<sup>th</sup>. The audit was not yet finalized pending certain pension data. The audit is now complete. Upon Council approval it will be advertised for public inspection and a copy is available on the city's website.

Recommended Action – Adopt a motion approving the 2020 annual audit as completed by Wessel & Company.

2. Amendments to the Administrative Code - The recently approved amendments to the City Charter will necessitate amendments to the Administrative Code. In some cases the provisions of the Administrative Code are now in conflict with the Charter amendments. Staff will be submitting in the near future a proposed Ordinance intended to amend the Administrative Code to reflect language contained in the amended Charter and to correct any other inconsistencies.

Recommended Action – No action required.

OLD BUSINESS:

1. 2022 Budget – The 2022 Budget received first read at a special meeting of Council on November 1<sup>st</sup>. Council has since suggested an amendment to the draft ARPA Budget which shifts \$2 million from a Main Street line item to a separate Contingency line item. The 2022 Budget Ordinance has been advertised as amended and is scheduled for final read at the December 8<sup>th</sup> regular meeting.

Recommended Action – No action required.

2. Comprehensive Plan Update – The first draft of the updated comprehensive plan is completed. It has been placed on the city's website for review and comments.

Recommended Action – No action required.

DEPARTMENT REPORTS:

1. Public Works
2. Police Department
3. Fire Department
4. Community Development

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

RECESS/ADJOURNMENT:

NEXT SCHEDULED COUNCIL MEETING – December 8, 2021 AT 6:00 PM

*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.*