



**CITY OF JOHNSTOWN  
CITY COUNCIL AGENDA  
ANTHONY C. TRUSCELLO  
COUNCIL CHAMBERS  
WEDNESDAY, JULY 14, 2021**

**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. Regular meeting minutes of May 12, 2021
2. Public Hearing minutes of June 9, 2021
3. Regular meeting minutes of June 9, 2021
4. Workshop minutes of June 16, 2021

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

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

1. Charlene Stanton, 184 Sell St. Johnstown 15905 re: Agenda items

**REPORTS:**

- a. **CITY MANAGER**
  1. Introduction of Alex Ashcom, Assistant City Manager.
  2. Firefighter Eric Miller will update Council on the site plan for the Johnstown Firefighters Memorial Park.
  3. Wessel & Company will be asked to present the 2020 audit report.
- b. **MAYOR**
- c. **CITY SOLICITOR**
- d. **CITY ENGINEER**
- e. **COUNCIL UPDATES/ NEIGHBORHOOD LIAISONS**
  1. Planning Commission Minutes of June 2, 2021
  2. Civil Service Board Minutes of May 17, 2021
  3. Civil Service Board Minutes of June 21, 2021
  4. Letter of June 30, 2021 from Cambria County Library
  5. Letter of July 8, 2021 from Flood City Youth Fitness Academy

**PETITIONS:**

## ORDINANCES FOR FINAL READ:

1. Home-Rule Charter Amendments –The Committee has agreed upon seven proposed amendments. Those amendments, as proposed, would accomplish the following.
  - 1) Allow the annual budget and capital program to be adopted and/or amended by Motion or Resolution of Council rather than requiring an Ordinance.
  - 2) Allow the personnel manual to be updated by Resolution of Council rather than requiring an Ordinance.
  - 3) Allow supplemental and emergency appropriations to be approved by Motion or Resolution of Council rather than requiring an Ordinance.
  - 4) Allow budget administration policies to be amended by Motion, Resolution and/or Ordinance of Council rather than requiring a referendum.
  - 5) Allow contracts to be approved by Motion rather than requiring Resolutions or Ordinances.
  - 6) Allowing Council the option to require residency for the City Manager by Ordinance rather than requiring a referendum.

Since last month's first reading the Solicitor has added a plain text explanation of each proposed amendment to help the public better understand what is being proposed. There are two slightly different versions of the proposed Ordinance in Council's packet. The only difference between the two is in Amendment #7. One version refers to future residency requirements being made by ordinance, and the other refers specifically to the Administrative Code. The Solicitor and Manager both recommend the former.

A Charter amendment requires adoption of an Ordinance which is then forwarded to the County Board of Elections. The question is then posed as a referendum on the fall's election ballot. The Ordinance must be submitted to the county before the end of July.

BILL NO. 6 OF 2021 - AN ORDINANCE AMENDING THE HOME RULE CHARTER OF THE CITY OF JOHNSTOWN ADOPTED BY VOTERS ON MAY 18, 1993, MADE EFFECTIVE JANUARY 1, 1994, AND AMENDED NOVEMBER 2, 2010 BY AMENDING CERTAIN SECTIONS PERTAINING TO THE REQUIREMENTS FOR THE CITY MANAGER AND CERTAIN FINANCIAL PROVISIONS IN ORDER TO UPDATE CERTAIN PROCEDURES FOR THE PURPOSES OF IMPROVING AND ENSURING EFFICIENCY IN THE CONDUCT OF CITY BUSINESS.

Recommended Action – Grant final approval to Bill No. 6 of 2021 amending the Home Rule Charter.

2. Personnel Ordinance – The City Charter requires the existence of a "Personnel Ordinance". The Personnel Ordinance was last updated in March 2017 by Ordinance #5225. The Personnel Ordinance differs from the Personnel Manual.

The current Personnel Ordinance addresses topics that are inappropriate for an Ordinance and better addressed in a separate Personnel Manual, and in some cases, the City Charter itself and/or the Administrative Code. When the same issues are redundantly addressed in separate documents

such as an Ordinance, the Charter and a manual, inconsistencies are bound to occur over time. The proposed Personnel Ordinance in effect repeals the current Ordinance, and in a very simple form satisfies the need for a Personnel Ordinance by serving to adopt a personnel manual.

The new Personnel Manual was developed by the Act 47 team, amended by administrative staff and reviewed by the Solicitor.

BILL NO. 7 OF 2021 - AN ORDINANCE AMENDING ORDINANCE NO. 4719, PASSED FINALLY APRIL 12, 1995 AND AS AMENDED BY ORDINANCE 5062, PASSED FINALLY MARCH 24, 2010, AND AS AMENDED BY ORDINANCE NO. 5225 PASSED FINALLY MARCH 8, 2017, TITLED: AN ORDINANCE ESTABLISHING A PERSONNEL POLICY FOR ALL CITY OF JOHNSTOWN EMPLOYEES, BY FURTHER ESTABLISHING PROCEDURES AND POLICIES FOR THE EMPLOYEES OF THE CITY OF JOHNSTOWN, BY FURTHER AMENDING THE ORDINANCE TO PROVIDE AN UPDATED PERSONNEL MANUAL TO INCLUDE ALL REQUIREMENTS OF THE PERSONNEL ORDINANCE FOR THE EMPLOYEES OF THE CITY OF JOHNSTOWN.

Recommended Action – Grant final approval to Bill No. 7 of 2021 amending the Personnel Ordinance.

#### ORDINANCES FOR FIRST 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.

The proposed Ordinance has been referred to the City's Planning Commission and the Cambria County Planning Commission for review and recommendations. A public hearing will be conducted on Wednesday, August 11<sup>th</sup> at 5:45 p.m.

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 tentative approval to Bill No. 8 of 2021 amending the City of Johnstown Zoning Ordinance.

2. Livestock/Fowl Ordinance - This Ordinance is intended to prohibit the raising of livestock and chickens within the City.

BILL NO. 9 OF 2021 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING CHAPTER 614 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED "ANIMALS" BY PROHIBITING HARBORING OF LIVESTOCK OR FOWLS.

Recommended Action – Grant tentative approval to Bill No. 9 of 2021 prohibiting livestock and fowl.

3. Zoning Ordinance Amendment -- The City worked with the Planning Commission on the update of the Sign Ordinance to accommodate the changing sign industry and increased economic development growth. The size limit on industrial buildings is being increased to better fit on larger buildings. We are adding a section of projected Light Displays as there is a growing interest in using projectors for advertisements. Clarification on sign use in historic districts is also included within this update.

The proposed Ordinance has been recommended by the City's Planning Commission and has been forwarded to the Cambria County Planning Commission for review and recommendations. A public hearing will be conducted on Wednesday, August 11<sup>th</sup> at 5:45 p.m.

BILL NO. 10 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 AMENDING ARTICLE VII – SIGNS AMENDING THE TYPES AND SIZES OF SIGNS PERMITTED IN THE VARIOUS ZONING DISTRICTS.

Recommended Action -- Grant tentative approval to Bill No. 10 of 2021 amending the City of Johnstown Zoning Ordinance.

#### RESOLUTIONS:

1. DEP Resolution – DEP issued fines totaling \$7,500 to the City of Johnstown and Steel Valley Contractors, the contractor engaged to raze the Conrad Building. Steel Valley Contractors accepted responsibility for the infraction and agreed to pay the entire fine. This Resolution simply authorizes signatures on the settlement agreement.

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SETTLEMENT OF CIVIL PENALTIES ASSOCIATED WITH THE DEMOLITION OF THE FORMER CONRAD BUILDING LOCATED AT 303 FRANKLIN STREET IN JOHNSTOWN, PENNSYLVANIA.

Recommended Action – Adopt the proposed Resolution authorizing signatures on a DEP settlement agreement relative to the Conrad Building.

2. 2021 Paving Project - The Public Works Department issued a Request for Proposals for the milling and resurfacing of various streets. The bids have been reviewed by the Public Works Director and the City Engineer, and both recommend awarding the contract to the low bidder, Quaker Sales, in the amount of \$743,425.00..

The following bids were received:

Quaker Sales	Johnstown, PA	\$743,425.00
HRI, Inc.	State College, PA	\$998,670.00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA ACCEPTING THE PROPOSAL OF QUAKER SALES CORPORATION FOR MILLING AND PAVING OF HOPP AVENUE, OSBORNE STREET (FROM RAILROAD TRACKS TO FRANKLIN STREET), BARNETT STREET, VON LUNEN ROAD, 900 PLACE, THORN PLACE, CLEVELAND STREET, PORTION OF FREDRICK STREET (CENTRAL TO PARK), WESLEY ALLEY AND DIRECTING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE TO EXECUTE AN AGREEMENT AND TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE SAME, FOR A TOTAL FEE OF \$743,425.00

Recommended Action – Adopt the proposed Resolution awarding a contract to Quaker Sales for milling and resurfacing of various streets in the amount of \$743,425.00.

3. HUD Residential Demolition Project - The Community & Economic Development Department issued a Request for Proposals for the demolition of sixteen residential properties throughout the city. This project is HUD funded. The bids have been reviewed by the Department Director, and staff recommends awarding the contract to the low bidder, Locher Demolition, in the amount of \$144,650.00.

The following bids were received:

Locher Demolition	Johnstown, PA	\$144,650.00
Leckey's Demolition	Johnstown, PA	\$146,000.00
Marsh Construction	Johnstown, PA	\$190,000.00
Earthmovers	Kylertown, PA	\$205,568.00

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 & EXCAVATING LLC SERVICE IN THE AMOUNT OF \$144,650.00 THROUGH THE CDBG STRUCTURE DEMOLITION PROGRAM TO DEMOLISH SIXTEEN (16) STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN.

Recommended Action – Adopt the proposed Resolution awarding a contract to Locher Demolition for demolition of sixteen properties in the amount of \$144,650.00.

4. Entertainment Assessment – As the City continues to invest in the stadium, along with our efforts in attracting more visitors to the City, we will be working with Stone Planning LLC and the Rooney Sports Entertainment Group to perform an assessment and market analysis for the Arena, Stadium, and the proposed redevelopment of the State Theater. The end result of this report will identify opportunities to maximize the use of these community assets. Information from this report will be utilized within the City's updated Comprehensive Plan that is under development.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE(S) TO TAKE ANY/ALL ACTIONS NECESSARY TO AWARD A CONTRACT TO STONE PLANNING LLC FOR A STUDY OF ENTERTAINMENT OPPORTUNITIES AND TO MAXIMIZE USAGE AT SARGENT'S STADIUM, 1<sup>ST</sup> SUMMIT ARENA AND THE STATE THEATRE.

Recommended Action – Adopt the proposed Resolution awarding a contract to Stone Planning LLC in the amount of \$10,000.

5. Real Estate Tax Collections – Berkheimer Associates is the current collector of real estate tax for the city. Cambria County is seeking to be appointed as the tax collector. This would allow taxpayers to visit the courthouse with questions if desired. It also promotes intergovernmental cooperation. The terms of the proposed agreement regarding compensation and fees are the same as the city's current arrangement.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPOINTING THE CAMBRIA COUNTY TREASURER AS REAL ESTATE TAX COLLECTOR FOR THE CITY OF JOHNSTOWN, AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE(S) TO SIGN ALL DOCUMENTS AND TAKE ANY/ALL OTHER ACTIONS NECESSARY TO ENTER INTO AN AGREEMENT FOR THE COLLECTION OF REAL ESTATE TAXES.

Recommended Action – Adopt the proposed Resolution appointing the Cambria County Treasurer as Real Estate Tax Collector and entering into an agreement for real estate tax collections.

6. Sargent's Stadium Lighting – The Department of Community & Economic Development issued a Request for Proposals (RFP) for the purchase and installation of a new LED lighting system within Sargent's Stadium. This project is included in the City's 2021 Capital Improvement Program. A lone bid of \$579,000 was received. In subsequent negotiations with the bidder, options were deleted from the proposal that would have provided theatrical effects, lowering the project cost by an estimated \$40,000. The final contract cost is not yet known during agenda preparation, but will be available at the meeting prior to final approval.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEE(S) TO TAKE ANY/ALL ACTIONS NECESSARY TO AWARD A CONTRACT TO HALLSTROM-CLARK ELECTRIC, LLC FOR LIGHTING AT SARGENT'S STADIUM.

Recommended Action – Adopt the proposed Resolution awarding a contract to Hallstrom-Clark Electric, Inc. in the amount of \$\_\_\_\_\_ for Sargent's Stadium Lighting.

## NEW BUSINESS:

1. American Rescue Plan Funding – The City has been awarded \$32,187,885 in funding from the American Rescue Plan. One-half of the allocation has already been received and the balance will be received in 2022. The rules for disbursement of the funds are not yet finalized, however, use of the funds will be restricted. It appears that Johnstown will be able to use the funds for the following purposes:
  - A. Replacement of lost revenue. For 2020 Johnstown will transfer \$567,000 to its general fund to cover revenue losses. Future similar transfers will be made at the end of 2021, 2022 and 2023.
  - B. Economic stabilization for households and businesses. The City's Community & Economic Development Department is preparing draft program guidelines for distribution of funds to those entities. Staff hopes to be able to propose in August a program of mini-grants that would distribute millions of dollars to those that have struggled through the pandemic.
  - C. Stormwater Improvements. There are several stormwater projects planned or already underway in the city. Staff expects that the projects at Stackhouse Park, Sam's Run and Fairfield Avenue will qualify for this funding.
  - D. Tourism. Efforts to expand tourism are referenced within the rules, but it is not yet clear how broad that interpretation will be. Staff hopes that projects already completed at Sargent's Stadium and those planned at the conference center will be deemed eligible.

Once a final list of eligible project types is determined, Council has expressed its desire to conduct public meetings to receive input on prioritization of projects selected for funding.

Recommended Action – No action required.

2. Vision 2025 Contribution – Vision 2025 is seeking financial support from community partners. The City's contribution will help support the administration and operational costs of Vision Together 2025 as our community continues to collaborate on the planning and implementation of key projects and programs within our community.

Recommended Action – Approve a contribution of \$20,000 to Vision Together 2025.

3. Capital Improvement Plan – The Charter requires that City Council be presented with a 5-year Capital Improvement Plan that identifies all capital purchases and improvements planned over the next five years. Finance Director Bob Ritter has prepared the plan that will be reviewed by the City Manager.

Recommended Action – No action required.

4. Landbank – The establishment of a landbank is a means by which underutilized properties can be acquired and a building either razed or renovated, after which the property is returned to private ownership. A landbank is permitted to intervene and acquire a property non-competitively prior to a tax/judicial sale. Landbanks must be administered by a redevelopment authority. Council has two preliminary decisions to make.

First, which redevelopment authority does Council wish to utilize? The Cambria County Redevelopment Authority and the Johnstown Redevelopment Authority (JRA) are both experienced and capable of administering a landbank. Staff recommends that an agreement be

sought with JRA. Its focus is solely on the city, and all funds contributed to the landbank would remain within the city.

Second, a landbank requires seed funding. Is City Council agreeable to providing the necessary funding? \$50,000 was previously approved in the 2021 capital plan. An additional \$100,000 will be necessary in the 2022 capital plan. As properties are acquired and resold the fund will ideally be self-supporting after that, but could require additional funding in subsequent years.

Recommended Action – Achieve consensus supporting funding a landbank agreement with the Johnstown Redevelopment Authority and authorizing staff to negotiate an agreement. No formal action required at this time.

5. Fire Training Site – Because the land which is currently being leased for the city's fire training site has been sold, it is necessary to remove the training building and acquire a new site on which it can be reconstructed. The Fire Chief has had preliminary discussions about purchasing property from the Cambria County Conservation & Recreation Authority. He is seeking a consensus of Council to proceed with negotiations for the property.

Recommended Action – Achieve consensus that Council would be willing to purchase property for the fire training site for up to \$10,000. No formal action required at this time.

6. United Way/Farmers' Market – The United Way desires to provide a means to accept SNAP EBT and debit cards at the city's Farmers' Market. An Agreement is proposed between the City and United Way of the Laurel Highlands in which United Way accepts responsibility for all administrative requirements of the program. There is no expenditure of city funds or use of city staff in the proposed Agreement.

Recommended Action – Adopt a motion approving an agreement between the City and United Way of the Laurel Highlands implementing a system for processing SNAP EBT and debit cards.

OLD BUSINESS:

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

RECESS/ADJOURNMENT:

NEXT SCHEDULED COUNCIL MEETING – AUGUST 11, 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.*