



**CITY OF JOHNSTOWN
CITY COUNCIL AGENDA
ANTHONY C. TRUSCELLO
COUNCIL CHAMBERS
WEDNESDAY, SEPT. 8, 2021**

City Council

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

WORKSHOP – 5:30 PM

REGULAR MEETING – 6:00 PM

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES:

1. Public Hearing minutes of August 11, 2021
2. Regular meeting minutes of August 11, 2021

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:

PUBLIC COMMENT – AGENDA ITEMS ONLY (Limit 5 minutes)

REPORTS:

a. CITY MANAGER

- 1) Stackhouse Park – Westmont Police Officer John Todaro has been asked to discuss a proposal to allow limited hunting of deer in Stackhouse Park.
- 2) Workshop – A Council workshop is scheduled for Wednesday, September 29th to discuss matters related to code enforcement, for preliminary discussions relative to budget preparation, and to discuss the American Rescue Plan funding.
- 3) 2022 Budget – The budget is expected to be presented at the October Council meeting with final approval scheduled in November.
- 4) Department Reports – A new section, Department Reports, has been added near the end of the agenda. It is intended as an opportunity for department heads to update Council on projects previously approved, discussed and/or underway and for Council to ask questions about current issues within each department.

b. MAYOR

c. CITY SOLICITOR

d. CITY ENGINEER

e. COUNCIL UPDATES/ NEIGHBORHOOD LIAISONS

1. Johnstown Civil Service Board Meeting Minutes of July 19, 2021

PETITIONS:

ORDINANCES FOR FINAL READ:

1. 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 final approval to Bill No. 9 of 2021 prohibiting livestock and fowl.

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. If approved, a public hearing will be conducted on Wednesday, October 13th 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 #1 – Remove Bill No. 8 from the table.

Recommended Action #2 – Approve a motion withdrawing Bill No. 8 of 2021 amending the City of Johnstown Zoning Ordinance from consideration.

2. Vacant Structures - This Ordinance is intended to clarify that the current Ordinance regulating vacant structures applies to vacant properties with or without structures. The Bill was first considered last month and has been amended to require that vacant parcels need only be registered and fees incurred after an ordinance violation is deemed to exist.

BILL NO. 11 OF 2021 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING CHAPTER 1480 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED "VACANT STRUCTURES", ORDINANCE NO. 4810, ADOPTED SEPTEMBER 9, 1998, AND AS AMENDED BY ORDINANCE NO. 4855, PASSED MAY 10, 2000; ORDINANCE NO. 4987, PASSED APRIL 12, 2006; ORDINANCE NO. 5083, PASSED APRIL 27, 2011; ORDINANCE NO. 5190, PASSED DECEMBER 9, 2015; ORDINANCE NO. 5221, PASSED FEBRUARY 8,

2017; AND ORDINANCE NO. 5302, PASSED NOVEMBER 18, 2020 CLARIFYING THE DIFFERENCE BETWEEN "VACANT STRUCTURE" AND "VACANT PROPERTY".

Recommended Action #1 – Remove Bill No. 11 from the table.

Recommended Action #2 - Grant tentative approval to Bill No. 11 of 2021 amending the Vacant Property Ordinance.

RESOLUTIONS:

1. Amended Consent Order – As a result of the sale of the sewage collection system to the Greater Johnstown Water Authority, it is necessary to amend the DEP consent order relative to mandatory sewage system improvements. The amendment transfers all obligations for compliance from the City to the Greater Johnstown Water Authority.

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING AND APPROVING A SECOND AMENDMENT TO THE CONSENT ORDER AND AGREEMENT DATED JULY 14, 2010 AND FIRST AMENDED ON JULY 23, 2014 AND FURTHER AUTHORIZING THE INTERIM CITY MANAGER AND ANY OF HIS DESIGNEES TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE SAME.

Recommended Action – Adopt the proposed Resolution approving the second amendment to the DEP consent order.

2. Social Media Policy – The City's employee manual contains a section that addresses the use of social media by City employees. Staff intends to make greater use of social media platforms to improve communications with the public and recommends that a social media policy be adopted relative to information posted on those public sites.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA ADOPTING A CITY OF JOHNSTOWN SOCIAL MEDIA NETWORKING POLICY.

Recommended Action – Adopt the proposed Resolution adopting a social media policy.

3. Cheney Run Flood Wall – EADS was previously contracted to design repairs to a collapsed section of flood wall along Sam's Run. Since then, a similar situation occurred along Cheney Run near Bishop McCort. Staff recommends engaging EADS to also design the required Cheney Run repairs and to include both projects into a single bid for advertisement this fall. The cost of the included services is \$66,000. There is no cost estimate yet for the actual construction work. Staff will seek an amendment to the already approved \$400,000 grant received for Sam's Run. Any unfunded costs for the combined project will be paid for with ARP funds.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA ENTERING AN AGREEMENT WITH THE EADS GROUP, INC. FOR DESIGN AND CONTRACT ADMINISTRATION FOR REPAIRS TO CHENEY RUN AND AUTHORIZING THE INTERIM CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME.

Recommended Action – Adopt the proposed Resolution approving an agreement with EADS for design and contract administration for the Cheney Run repairs.

4. Bishop McCort – The proposed agreement addresses Bishop McCort's annual use of Sargent's Stadium and Roxbury Park.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH BISHOP MCCORT CATHOLIC SCHOOL FOR USE OF SARGENT'S STADIUM AND ROXBURY PARK.

Recommended Action – Adopt the proposed Resolution authorizing the use of Sargent's Stadium and Roxbury Park.

NEW BUSINESS:

1. Assessment Appeal Settlement – Alletram, the owner of the former Surf & Turf building on Valley Pike, filed a tax assessment appeal with the county. The appeal was processed through the normal procedures, and a settlement was reached establishing a fair market value of \$225,000, which is \$50,000 greater than the appraisal.

Recommended Action – Adopt a motion to approve and execute the settlement of the Tax Assessment Appeal filed to Cambria County Court of Common Pleas Docket No. 2020-3467 at the total fair market value of \$225,000, applicable to the 2021 and 2022 tax years, in accordance with the Stipulation for Settlement.

2. County Class Action Settlement – Cambria County, along with all Pennsylvania counties, is a defendant in a class action lawsuit that alleges that the counties were overcharging for the filing of legal proceedings. Cambria County's exposure is only \$3,000. Rather than defend the case Cambria County wishes to refund all amounts in question and be dismissed from the case. The amount potentially owed to Johnstown is \$85.

Recommended Action – Adopt a motion to approve a Release of Cambria County from Chester Upland School District v. Pennsylvania Counties in exchange for settlement in the amount of \$85.00.

3. Fire Training Site – Council was informed earlier of the need to vacate the current fire training site due to the sale of the property. The site materials need to be stored temporarily for one year. The Cambria County Recreation Authority has agreed to allow the city to temporarily store the site materials on its property on Oak Street at Murdock Street at no cost.

Recommended Action – Adopt a motion to approve an agreement with the Cambria County Conservation and Recreation Authority relative to temporary storage of training site materials.

OLD BUSINESS:

1. Land Bank – Formal creation of a land bank will require three separate documents: an intergovernmental agreement with the Johnstown Redevelopment Authority, an Ordinance authorizing the intergovernmental agreement, and policies for administration of the land bank. Drafts of all three documents have been submitted to JRA for its concurrence and are expected to be submitted for City Council approval in September.

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):

1. Melody Tisinger, Bottle Works Arts Center and Monica Piatek of Johnstown Concert Ballet re: Johnstown Arts Group

RECESS/ADJOURNMENT:

NEXT SCHEDULED COUNCIL MEETING – OCTOBER 13, 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.

