

CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5255

BILL NO. 4 of 2018
(as amended on April 11, 2018)

By: City Manager

Introduced in Council
February 14, 2018

AN ORDINANCE AMENDING ORDINANCE 4654, TITLED: AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER, AND OTHER MUNICIPAL OFFICIALS, PASSED FINALLY ON OCTOBER 27, 1993 AND AS AMENDED BY ORDINANCE NOS. ~~4654~~,4693, 4731, 4894, 4880, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5055, 5058, 5069, 5127, 5177, 5194, 5196, AND 5199, 5210, 5229, 5230, AND 5231 BY FURTHER AMENDING CERTAIN SECTIONS OF ARTICLE II – ELECTED OFFICIALS-COUNCIL ORGANIZATION AND PROCEDURES, AND ARTICLE IV –CITY MANAGER TO PROVIDE UPDATED PROCEDURES AND IMPROVE EFFICIENCY IN CONDUCTING CITY BUSINESS

WHEREAS, the City Council, have deemed it necessary to make certain changes to the Administrative Code in order to improve the efficiency of the manner in which the City conducts its business and to update and/or clarify certain matters of procedure;

NOW, THEREFORE, Ordinance No. 4654, as amended, setting forth the Administrative Code of the City of Johnstown is hereby further amended as follows:

Section 1. Amendments to Administrative Code

Section 203(a)¹ Council Meetings

Regular Meetings. Regular meetings of Council shall be held at least once a month on the second Wednesdays of the month. However, during the months of January, February, March, April, September and October Council will hold non-voting meetings, on the fourth Wednesday of the month. The non-voting meetings are for Council members to discuss potential items for the agenda for the regular meeting, and will not involve official action by Council. All regular meetings shall commence at 6:00 p.m. prevailing time on the second Wednesday of the month unless otherwise advertised and public notice given. All Non-Voting Meetings of Council shall commence at 5:00 p.m. and will be duly advertised with public notice given as required by law.

Section 204(a)² Council Meeting Agenda

¹ Section 203(a) currently appears as Section 210.08(b) within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>.

² Section 204(a) currently appears as Section 210.09(a), Agenda of Meetings, within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>.

(a) The proposed agenda for any stated regular Council meeting shall be prepared by the City Manager in consultation with the Mayor and shall be in the following order:

- (1) Call to Order;
- (2) Invocation;
- (3) Pledge of Allegiance;
- (4) Roll call;
- (5) Approval of Minutes;
- (6) Proclamations, awards, honors, resolutions of recognition;
- (7) Public Comment – Agenda Action Items Only, (Limit 5 minutes);
- (8) Reports;
 - a. City Manager
 - b. Mayor
 - c. City Solicitor
 - d. City Engineer
 - e. Council Updates/Neighborhood Liaisons.
 - f. ~~Neighborhood Liaisons~~
- (9) Petitions;
- (10) Ordinances for Final Read and Adoption;
- (11) Ordinances for First Read;
- (12) Resolutions;
- (13) Motions;
- (14) New Business;
- (15) Old Business;
- (16) Public Comment – Non-Agenda Action Items (Limit 3 Minutes);
- (17) Recess/Adjournment

(b) For purposes of the City Council Meeting Agenda and procedure for City Council's Regular Meetings, the following shall apply:

- (1) "Agenda Action Items" shall be defined solely as proposed ordinances,

resolutions, motions, proclamations, and any other items which a) appears on the Agenda and b) is subject to a vote by City Council.

~~(b)~~ (c) Proposed agenda items shall be submitted to the City Manager and the City Clerk not less than ~~four~~ five City business days prior to a Council meeting.

~~(e)~~ (d). The proposed agenda for any ~~stated~~ regular meeting shall be forwarded to all members of Council, ~~and be available to the public on the City's internet web site~~ at least three business days prior to the ~~stated~~ regular meeting ~~and should be posted on the City's internet web site two business days prior to the regular meeting.~~ In the event the deadline for posting the agenda falls on a holiday or other date when City Hall is closed, the agenda will be posted on the City's internet web site no later than 12 p.m. on the following business day. The agenda may be amended by Council at any ~~stated~~ regular meeting by a recorded roll-call vote of the Council.

Section 209³ Public Participation.

(1) There is hereby established the following procedure to address a public concern to Council during the Public Comment portion of every regular and special meeting of Council:

(a) "Citizens," for purposes of this section only, shall be defined as City Residents and City Taxpayers.

(b) "Agenda Action Items" shall be comprised of proposed ordinances, resolutions, motions, proclamations, and any other item which appears on the Agenda and is subject to a vote by City Council. All other items shall be considered Non-Agenda Action issues, to be addressed at the conclusion of the meeting as provided below, in order to ensure that the City can conduct its business in an orderly fashion. Council reserves the right to make accommodations to this policy where warranted by extenuating circumstances, as determined by majority vote and in consultation with the City Solicitor.

~~(a)~~ (c) Citizens wishing to address the Council at its regular or special meetings may do so by giving notice verbally or in writing by providing their name, address, and the subject matter to be discussed to the Office of the City Manager before 4:30 p.m. on the day of the meeting at 814-533-2001 or by entering their information on the City Council form located on the podium in Council Chambers between 4:30 p.m. and the calling of the meeting to order by the presiding officer on the evening of the meeting.

(i) Citizens speaking on Agenda Action Items may speak for up to ~~ten (10)~~ five (5) minutes total during the public comment period held at the beginning of the meeting.

³ Section 209 currently appears as Section 210.13 within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>.

(ii) Those Citizens speaking on general, Non-Agenda Action Items matters may speak for up to ~~five (5)~~ three (3) minutes ~~after the Council's action on the legislative matter is complete~~ during the period offered for such public comment at the end of the meeting.

~~(2)~~ (d) Every request to speak registered by a City resident or City taxpayer will be honored by the presiding officer at the Council meeting as set forth in Section 1(a) and (b) above, absent exigent circumstances.

~~(3)~~ (e) When a large group wishes to speak on the same issue, a spokesperson should be designated to address Council on that issue.

(f) Exchanges with Council members or others during the course of any given speaker's public comment period will be included in the calculation of time allotted for such speech. As a result, Council members and other City officials and representatives should refrain from interrupting or otherwise engaging in conversations with said speakers during this period of time.

~~(4)~~ (g) Any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks or who has become boisterous or who makes threats against any person or against public order and security while in the Council Chambers, shall be forthwith barred by the presiding officer from further audience at the meeting and/or removed, and further barred from attending future meetings unless granted permission by a majority vote of the Council members present.

Section 210. Committees of Council.

The Council may, at any time, provide for standing and ad hoc committees to assist with the carrying out of its function. Any such committee appointed by the Council shall, ~~thereafter,~~ may report to the Council at the regular stated meetings of that body during the period provided for Council Reports/Neighborhood Liaisons, as needed. The manner of appointment shall be specified in the motion to create the committee.

Section 212 (b) (g), (i), (j), (d), and (e)⁴

(b) Ordinance Form and Procedure

(1) ... Any ordinance which repeals or amends an existing ordinance should set out in full the ordinance, sections or subsections to be repealed or amended, and shall ~~indicate matter to be omitted by enclosing it in brackets or by strike-out type and shall indicate new matter by underscoring or by italics.~~ clearly indicate the matter to be omitted and any new matter be added. This should occur via the use of strike-through font for items omitted, and underscoring for any new matter, and/or any other manner of labeling or highlighting that makes any proposed changes clear on the face of the ordinance effectuating the amendment or repeal of the existing ordinance or portion

⁴ Section 212 currently appears as Section 210.16 within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>

thereof.

(g) All adopted City of Johnstown ordinances shall be posted to the City of Johnstown Internet Website no later than ~~three (3)~~ seven (7) business days following Council's adoption.

(i) Enforcement of Ordinances; Procedures. Actions, prosecutions, complaints and proceedings for the violation of the ordinances of the City and for fines, penalties and forfeitures imposed shall be instituted in the corporate name of the City and be conducted in the manner prescribed by law.

Unless otherwise provided by law, proceedings for the willful violation of the ordinances of the City shall be conducted as summary offense proceedings, or proceedings for the recovery of penalties, before magisterial district judges with the same right of appeal from any final judgment entered.

(j) Penalties. A person who willfully violates any ordinance for which no penalty is otherwise specified commits a summary offense and, upon conviction, shall be sentenced to pay a fine of not more than one thousand dollars plus costs of prosecution and attorney's fees, where authorized, or to imprisonment of not more than 90 days, or both, at the discretion of the Court.

...

(d) Council. For continued budget oversight, Council ~~shall~~ may be provided with electronic copies of all resolutions, contracts, and/or agreements not publicly posted, upon request following and ~~following upon execution~~ final execution by all parties and signatures of mayor and city manager and/or city clerk.

~~(e) Non-Compliant Resolutions. Any and all resolutions submitted for consideration by Council, and not fully in compliance with this section shall be either tabled or defeated by the Council.~~

Section 212.A⁵ Resolutions

...

212.A 01

...

(5) All passed/adopted City of Johnstown Resolutions shall be posted to the City of Johnstown internet website no later than ~~three (3)~~ seven (7) business days following Council's action on the passage/adoption.

Section 401

⁵ Section 212.A currently appears as Section 210.21 within the version of the Administrative Code published on the City's website at <http://www.cityofjohnstownpa.net/ordinances>

...

(c) The City Manager upon appointment and ~~no later than (30) days~~ following the execution of any Employment Agreement shall be required to be bonded in accordance with the Home Rule Charter and all other applicable law, and in an amount equal to Five Hundred Two Hundred and Fifty Thousand Dollars (\$500,000) (\$250,000). The cost of said bonding shall be included within the annual City of Johnstown Operating Budget.

(d) The failure of any appointed City Manager to obtain the required bonding, and to maintain such bonding during the term of his/her Employment Agreement ~~SHALL result in immediate dismissal for cause as Johnstown City Manager shall constitute cause for,~~ and may result in, dismissal from employment.

Section 802. Department of Finance.

...

(a)(1) The City Director of Finance upon appointment and ~~no later than (30) days~~ following the execution of any Employment Agreement shall be required to be bonded in accordance with the Home Rule Charter and all other applicable law, and in an amount equal to Five Hundred Thousand Dollars (\$500,000). The cost of said bonding shall be included within the annual City of Johnstown Operating Budget.

~~(d)~~(a)(2) The failure of any appointed Director of Finance to obtain the required bonding, and to maintain such bonding during the term of his/her Employment Agreement ~~SHALL result in immediate dismissal for cause as Johnstown City Manager shall constitute cause for,~~ and may result in, dismissal from employment.

Section 2

This Ordinance shall become effective immediately upon final passage.

Section 3

Any/all ordinances, parts of ordinances, resolutions, and parts of resolutions not in accord with this Ordinance are hereby repealed insofar as and to the extent that they conflict with this Ordinance.

Section 4

Any/all other provisions of Ordinance 4654, as amended, setting forth the Administrative Code for the City of Johnstown, that are not referenced herein remain in full force and effect.

ORDAINED and ENACTED by the City Council of the City of Johnstown, County of Cambria, the Commonwealth of Pennsylvania on this 11th day of July, 2018.

PASSED FINALLY IN COUNCIL:

July 11, 2018

By the following vote:

Yeas: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Rev. King, Mrs. Mock. (5)

Nays: Mrs. Stanton. (1)

Absent: Mr. Williams. (1)

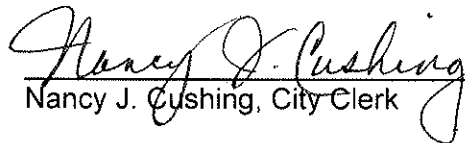


Frank J. Janakovic, Mayor

Marie Mock, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5255, as the same was adopted by the City Council and signed by the Mayor and/or Deputy Mayor of the City of Johnstown, Pennsylvania.



Nancy J. Cushing, City Clerk

**CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 5256**

Bill No. 20 of 2017

Introduced in Council
May 9, 2017

AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 4159 PASSED FINALLY IN COUNCIL THE 24th DAY OF OCTOBER, 1979 THE SHORT TITLE OF WHICH IS "THE ZONING ORDINANCE OF THE CITY OF JOHNSTOWN" BY REZONING CERTAIN BLOCKS OF LAND LOCATED IN THE 21ST WARD OF THE CITY OF JOHNSTOWN.

WHEREAS, a petition was filed by Mr. William S. Gentile and Mrs. Dolores J. Gentile regarding property located at 138 Cooper Avenue, Johnstown PA 15906 which is found in the 21st Ward, Tax Map #91-003.-122.000 which was filed on October 26, 2017 regarding the extension of the zoning area located in the 21st Ward; and

WHEREAS, as part of the specified changed in the lineation of the zoning districts such petition for zoning amendment was presented to the Cambria County Planning Commission which conducted a review of the referenced petition in accordance with Municipal Planning's Code and presented the economic benefits of extending such designation in respect to the Coopersdale Area; and

WHEREAS, the petition of the Coopersdale Area Property was submitted to City Council, which authorized, via a resolution, for the Planning Commission to hold a public meeting on the matter; and

WHEREAS, on the 17th day of April, 2018 a public meeting was held by the Planning Commission and the Planning Commission subsequently approved of the petition and plan as presented on the 2nd day of May, 2018.

WHEREAS, By rezoning the area bounded by 138 Cooper Avenue and extending the "C-1" neighborhood business district to be inclusive of this property in order to allow small-scale retail operations, firewood, bark mulch, railroad ties and miscellaneous items which would be restocked no more than once per month is found to be in the highest and best use of land that a taxable commercial property could be used for and such zoning map change would allow small scale retail operation thus the City would be gaining mercantile tax.

NOW, THEREFORE, be it enacted and ordained by City Council of the City of Johnstown, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

Section 1. That Ordinance No. 4159 passed finally in Council on the 24th day of October, 1979 short title of which is "The Zoning Ordinance of the City of Johnstown", be and the same is hereby amended to read as follows:

ARTICLE I.

The "C-1" neighborhood business district now existing in the area contingent to the property at 138 Cooper Avenue, Johnstown, PA shall be extended to include the entire area bounded by 138 Cooper Avenue, Johnstown PA 15906, Tax Parcel # 91-003.-122.000.

ARTICLE II.

The area containing 138 Cooper Avenue shall be extended from an "R-1" single family residential to a "C-1" neighborhood business district per the approval above.

Section 2. All ordinances or parts of ordinances that inconsistent of this ordinance are hereby repealed.

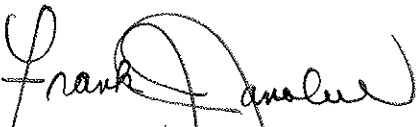
Section 3. This ordinance shall be effective twenty (20) days after final passage.

Passed finally in Council "the 11th day of July, 2018 by the following vote:

YEAS: Mrs. Mock, Mr. Vitovich, Mr. Britt, Mayor Janakovic, Rev. King. (5)

NAYS: Mrs. Stanton. (1)

ABSENT: Mr. Williams. (1)



Frank J. Janakovic, Mayor
Marie Mock, Deputy Mayor

ATTEST:

I do hereby certify that the following is a true and correct copy of Ordinance No. **5256** as the same which was passed by City Council and signed by the Mayor of the City of Johnstown, Pennsylvania.



Nancy J. Cushing, City Clerk

CITY OF JOHNSTOWN, PA

ORDINANCE NO. 5257

Bill No. 22 of 2018

Introduced in Council

June 13, 2018

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5245 PASSED FINALLY ON DECEMBER 13, 2017, AS AMENDED BY ORDINANCE 5250 PASSED FINALLY ON MARCH 15, 2018, AND ORDINANCE 5253 PASSED FINALLY ON MAY 9, 2018 CITY OF JOHNSTOWN BUDGET TO AMEND THE 2018 BUDGET TO PROPERLY ALLOCATE REIMBURSEMENT FUNDS IN 2018 UDAG BUDGET.

BUDGET AMENDMENTS

SEE ATTACHED EXHIBIT "E"

PASSED FINALLY IN COUNCIL:

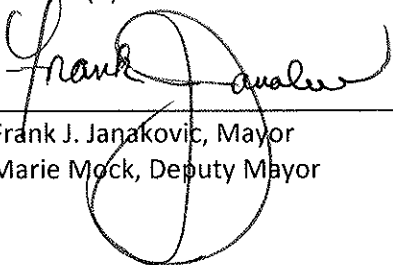
July 11, 2018

By the following vote~

Yeas: Mr. Britt, Mayor Janakovic, Rev. King, Mrs. Mock, Mr. Vitovich (5)

Nays: Mrs. Stanton (1)

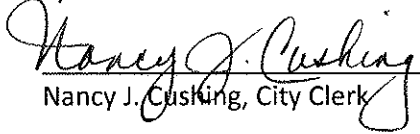
Absent: Mr. Williams (1)



Frank J. Janakovic, Mayor
Marie Mock, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5257** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Nancy J. Cushing, City Clerk

City of Johnstown Introduced 2018 Budget

A	B	M	N	O
Account Number	Account Description	2018 Proposed	Budget Amendment	Proposed Budget Amendments to 2018 Budget on 6/13/18
1	Revenue			
2	Revenue			
3	Revenue			
4	Interest and Rent:			
5	Interest and Rent:			
6	08.541.38.029.00	Interest Earnings- Other Revenue- Interest Income		-
7	08.541.38.270.00	Interest Earnings- Other Revenue- Investment Interest Income	700.00	700.00
8	08.542.18.000.00	Rents and Royalties- Rental Income		-
9		Total Interest and Rent	700.00	700.00
10				
18				
19	Proceeds from Debt:			
20	08.593.66.252.00	Proceeds From Gen Long Term Debt- Loan Repayments- Job Develop	70,000.00	70,000.00
21	08.593.66.254.00	Proceeds From General Long Term Debt- Loan Repayments- Crown		-
22	08.593.66.255.00	Proceeds From Gen Long Term Debt- Loan Repay- Lee Hospital		-
23	08.593.66.255.00	Proceeds From Gen Long Term Debt- Loan Repayments- Lee Hospital		-
24	08.593.66.269.00	Proceeds From General Long Term Debt- Loan Repayments- UDAG	350,930.00	1,198,844.00
25	08.593.67.269.00	Service fees-UDAG		-
26	08.595.76.309.00	PennDott Reimb- PCTI Project		-
27		Total Proceeds from Debt	421,530.00	1,268,844.00
28				
29		TOTAL REVENUE	421,530.00	1,269,544.00
30				

City of Johnstown Introduced 2018 Budget

	A	B	M	N	O
31	Expenses				
32					
33	Operating Expenses:				
34	08.607.14.000.00	Econ Dev Salaries/Wages			-
35	08.607.19.003.00	Econ Dev Worker Comp			-
36	08.607.19.005.00	Econ Dev PA Unemployment			-
37	08.607.19.007.00	Econ Dev FICA			-
38	08.676.00.389.00	Misc. Program Expenses- Secure Property			-
39	08.676.00.362.00	Misc. Program Expenses- Artist Relocation Program			-
40	08.676.00.365.00	Misc. Program Expenses- Revolving Loan Fund	381,530.00	848,014.00	1,229,544.00
41	08.676.00.367.00	Misc. Program Expenses- Emergency Demolition	30,000.00		30,000.00
42	08.676.00.281.00	Misc. Program Expenses- Economic Development	10,000.00		10,000.00
43	08.676.00.375.00	Misc. Program Expenses- Mock Tower Loft			-
44	08.676.00.376.00	Misc. Program Expenses- Farmer's Market Advertising			-
56	08.676.00.478.00	Misc. Program Expenses - Sewer Lateral Rebate			-
57		Total Operating Expenses	421,530.00		1,269,544.00
58					
59		TOTAL EXPENSES	\$ 421,530.00		1,269,544.00