

CITY OF JOHNSTOWN, PENNSYLVANIA  
ORDINANCE NO. 5307

Introduced in Council  
December 9, 2020

Bill No. 28 of 2020

By: Council

AN ORDINANCE AMENDING ORDINANCE NO. 5306 , ADOPTED NOVEMBER 18, 2020 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 BEGINNING JANUARY 1, 2021, TO ADD AND CLARIFY THE SEPERATION OF THE RECORD RETENTION AND CITY CLERK POSITIONS AND TO ADD AND REVISE CERTAIN POSITIONS AND PAY RATES FOR LABORERS ANTICIPATED FOR THE 2021 CALENDAR YEAR.

WHEREAS, the City Administration recommends and City Council desires to implement certain changes to 1) designate a separate Records Retention Clerk position, and accordingly revise the City Clerk Position to exclude this title; and to further add and revised pay rates for laborers as further detail herein;

WHEREAS, the Interim City Manager and Finance Director have confirmed that there will be sufficient unencumbered funds to cover the cost of these positions within existing appropriations, due to the anticipated timing at which the positions are expected to be filled and/or maintained, such that an amendment to the appropriations budgeted for the relevant departments in which the changes are occurring is not necessary;

BE IT ENACTED AND ORDAINED, by the Council of the City of Johnstown, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Ordinance No. \_\_\_\_\_, adopted November 18, 2020, as the City of Johnstown Wage and Salary Ordinance, is hereby amended as shown below:

**General Fund**

<b>General Government</b>	<b>Required Appropriation Total:</b>	<b>312,448.32</b>
City Manager	1.00	125,000.00
Executive Secretary/ <del>City Clerk</del>	1.00	42,448.32
<del>Records Retention Clerk</del> City Clerk	1.00	30,000.00
Human Resources Director	1.00	75,000.00
Asst. HR/ Insurance Analyst	1.00	40,000.00
Records Retention Clerk	1.00	15.92
	<u>5.00</u> 6.00	
<b>City Council &amp; City Clerk:</b>	<b>Required Appropriation Total:</b>	<b>16,700.00</b>
Mayor	1.00	3,500.00
Councilpersons	6.00	2,200.00
	<u>7.00</u>	
<b>Finance Department:</b>	<b>Required Appropriation Total:</b>	<b>175,138.87</b>
Finance Director	1.00	72,922.87
Accounting Assistant	1.00	41,616.00
Payroll/ Accounting Clerk	1.00	30,000.00
Accounting Clerk/ Accounts Payable	1.00	30,600.00
	<u>4.00</u>	
<b>Fire Department:</b>	<b>Required Appropriation Total:</b>	<b>1,627,757.86</b>
Fire Chief/EMA Coordinator	1.00	73,294.41
Public Safety Administrative Assistant	0.50	17,874.41
Assistant Fire Chief	4.00	58,013.79
Captain	8.00	55,314.24
Firefighter:		
Fourth Year	10.00	53,535.88
Third Year	2.00	46,660.68
Second Year	4.00	43,334.95
First Year	-	42,318.27
Parttime Firefighters	4.00	18.99 per hour
	<u>33.50</u>	
<b>Police Department:</b>	<b>Required Appropriation Total:</b>	<b>2,101,728.33</b>
Chief	1.00	78,540.00
Captain	2.00	60,825.47



**PASSED FINALLY IN COUNCIL:**

**13-Jan-21**

**by the following vote:**

**Mr. Britt, Mr. Capriotti, Mayor Janakovic, Mrs. Mock, Mr. Vitovich, Mr. Arnone. (6)**

**Nays: None (0)**

**Absent: Rev. King (1)**



**Frank J. Janakovic, Mayor**

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**Marie Mock, Deputy Mayor**

**ATTEST:**

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5307 as the same was passed finally by 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**

Bill No. 29 of 2020

Introduced in Council  
December 9, 2020

**ORDINANCE NO. 5308**

AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, REPEALING, ORDINANCE NO. 5229 OF 2017 ADOPTING A LOCAL ETHICS BOARD FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA DUE TO REDUNDANCY AND TO ALLEVIATE THE UNNECESSARY FINANCIAL BURDEN IMPOSED BY THE ORDINANCE UPON THE CITY OF JOHNSTOWN TAXPAYERS.

WHEREAS, Ordinance No. 5229 establishing a local Ethics Code for the City of Johnstown and a local City of Johnstown Ethics Commission (hereinafter "Ethics Board") was enacted via a voter referendum on May 16, 2017, as a result of an Initiative Petition circulated by a committee of five (5) City residents; and

WHEREAS, the Ordinance No. 5229, as adopted by voter referendum was authored by the Petitioner's Committee pursuing the Initiative Petition in support of the measure; and

WHEREAS, once the Ordinance was adopted via voter referendum, provisions of the City of Johnstown Home Rule Charter precluded the City from amending, modifying, repealing, or otherwise altering the Ordinance for a period of two (2) years thereafter; and

WHEREAS, the City of Johnstown Ethics Board did not receive any complaints or requests for advisory opinions, and therefore engaged in minimal activity during the above-referenced two-year period, which has now expired; and

WHEREAS, the City of Johnstown Ethics Board has now recently communicated to the City Council, in the context of its preparation of the Budget for the 2021 calendar year that it is in receipt of ten (10) separate complaints requiring investigation within a maximum period of 210 days; and

WHEREAS, Ordinance No. 5229 mandates that the Ethics Board to operate independently from the City of Johnstown to conduct a fair and impartial investigation of each complaint including but not limited interviewing of witnesses, reviewing documents, holding hearings, rendering opinions, and where applicable, recommending civil penalties and fines and referring matters for criminal prosecution; and

WHEREAS, the Ethics Board is comprised of citizen volunteers appointed by Council and who require support, resources and professional advisors in order to carry out the duties set forth in Ordinance No. 5229, including, but not limited to, designated investigator(s), staff, and legal counsel; and

WHEREAS, these needs have resulted in the Ethics Board requesting a significant appropriation of funding for purposes of retaining the consultants and staff/contractors necessary for the Board to carry out its duties, which Ordinance 5229 currently requires the City to provide; and

WHEREAS, the local Ordinance No. 5229 addresses standards of ethical conduct and imposes requirements upon elected officials and public employees within the City of Johnstown which mirror, and are substantially the same as that of the requirements already imposed upon such officials and employees by the Pennsylvania Public Official and Employees Ethics Act ("Ethics Act"); and

WHEREAS, for the past 30 years the Pennsylvania State Ethics Commission has existed as an independent State Agency that is robustly funded with a budget of over \$3 million dollars, currently employs multiple attorneys and investigative staff to complete the same duties as those imposed on the local Ethics Board; and

WHEREAS, the Pennsylvania State Ethics Commission provides a free, fair, and extensively developed avenue for citizens' complaints of Ethics violations to be submitted, investigated, and adjudicated, and for advisory opinions to be rendered on the basis of 30 years' worth of legal interpretations of the Ethics Act; and

WHEREAS, the City of Johnstown remains a financially distressed municipality subject to an Exit Plan requiring it to undertake significant efforts to exit out of that status by 2023, including, but not limited to, the sale of its assets; and

WHEREAS, the voters approving the referendum in 2017 were not presented with any form of cost estimate or other information regarding the financial implications for the City which would result from establishing a local Ethics Board comprised of layperson volunteers who are required to operate independently from the City to conduct investigations and issue advisory opinions to the same extent, breadth, and degree, and with the same potential consequences and penalties, as the Pennsylvania State Ethics Commission; and

WHEREAS, such activities are neither necessary nor customary to any City of the same size and financial condition as the City of Johnstown; and

WHEREAS, any/all complaints pending before the local Ethics Board can be redirected and adequately addressed by the Pennsylvania State Ethics Commission and its procedures for investigation and evaluation under the Pennsylvania Public Official and Employee Ethics Act; and

WHEREAS, in light of all the foregoing reasons, the City Council believes that dedicating the City funds and resources necessary for the Ethics Board to complete its duties imposes an unnecessary burden on the City and its taxpayers, when such funds and resources are significantly limited and needed for more critical purposes including, but not limited to, the provision of local services necessary to the health, safety, and welfare of the taxpayers of the City of Johnstown; and

WHEREAS, the City Council has concluded that the only means by which it can act in good faith to relieve the Ethics Board of the duties that necessitate the request for financial resources from the City, and to relieve the City of any corresponding duties to provide such resources, is to repeal the Ethics Ordinance in its entirety, and effectively abolish the Ethics Board;

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED**, by the City Council of the City of Johnstown, Pennsylvania as follows:

1. Ordinance No. 5229, enacted via voter referendum on May 16, 2017, is hereby repealed in its entirety.
2. Any/all provisions of City Ordinances, regulations, and/or Resolutions inconsistent with this Ordinance are likewise repealed to the extent of such inconsistency.
3. Any/all complainants who have complaints pending before the City of Johnstown Ethics Board and desire to continue pursuit of such complaints are hereby advised to redirect their complaints to the Pennsylvania State Ethics Commission.
4. This Ordinance shall take effect immediately upon final adoption.

ENACTED AND ORDAINED:

January 13, 2021


By the following vote:

Yeas: Mr. Capriotti, Mrs. Mock, Mr. Vitovich, Mr. Britt. (4)

Nays: None (0)

Abstain: Mayor Janakovic, Mr. Arnone. (2)

Absent: Rev. King (1)



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Frank J. Janakovic, Mayor  
Marie Mock, Deputy Mayor

**ATTEST:**

I do hereby certify the forgoing is true and correct copy of Resolution No. **5308** as the same adopted by City Council of the City of Johnstown, Pennsylvania.



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Nancy J. Cushing, City Clerk

CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5309

BILL NO. 30 OF 2020

Introduced in Council

December 9, 2020

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; AND ORDINANCE NO. 5191, PASSED, DECEMBER 9, 2015 BY REZONING CERTAIN PARCELS OF LAND LOCATED IN THE 20<sup>TH</sup> WARD OF THE CITY OF JOHNSTOWN.

**WHEREAS**, the property located at 280 Decker Avenue, Johnstown, PA 15906, commonly known as the Greater Johnstown Middle School, is located within a S (Conservancy) Zoning District; and

**WHEREAS**, such a zoning designation significantly hinders the potential reuse of the property of this nature and increases the probable need for the eventual demolition of the structure; and

**WHEREAS**, an amendment to the zoning map would allow for the immediate reuse of the structure; and

**WHEREAS**, the Planning Commission of the City of Johnstown was provided notice of the City's intention to seek this amendment to the Zoning Ordinance and was provided the opportunity to make recommendations; and

**WHEREAS**, public notice of the intention to seek this amendment was provided in a manner as prescribed by the Zoning Ordinance of the City of Johnstown; and

**WHEREAS**, a public hearing was held on December 9, 2020.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the City Council of the City of Johnstown, Cambria County, and Commonwealth of Pennsylvania, that the zoning classifications of the below listed parcels shall be changed as follows:

Greater Johnstown Middle School – 280 Decker Avenue, Johnstown, PA 15906

S (Conservancy) to C-2 (Community Business District)

Parcel Nos. 90-016. -228.000

ADOPTED:

January 13, 2021

By the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Arnone, Mr. Britt, Mr. Capriotti, Mayor Janakovic. (6)

Nays: None (0)

Absent: Rev. King (1)



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Frank J. Janakovic, Mayor  
Marie Mock, Deputy Mayor

ATTEST:

I do hereby certify the forgoing is true and correct copy of Ordinance No. **5309** as the same adopted by City Council of the City of Johnstown, Pennsylvania.



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Nancy J. Cushing, City Clerk



