



CITY OF JOHNSTOWN
CITY COUNCIL AGENDA
ANTHONY C. TRUSCELLO
COUNCIL CHAMBERS
WEDNESDAY, MAY 12, 2021

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

PUBLIC HEARING – 5:45 PM

REGULAR MEETING – 6:00 PM

EXECUTIVE SESSION

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES:

1. Regular meeting minutes of April 14, 2021

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:

1. Proclamation for Military Spouse Appreciation Day – May 7, 2021
2. Proclamation for Rosalie Danchanko-Highlands Health Clinic Day – May 7, 2021

PRESENTATION:

1. Mike Tedesco and William Polacek will present information concerning Vision Together 2025.

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 April 7, 2021

PETITIONS:

ORDINANCES FOR FINAL READ:

1. KOZ Designation – This Ordinance grants a ten-year tax abatement to six properties in order to foster economic development. The county and school district intend to adopt a corresponding Ordinance and Resolution, respectively. Two of the properties are owned by Conemaugh. Three of the properties are owned by the City (Jacoby Street, Cypress Avenue and Hudson Street). The 111-acre Rosedale site, owned by the Johnstown Redevelopment Authority, is an existing KOZ designated site due for extension.

BILL NO. 3 OF 2021 - AN ORDINANCE AUTHORIZING EXEMPTIONS, DEDUCTIONS, ABATEMENTS AND CREDITS FOR REAL PROPERTY, EARNED INCOME TAX, NET PROFITS, MERCANTILE AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN THE CITY OF JOHNSTOWN DESIGNATED AS A PROPOSED KEYSTONE OPPORTUNITY ZONE (“KOZ”), IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF CAMBRIA COUNTY, CITY OF JOHNSTOWN AND GREATER JOHNSTOWN SCHOOL DISTRICT JURISDICTION, COMMONWEALTH OF PENNSYLVANIA, UPON CERTAIN TERMS AND CONDITIONS. **(Tabled 4/14/21)**

Recommended Action #1 – Remove Bill #3 from the table.

Recommended Action #2 – Grant final approval to Bill #3.

2. Budget Amendment – This Ordinance approves an amendment to the 2021 Budget. Roof and gutter repairs (\$147,322) and masonry repairs (\$181,425) to City Hall were previously approved in the 2020 Capital Budget but will be expended in 2021.

BILL NO. 4 OF 2021 - AN ORDINANCE AMENDING ORDINANCE 5305 PASSED FINALLY ON NOVEMBER 18, 2020, AMENDED BY ORDINANCE 5311 PASSED ON MARCH 10, 2021, AS THE CITY OF JOHNSTOWN ANNUAL BUDGET TO REFLECT ADDITIONAL EXPENDITURES FROM THE CAPITAL FUND FOR REFURBISHING OF CITY HALL THAT WAS APPROVED IN THE 2020 BUDGET BUT WILL BE EXPENDED IN 2021, FOLLOWING PUBLIC NOTICE AND A PUBLIC HEARING.

ORDINANCES FOR FIRST READ:

1. Zoning Amendment – This Ordinance would approve a zoning map change affecting a vacant parcel at the southeast corner of Cambria Place and Third Avenue. The parcel is owned by Bottle Works. They intend to construct a pavilion on the parcel. The proposed change is from R2 to C2. The city’s planning commission and the Cambria County Planning Commission have recommended the change. A public hearing is scheduled for June 12th.

BILL NO. 5 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; AND ORDINANCE NO.5191, PASSED, DECEMBER 2015 BY REZONING

CERTAIN PARCELS OF LAND LOCATED IN THE 15TH WARD OF THE CITY OF JOHNSTOWN.

RESOLUTIONS:

1. Sargent's Stadium at the Point Turf

Bids were received last month for new turf at Sargent's Stadium at the Point. Action was delayed pending further study of the submitted turf samples. Staff has since met with all bidders.

Six bids ranging from \$430,834 to \$470,135 were received and the bid tab is included in Council's packet. After analysis, the preferred product was not the low bid. The preferred product, FieldTurf, is available under CoStars. It is staff's recommendation that all bids be rejected and that a contract be awarded under CoStars to FieldTurf in the amount of \$421,733.75. That total cost is slightly lower than the low bid obtained during the bidding process. The project includes removal of existing turf, regrading, installation of new turf, new multi-sport markings, a 10-year warranty and annual turf maintenance. This is the same turf product that is currently being used for fields in Westmont, Central City, Forest Hills, Richland and Somerset. It is also used at Heinz Field.

Recommended Action #1 – Approve a motion to reject all bids received for the Sargent's Stadium at the Point turf project.

Recommended Action #2 – Adopt the following Resolution approving the purchase of new turf through the CoStars Program.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR ANY OF HIS DESIGNEES TO SIGN ALL DOCUMENTS AND TAKE ANY/ALL OTHER ACTIONS NECESSARY TO ENTER INTO A CONTRACT WITH FIELDTURF TO REPLACE THE TURF AT SARGENT'S STADIUM AT THE POINT.

2. Loan Subordination – The Balance Restaurant (Intrignia) received a business development loan from the City. The business is now seeking additional financing, and the lender requires that it be the primary lienholder and that the City take a subordinate position. The City's loan committee has approved the request and recommends adoption of the Resolution.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE(S) TO SIGN AND TAKE ANY/ALL ACTION NECESSARY TO EFFECTUATE A LOAN SUBORDINATION AGREEMENT FOR INTRIGNIA, INC. D/B/A BALANCE RESTAURANT, CONTINGENT UPON AND FOLLOWING CONFIRMATION OF SOLICITOR REVIEW AND APPROVAL.

3. Purchase of Property – Staff is recommending that the City purchase a 10,000 sq. ft. parcel from DLP Conemaugh for \$15,000. The parcel is a 100' x 100' paved parking lot situated on Walnut Street across from the train station. The parking lot can be used by oversized vehicles for parking and for overflow parking for events at Sargent's Stadium and Festival Park. The lot could be beneficial as a staging area for next year's Amtrak Train Station project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE(S) TO ENTER INTO A CONTRACT IN THE AMOUNT OF FIFTEEN THOUSAND (\$15,000.00) DOLLARS WITH DUKE LIFEPOINT CONEMAUGH FOR THE PURCHASE OF A VACANT 100' X 100' PARCEL (83-002.113.000 SITUATED ALONG WALNUT STREET.

4. Recreation Grant – An application is being submitted to the Commonwealth Financing Authority for a grant in the amount of \$166,000 through the Greenways, Trails & Recreation Program to fund improvements at Roxbury Park. The proposed project includes resurfacing of tennis courts, painting of light poles, and new backstops. The local match is \$30,021.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE(S) TO EXECUTE AND TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE AN APPLICATION FOR FUNDING ASSISTANCE FROM THE PENNSYLVANIA COMMONWEALTH FINANCING AUTHORITY IN THE AMOUNT OF ONE HUNDRED AND SIXTY-SIX THOUSAND (166,000.00) DOLLARS THROUGH THE GREENWAYS, TRAILS, AND RECREATION PROGRAM TO BE USED TOWARDS IMPROVEMENTS WITHIN ROXBURY PARK, LOCATED IN THE CITY OF JOHNSTOWN.

5. Budget Transfer – The \$50,000 budgeted for insurance deductibles has been exceeded. It is necessary to transfer excess funds from an employee benefit account to cover that expense.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE(S) TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE THE RESPECTIVE 2021 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES, AND MORE SPECIFICALLY, BUDGET EXHIBIT AS DETAILED BELOW.

6. Dump Site – Bids were sought for the operation of the city's dump site. A bid tab and a copy of the low bid of Erickson Equipment is included in Council's packet. John Trant discussed this matter with Steve Goldfield, the City Engineer and the Public Works Director and has submitted a written recommendation.

The proposed contract begins June 1st when the prior agreement with the water authority ends. Erickson will then maintain the site, bringing it into environmental compliance and continuing to accept fill from the wastewater projects for a period of eight months. The cost of this contracted site management (\$197,034.00) will be paid from sewage funds on hand.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR ANY OF HIS DESIGNEES TO SIGN ALL DOCUMENTS AND TAKE ANY/ALL OTHER ACTIONS NECESSARY TO ENTER INTO A CONTRACT WITH ERICKSON EQUIPMENT INC. TO MAINTAIN THE CITY DUMP SITE FOR EIGHT MONTHS BEGINNING JUNE 1, 2021.

7. Purchase of Screens at Sargent's Stadium – The Community Foundation for the Alleghenies has approved a grant for 100% of the cost to purchase and install two large triangular shade screens at Sargent's Stadium. Sports and Recreation Associates submitted a proposal for \$24,140 under the Commonwealth's COSTARS Purchasing Program.

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 SPORTS AND RECREATION ASSOCIATES, INC. FOR THE PURCHASE AND INSTALLATION OF OVERHEAD SHADE SCREENS AT SARGENT'S STADIUM

NEW BUSINESS:

1. Property Subdivision – 1157 Ringling Avenue
This is a minor subdivision, approved by the planning commission, shifting a property line to convey property from 87-045.303.000 to 87-045.302.000. Staff recommends final approval.
2. Property Merger – 607 Russell Avenue
This is a lot merger, approved by the planning commission, of 87-023.315.000 and 87-023.316.000. Staff recommends final approval.
3. Thunder in the Valley – Parking Fees
The City has in the past required Visit Johnstown to pay the parking fees associated with bagging parking meters and use of the parking garages. Thunder in the Valley is of tremendous benefit to the city and region. Organizers have scaled back the 2021 event and are struggling to keep the annual event going. Staff is suggesting that Council agree to waive the parking fees at facilities utilized in conjunction with the event. It will save the organizers approximately \$2,335 this year. The City would continue to be reimbursed the cost of overtime for the various departments.

Bagged meters – 230 meters x \$8 per day = \$1,840
ITC Parking Garage Spaces - \$3 per space x 65 spaces = \$195 (Tuesday)
ITC Parking Garage Spaces - \$3 per space x 100 spaces = \$300 (Wed-Sun)
Fire Dept. Overtime - \$3,245.58
Public Works Overtime - \$6,079.13
Police Dept. Overtime - \$13,409.96
Public Works Supplies - \$364.80

4. Lee Initiatives Grant – Quick Response Service
The fire department has obtained a \$15,000 grant from Lee Initiatives to improve its Quick Response Service. New medical equipment will now be available on seven fire vehicles rather than just three. All Johnstown fire personnel are certified as either EMTs or paramedics. No Council action is required.
5. Payment in Lieu of Taxes (PILOT) Agreement – KOZ Zone
A KOZ PILOT Agreement is allowed within the Commonwealth while establishing Keystone Opportunity Zone properties. The local taxing bodies may execute an agreement with private property owners that participate within the KOZ Program that provides a payment back to the local taxing bodies up to 110% of the currently assessed value. The proposed Agreement is related to the KOZ Ordinance adopted earlier this evening and was prepared and approved by solicitors for the city and school district. Staff recommends final approval.

6. City Charter Amendments – It is not unusual for a City Charter to be amended from time to time. A committee, along with the Act 47 Team, has considered over several months sixteen amendments to the City Charter. Most of those are intended to clarify when ordinances, resolutions or simple motions are required to transact business, and clarification of other administrative procedures. Also under consideration is a relaxation of the sole remaining residency requirement for the city, that of the City Manager.

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, therefore, consideration of the required Ordinance must be accomplished at the June and July Council meetings.

City Council will soon be provided with a draft recommendation. Initial consideration will be on Council's June agenda.

OLD BUSINESS:

1. City Personnel Manual
The Act 47 team has submitted a draft of a new personnel manual. The content is being reviewed to verify conformity with the recently approved labor agreements. Staff expects the new HR Director to be able to present the new manual to Council in June.
2. Parking Complaints
A concern was expressed at last month's meeting about vehicles parked in yards and abandoned vehicles being parked on streets. There is no regulation that addresses parking a vehicle in a yard. There are however different regulations that can help address it. For example, an Ordinance prohibits driving over a curb or sidewalk. To the extent someone does that in order to enter or exit a yard, that can be enforced. If a vehicle is abandoned in a yard without current registration/inspection, that can be addressed under property maintenance. If a vehicle is abandoned on the street, that is a motor vehicle violation that is handled by the police. There is no known regulation that would prohibit parking in a yard. If someone enters their own driveway and pulls the vehicle into the grass, that is not by itself a violation.
3. Amusement Tax
The status of collections of the amusement tax on machines was discussed last month. The staff and Solicitor have not yet had an opportunity to discuss this and will provide an update in June.

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

1. Janice Forosisky, 553 Grove Avenue re: proposed sale of alcohol at Moxham Sheetz store
2. John DeBartola, 1197 Bedford St re: local government

RECESS/ADJOURNMENT:

EXECUTIVE SESSION - IMMEDIATELY FOLLOWING MEETING

NEXT SCHEDULED COUNCIL MEETING – JUNE 9, 2021

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.