

JOHNSTOWN CITY COUNCIL
REGULAR MEETING MINUTES
WEDNESDAY, JUNE 9, 2021

City Council met in a stated session for the general transaction of business. Mayor Janakovic called the meeting to order at 6:00 p.m.

Reverend King offered the invocation. The Pledge of Allegiance was recited.

Mayor Janakovic extended condolences and requested a moment of silence for Jayne Korenski of the Visitor's Bureau on the sudden passing of her son last week.

Reverend King requested a moment of silence for Collin and Feya Ferguson, the children who lost their lives in the recent fire in Moxham.

The following members of Council were present for roll call:

Mr. Arnone, Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mr. Vitovich (6).
Absent: Mr. Capriotti (1).

Daniel Penatzer, City Manager; Robert Ritter, Finance Director; Richard Pritchard, Police Chief; Bruce Graham, Gibson-Thomas Engineering; Jared Campagna, Public Works Director; Robert Statler, Fire Chief; John Dubnansky, Economic Development Director; and Elizabeth Benjamin, Esquire, City Solicitor, were also present.

APPROVAL OF MINUTES

Mr. Arnone made a motion to approve the Special Meeting Minutes of March 31, 2021 and the Public Hearing Minutes of May 12, 2021. The motion was seconded by Mr. Vitovich and passed by the following vote:

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

Nays: None (0).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:

Mayor Janakovic read a proclamation for Men's Health Month 2021 into the record as follows:

Whereas, despite advances in medical technology and research men continue to live an average of five years less than women with Native American and African American men having the lowest life expectancies.

Whereas, COVID-19 is destroying lives across our country with the Centers of Disease Control reporting that males are more likely to die from this pandemic. And encouraging safe behaviors including social distancing, wearing masks, being vaccinated will help stop the spread of COVID-19.

Now Therefore, I, Frank J. Janakovic, Mayor of the City of Johnstown, do hereby proclaim June as Men's Health Month in the City of Johnstown and encourage all our citizens to pursue preventative health practices and early detection efforts throughout the year.

PRESENTATIONS:

None.

PUBLIC COMMENT-AGENDA ITEMS ONLY

Laura Huchel, 401 Park Avenue, Johnstown, addressed Council regarding the charter amendment. She would like a City Manager to love the city as much as its citizens, but stated instead of making the City Manager live in Johnstown within a certain amount of time, to wait until after the first contract and then impose some kind of requirement, altering the deadline rather than taking out the residency requirement entirely.

REPORTS:

CITY MANAGER:

Mr. Penatzer noted that Tony Penna started June 1 as the City's part-time recreation director. Mr. Penna will be overseeing the improvements at Sargent's Stadium and the parks and playgrounds.

He stated the City's three-year contract to provide police protection to Dale Borough expires at the end of 2021. He stated the borough solicited proposals for police coverage, and the City responded to that request.

Ryan Wagner was hired June 7 as a codes enforcement officer.

Mr. Penatzer noted the financial statements for the four employee pension plans have been received and all four plans were in excellent financial condition due to the transfer made following the sewer sale. He reported that the firemen plan was nearly 97 percent funded; the sewage plan which had no active employees but has retirees was 106 percent funded; the nonuniform plan was 99 percent

funded; and the police plan was nearly 100 percent funded with a combined fund balance of \$53.3 million.

He stated Wessel and Company completed the 2020 Audit and will be reviewing the audit with staff on June 29, 2012. The audit should be presented to Council at the July meeting.

The City Manager commented that the Juneteenth events will commence this weekend and all next week at Central Park. Council members are welcome to attend the events as representatives of the City.

MAYOR:

Mayor Frank Janakovic reported that he attended the Polka Fest this past weekend at PNG Park and congratulated the Convention and Visitor's Bureau for planning the event in such a short time after initially being cancelled.

He noted his recent attendance at the Walk of Hope at Trojan Stadium in memory of those who have passed away from cancer.

Mr. Janakovic attended the recent Gunter Leadership Luncheon.

He thanked all those involved in the annual downtown cleanup.

The Mayor noted his attendance at the recent Regional Partnership chamber board meeting as well as the Vision Together 2025 board meeting which Reverend King also attended.

Mayor Janakovic reported that grants are being sought for the train station project, Inclined Plane and the Main Street Improvement Project totaling approximately \$25 million. Two congressmen have committed support for projects also.

Mr. Janakovic read into the record several comments regarding the referendum for the city manager residency as follows: He and Council will continue to encourage city manager candidates to be residents of the city, but that residents and voters need to be alerted of two primary issues, which include the residency rule for qualified persons and the added regulation that Council can only offer a two-year contract to perspective hires for the city manager position. He further stated, even though past city managers did reside in the city, many of them spent week-ends outside of the city. He commented that the primary deterrent for many of the previous applicants was the relocation of their home environment and family decision-making. The Mayor stated it was Council's responsibility to

inform the voters of the barriers and roadblocks that is keeping it from receiving and hiring the best qualified individual for the city manager position. He finally stated it would be up to the voters to weigh the facts and decide on the best course of action moving forward. There was further discussion regarding the matter.

CITY SOLICITOR

Elizabeth Benjamin, Esquire, City Solicitor, requested a motion to rule on a settlement of a tax assessment appeal filed by First Commonwealth Bank regarding property at 217-219 Franklin Street. She explained that Council had previously authorized during the course of negotiations a settlement amount at a market value of \$350,000, and that was later accepted by the tax payer filing the appeal.

Mr. Arnone made a motion to approve settlement of the tax assessment appeal filed in the Cambria County Court of Common Pleas, Docket No. 2020-3675 at a fair market value of \$350,000. The motion was seconded by Mr. Vitovich.

Ms. Benjamin added that the county and school district have already authorized the settlement. No public comment was offered. Council had further discussion regarding the matter. Mr. Penatzer stated the city, county and school district all have to agree to any settlement or adjustment.

The motion passed by the following vote:

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

Nays: None (0).

CITY ENGINEER

Bruce Graham, Gibson-Thomas Engineering, had no report.

NEIGHBORHOOD LIAISONS

Reverend King asked that in addition to the two children who died in a recent house fire in Moxham, that the police and firefighters at the scene be remembered in prayer.

Reverend King noted her participation in the Walk of Hope at the Trojan Stadium.

She noted that residents did "a fantastic job" cleaning up the Minersville community this past Saturday.

A meeting will be held on June 23, 2021 starting at 12:00 noon at the Stephens Memorial Church in the Prospect community. The Cambria County Planning commission will be discussing plans for the corridor. A regular meeting will be held at 5:30 p.m. for discussion of how the property could be utilized at the former location of the box houses along William Penn Avenue.

Mr. Arnone stated there is federal money available for green spaces and suggested that as an option.

Reverend King noted she would be attending the Juneteenth celebration in Central Park and suggested this would be a good opportunity for the City to share the programs available to the residents, including money for sewage and first-time home buyers.

Chief Pritchard noted that Corporal Allen from the PA State Police and another individual will be speaking on Friday at 4:00 p.m. and will also be present at the PNG Pavilion on Saturday along with Archie.

Reverend King stated the initiative continues to encourage people to receive the COVID-19 vaccine which will be available next week at Central Park.

Councilwoman King stated Christ Centered Community Church will sponsor a Community Share Day in Prospect. Those in need are welcome to take a bag of whatever items they need at no cost.

Mr. Janakovic will do a proclamation as part of the celebration.

Mrs. Mock reported that the community gardens have been planted and the flower boxes have been placed in the West End.

She noted improvements done by the Roxbury Civic Group at the Roxbury Park and commented that the hockey rink is just about ready to be put into use.

Mr. Vitovich reported that Public Works is running the street sweepers Monday through Friday and cutting grass at playgrounds and City-owned properties. Staff is also performing inlet repairs and replacements in the West End, cleaning inlets and storm lines in Prospect, Roxbury and the Eighth Ward and doing routine maintenance on flood basins throughout the city.

Mr. Arnone, as Council's representative to the Johnstown Housing Authority, provided an update on statistic information related to the population of the public housing communities located within the City of Johnstown. He stated, as of May 31, 2021, the total population of the public housing communities as 2,663, Section Eight voucher holders totaling 857. He stated Arbutus Park and Belmont got out of the Section Eight program and there is ongoing discussion to see if some of those can be returned to HUD. Laundry rooms in the Coopersdale and Solomon Home were being remodeled.

Mr. Arnone indicated that two scholarships were given from the statewide housing organization and two residents will be awarded with continuing education.

Councilman Arnone stated he took classes on first aid training, CPR and operation of a defibrillator as well as grant writing and care of the aging and elderly at a recent conference held at Seven Springs. He talked further about the additional benefits available to the elderly.

Mr. Arnone as representative of the GJWA reported that the Central Business Project is underway and slip lining most of Main Street is about finished. He stated an alternative has been approved for tapping in for the viewport and explained that process.

He stated JHA still needed direction on coordination of paving.

He noted that permits were able to be transferred to the GJWA, and during that process, the GJWA used its funds to continue working on the sewage project. And now that the matter is settled, the PennVEST money is available to the GJWA and the City is no longer responsible for any of those loans or debts.

He explained further that the City is not responsible for any debt incurred during the entire sewage project which will be approximately \$120 million.

Mr. Arnone reported that 50 percent of private laterals have still not passed the pressure testing, even though diligently advertising through television, radio, Facebook and mailers.

Mr. Arnone discussed the dangerous situation on Sheridan Street with the administrator at the JHA and steps will be taken to resolve the matter. Grants to hire counselors for people who want to do a transition from housing into a home are being sought.

Mr. Britt noted that matters he wanted to talk about have already been discussed. But he commended the firefighters and policemen for their dedication and courage at the recent fire in Moxham.

Mr. Britt also commended the keystone speaker and Corporal Allen of the Pennsylvania State Policeman at the recent Juneteenth celebration.

Mr. Britt noted that Tony Penna was a good choice to hire as the recreational director and commented that he attended the Mill Rats opening game.

Mr. Britt asked that speeding be addressed in the area of Wagner St in Oakhurst.

Mr. Arnone commented that the JHA pays at least \$250,000 to have additional police presence in different areas of the City and asked that the policing be done regularly. Chief Pritchard acknowledged the problem and is hoping to place a recording speed device in that area to see what time of day most speeding problems occur.

Mr. Vitovich suggested the Chief meet with the JHA executive director for further discussion of the matter.

COUNCIL UPDATES

1. Planning Commission Minutes of May 5, 2021.
2. Civil Service Board Minutes of May 12, 2021.

PETITIONS:

None.

ORDINANCE FOR FINAL READ:

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 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.

Mr. Britt made a motion to approve. The motion was seconded by Mr. Vitovich.

Ms. Benjamin explained that a public hearing was held earlier today regarding this matter, and it was noted on the agenda that the parcel is owned by Bottle Works and they intend to construct a pavilion on the parcel after the zoning change.

The motion passed by the following vote:

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

Nays: None (0).

ORDINANCES FOR FIRST READ

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 1ST, 1994 AND AMENDED NOVEMBER 2ND, 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.

Mr. Vitovich made a motion to approve. The motion was seconded by Mr. Arnone.

The City Manager commented that all but one of the proposed charter amendments deal with overly cumbersome administrative processes that can and should be simplified and they deal with the differences between ordinances, resolutions and motions. He explained the three types of actions that any governing agency can take include the adoption of an ordinance, the adoption of a resolution and approval of a simple motion.

Mr. Penatzer stated an ordinance is the creation of a law, generally intended to be permanent and includes an enforcement and penalty provision, and once adopted remains in force until repealed. And to repeal or amend an ordinance requires another ordinance. The adoption process takes two months incurring the cost of advertising and often requiring a separate public hearing.

Mr. Penatzer explained a motion is simply a means of approving anything such as a contract, a purchase, a hire, anything that Council wants to grant approval to.

That somewhere in between the two is a resolution which is simply meant to make a particular action more formal, and is not any more powerful than a motion.

Mr. Penatzer acknowledged and commended those involved in drafting the City's Charter.

He noted that the Charter requires that the annual budget be adopted by ordinance. There was really no requirement that it be adopted by ordinance and can be adopted by a simple motion.

With regard to personnel ordinances, the City Manager stated collective bargaining agreements will now expire every year, so every year the personnel ordinance will need updated. He suggested that some matters should be moved from the Charter which would require a referendum to the Administrative Code which simply requires an ordinance.

Mr. Penatzer had concerns with the amount of time that staff wastes drafting resolutions for Council that were not necessary.

He talked about voter change to the residency requirement for City Manager which would allow Council to require residency if they so choose. There was further discussion regarding the matter.

Mr. Penatzer reminded Council that it could impose a more reasonable residency requirement such as establishing a 20 or 30 mile radius around the City that you want the manager to live in.

The motion passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich,
Mr. Arnone, Mr. Britt (6).
Nays: None (0).

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 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.

Mr. Vitovich made a motion to approve. The motion was seconded by Mr. Britt.

The City Manager noted that he and Ms. Benjamin disagree slightly on the process for implementing a new personnel manual. He noted that Council will be asked to adopt a personnel manual at next month's meeting by resolution and can also be adopted by ordinance. He referred members to a new page one of the ordinance for review and recommended tentative approval of Bill No. 7.

The motion passed by the following vote:

Yeas: Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Arnone,
Mr. Britt, Mayor Janakovic (6).
Nays: None (0).

RESOLUTIONS

Resolution No. 10431

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE TO EXECUTE AND TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE AN APPLICATION FOR FUNDING ASSISTANCE FROM THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT IN THE AMOUNT OF \$15,000.00 THROUGH THE COMMUNITY CONSERVATION PARTNERSHIPS PROGRAM TO BE USED TOWARDS THE CREATION OF A MASTER PLAN FOR STACKHOUSE PARK.

Mr. Britt made a motion to approve. The motion was seconded by Mr. Vitovich.

There was further discussion regarding the matter.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Arnone, Mr. Britt,
Mayor Janakovic, Reverend King (6).
Nays: None (0).

Resolution No. 10432

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE TO EXECUTE AND TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE A GRANT AGREEMENT WITH THE COMMUNITY FOUNDATION FOR THE ALLEGHENIES UNDER THE COMMUNITY INITIATIVES PROGRAM FOR A GRANT AMOUNT OF \$60,000.00 TO BE USED FOR THE REHABILITATION OF THE ROXBURY PARK PLAYGROUND.

Mr. Arnone made a motion to approve. The motion was seconded by Mr. Vitovich.

There was further discussion regarding the matter.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Arnone, Mr. Britt, Mayor Janakovic,
Reverend King, Mrs. Mock (6).
Nays: None (0).

Resolution No. 10433

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEE TO EXECUTE AND TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE AN APPLICATION FOR FUNDING ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$24,447,764.00 THROUGH THE REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) PROGRAM TO BE USED TOWARDS IMPROVEMENTS TO PROJECTS LOCATED THROUGHOUT THE CITY OF JOHNSTOWN.

Mr. Arnone made a motion to approve. The motion was seconded by Mr. Vitovich.

Mr. Dubnansky referred to this as a community-driven grant application in partnership with the Vision 2025 group. He noted that an application submitted last year was denied so additional information was collected and another application was resubmitted. The grant request incorporates \$11.28 million for the train station; \$879,000 for the Inclined Plane; \$3.6 million for improvements at the CamTran Transit Center; \$8.68 million for improvements along Main

Street greenway, expansion of the Jim Mayer Trail and another trail into downtown.

Mr. Arnone commented the paving project from Ferndale to Franklin Street and down Valley Pike has been completed, and the bicycle trail from Ferndale to the City was painted on the roadway.

The motion passed by the following vote:

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

Nays: None (0).

NEW BUSINESS

1. The West End Fire Station Project - An RFP is out for a new concrete apron.
2. Sargent's Stadium - DCED has an RFP out new lighting.
3. HUD Spring 2021 Demolition Contract - DCED has an RFP out for the demolition of 18 structures.
4. Sargent's Stadium - DCED is obtaining quotes for picnic tables for use within the stadium.

Mr. Campagna noted that a new press box has been installed at Sargent's Stadium; two fixed cameras and two wireless cameras are being utilized there; and a screen is on order for atop the seating in the designated area. He noted that new turf should be installed following the AAABA Tournament and prior to the start of Bishop McCort's football games. Mr. Penna would be asked to attend Council's next meeting to address recreation questions.

OLD BUSINESS

None.

PUBLIC COMMENT - NONAGENDA ITEMS

Mr. Britt commented that people are parking cars on the sidewalk along the 300 block of Ash Street and they were also parking in vacant lots and yards.

Mr. Mock commented that the City Manager did draft an ordinance which will be discussed at next week's workshop which addresses that matter.

Wednesday, June 9, 2021
Stated Meeting, continued

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RECESS/ADJOURNMENT

There being no further business, the meeting adjourned at 7:14 p.m.

Council Workshop is scheduled for June 16, 2021

The next Council meeting is scheduled for July 14, 2021