

## JOHNSTOWN CITY COUNCIL MINUTES

Wednesday, January 28, 2015

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 6:02 p.m. Acting City Manager Carlos Gunby offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic stated Council had an Executive Session prior to the meeting regarding personnel issues.

Mayor Janakovic next requested that the new Johnstown police officers step forward. Justin Green, Christopher Swartz, Ryan Chiodo, and Larry Woodard were sworn in by the Mayor and congratulated by Council. The field officers were also recognized for the dedication to training the new officers.

The following members of Council were present for roll call:

Mr. Gentile, Mayor Janakovic, Mr. Johncola, Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza (7).

Absent: None (0).

City Solicitor David Andrews and Acting City Manager Carlos Gunby were also present.

### COURTESY OF THE FLOOR

Charlene Stanton, 184 Sell Street, Johnstown, addressed Council with regard to an unfair system to govern the City, which she referred to as selective enforcement, special consideration or the three-pass system. She provided examples of this unfair system. She referenced undisciplined code violations for unsecured units with missing windows and open doors.

Ms. Stanton also discussed Ordinance 5103, the pressure test mandates, and properties which the City has claimed “fell through the cracks.” She referenced statements by Council from almost a year ago that these properties would be compliant with the codes and sewage. Ms. Stanton also questioned why these properties are not subjected to the City rental inspections. She stated it is unfair for only some property owners to pay the \$500 vacant property maintenance fee.

Ms. Stanton next referenced special consideration by Council to a few select City businesses of the sewage rate adjustment credit totaling over \$136,000.

She also noted documents forwarded from Jack Williams pertaining to the 138 Cooper Avenue residence, for which there is a zoning issue tabled by Council. She stated there is no certificate of occupancy for this property and a fence was constructed without a permit. Ms. Stanton noted a post on Facebook by a City official that there is no funding for sewage work. There is \$133,302 of CDBG funds available to income eligible residents. She questioned why a City official would make false statements.

Ms. Stanton questioned why there would be nothing to report for all of the Neighborhood reports. She noted code violation properties in Prospect and code deficient properties in Kernville. She urged the City to be proactive with regard to the proposed Roxbury school, senior housing projects, and help engage community interest.

Ms. Stanton closed by stating “these are legitimate concerns and need to be addressed.” She stated non-residents attending the Council meetings would think they stepped into the twilight zone.

Reverend Richard S. Williams, 752 Menoher Boulevard, addressed Council with regard to actions in the City. He grew up and has lived in the City for over 50 years. He noted that February is Black History Month. He distributed cards regarding a program on Martin Luther King Day. He acknowledged the program attendance by the Mayor, Mr. Vizza, and Mr. Gentile and their support.

Reverend Williams voiced a complaint for selective prosecution. He noted a package he provided last April with regard to code enforcement. He discussed charges brought against him as well as his wife and daughter. He stated he approached Mrs. Mock regarding the issues. Reverend Williams discussed the discretion of the code enforcement officers and his pending litigation on the matter.

Reverend Williams expressed his appreciation for the work of Acting City Manager Carlos Gunby. He requested that all communications with the City come to his attorney through Mr. Andrews.

Mrs. Mock advised Reverend Williams that she could not discuss the matter with him due to the litigation. Reverend Williams noted communications with the City’s ex-solicitor and communications with Mrs. Mock.

Mr. Gentile expressed his admiration for the Interface Service on the previous Sunday. Mayor Janakovic acknowledged the woman who presented the awards. Reverend Williams stated Natasha Williams made the presentation.

Mike Kane, Community Foundation for the Alleghenies, 631 Diamond Boulevard, addressed Council regarding the resolution before Council for submission of applications to the Department of Community and Economic Development (DCED). He discussed the project to renovate the Conrad Building at 301 Franklin Street. A Committee has been formed to work on the implementation of a Federal grant for the project. Bids should be let in March, and construction should commence in October. The goal is for completion of the project by October 2016. The DCED Anchor Building funding is needed for a slice of the project that the Federal grant does not cover. He noted additional projects, which will utilize the Anchor Building funding, such as the project on Gazebo Place. He announced that public meetings will be held on the Gazebo Place project at 10:00 a.m. and 6:00 p.m. on February 20, 2015.

Mr. Kane stated grants worth approximately \$1.98 million have been drawn down from the DCED. The Community Foundation has committed \$500,000 in debt support to the project. The City has committed debt to the project as well. Additionally, the Southern Alleghenies Planning Development Commission and the Community Foundation together made a \$25,000 grant for the grant application. Mr. Kane explained the repurposing of the Conrad Building, such as an educational center, restaurant, and an elevator tower, upon completion of its renovations.

Mayor Janakovic commended all involved in this project.

#### REPORT BY THE ACTING CITY MANAGER

Acting City Manager Carlos Gunby also thanked Mr. Kane for his work and support to the City. He congratulated **Michele Ciotti** and **Mike Calpin** for their perseverance to receive a grant for the purchase of a new heavy-duty dump truck from the recycling program.

Mr. Gunby reported on a meeting with Advanced Disposal to discuss service and delinquent account issues. He stated different programs and equipment are being developed to move forward.

Mr. Gunby stated the \$133,000 funding does exist, which is designated to be rolled over year after year. He cautioned that the funding could be lost if it is not

used. He explained the implementations with the sewer project impacts the City's ability to utilize the \$133,000. With pushing the schedule back, there is strict criteria that must be met in order for those funds to be utilized, which is also a matching fund. Mr. Gunby confirmed that the one of major criteria to meet the requirements to receive the fund is that construction must be underway. He also explained that not every neighborhood is considered low income and, therefore, would not be eligible for funding. Since there are no projects meeting the requirements for funding this fiscal year, the funding will remain in the budget until the next 2015-2016 fiscal year.

Mrs. Mock noted that the first project to possibly qualify for funding would be the Hornerstown area. Mr. Gunby stated the flow monitoring will commence in the Hornerstown area approximately late summer, and residents will then receive notification regarding compliance for Phase I.

Mr. Gunby reported that the entire City is currently being inventoried for the purposes of the Land Bank Ordinance. He recommended to Council to apply for the 2015 grant for the fire department.

Mr. Gunby discussed a land acquisition by the City for a clean-fill disposal site, which will provide a savings to the City as well as create potential revenue. DEP and the necessary parties are aware of the acquisition. Mr. Gunby stated the contractors will take care of the roads in response to Mr. Gentile's question. Mr. Gunby outlined the safe traffic routes in response to a question from Mrs. Mock.

Mr. Mickel questioned Mr. Gunby with regard to a response from the Housing Authority regarding recycling. Mr. Gunby discussed the recycling plan for recycling bins. The Housing Authority has committed to educating the residents. Mr. Gunby stated the City will be meeting with DM Ventures on February 11, 2015. Mr. Mickel suggested that the Sandyvale group be requested to prohibit cars from parking in the cemetery during the Sandyvale Wine Fest.

It was noted that the fencing around 138 Cooper Avenue was permitted to the contractor as referenced by Ms. Stanton's Courtesy of the Floor presentation. Code Enforcement officers have visited the property and no violations have been reported.

REPORT BY MAYOR

Mayor Frank Janakovic reported on attending the Greater Johnstown Regional Partnership meeting. He noted an investment of \$90,000 to the S2 Group out of D.C. Over \$6 million has been obtained by 2014. He commended the businesses for investing in the City in order for the City to move forward.

The Mayor stated the Drug and Alcohol Transition Committee attended the inauguration for Governor Tom Wolf in Harrisburg.

Mayor Janakovic commended the Discover Downtown group for their projects, which was very successful last year. He discussed the \$100,000 project for Central Park for trees, synchronized lights, and music.

Mayor Janakovic reported on attending a meeting for Kraft Hockeyville. There is the opportunity for the City and the War Memorial to be the first prize winner of \$150,000 and to host an NHL pre-season game at the War Memorial. The Mayor encouraged the public to submit essays by March 12, 2015, to promote Johnstown as the selected City. He also noted donations to the War Memorial fund.

The Mayor met with the Business Department at the University of Pittsburgh at Johnstown. The local students are working on app to encourage students to visit downtown. The Transit Authority has been contacted in order to set up bus runs to bring students to downtown.

REPORT BY THE CITY SOLICITOR

City Solicitor David Andrews reported that all matters were discussed in Executive Session.

REPORT BY THE CITY ENGINEER

City Engineer Steve Sewalk reported on the commencement of construction in the Woodvale/Prospect area. Residents have been provided information.

Mr. Sewalk stated the next project will be the Moxham Phase One Project. The funding has been acquired. Public meetings are planned from 6:00 p.m. to 8:00 p.m. on February 17 and February 18, 2015, at the Moxham Church of the Brethren, 536 Grove Avenue.

Letters are being distributed regarding downspout violations.

Mr. Sewalk discussed seeking grants for projects on the channels in and around the City. Mayor Janakovic stated the Army Corps of Engineers suggested contacting the Army Corps Reserve with regard to dredging the rivers. Mr. Sewalk reported that the wall is falling into the stream near J Street. He noted issues also in the Moxham area.

#### REPORT ON PRIOR YEARS AUDIT FINDINGS

Mr. Gunby reported that the audits are near completion.

#### REPORT OF ECONOMIC DEVELOPMENT

Renee Daly, Economic Development Director, stated the Certificate of Occupancy for the 138 Cooper Avenue property was granted. The surveyor had applied for the building permits in December of 2013. She also reported on the property acquisition by DM Ventures. The City Solicitor is working with the property owners on the vacant properties.

Ms. Daly discussed Roxbury Place. She explained the City's Act 47 designation. The PFHA housing funding has chosen Act 47 in the past. She discussed pursuing a resolution acknowledging the Act 47 designation and a strategic plan.

Ms. Daly stated vacant property letters for the \$500 are being distributed to addresses where the owner's address is different. Approximately \$11,000 have been collected thus far. She stated there are approximately 1,700 properties. Mrs. Mock suggested that the names of violators should be published in the newspaper. Solicitor Andrews stated only magisterial complaints may be posted.

Ms. Daly explained the policy for the demolition of properties. Liens are placed on the properties, and the adjacent property owners are contacted for their interest in acquiring the property.

#### REPORT OF POLICE CHIEF

Police Chief Craig Foust reported on the Department's current focus for retraining and recertification of its officers.

### REPORT OF FIRE CHIEF

Fire Chief Anthony Kovacic reported on an award of \$14,000 from the Commonwealth, which will permit the Department to utilize a Cloud server versus the City's server as well as provide for additional training and backups. Somerset Trust is providing the Chief the opportunity to go to a grant writing program in March.

Chief Kovacic reported on the response to a vehicle accident during the ice storm on January 3, 2015. A piece of the aerial apparatus was damaged and is out for repair.

### COUNCIL COMMITTEE/NEIGHBORHOOD LIAISONS REPORTS

Mr. Vitovich reported on witnessing individuals cleaning sidewalks as well as cleaning out fire hydrants. He urged the public to assist the elderly and disabled with the cleaning of their sidewalks. Mrs. Mock noted the requirement that walks be cleaned within 24 hours.

Mr. Vizza stated that many people along Oak Street are happy that the fire-gutted property has been taken down. He acknowledged Chief Foust and the staff for the cleanup of crime. He suggested appointing responsible individuals to undertake the cleanup.

Mrs. Mock stated the West End Improvement Group will be submitting a grant for the surveillance cameras for the West End. She will then meet with the Chief. Phase One will be completed. Mrs. Mock also spoke with individuals in Cambria City regarding creating a neighborhood group.

Mr. Gentile reported that the St. Clair Run channel is in poor shape. The City will attempt to obtain a grant to repair the wall. He commended the highway department for their efforts in the last snow storm.

Mr. Johncola reported that the Prospect homes are in litigation. A meeting will take place on February 11, 2015, and the public is invited. He reported on his observations of 138 Cooper Avenue where there is a very nice fence, a very nice garage, no garbage, no dirt, and no dust. He also commended the Public Works staff for their efforts in the last snow storm.

Mr. Mickel reported that the Roxbury Civic Group has been working diligently and have been in contact with the Pennsylvania Housing Finance Agency. The group is also completing interest forms at the request of Mr. Petrone.

Mrs. Mock reported on information from the Prospect Co-op. A suggestion box will be installed.

### COMMUNICATIONS

Mayor Janakovic reported that Council is in receipt of the following:

1. Shade Tree Commission's January 7, 2015 meeting minutes.  
Mr. Vitovich made a motion to approve. The motion was seconded by Mr. Johncola and passed by the following vote:  
  
Yeas: Mayor Janakovic, Mr. Johncola, Mr. Mickel, Mrs. Mock,  
Mr. Vitovich, Mr. Vizza, Mr. Gentile (7).  
Nays: None (0).
2. Cambria Somerset Association of REALTORS: Pressure Testing on Resale.  
Mrs. Mock agreed that advanced notice be provided.
3. Code Complaints from Charlene Stanton.
4. Memos from Jack Williams regarding Planning Commission Residency requirements and ABD Construction Services information request on 138 Cooper Ave.

### PETITIONS

None.

### ORDINANCES FOR FIRST READING

1. BILL NO. 29 OF 2014, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE AND ZONING ORDINANCE MAP CLASSIFICATION OF THE PROPERTY KNOWN AS 138 COOPER AVENUE, 21ST WARD, FROM R-1 TO C-1. (TABLED 12/10/14.)

Mr. Mickel made a motion to remove the ordinance from table. The motion was not seconded.

Mr. Mickel commented that Council should not be afraid to vote on this issue.



ORDINANCES FOR FINAL READING

1. BILL NO. 1 OF 2015, AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ADOPTING LATERAL RESALE ORDINANCE, REQUIRING LATERAL TESTING UPON THE SALE OR TRANSFER OF ALL REAL PROPERTY WITH STRUCTURES LOCATED THEREON TO DETERMINE IF ILLEGAL STORM OR SURFACE WATER IS CONNECTED TO THE SANITARY SEWER, REMEDIATION OF DEFECTS, AND TO SET FORTH REGULATIONS RELATED THERETO.

Mrs. Mock made a motion to approve the ordinance. The motion was seconded by Mr. Vitovich and passed by the following vote:

Mr. Gunby suggested Council amend and adopt the ordinance with an effective date of April 1st, 2015.

Mrs. Mock made a motion to approve the ordinance as amended. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mr. Gentile, Mayor Janakovic, Mr. Johncola, Mr. Mickel,  
Mrs. Mock, Mr. Vitovich, Mr. Vizza (7).

Nays: None (0).

2. BILL NO. 2 OF 2015, AMENDING ORDINANCE 5161 ESTIMATING THE AMOUNT OF REVENUES TO BE RECEIVED BY THE CITY OF JOHNSTOWN FROM VARIOUS SOURCES AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES FOR THE OPERATIONS OF THE VARIOUS FUNDS, BUREAUS, DEPARTMENTS, THE PAYMENT OF DEBT SERVICE AND THE PENSION FUND OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2015, INCLUDING THE FOLLOWING CITY OF JOHNSTOWN FUND SECTIONS, AND THE RESPECTIVE FUNDS "BUDGET EXHIBIT A DETAILS".

Mr. Vizza made a motion to approve the ordinance. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mr. Mickel, Mrs. Mock,  
Mr. Vitovich, Mr. Vizza, Mr. Gentile (7).

Nays: None (0).

3. BILL NO. 3 OF 2015, AMENDING ORDINANCE 5162 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, 2015.

Mr. Vizza made a motion to approve the ordinance. The motion was seconded by Mr. Johncola and passed by the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mr. Mickel, Mrs. Mock,  
Mr. Vitovich, Mr. Vizza, Mr. Gentile (7).  
Nays: None (0).

## RESOLUTIONS

### RESOLUTION NO.

1. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT APPLICATIONS TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED), COMMONWEALTH OF PENNSYLVANIA, KEYSTONE COMMUNITIES ANCHOR BUILDING GRANT PROGRAM IN THE AMOUNT NOT TO EXCEED \$500,000 TO PROVIDE FINANCING FOR APPLICABLE DEVELOPMENT PROJECTS.

Mr. Vitovich made a motion to table the resolution. The motion was seconded by Mr. Mickel and passed by the following vote:

Yeas: Mr. Johncola, Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza  
Mr. Gentile, Mayor Janakovic (7).  
Nays: None (0).

## OLD BUSINESS

1. Land Bank Ordinance

Mr. Gunby reported on the ordinance and also on the open-ended application process for Commission vacancies.

Mr. Vizza encouraged the public to take part on the boards and commissions.

Wednesday, January 28, 2015  
Stated Meeting, continued

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NEW BUSINESS

None.

There being no further business, the meeting was adjourned at 7:20 p.m.