

JOHNSTOWN CITY COUNCIL MINUTES  
Wednesday, October 22, 2014

City Council held a workshop on the SMG amusement tax.

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.

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 City Engineer, Steve Sewalk, were also present.

Mayor Janakovic announced that Executive Sessions were held on October 1st, October 8th, October 15th, and prior to this meeting on personnel issues.

APPROVAL OF MINUTES

Mrs. Mock made a motion to approve the minutes of the September 22, 2014, October 1, 2014, and October 8, 2014 meetings. The motion was seconded by Mr. Vitovich and ruled on by the following vote:

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

Nays: None (0).

COURTESY OF THE FLOOR

Donna Barber of 824 Sherman Street, Johnstown, was not present to discuss with Council the issues she wanted to present.

Charlene Stanton of 184 Sell Street, Johnstown, discussed with Council her issues on City government. She reported that at the last meeting Council stated within the next five months pressure testing will be mandated by the Department of Environmental Protection (DEP) across the state for property transfers, which

differs from her communication with DEP. She said it was also stated if the homeowner opted for the televised testing of their lines that the camera operator must be NASSCO certified, which DEP does not require. She said the homeowner has no other option than to pressure test. She said it seems like Council continually makes things more difficult than need be for the people. She also noted the rumors circulating of certain businesses in the City paying lower sewer rental fees than the public and has been extended rate adjustments and credits courtesy of the former City Manager. She hoped that the special rates were only a rumor, but she filed a Right-to-Know Request to be certain. She would like to know where to sign up for the adjustments if they are being given.

Ms. Stanton then moved on to blight. Council stated that 177 code complaints were received during the month of September. She said that residents are more willing to speak up and report the blighted properties, because they are tired of seeing them. She and many others drive around the City on what was termed "blight patrol." She said you do not have to drive far to see blight. She personally reported a few properties the week before and was surprised to find out they were owned by the Cambria County Redevelopment Authority. Since her complaint, the County has been notified of the violations. She now questions whether the blighted properties will be registered with the City as vacant structures, whether the County Redevelopment Authority will pay the \$500 maintenance fee, and have a functioning smoke alarms as required in the code ordinances. She did some research on ways to hold the out of town owners of blighted properties accountable. Under PA Law, specifically the Neighborhood Blight Reclamation and Revitalization Act 90, you can attach personal assets. The Act also allows for expedition of out of state owners to be brought back to Pennsylvania to face criminal prosecution. Under this Act, owners of blighted properties can be denied permits for all properties they own elsewhere in the state. She questioned whether this was done in Johnstown and added that every attempt must be made to eliminate blight, because many of the properties pose a health and safety hazard to City residents. She then referenced City Ordinance 1480.02(a) and asked why it was not being enforced. She suggested having the City post the names of code deficient property owners on its website, because that may drive them to remedy the violations. She then submitted all of her information to Council as part of the official record.

### REPORT BY THE CITY MANAGER

Acting City Manager, Carlos Gunby, welcomed Kalila McKay, who is an intern from UPJ working within the City. He noted the terrific job she is doing. There is an upcoming inspection that Mr. Sprincz will be handling with Major League Baseball to evaluate the Point Stadium for feasibility of hosting an Altoona Curve game in 2015. He then provided packets from the Niagara Professional Baseball Group for Council's review. There will be a workshop in the near future to discuss the possibility of bringing the group to the Point Stadium.

The Commonwealth Financing Authority has given the City additional time to finalize the \$600,000 grant award for the intermodal transportation funding that was received for the Main Street East garage. There still has yet to be an award of the PennDOT Intermodal Transportation Fund. He was hopeful that would have happened by the end of September, but it did not. When the fund is awarded, Council would then need to determine what its match requirements for 2015 would be to do the renovations of the Main Street East garage.

Mr. Gunby mentioned that the Tomahawks home opener is Saturday, October 25, 2014, starting at 7:00 p.m. at the War Memorial. He also stated that the budget presentation is next Thursday, October 30, 2014, at 5:00 p.m. in the Council Chamber. The Halloween parade is Tuesday, October 28, 2014, at 7:00 p.m. Trick or treat for the City is Friday, October 31, 2014, from 6:00 – 8:00 p.m. He then noted an RFP for Council's review on the sewer and billing collection services related to the sanitary sewer system. That process has wrapped up. There was one bid. He prepared a resolution for Council.

### REPORT BY MAYOR

Mayor Janakovic also welcomed Kalila and noted how big of a help she has been with the scheduling and coordination within the City. He reported that UPJ students were brought down to Johnstown on October 2, 2014, for a bus tour of downtown. The tour started at Flood City Café, the students got to see the paintball building being built, a number of other businesses, and had a buffet at the Holiday Inn courtesy of the Holiday Inn. The purpose was to bring the 3,300 students down to the City to utilize the restaurants, facilities, and programs in Johnstown. The students were very impressed with Johnstown. He commended Dr. Spectar and UPJ for their efforts throughout the City.

Mayor Janakovic said he was fortunate enough to attend the NAACP banquet dinner on October 4, 2014, to provide a Proclamation. Mr. Vizza was also in

attendance. He also had the honor of attending an October 5, 2014 candlelight vigil at JAHA to proclaim Mental Health Week throughout the City of Johnstown. He congratulated Discover Downtown, who is completing projects in the area for residents to enjoy. He, along with a number of the police officers, attended a training on gang violence and was very enlightened. He also had the opportunity to attend the Cambria City Historical Preservation Plan public hearing, which he found very informative. Council members Gentile, Vizza and Vitovich attended the hearing as well.

#### REPORT BY THE CITY SOLICITOR

City Solicitor, David Andrews, reported that there had been several negotiating sessions with the fire fighters union. He said to date the meetings have been very productive. There has been a cooperative effort so far in working things out. He expects the need for an Executive Session at a November meeting to update Council on some of the outstanding issues.

#### REPORT BY THE CITY ENGINEER

City Engineer, Steve Sewalk, provided a report to members of Council. He highlighted some of the major topic areas. Projects are proceeding. The piping is nearly completed in Roxbury. The biggest thing right now is the paving issue. He has been in contact with Quaker Sales, who is doing all of the paving. Quaker plans on milling Franklin Street on October 24th and 25th, 2014, and then paving the street the following week. Quaker is comfortable with completing the paving in the Roxbury area. He hopes that everything holds true and the project will be completed on time.

The Oakhurst job is about 25 percent complete at this point. The Woodvale/Prospect PENNVEST funding was received, and bids did come in over the past month, which were in order with the estimates. He will look to sell the PENNVEST loan in mid-January and then start construction toward the end of January or beginning of February on the Woodvale/Prospect areas. There has been coordination with the homeowners, particularly in the Walnut Grove/Hornerstown area, about the downspout removals. Letters have been sent out. He reiterated that the grant for the Main Street East garage is still being worked on. He also pointed out some concerns on the S turn on Strayer Street/Harold Avenue and the possibility of making it a two-way entrance. There is a meeting with PennDOT at 1:00 p.m. on October 23, 2014, on the site right across from the playground.

Mr. Vitovich reported that Mr. Sewalk, Mr. Byers, Mr. Gentile, and himself, went on a tour through Roxbury before this meeting to inspect the work that Greenland Construction did in the area. He personally was very appalled by the work that was done by Greenland. He stated that if Greenland ever tries to come back to the City to work, he would be the first one to try and stop them.

Mrs. Mock asked for some information on DEPs transfer requirements. Mr. Sewalk reported that as part of the Consent Order, the City needs to renew the ordinance to pressure test on transfer. Many of the outlying areas are also signing Consent Orders now with DEP. Those communities as part of their Consent Order will be required to pressure test on transfer also.

Mrs. Mock also asked about the certifications of cameras. Mr. Sewalk stated DEP wanted some kind of certification or training to standardize the matter. The NASSCO training is very common.

Mr. Gunby wanted to be clear that the cameras have not been officially approved and mandated for DEP as of yet. This is all verbal right now. There is not a final signed written agreement. Once that occurs, the information will be posted on Council's website and be updated in the ordinance.

Mr. Vizza said that Councilman Gentile and he fielded a question from a taxpayer regarding the story about Southmont still possibly having to have a sewage treatment plant upgrade anyway. Mr. Sewalk responded that the plant always needs upgraded, and it is upgraded all the time. That is a continued process. The plant is working on a dewatering system currently. As far as a large, major upgrade, if everything continues like it is with the Consent Orders, he said that everything should fall into place. Thus far, he said, everything is moving in the right direction.

#### REPORT ON PRIOR YEARS AUDIT FINDINGS

No Report.

#### COUNCIL COMMITTEE REPORTS

##### Public Safety/Public Works Committee

Mr. Vizza wanted to thank Carlen Toth of Ogletown. She volunteers to clean up Central Park and beautify the park weekly. Council appreciates her efforts.

Mr. Sprincz updated Council on Broad Street and other projects within the City. He noted that the projects are all associated with PennDOT and are to be completed by the end of the paving season.

Mr. Gunby wanted to thank the Harmonie Singing Society for a very gracious donation to both Public Works and the Fire Department for necessary equipment. The equipment could not have been purchased without their support. The donation was much appreciated.

#### Buildings and Grounds Committee

Mr. Vitovich inspected the work on the top floor of the Main Street East garage. He said it was beautifully done. The drain seals were installed, so the water does not run down through and create rust problems. As additional money becomes available, more work will be done to the garage. He also inspected the Vine Street garage where sealing was done to repair some of the cracks. He congratulated Mr. Sewalk for the work being done on the parking garages.

Mayor Janakovic added that it is more than just a parking garage as those spaces are needed for the development of upper Main Street. If the garage is not fixed, then the City would lose income.

#### Parking/Operations Committee

No Report.

#### Boards, Authorities and Commissions Committee

No Report.

#### Recreation Committee

No Report.

#### Budget and Finance Committee

Mrs. Mock stated that she will be sitting down with Mr. Gunby to review the budget and finances.

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Community and Economic Development Committee

No Report.

NEIGHBORHOOD LIAISONS

7th Ward

Mr. Vizza reported that State Representative Bryan Barbin and City of Johnstown Police Chief, Craig Foust, will be attending the 7th Ward Civic Association Meeting on October 27, 2014, at 7:00 p.m.

Roxbury/8th Ward

Mr. Mickel mentioned that the Roxbury Civic Group has not held a meeting since the last Council meeting, but a lot of publicity was gained on the camera project. He said the project is moving along well.

Mayor Janakovic commended the Council members for making their appearances out in the general public and getting involved in the community. He thanked everyone for their service.

Moxham/Hornerstown

No Report.

West End/Cambria City

Mrs. Mock reported that the West End Improvement Group held its basket party and raised a nice sum of money. That, in addition to the car wash and other fundraisers, is going toward cameras in the West End. She is meeting with a camera vendor and Chief Foust to discuss strategically positioning the cameras in the West End.

Mrs. Mock also noted that the Johnstown Police Department Motor Unit is having a fundraiser at the Croatian Hall on Saturday, October 25, 2014, at 7:00 p.m. that benefits expenses associated with the motorcycle unit.

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Mayor Janakovic suggested applying for some funding to not only do the smoke detectors, but also assist with lighting and motion sensors for the safety of the public.

Mrs. Mock has spoken with the County grant writer with regard to piggybacking some grants.

Mr. Gentile reported that on October 5, 2014, on behalf of Mayor Janakovic and Council, Mr. Vitovich, Mr. Vizza and he attended the 40th year anniversary for the West End Ambulance Service. He spoke to Council on the history of the ambulance service.

#### Kernville

No Report.

#### Woodvale/Conemaugh Borough/Prospect

No Report.

#### Oakland

No Report.

#### Johnstown Police Report

Police Chief Foust has informed Mr. Gunby of the anticipated retirements and other exits within the department. There is a possibility of having to replace at least six officers. A civil service list is in place to hopefully quickly fill the open slots. He has also been in talks with filling the grant position. He then answered questions from Council.

#### COMMUNICATIONS

Mayor Janakovic noted the Planning Commission minutes of October 1, 2014.

Mr. Gentile made a motion to accept the minutes. The motion was seconded by Mr. Vitovich and ruled on by the following vote:



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

Mayor Janakovic also noted the receipt of a letter from Planning Commission  
Chairman, Wilfred Frombach.

Letters from Dr. Taranto, the Chairman of the Johnstown Shade-Tree Commission  
were also received. Dr. Taranto is asking Council for a nomination to fill a  
vacancy. Dr. Taranto was looking to appoint Daniel Gates to the  
Commission.

Mr. Mickel made a motion to nominate Mr. Gates to the Shade-Tree Commission.  
The motion was seconded by Mrs. Mock and ruled on by the following vote:

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

Mayor Janakovic then noted that Council received a number of code complaints, but  
Ms. Daly was not present to address them. He asked Mr. Gunby to make sure  
that fines are assessed and that protocol is being followed throughout the City.

#### PETITIONS

None.

#### ORDINANCES FOR FIRST READING

1. BILL NO. 24 AN ORDINANCE ENACTING STORMWATER MANAGEMENT  
REGULATION THAT PROMOTE HEALTH, SAFETY AND WELFARE  
WITHIN THE CITY OF JOHNSTOWN AND ITS WATERSHEDS BY  
MINIMIZING HARM AND MAXIMIZING BENEFITS ASSOCIATED  
WITH SOUND STORMWATER MANAGEMENT TECHNIQUES,  
DELETING AND REPLACING SECTION 1280.03 OF THE CODIFIED  
ORDINANCES OF THE CITY OF JOHNSTOWN AS ENACTED BY  
ORDINANCE NO. 4964 PASSED FINALLY APRIL 13, 2005, AS

AMENDED BY ORDINANCE NO. 5086 PASSED FINALLY ON JUNE 22, 2011, AS AMENDED BY ORDINANCE NO. 5119 PASSED FINALLY ON JANUARY 23, 2013, AND AS AMENDED BY ORDINANCE NO. 5139 PASSED FINALLY ON NOVEMBER 27, 2013.

Mr. Vitovich made a motion to approve the ordinance. The motion was seconded by Mr. Johncola and ruled on by the following vote:

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

ORDINANCES FOR FINAL READING (Prior Meeting)

1. BILL NO. 22 AN ORDINANCE VACATING CANVAS BACK PLACE BETWEEN TAMARIND PLACE AND COOPER AVENUE IN THE TWENTY-FIRST WARD OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.

Mr. Gunby reported that this is vacating the alley between Mr. Gentile's property and the adjoining property, which is Canvas Back and Tamarind off of Cooper Avenue.

Mr. Vitovich made a motion to approve the ordinance. The motion was seconded by Mr. Mickel and ruled on by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mr. Mickel (6).  
Nays: None (0).

Abstentions: Mr. Gentile (1).

2. BILL NO. 23 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO TRANSFER CERTAIN REAL PROPERTY TO THE JOHNSTOWN REDEVELOPMENT AUTHORITY FOR THE DEVELOPMENT OF NEW LOW-INCOME RESIDENTIAL HOUSING.

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

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

RESOLUTIONS

RESOLUTION NO. 9704

1. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE ALLOCATION OF 2014 FUNDS FROM THE GENERAL MUNICIPAL PENSION SYSTEM STATE AID PROGRAM.

Mr. Vitovich made a motion to approve the resolution. The motion was seconded by Mr. Gentile and ruled on by the following vote:

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

RESOLUTION NO. 9705

2. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN AUTHORIZING THE ACTING CITY MANAGER TO SIGN THE ROADWAY LIGHTING AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION THAT ACCEPTS MUNICIPAL OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF THE PROSPECT VIADUCT (STATE ROUTE 3037) LIGHTING SYSTEM POST CONSTRUCTION.

Mr. Johncola made a motion to approve the resolution. The motion was seconded by Mr. Mickel and ruled on by the following vote:

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

RESOLUTION NO. 9706

3. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN AUTHORIZING THE ACTING CITY MANAGER TO SIGN AN AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION THAT ACCEPTS MUNICIPAL OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF THE PROSPECT VIADUCT (STATE ROUTE 3037) SIDEWALKS POST CONSTRUCTION.

Mr. Johncola made a motion to approve the resolution. The motion was seconded by Mr. Gentile and ruled on by the following vote:

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

RESOLUTION NO. 9707

4. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH SIPPEL DEVELOPMENT COMPANY, INC. AWARDED CONTRACT 2014-05 FOR THE CONSTRUCTION OF THE WOODVALE & PROSPECT SANITARY/SEWER SEPARATION PROJECT.

Mr. Gentile made a motion to approve the resolution. The motion was seconded by Mr. Vitovich and ruled on by the following vote:

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

RESOLUTION NO. 9708

5. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH CONTINENTAL CONSTRUCTION AWARDED CONTRACT 2014-06 FOR THE CONSTRUCTION OF THE WOODVALE & PROSPECT SANITARY/SEWER SEPARATION PROJECT.

Mr. Gentile made a motion to approve the resolution. The motion was seconded by Mr. Vitovich and ruled on by the following vote:

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

### OLD BUSINESS

Mayor Janakovic noted the Land Bank Ordinance. Mr. Gunby said he is still working with the housing finance litigation on the Land Bank. There are some significant seminars coming up to discuss funding opportunities for starting the Land Bank. There are some funding opportunities coming up through legislation that he thinks could benefit the City of Johnstown.

### NEW BUSINESS

Mayor Janakovic also noted the SMG amusement tax, which Council discussed at its workshop. Council decided at the workshop to send the current ordinance to Council members for review and a discussion will be held at a future meeting. Council was in full consensus to request full payment.

Mr. Gunby noted a resolution in front of Council regarding the billing and collection services for the City's sewer rental fees. RDM Johnstown, LLC was the only organization to submit. He discussed the rate proposals with Council. The resolution would be for a continuation through the end of Fiscal Year (FY) 2014, as well as a three-year contract for 2015, 2016 and 2017. For 2015, the unit cost would continue as it is currently, which is \$1.60 per unit. In 2016, the unit cost would be \$1.65. In 2017, the unit cost as proposed would be \$1.75. The annual cost for 2015 would be \$192,000. The annual cost in 2016 would be \$198,000, and in 2017, \$210,000.

Mayor Janakovic said he has been asking for the last three or four years how Council got billed for this when the Redevelopment Authority was billing it and why the system needed switched over and now costs the City a substantial amount of money. He suggested possibly tabling the resolution until those answers could be provided.

Mr. Andrews felt it was imperative that Council do some sort of action now and then follow up with those questions.

### RESOLUTION NO. 9709

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE ACTING  
CITY MANAGER AND CITY SOLICITOR TO SIGN ACCEPTING THE  
PROPOSAL SUBMITTED BY RDM – JOHNSTOWN, LLC TO PROVIDE  
BILLING AND COLLECTION SERVICES OF THE CITY OF  
JOHNSTOWN SEWER RENTAL FEES.

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Mrs. Mock made a motion to approve the resolution. The motion was seconded by Mr. Vitovich and ruled on by the following vote:

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

Nays: None (0).

Mr. Gentile asked who takes care of the lights at the Murtha Center, because the lights are out. Mr. Sprincz said the City takes care of them, and he will put it on his agenda.

There being no further business, the meeting was adjourned at 6:59 p.m.