

JOHNSTOWN CITY COUNCIL MINUTES
Wednesday, November 12, 2014

City Council met in a stated session for the general transaction of business. Pete Vizza called the meeting to order at 6:00 p.m. 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, Mr. Johncola, Mr. Mickel, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (6).

Absent: Mayor Janakovic (1).

City Solicitor David Andrews as well as City Engineer Steve Sewalk were also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the minutes of the October 22, 2014 meeting. The motion was seconded by Mr. Gentile and ruled on by the following vote:

Yeas: Mr. Gentile, Mr. Johncola, Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza (6).

Nays: None (0).

COURTESY OF THE FLOOR

Donna Barber of 824 Sherman Street, Johnstown, came before Council to discuss her concerns. She stated her garage is falling down and her trash needs to be picked up. She is on a fixed income and applied for a decision for Social Security Disability. She is unable to afford to have her trash picked up. She also said that the code officials are wanting to fine her, but she cannot afford the fines. She requested an arrangement with the City to have her garbage picked up and her garage cleaned up. Her neighbors are complaining to her about the nuisance.

Ms. Barber also informed Council that she has urged the City several times to check the hillside by her property. She said she is getting runoff from 271 down to the back of her property, which is causing damage. She reiterated her request to Council that the storm drains be cleaned to stop the runoff from happening.

Ms. Barber then discussed harassment she has received from local, state and federal agencies. She said that her e-mails have been compromised, her phone calls, and her mail has been stopped. She stated her identity has been stolen.

Mr. Gunby directed Ms. Barber to submit a written request to be reviewed by Council.

Charlene Stanton of 184 Sell Street, Johnstown, was unable to attend the meeting to discuss her concerns regarding city government.

Dale Lydic of the United Mine Workers was not present to discuss with Council his issues regarding a resolution on clean coal and the EPA.

REPORT BY THE CITY MANAGER

City Manager, Carlos Gunby, wished all veterans a happy belated Veteran's Day and thanked them for their service to the country. He also thanked all of the participants in the Veteran's Day parade to show support.

Mr. Gunby congratulated and thanked the Roxbury Civic Association on the successful camera installation at the Roxbury Park playground. He noted the work, time and effort put into raising funds for the cameras.

Mr. Gunby also stated that the City has been awarded an additional \$555,000 in PennDOT multimodal grant funding for the Main Street East garage. That grant now brings the total project funding up to \$1.155 million for the renovations. He thanked everyone who supported the grant application, especially state and local leaders. He said that John Dubnansky from the county has been an integral part in the funding process.

Mr. Gunby informed everyone that the Christmas Parade is scheduled for Friday, November 21, 2014 at 6:00 p.m. The parade will be preceded by a Santa run at 5:30 p.m. Additional activities will begin at Central Park at 5:00 p.m.

Mr. Gunby next mentioned that the Hickory Street bridge is open. The ceremony was held on Friday, November 7, 2014, to open the bridge. Council was present for the ceremony. He again wanted to thank the state and local representatives and legislators for being part of the city receiving the funding to enhance the bridge.

REPORT BY MAYOR

Mr. Vizza reported that he attended the Veteran's Day parade. He said the weather was great, and the parade was well attended. He also thanked the veterans on behalf of Council.

REPORT BY THE CITY SOLICITOR

City Solicitor, David Andrews, reported that fire negotiations are ongoing. He hopes to have a session prior to the December meeting and would like an Executive Session prior to Council's December meeting to update on the status of the negotiations.

REPORT BY THE CITY ENGINEER

City Engineer, Steve Sewalk, distributed a hard copy of his report to Council. He highlighted some of the major projects. He reported that most of the paving is completed in Roxbury. There will be some paving on some back streets that will not be completed. He noted that approximately 1,800 feet of line had to be added to the project with the live tie-ins, which extended the contract.

Mr. Sewalk then discussed the Oakhurst area. The paving will be done on Sheridan Street and others before the heavy winter arrives. The workers will be working throughout the winter. He said that much of the work remaining is in the backyards.

The Woodvale/Prospect contract will begin in February and end in November.

Mr. Sewalk stated that letters have been distributed regarding downspout removals and the ability for live tie-ins. Over 300 letters have been sent out to residents in Walnut Grove, Hornerstown, and the Roxbury areas at this point.

Mr. Sewalk then discussed upcoming projects. Woodvale/Prospect is expected to start in the January/February timeframe depending on the contract. The PENNVEST information was submitted for the cutoff in Moxham. That project is moving forward. The CFA grant was received for Horrock Street in the amount of around \$105,000. Horrock Street includes city residents and the Conemaugh Township line is there as well. There are four Conemaugh Township residents who are Pegasus Sewer Authority customers. Pegasus Sewer Authority is interested in replacing the line and piggybacking on

Council's contract. Council will need to put together a reimbursement agreement with Pegasus Sewer Authority on the matter.

Mr. Sewalk echoed Mr. Gunby's remarks earlier by stating an additional \$555,000 received for the Main Street East garage. Rick Truscello is working on some of the scope issues and the allocation of the funds for the project. He then answered questions from Council on the ongoing projects throughout the City.

Mr. Vitovich added that Mr. Gunby, Mr. Sewalk, Mr. Gentile and himself had a meeting with PennDOT to discuss making Harold Avenue a two-way street. PennDOT has taken out the island to make it easier on tractor-trailers going to businesses. After discussions with PennDOT, it was determined to leave Harold Avenue a one-way street.

REPORT ON PRIOR YEARS AUDIT FINDINGS

No Report.

COUNCIL COMMITTEE REPORTS

Public Safety/Public Works Committee

No Report.

Buildings and Grounds Committee

No Report.

Parking/Operations Committee

No Report.

Boards, Authorities and Commissions Committee

No Report.

Wednesday, November 12, 2014 5 of 13
Stated Meeting, continued

Recreation Committee

No Report.

Budget and Finance Committee

No Report.

Community and Economic Development Committee

No Report.

NEIGHBORHOOD LIAISONS

7th Ward

No Report.

Roxbury/8th Ward

No Report.

Moxham/Hornerstown

No Report.

West End/Cambria City

No Report.

Kernville

No Report.

Woodvale/Conemaugh Borough/Prospect

No Report.

Oakland

No Report.

COMMUNICATIONS

Mr. Vizza noted a letter from Andrew J. Litvin, Sr. regarding the Civil Service Board.

Mr. Gentile made a motion to reappoint Andrew Litvin to the Civil Service Board.
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 (6).

Nays: None (0).

Mr. Vizza also noted Council's receipt of code violations from Jack Williams and Charlene Stanton. The violations will be under review.

Council also received a letter from Jack Williams regarding code complaint submissions, which is also under review.

PETITIONS

Mr. Vizza noted Council's receipt of a petition from John H. Williams of 360 Corinne Street and Charlene Stanton of 184 Sell Street concerning the Petitioner's Committee Administrative Code ORD 4654 Amendment.

ORDINANCES FOR FIRST READING

1. BILL 25 AN ORDINANCE AMENDING ORDINANCE NO. 4654, PASSED FINALLY ON OCTOBER 27, 1993, AND BECOMING EFFECTIVE JANUARY 1, 1994 TITLED: ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE

CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND
SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME
RULE CHARTER APPROVED BY THE VOTERS ON MAY 18, 1993, AS
AMENDED BY ORDINANCES, BY FURTHER AMENDING ARTICLE II
- ELECTED OFFICIALS-COUNCIL ORGANIZATION AND
PROCEDURES.

Mr. Andrews summarized the referendum petition submitted by Mr. Williams and Ms. Stanton. Mr. Gunby approved the petition for submission for Council's review and vote. The changes are to the Administrative Code. The major changes are that the agenda must be posted on the City's website three business days prior to the meeting. Public participation procedures will be modified, which would enable anyone who wishes to speak at the meeting to request to do so either by calling the City Manager's office before 4:30 p.m. on the day of the meeting or up to the time of the start of the meeting by coming to the podium and indicating a desire to speak. In addition, the public participation will be amended such that any individual wishing to speak on an agenda item would be entitled to ten minutes at the beginning of the meeting. There would also be a provision for public participation after the agenda for any matter that any individual desired to discuss for five minutes at the end of the meeting. Furthermore, the provision provided that the adoption of any ordinance or resolution would be posted on the Internet no later than three business days after adoption.

Council made no motion on the ordinance. The ordinance is now subject to go on the ballot for referendum in the municipal election in May.

2. BILL 26 AN ORDINANCE 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. Johncola made a motion to approve the ordinance. The motion was seconded by Mr. Gentile and ruled on by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Gentile, Mr. Johncola (5).
Nays: Mr. Mickel (1).

ORDINANCES FOR FINAL READING (Prior Meeting)

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.

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

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

RESOLUTIONS

RESOLUTION NO. 9710

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO SEEK PROPOSALS FOR THE BORROWING OF A 2015 TAX ANTICIPATION NOTE/LINE OF CREDIT IN AN AMOUNT NOT TO EXCEED \$2,500,000 AND FOR CLOSING NOT LATER THAN DECEMBER 26, 2014.

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

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

RESOLUTION NO. 9711

2. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER TO ENTER INTO A MAINTENANCE AGREEMENT WITH THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION DISTRICT 9-0 PERFORM UTILITY WORK IN CONJUNCTION WITH THE PROSPECT VIADUCT PRESERVATION PROJECT.

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

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

RESOLUTION NO. 9712

3. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER TO SIGN A CONTRACT WITH HOMER R. SLEEK & SONS, INC., 132 MOSSY LANE, JOHNSTOWN, PA 15905 TO PROVIDE AND DELIVER ANTI-SKID MATERIAL, TYPE 2 SLAG FOR THE COMMONWEALTH CALENDAR YEAR 2014-2015.

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

RESOLUTION NO. 9713

4. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER TO SIGN A CONTRACT WITH PENNDOT'S DEPARTMENT OF GENERAL SERVICES COSTARS PROGRAM, 555 WALNUT STREET - 6TH FLOOR, HARRISBURG, PA 17101-1914 TO PROVIDE AND DELIVER TO THE CITY, ROCK SALT FOR THE COMMONWEALTH CALENDAR YEAR JULY 2014 THRU JUNE 2015.

Mr. Gentile made a motion to approve the resolution. 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 (6).

Nays: None (0).

RESOLUTION NO. 9714

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER TO ENTER INTO A MAINTENANCE AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA, ACTING THROUGH THE DEPARTMENT OF TRANSPORTATION TO ASSUME YEAR-ROUND MAINTENANCE FOR STATE ROUTE 0056 TRAFFIC ISLANDS.

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

Yeas: Mr. Johncola, Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza,
Mr. Gentile (6).

Nays: None (0).

RESOLUTION NO. 9715

6. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPROVE A TEMPORARY RIGHT OF ENTRY AGREEMENT WITH NORFOLK SOUTHERN RAILWAY

COMPANY FOR A PROPERTY LOCATED AT MILEPOST PT-274.51
AND PT-274.00.

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

Yeas: Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Gentile,
Mr. Johncola (6).

Nays: None (0).

7. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE ACTING CITY MANAGER TO SIGN A CONTRACT FOR THE CONTINUATION OF POLICE SERVICES WITH THE JOHNSTOWN HOUSING AUTHORITY FOR THE SOLOMON, PROSPECT, COOPERSDALE & OAKHURST COMMUNITIES.

Mr. Mickel made a motion to table the resolution and ask the City Manager to negotiate a contract with the Housing Authority that does not contain any obligation for the City to do background checks for the Housing Authority. He further recommended that the Housing Authority hire some professional organization to perform the service that has no familial relationships with the Housing Authority. The motion was seconded by Mr. Vitovich and ruled on by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Gentile, Mr. Johncola,
Mr. Mickel (6).

Nays: None (0).

RESOLUTION NO. 9716

8. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE ACTING CITY MANAGER TO SIGN A CONTRACT FOR THE CONTINUATION OF POLICE SERVICES WITH THE JOHNSTOWN HOUSING AUTHORITY FOR THE VINE STREET, FULTON I. CONNOR & TOWN HOUSE TOWERS.

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

Yeas: Mr. Vitovich, Mr. Vizza, Mr. Gentile, Mr. Johncola, Mr. Mickel,

Mrs. Mock (6).
Nays: None (0).

OLD BUSINESS

Mr. Mickel noted Council's endorsement of the Roxbury and Cypress Avenue projects at a previous meeting. Council was recently informed by the Suma Corporation's Mr. Verbanec that they are withdrawing from the Cypress Avenue project, because the Redevelopment Authority tabled the project at its last meeting, moving the project well beyond the October 30th deadline. Council discussed why the Redevelopment Authority tabled the project.

Mr. Gunby discussed the Land Bank Ordinance. Mayor Janakovic, Ms. Daly and himself all met the week prior to discuss funding sources for the Land Bank. Mike Kane from the Community Foundation, as well as the business community, is 100 percent on board with moving forward with the Land Bank. Work still continues on trying to come up with a plan for doing so.

Mr. Vitovich reported that Mr. Mickel, Mr. Johncola, Mr. Gentile and he were at the park where the business community donated brand new lights for Main Street. On behalf of Council, he thanked the business community for coming forward and bringing brand new Christmas lights for Main Street.

NEW BUSINESS

Mrs. Mock questioned the schedule for the Army Corps of Engineers for the river walls.

Mr. Gentile was informed by Congressman Rothfus that the matter would be taken care of.

Mr. Mickel questioned Mr. Gunby whether Council is doing an adequate job with the available resources to keep up with all of the code complaints. Mr. Gunby noted that Council does not have an adequate staff to handle all of the complaints. There are four code persons in the City, who are doing an adequate job with keeping up with what is currently needed, but there are more to be addressed than can be done with four people. He is working on new methods to handle the code complaints.

Mr. Gentile added that Ms. Daly and her staff are doing their absolute best under the circumstances.

Wednesday, November 12, 2014 13 of 13
Stated Meeting, continued

There being no further business, the meeting was adjourned at 6:54 p.m.