

JOHNSTOWN CITY COUNCIL MINUTES
Wednesday, February 11, 2015

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 6:09 p.m. City Manager, Carlos Gunby, offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic noted that an Executive Session was held prior to the start of the meeting with regard to personnel, and the Anchor Building Program Loan and the DM Ventures properties were discussed during the workshop.

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 Manager Carlos Gunby were also present.

APPROVAL OF MINUTES

None.

COURTESY OF THE FLOOR

John DeBartola, 1197 Bedford Street, Johnstown, President of the Keystone Alliance Gaylife Newsletter, addressed Council with regard to Johnstown Gay Pride. He requested Council to issue a proclamation for the Annual Johnstown Gay Pride Celebration to be held on Saturday, May 2, 2015, at 8:00 at the Johnstown Holiday Inn. Mr. DeBartola asked the City to create a nondiscriminating anti-hate ordinance for the City. He invited Councilmembers to attend the Reader's Choice celebration, which will honor among others Tribune Democrat publisher Robin Quillon and editor Chip Minemeyer.

Mr. DeBartola was asked to contact Ms. Cushing to make arrangements for the proclamation. Mayor Janakovic noted the Council will have further discussion with Attorney Andrews regarding the ordinance.

Charlene Stanton, 184 Sell Street, Johnstown, congratulated Mr. Gunby as the new City Manager. Ms. Stanton then addressed Council by referring to a recent

newspaper article regarding complaints, noting it was Council's job to come up with solutions. She stated that code ordinances should be enforced with no "free passes" given. Ms. Stanton noted that DM Ventures Properties are still in code violation and may not have paid \$500 vacant property fees or registered rentals with the City. She stated Council needs to take action to have code ordinances enforced by all violators.

Mayor Janakovic reiterated that Council did meet with DM Ventures during the workshop, and Ms. Daly will provide an update.

REPORT BY THE CITY MANAGER

City Manager, Carlos Gunby, thanked everyone for supporting him in his new position.

Mr. Gunby reported on a meeting with Standard and Poor's regarding the annual bond rating review. Mr. Gunby was pleased to report that the City is maintaining its BBB rate and could move up to a BBB-plus rating with the revenue stream from the hospital, which would "put a feather in our caps" with regard to bond refinancing opportunities. He noted a report will be forthcoming.

Mr. Gunby asked Council to consider the resolutions included in the agenda with regard to the Safer Grant, which officially opened on Monday, and also the Capital Equipment Lease noting that the Solicitor did approve the lease. He did state that funding for two fire trucks is not included in the resolution.

Chief Kovacic noted that one firefighter would be hired for each platoon over 24 months. Mr. Gunby noted the City would pay five percent over a two-year period saving the City approximately \$200,000. There was discussion with regard to re-opening the main headquarters downtown. Chief Kovacic discussed the status of the current equipment.

REPORT BY MAYOR

Mayor Frank Janakovic reported on visiting businesses. He most recently visited CJL Engineering in Hornerstown. He described some of the projects this business has completed and expressed his appreciation for keeping their business in the City.

Mayor Janakovic reported on meeting with some Cub Scouts and noted his amazement with their questions to him.

He reported that he and Mr. Gunby had some frank discussions with Steve Tucker and Scott Becker at Conemaugh Hospital. Mayor Janakovic noted these meetings will occur on a monthly basis in order to continue to move forward.

Mayor Janakovic reported a tour will be conducted in March for the students of UPJ. He noted a volunteer group from UPJ will clean City Hall.

Mayor Janakovic reported the City is applying for a \$250,000 grant through Creative Square to work on the downtown park area. He noted Johnstown is 1 of 90 applicants left of the 1,200 applicants across the United States. He recognized individuals for their positive efforts with the City and encouraged everyone to become more involved in the City in a positive manner.

He noted that \$2.7 million was received for renovations to the Conrad Building with the projected groundbreaking to take place in October of 2015. The building is set to house part of Cambria Rowe Business College and a restaurant.

REPORT BY THE CITY SOLICITOR

City Solicitor David Andrews reported that within the last several days a decision was received from the Cambria County Court of Common Pleas regarding the City's petition for the maintenance of the nonresident earned income tax. He was pleased to report the Court has ruled in the City's favor to again maintain the nonresident earned income tax of 1.1 percent. He distributed a copy of the decision to all members. He noted the amount equates to roughly a \$450,000 line item in the budget.

Mr. Andrews reported on looking into the situation involving Planning Commission member Richard Pletcher at Council's directive. He read his response into the record as follows: "As you recall, the Council requested legal opinions from my office concerning the ability of Richard Pletcher to serve on the City Planning Commission. After some degree of questioning raised by Jack Williams in the form of a January 17, 2015 correspondence inquiring into this issue. The January 17, 2015 correspondence was likewise followed by a Right to Know request from Mr. Williams dated February 2, 2015, seeking any residency affidavits completed by Mr. Pletcher. As a general matter, note it is correct, Chapter 1222 of the Codified Ordinances in

Section 1222.05 requires members of the Planning Commission to be residents of the City. This is likewise reflected on the applications issued by the City to those interested in membership on the various boards and commissions pursuant to the Administrative Code, Chapter 1222, Section 1222.05, and also to the ordinance entitled Officers and Employee Members, Ordinance No. 3914.

In this regard at the time of the May 14, 2014 application, Richard Pletcher indicated a home address of 308 Glenn Street, Johnstown, Pennsylvania. To date the City has no reason to believe that Mr. Pletcher no longer maintains a residence at this address. In fact and coincidentally, Mr. Darby Sprincz has reported that he happened to see Mr. Pletcher on or around January 31, 2015, during which time Mr. Sprincz engaged in conversation with Mr. Pletcher in which he specifically referenced his home at Glenn Street and assisted in snow removal both at that residence and that of his surrounding neighbors. Thus the City records indicate that Mr. Pletcher resides at 308 Glenn Street in Johnstown. And there has been no information presented to suggest anything to the contrary. Furthermore, Mr. Pletcher himself has made representations to an employee of the City specifically indicating he still maintains a residence at Glenn Street in Johnstown. And if this remains the case, there is no reason to believe Mr. Pletcher cannot serve as a Planning Commission member. Mr. Andrews stated that according to all records and investigations, he resides on Glenn Street in Johnstown.”

Mr. Mickel asked Solicitor Andrews a question regarding what specific requirements would need to be in place if the Housing Authority were to be abolished. Mr. Andrews discussed compliance with the requirements in the federal law. Further discussion on the matter will be held during a workshop session.

REPORT BY THE CITY ENGINEER

City Engineer Steve Sewalk distributed a copy of his report to all members. He noted the coordination with homeowners on tying-in connections and individual laterals in the Walnut Grove, Hornerstown, Roxbury, Oakhurst and Woodvale/Prospect areas. He noted two meetings set up to discuss the project with homeowners in the Moxham area at the Moxham Church of the Brethren.

Mr. Sewalk stated the Moxham project will be advertised at the end of the month and will start later in the summer. He noted downspout violations will

continue to be addressed. He noted that grants will be submitted for channel repairs in Moxham and the West End.

Mr. Sewalk answered questions from Councilmembers regarding manhole covers sinking on Plainfield Avenue and Hershberger Road.

REPORT ON ECONOMIC DEVELOPMENT

Rene Daly, Economic Development Director, highlighted for Council a letter she read into the record regarding a City staff member, who will be applying for funding through the City. She reported there are two business loans under review right now, one of which is the Anchor Building. She noted there are seven unoccupied homes throughout the City that are under contract. She noted 31 code complaints were received in January. She noted 30 court dates in January; 14 of which were withdrawn, 7 continued, and 17 found guilty, totaling \$14,172 in fines the city will be collecting. She stated that since 2010, 209 structures have been demolished, or an average of 41.8 structures per year being demolished.

Ms. Daly urged Council to consider the Roxbury Place Resolution as one of the highest priorities in Housing Development as well as any other housing development that would be occurring during the five-year period 2015-2019.

Ms. Daly noted that DM Ventures has not been compliant with regard to its vacant properties. The amount owed in code violations is around \$21,000, which will be sent to the magistrate.

Ms. Daly noted that since public disclosure is required, an ad was placed in the newspaper and a letter has been sent to Attorney Andrews' office with regard to Sam Barber, who is applying for First Time Homebuyer funding. She read into the record a letter from the residential development officer, Rebecca Christ, regarding public disclosure of Mr. Barber's application.

Mayor Janakovic reminded everyone that workshops are open to the public.

REPORT OF POLICE CHIEF

Chief Craig Foust reported that the four new police officers are doing well. He noted detectives are doing an excellent job and are busy with major cases coming up. Chief Foust noted the retirements of Detective Julie Wagner and Officer Reginald Floyd. Mr. Vizza commented regarding the State Police presence in

the Moxham section. Chief Foust noted the City Police Department has a great working relationship with the State Police.

REPORT OF FIRE CHIEF

Chief Anthony Kovacic reported the Johnstown Firefighters will soon become part of the Federal Urban Search and Rescue Team. He noted only a handful are selected and to have five individuals from one fire department is "pretty significant". Chief Kovacic also noted that five firefighters have volunteered their time to serve on the truck committee. Chief Kovacic noted the new truck will be a platform truck.

REPORT OF PUBLIC WORKS

Darby Sprincz, Public Works Director, commended his crew and the mechanics on the great job during the recent snow storms. Mr. Sprincz commented that the snow plow trucks can only plow "pushable" snow and not ice. Mr. Gunby also thanked the Public Works crew for the prompt snow removal downtown. He noted in the last two weeks eight transmissions were purchased. Mr. Sprincz noted that it costs approximately \$900 to \$1,100 to rebuild a transmission. Mr. Gunby noted the new trucks will arrive in about a month and a half.

Mayor Janakovic inquired as to the cost of a new fire truck. Chief Kovacic noted the trucks cost somewhere around \$830,000 and further noted a basic pumper costs \$500,000.

REPORT OF PRIOR YEARS AUDIT FINDINGS

No Report.

COUNCIL COMMITTEE/NEIGHBORHOOD LIAISON REPORTS

Mr. Vitovich reported the West End Improvement Group has an upcoming event and asked Mrs. Mock to elaborate.

Mrs. Mock reported the Trash to Treasures Event will be held on March 21, 2015, at the Lower Yoder Fire Hall to raise money for cameras. She noted a grant application has been submitted to the Community Foundation. She is

working with County Grants Facilitator John Dubnansky for the first phase of money. Mrs. Mock thanked Mr. Sprincz for acting on her telephone calls with regard to code violations.

Mr. Gentile reported on numerous telephone calls/complaints with regard to the bridge lights that are not working. Mr. Gentile also asked Mr. Sprincz to contact the Redevelopment Authority with regard to repair of the sewer lid/manhole covers on Strayer Street, Fairfield Avenue to Broad Street.

Mr. Johncola thanked the City Codes Department for their efforts with regard to a structure that was demolished on William Penn Avenue. He also thanked Mr. Sewalk and Mr. Sprincz for the work being done in the Prospect section.

Mr. Mickel reported the Roxbury Civic Group has been working diligently with Mr. Petrone on various aspects of the Roxbury Place Project. He referred to a recent article in the Tribune Democrat. Mr. Mickel also reported coordinating with the John B. Gunter leadership class with regard to beautification and upgrades at Roxbury Park at no cost to the City.

Mayor Janakovic noted approximately 15 to 20 buses or approximately 1,500 students will attend a Johnstown Tomahawks afternoon game. With regard to Kraft Hockeyville, the Mayor noted a telephone call from the Mayor of Donora who saw the recent article and wants to join the other cities to help Johnstown receive the grant. Mayor Janakovic further noted that the Mayor of Donora is planning a bus trip to Johnstown to see a hockey game.

COMMUNICATIONS

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

1. Communication from Attorney Andrews re: Planning Commission.
Mayor Janakovic noted that Mr. Andrews had opined previously.
2. Codes complaints from Charlene Stanton.
Mayor Janakovic noted codes complaints from Charlene Stanton are so noted and received.

PETITIONS

None.

ORDINANCES FOR FIRST READING

1. BILL NO. 30, VACATING THERESA PLACE BETWEEN JACKSON STREET AND FEEDER STREET IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.

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

Mr. Summits described the location with regard to the above ordinance.

The motion was passed by the following vote:

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

Nays: None (0).

ORDINANCES FOR FINAL READING

None.

RESOLUTIONS

RESOLUTION NO. 9728

1. A RESOLUTION OF CITY COUNCIL, CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR FUNDING ASSISTANCE FROM THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY IN THE AMOUNT OF \$1,860,500 TO BE USED TOWARDS IMPROVEMENTS TO THE INNER CITY SEWER SYSTEM IN THE WOODVALE AND OAKHURST/MORRELLVILLE SECTIONS OF THE CITY OF JOHNSTOWN.

Mr. Johncola made a motion to approve. The motion was seconded by Mr. Mickel 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).

RESOLUTION NO. 9729

2. A RESOLUTION OF THE 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.

Mrs. Mock made a motion to remove from table. The motion was seconded by Mr. Vitovich 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).

Mayor Janakovic called for a vote on the resolution.

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

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

RESOLUTION NO. 9730

3. A RESOLUTION OF CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER AND SOLICITOR TO SIGN A FRANCHISE AND POLE USE AGREEMENT FOR AN INITIAL FIVE-YEAR TERM PLUS FOUR FIVE-YEAR RENEWAL PERIODS UPON CITY APPROVAL WITH CROWNE CASTLE EAST, LLC, FOR THE INSTALLATION AND MAINTENANCE OF MOBILE NETWORK SUBSTATIONS.

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

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

RESOLUTION NO. 9731

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADOPT THE ROXBURY PLACE PROJECT IN THE 2015-2019, FIVE-YEAR STRATEGIC PLAN.

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

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

RESOLUTION NO. 9732

5. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO SUBMIT APPLICATION FOR THE 2014 U.S. DEPARTMENT OF HOMELAND SECURITY SAFER GRANT.

Mrs. Mock made a motion to approve. The motion was seconded by Mr. Gentile and passed 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. 9733

6. A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER AND SOLICITOR TO SIGN ALL DOCUMENTS NECESSARY ACCEPTING THE CAPITAL EQUIPMENT LEASE FUNDING OFFER OF KS STATE BANK.

Mr. Gentile made a motion to approve. 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).

OLD BUSINESS

Mr. Gunby will be gathering all applications for boards and commissions for distribution to Council. It was noted applicants will be interviewed for the positions after which nominations will be made.

Mr. Mickel made a motion to remove from table Bill No. 29 with regard to property at 138 Cooper Avenue. There was no second.

Mr. Mickel noted the landscaping business is now in "hibernation" but noted it will be interesting to see whether there is activity in the spring, along with the noise and dirt. He further noted it will be interesting to see if this "opens up" before the May primary election.

Mayor Janakovic commented that the bill would require removal from table and two votes, neither of which has happened as of yet.

Mr. Gunby explained that based on City ordinance if no action is taken on an ordinance after a 60-day period, the ordinance automatically dies.

Mr. Vitovich inquired if Mr. Mickel had "some kind of hidden agenda" with regard to the above bill. Mr. Mickel commented concerned citizens have contacted him regarding this matter.

Attorney Andrews explained that in 60 days it cannot be voted on and is no longer tabled.

Land Bank Ordinance

Mr. Gunby explained "there are vehicles in place, including potential funding vehicles that have us on the right track". He noted there is still talk to consolidate Western Pennsylvania communities for an overall regional Land Bank.

Mrs. Mock referred to an email which was forwarded regarding a blighted property.

Wednesday, February 11, 2015
Stated Meeting, continued

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NEW BUSINESS

Mr. Mickel announced that for personal reasons he has decided not to run for re-election in the May Primary.

There being no further business, the meeting was adjourned at 7:13 p.m.