

JOHNSTOWN CITY COUNCIL MINUTES  
Wednesday, March 11, 2015

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 6:00 p.m. There was a moment of silence for the fallen West End paramedic, Janice Keen Livingston. City Manager Carlos Gunby offered the invocation, and the Pledge of Allegiance was recited by all in attendance.

Mayor Janakovic noted that workshops with regard to the East Coast Baseball League and property inventory maps were held prior to the start of the meeting.

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).

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

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the Minutes of the February 25, 2015, meeting. The motion was seconded by Mrs. Mock and passed by the following vote:

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

COURTESY OF THE FLOOR

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to a trip by Housing Authority members to Florida. Mr. Warhul commented that on January 28, 2015, Johnstown Housing Authority members, Mr. Taranto and Mr. Kanuch traveled to the Tradewinds Island Resort deeming it an education and ethics trip. He questioned what part of education required a "nine iron" at the "rock bottom price of \$11,293 of our tax money". Mr. Warhul suggested JHA participate in webinars and Skype with regard to such matters.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to government. Mr. DeBartola referenced his discussions with Representative Kevin Boyle, the author of the hate crimes bill. He read the following letter from Representative Boyle into the record:

To the members of the Johnstown City Council, in 2015 the first piece of legislation I introduced was House Bill 218, which would expand the definition of ethnic intimidation to include crimes perpetrated solely on the basis of a victim's perceived ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals. This legislation is a monumental step towards universal equality. We must ensure that no hate crime goes unpunished in Pennsylvania. I am hopeful though with the growing support throughout the Commonwealth and with the help of municipalities like Johnstown, this bill will become a law in the near future. Passage of the bill will bring the laws defining hate crimes in Pennsylvania more in line with other states in our region, such as Maryland and Delaware and with other states like Missouri and New Mexico. I congratulate Johnstown City Council for leading our state with the recent proclamation and introduction of their own hate crimes and nondiscrimination bill. It is imperative that we send the message that violence will not be tolerated in our communities. It is important that Pennsylvanians know that regardless of who they are, they'll be given full protection of the law. Thank you to the City of Johnstown for your leadership as we continue to fight for equal protection across the Commonwealth of Pennsylvania. Signed, State Representative, Kevin Boyle.

Mr. DeBartola noted his appreciation of Representative Boyle for "standing up in his defense since it appears that the local lawmakers have gone silent." He hopes that in the future Council will defend anyone in the community being bashed by this hate group.

Randy Gajewski, 763 Central Avenue, Johnstown, President of the Moxham Crime Watch, addressed Council with regard to a vacant lot at 325 Cypress Avenue. He discussed a proposal presented to Council by John Verbanac of the Summa Group in the Summer of 2013 for the Cypress Gardens Senior Housing, which would have placed the property back into taxation. He noted that after a year and a half an ordinance was passed and sent to JRA, at which time it was tabled and the group "pulled out."

Mr. Gajewski inquired of the Mayor as to what type of plans he and UPJ had for this vacant lot, "taxation or nonprofit." Mr. Janakovic responded by stating he was the one who brought John Verbanac to Johnstown, at which time they toured Prospect, Moxham, Cypress Street and an area behind St. Pat's School. The Mayor noted, "We voted the same night on the Roxbury and Moxham properties, and Council voted 7/0 to transfer that property to JRA and JRA 'dropped the ball'." He noted that all it would have taken was a phone call to himself or anyone on Council. Mayor Janakovic stated, "If

you're saying we dropped the ball, what we did is we followed protocol, and I do take offense." He noted numerous discussion with Mr. Verbanac.

Mayor Janakovic has been meeting with UPJ on multiple projects. He commended President Spectar and UPJ for making every effort to visit Johnstown to do projects for the City.

Cheryl Tomkosky, 740 Grove Avenue, Johnstown, addressed Council with regard to issues including snow removal, sidewalks, and cars not being moved. Ms. Tomkosky questioned what could be done to improve snowplowing, sidewalk shoveling and removing cars for snow removal next winter. She commented on the conditions of Village Street and Grove Avenue. Ms. Tomkosky had questions regarding whether money for sewer improvements was going into an escrow fund for future use. She asked Council to be considerate of people speaking under Courtesy of the Floor and to address issues raised.

Mayor Janakovic noted that "all of us care about Johnstown, including Council and the neighbors and groups and organizations" and thanked Ms. Tomkosky for her suggestions.

Jennifer Biggs, 158 Wilshire Boulevard, Johnstown, Treasurer of the Student Government Association, President of the Beta Epsilon Omega Chapter of Phi Beta Kappa, and an active member of the LGBT organization on campus at the Pennsylvania Highlands Community College. She discussed the importance for Council to support the LGBT community in Johnstown in order to move the City forward for this generation and the next.

Phillip Bayush, 227 Green Street, Johnstown, addressed Council with regard to the Oakhurst Homes and housing in the West End. He referred Council to copy of a newsletter pertaining to gun violence at the Oakhurst Homes. Mr. Bayush provided a brief history of his childhood, first in the Borough of Franklin and later on Franklin Street. He discussed the onset of the Oakhurst Homes by then Senator John P. Saylor. Mr. Bayush also provided a summary of his educational and professional background.

Mr. Bayush stated that currently there is no law protection for LGBT individuals against discrimination. He urged Council and the Mayor to adopt hate crimes and nondiscrimination protection for the City. He asked that Council honor the Keystone Alliance Gaylife Newsletter with a proclamation for the May 2 event.

Charlene Stanton, 184 Sell Street, Johnstown, addressed Council with regard to city government and records of code complaints. Ms. Stanton stated she recently filed a Right to Know request concerning complaints Council has submitted for 2014 and noted that "no written property complaints from Councilmembers were received in the calendar year 2014." She stated blight and code compliance should be a main concern.

Ms. Stanton also expressed a concern regarding the responsibility of the pressure test mandate. With regard to board and commission appointments, Ms. Stanton suggested it "would be nice to see appointments made who have no relationship to the current Councilmembers."

She referred to the contents of a recent article in the Reader's Forum where a writer offered her impression of Council meetings. Ms. Stanton enclosed for the record a copy of the home for sale ad, which states a buyer is responsible for sewage work and also an attestation noting no written code complaints were made by Council in 2014.

Wendy Penrose, 604 Highland Avenue, Johnstown, addressed Council with regard to neighborhood safety, the potholes and speeding on Village Street and Highland Avenue. She has placed numerous telephone calls to City Hall regarding the matter. She invited all members to view the potholes on the above streets.

Mayor Janakovic asked that the issue be addressed and a report provided.

#### REPORT BY THE CITY MANAGER

City Manager Carlos Gunby referred to the previous week as a tragic week regarding the loss of paramedic Janice Keen Livingston. He offered his condolences to her family and offered the City's support. He congratulated the City employees for their support and professionalism as people gathered to celebrate Janice's life. Mr. Gunby noted that 99 percent of City employees "came out on their off time" to provide assistance. Condolences were also extended to Clearfield on the loss of their volunteer firefighter Jeffrey Buck.

Mr. Gunby reported the State of the City Address will be held on Thursday, March 19, 2015, at 7:30 a.m. and hosted by the Johnstown Cambria County Chamber of Commerce at a cost of \$25 for members and \$35 for nonmembers.

Mr. Gunby requested that a special meeting be held on Tuesday, March 17, 2015, at noon to discuss bond refinancing options.

Mr. Gunby thanked Dennis Marone and North American Hoganas for a donation that is earmarked for payment of electricity at the Park Avenue Playground.

Mr. Gunby and Chief Kovacic attended the Cambria County Hazard Mitigation Planning meeting to discuss a hazard mitigation plan for Cambria County. He noted that Johnstown is one-third of Cambria County, so the City will have a large part in that plan.

Mr. Gunby reported there are structural and maintenance repairs identified at the Lincoln Street Garage that could be in excess of \$200,000. He stated these repairs "cannot wait" and further stated that Council will need to approve a repair plan.

Mr. Williams requested clarification of the Cambria County Hazard Mitigation Planning meeting. Attorney Andrews explained that there was no vote on any motion or resolution on the agenda.

Mr. Williams questioned why a noon meeting was being held, and "why not have it at an opportune time." Attorney Andrews explained that the matter was not currently open for discussion. The matter will be properly advertised in accordance with the Sunshine Law.

#### REPORT BY MAYOR

Mayor Frank Janakovic commended all Councilmembers for their neighborhood work. Mayor Janakovic and many Councilmembers attended the Boy Scouts dinner honoring Robin Quillon with a Distinguished Citizen Award.

The Mayor reported that on Friday, February 27, 2015, the Discover Downtown group announced the funding of a 40-foot lighted Christmas tree in the City Park to entice the public to downtown.

Mayor Janakovic reported that on February 28, 2015, 25 UPJ students, including Phil and the Delta Chi Fraternity members, volunteered their time to clean City Hall. He also thanked the Public Works Department for their assistance.

Mayor Janakovic and Mr. Gunby are working on redevelopment strategies to bring businesses into the City. He discussed his attendance at the Chamber of Commerce dinner where former Steeler Rocky Blier was the facilitator of the event. Mayor Janakovic expressed his condolences to the family of Janice Keen Livingston.

The Mayor also thanked all of the school districts, agencies, churches and organizations, who are operating after-school programs, feeding those in need and providing safe outlets for children and families. Mayor Janakovic stated, "There are issues and there are problems, nobody's denying that." The Mayor also commended the group who opened the homeless shelter in Dale.

Mayor Janakovic commended the fire department for their efforts at a fire that occurred in Roxbury and the quick action to have the home demolished.

#### REPORT BY THE CITY SOLICITOR

David Andrews, Esquire, Solicitor, reported that a collective bargaining agreement was finalized with the FOP. He thanked Dan Zakrasek, who signed off on a final agreement immediately prior to the commencement of the Council meeting. Attorney Andrews also reported that a collective bargaining agreement has been ratified by the firefighters and the City. All collective bargaining agreements are in order at this point in time.

#### REPORT BY THE CITY ENGINEER

City Engineer Steve Sewalk distributed a copy of his report to all members. He reported that lateral connections are still ongoing in the Hornerstown, Walnut Grove, and Roxbury areas as well as the Oakhurst and Woodvale/Prospect areas. Mr. Sewalk reported that the Moxham Phase One is out for bid. He reported the water quality permit was submitted for the Morrellville section. A PennVEST application will be submitted in May. Mr. Sewalk stated that design work has begun on the Cambria City/Coopersdale/Minersville areas.

Mr. Sewalk reported that downspout violation enforcement is still being conducted. Mr. Sewalk reported the MS4, new storm water management ordinance, became effective in January. He is working with PennDOT to finalize a contract with regard to the upgrades at the Main Street East Garage. He referred to his report regarding problems at the Lincoln Street Garage, which he noted will require prompt attention.

Mr. Sewalk reviewed all channel work and will be in contact with John Dubnansky with regard to grant programs. He answered questions from Council, including questions regarding raised manholes and issues at the parking garages.

Mr. Gunby discussed a lack of preventative maintenance over the last 20 years and the age of the garages. Mr. Gunby explained, "We're in a position where we've got to do it now, as painful as it's going to be, or suffer the consequences, i.e., the Washington Street Parking Garage."

#### REPORT OF POLICE CHIEF

Chief Craig Foust reported on the process for finding a K-9 officer replacement and motorcycle officer replacements. He noted planning with regard to Thunder in the Valley.

#### REPORT OF FIRE CHIEF

Chief Anthony Kovacic reported that in the last few weeks there have been two multi-alarm fires, one on Yoder Street and one on Saylor Street. He noted the investigations are still ongoing for both cases. Mr. Gunby signed off on an order for the replacement of two pieces of apparatus.

Chief Kovacic reported that one of the fire engines damaged during an ice storm has come back from Ohio and is back in service. He completed a SAFER grant for four additional firefighters and further noted a total of four additional grants for equipment, a vehicle, manpower and breathing apparatuses.

The Roxbury smoke detector campaign will commence the last week in March. Mr. Vitovich commended the police and fire departments for a job well done during the recent snow storms.

#### REPORT OF PUBLIC WORKS

Darby Sprincz, Public Works Director, reported that cold patch work has begun on some of the streets. He noted crews are working on cleaning up the streets. Mr. Sprincz reported that a dump truck caught fire and was destroyed.

Mr. Gunby noted there are two heavier trucks on order, one of which will replace the one that caught fire, along with two on hand. He stated there are four mid-sized dump trucks, one of which is being purchased with the previously mentioned state grant. He noted the older used trucks will either be salvaged and then scrapped or sold.

Mr. Gentile suggested renting a street sweeper for a couple of months to clean the streets. Mr. Gunby did note the existing sweeper has been overhauled and is functioning, but he will look into adding an additional sweeper as long as the cost is within reason. Mr. Sprincz stated the street sweeper had been rebuilt during the winter months. He further noted that with only one sweeper, streets are being swept every other week. Mr. Gunby stated a bucket truck has been ordered.

#### REPORT ON ECONOMIC DEVELOPMENT

Renee Daly, Economic Development Director, referred Council to a report, which she read into the record. She noted two business loans are currently being reviewed. She stated there are 11 projects under contract for residential development in the spring. Ms. Daly stated that there were 66 codes complaints in February, 36 of which were compliance and 16 of which are vacant. She stated letters were sent, and one was sent back with \$500. With regard to the code complaints issue brought up by Ms. Stanton during Courtesy of the Floor, Ms. Daly noted that all code complaints received are investigated and stated that complaints were received from all Councilmembers. Ms. Daly explained the Freedom system for codes complaints. She reported that 51 noncompliant properties that were submitted to the magistrate on March 2 2015, are awaiting court dates. She noted most of those are owned by DM Venture.

Mayor Janakovic asked Mr. Gunby to provide a brief explanation for the identification of properties in the City. He referred Councilmembers to a map of properties that were attempted to be sold through judicial sale, tax sale and are inhabited or uninhabited or vacant structures with no owner or owned by someone who cannot be located or has left the area. He noted there are multiple plots of land or land bank areas which should be utilized for economic growth.

Mayor Janakovic explained that the City can now demolish houses and bring businesses into the City since the properties have been identified.

REPORT OF PRIOR YEARS AUDIT FINDINGS

Mr. Gunby reported the audit is progressing and will provide an update by the end of June.

COUNCIL COMMITTEE/NEIGHBORHOOD LIAISON REPORTS

Mr. Vitovich urged the residents to sweep the stones and cinders to the curb to avoid injury.

Mrs. Mock addressed Ms. Stanton's code complaint issue by stating that she does not send forms into the codes office. She places phone calls, sends emails, text messages, utilizes Facebook, and other forms of communication. Mrs. Mock welcomes any phone calls or emails with regard to any further questions.

Mr. Williams inquired if Ms. Stanton could respond. Mayor Janakovic stated "Mr. Williams, you know the rules as well as I do."

Mr. Gentile noted his concerns were already addressed by Mr. Sprincz. He commended GapVax for staying in the City.

Mr. Johncola reported another house was demolished in Prospect. Work is also continuing on the sewage project and the Prospect Bridge.

Mr. Mickel reported the Roxbury Civic Group will hold a meeting on March 23, 2015. He noted topics for discussion include The Roxbury Place project and Roxbury Park.

COMMUNICATIONS

Mayor Janakovic read into the record the following communications:

1. A letter regarding professional baseball at the Point Stadium.
2. Planning Commission Minutes of February 4, 2015.

Mrs. Mock made a motion to approve the Planning Commission Minutes. 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).

3. Letter from GapVax.
4. Four code complaints from Jack Williams.
5. Letter from the Housing Authority in regard to inspection proposal.
6. Letter from Attorney Andrews in regard to Halfway House request.
7. Code complaints from Charlene Stanton.

#### PETITIONS

None.

#### ORDINANCES FOR FIRST READING

None.

#### ORDINANCES FOR FINAL READING

None.

#### RESOLUTIONS

##### RESOLUTION NO. 9735

A RESOLUTION IN SUPPORT OF THE REDEVELOPMENT ASSISTANCE  
CAPITAL PROGRAM GRANT TO THE GREATER JOHNSTOWN  
COMMUNITY YMCA EXPANSION AND UPGRADE OF THE  
JOHNSTOWN YMCA PROJECT AND RESOLVING TO ACT AS HOST  
MUNICIPALITY FOR THE GRANT.

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

Mr. Gunby noted this is in support of funds that YMCA is seeking to increase their existing facilities. The amount of the grant is \$1 million.

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

Nays: None (0).

Mr. Vizza abstained from voting on the motion.

### OLD BUSINESS

Mr. Gunby explained the next step in the process is to identify development Opportunities and identifying additional funds for demolition of properties. He noted the Land Bank Ordinance is currently under review.

### NEW BUSINESS

1. Tax lien sale closing.

Mr. Gunby noted the tax lien sale closing for 2014 taxes will occur Friday, March 13, 2015. He noted the amount will be approximately \$766,000, which is a decrease from what was budgeted.

2. Dates for boards and commission applicant interviews.

Mr. Gunby noted several current openings and asked Council to provide a date to begin the process.

Mr. Mickel announced the withdrawal of his application for the Johnstown Housing Authority and the Johnstown Redevelopment Authority.

Mr. Vizza encouraged citizens to consider applying for the vacancies.

There being no further business, the meeting was adjourned at 7:24 p.m.