

JOHNSTOWN CITY COUNCIL MINUTES
Wednesday, July 13, 2016

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 6:17 p.m. City Manager Melissa Komar offered the invocation, and the Pledge of Allegiance was recited.

The following members of Council were present for roll call:

Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams (7).

City Solicitors Elizabeth Benjamin and Carl Beard and City Manager Melissa Komar were also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the Regular Meeting Minutes of June 8, 2016. Council discussed corrections to the Minutes.

Mr. Williams made a motion to table. The motion was seconded by Mrs. Stanton and failed by the following vote:

Yeas: Mrs. Stanton, Mr. Vizza, Mr. Williams (3).

Nays: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich (4)

Mrs. Mock made a motion to amend and approve the Minutes with Ms. Stanton's following comments:

"I had absolutely no contact with the County work crew or the County work crew supervisor, who were at Roxbury Park Hockey Rink. People are spreading false rumors and innuendos. Further, I did not call the Judge. I did not make discriminatory statements, harass or condemn anyone. In the evening when I went to the site to take pictures, nobody was there. My only contact was via email communications to Mrs. Komar, expressing safety concerns, as it is the City's responsibility to enact safety measures."

The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Vizza Mr. Williams, Mayor Janakovic (7).

Nays: None (0).

Mrs. Komar left the meeting to attend to personal family matters.

COURTESY OF THE FLOOR (AGENDA ITEMS ONLY)

Brittany Dalla Valle/Lance Ross, 20 Matthew Street, addressed Council with regard to the Freight Station noise ordinance. Mr. Ross provided a description of the business location. He indicated that a full band plays on Fridays from 8:00 to 11:00 and occasionally on Sundays. Mr. Ross further indicated that the building is zoned industrial, located across the street from a steel mill. He stated that without outside entertainment and inside bands to "keep the place going" there probably would not be a restaurant. Mr. Ross explained he wants to get business into the city instead of business going to Richland. He stated he is currently booking weddings, car shows and other events.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to local government and Resolution No. 10. He read the resolution regarding the concerns for the possible sale of the Pasquerilla Convention Center. Mr. DeBartola wondered if this was "an attack on Mr. Pasquerilla" and what is assessing the Center "really going to do". Mr. DeBartola stated all of the in-fighting "needs to stop" and asked Council to vote against the resolution.

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to Code complaints. He asked Council to review three photographs of nuisance properties on Clover Street. He discussed bribery pertaining to the Codes officer and read into the record the meaning of bribery as defined in Black's Law Dictionary. Mr. Warhul noted that the City has a nuisance law, "Let's start using it." He further noted that the job by the current Codes officer is "unacceptable".

Mrs. Stanton responded by stating she is equally as frustrated, noting that over 100 Codes complaints were submitted this month. She thanked the residents for reporting these conditions to the City. Mrs. Stanton reminded Council that responses are to be provided either by telephone or email.

Mrs. Komar noted that all three Codes officers are being disbursed throughout the community.

Mayor Janakovic indicated that between 400 and 500 freshman students will be working throughout the neighborhoods the last Saturday before Labor Day. He suggested that anyone interested should contact Vision 2025.

Mrs. Mock discussed scheduling a workshop for further discussion regarding Codes, the Landlord Ordinance and the nuisance ordinance. She stated the current ordinance is ineffective. There was further discussion regarding the matter.

Mr. Williams suggested that the Solicitor review the current nuisance ordinance and offer recommendations.

Richard Brady, 116 Hudson Street, Johnstown, addressed Council regarding the noise at the Freight Station. Mr. Brady stated that Mr. Gunby had interpreted the Code to say that noise could be made from 7:00 in the morning until 11:00 at night, which is not what the noise code states. Mr. Brady suggested putting the Liquor Control Board in charge of enforcing the Code.

David Wilhelm, Flood City Café, Vision Light Media, Vision Light Real Estate, 137 Clinton Street, Johnstown, spoke in support of the current City Manager Melissa Komar referring to her as a "positive influence" for the City.

Mayor Janakovic commended Mr. Wilhelm on his service to the Discover Downtown group.

Alan Cashaw, NAACP representative, addressed Council with regard to the approval of Resolution No. 3 concerning the three-year contract for two school resource officers. He discussed the "Coffee with a Cop" event held on July 1, 2016. Mr. Cashaw referred to the school resource officers as a positive influence and would like to see the City move in the same direction as the schools. He urged Council to approve Resolution No. 3.

Mark Pasquerilla, 945 Menoher Boulevard, City business owner, had a discussion with regard to the Codes officer. He stated that if this man is going to do his job, "this whole issue has to be aired out".

Mr. Williams requested that Council be updated at the next meeting on the Codes officer. Attorney Benjamin indicated that the matter will be discussed during Executive Session prior to the commencement of the August meeting.

REPORT BY THE CITY MANAGER

No Report.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported that the City will be collecting items for the flood victims in West Virginia. He noted that nonperishable items and cleaning supplies may be dropped off at City Hall.

The Mayor indicated the locations and dates of current sewer project work will be advertised on Channel 14 and also in the Tribune and Our Town.

Mayor Janakovic congratulated Discover Downtown on their Taste and Tour event, which sold over 400 tickets and brought 500, 600 people downtown to visit the shops and stores. He stated a weight loss facility and a brewery are scheduled to open soon along with a few stores that have reopened.

Mayor Janakovic reported on attending the Showcase for Commerce and met with Senator Casey, Congressman Rothfus and others.

The Mayor commended the East Side group on its Kids-A-Fair event for families and kids and Mary Borkow and the Roxbury Park group on the Ameriserv Summer Concert Series held on Sunday evenings.

The Mayor mentioned Discover Downtown and Vision 2025 and the Pittsburgh Downtown Partnership with regard to obtaining a second train run coming from the west to east.

He noted the great weather for the recent Thunder in the Valley event. He spoke of his tour of the Association for the Blind and its accomplishments.

REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, Esquire, City Solicitor, noted that comments will be provided on the noise ordinance when the resolution is presented.

Mrs. Stanton discussed a communication from Howard Bennett regarding the purchase of a dead-end alley located off of Somerset Street.

Mrs. Stanton discussed a nonresident, nontaxpayer who spoke during Courtesy of the Floor. Mayor Janakovic offered an apology on behalf of himself, Council and the Solicitor. Attorney Benjamin noted that with the assistance of Mrs. Komar and the Mayor this will be looked at more closely in the future.

Mrs. Stanton requested clarification of Section 215 of the Administrative Code with regard to supplying information to Council members within 15 days. Mr. Williams indicated that Mrs. Komar responded to some of the Right to Know requests. Mayor Janakovic noted the volumes and extent of the Right to Know requests and other requests are putting a lot of undue pressure and work on the staff at City Hall.

Mayor Janakovic indicated some of the Right to Know information is obtained and not reviewed. He further indicated that another individual or firm should be hired to handle the massive Right to Know requests.

Ms. Daly offered to be placed in charge of the Right to Know requests rather than the City Manager.

Attorney Benjamin explained this is an opportune time to decide what might be more practical in terms of potential amendment to the Administrative Code. She stated that currently Section 215 does reference the City Manager and/or the office of the City Clerk and provides 15 days, or if additional time is needed, the entirety of Council would need to be notified in writing as to the next expected date and the reason. She noted some may be easily answered in a day and some may not be. Attorney Benjamin stated it would be helpful for the City employees to know if it is a Section 215 request, which would be an alert to the time requirement. Identifying Section 215 requests would draw more attention in terms of prioritization.

Mr. Williams stated the matter was out of line.

Mayor Janakovic requested that the matter be placed in writing and addressed to all Council members.

Attorney Benjamin explained Section 215 of the Administrative Code, which references requests that are made by any individual member of Council, that individual members of Council have the ability to make inquiries and then this section would require them to receive a response in 15 days. She stated the whole of Council is concerned with regard to staff not being able to provide a response or requested information or the requested records to the Council within the 15 day period, then a notification would go to the entirety of Council that of the inability to do so and the anticipated response time.

Attorney Benjamin further explained that Home Rule Charter indicates when a formal opinion is requested by Council or the City Manager, the same shall be in writing. Attorney Benjamin and Mr. Williams discussed the resolution for the appraisal of the convention center. Attorney Benjamin summarized by stating a communication was received from Mr. Williams and Mrs. Stanton indicating a belief that Mr. Janakovic should be advised to abstain from participation in any vote for or against the resolution addressing the appraisal of the convention center. She further stated that at the conclusion of that communication it was indicated that there was a request that the solicitor present at the meeting should be prepared to address this issue. She noted the issue was reviewed and contact was made to Mr. Williams to let him know in

response to his correspondence that the issue had been reviewed and that contact was also made to the Ethics Commission.

Mr. Williams discussed charges filed May 14, 2014 against five members of the present Council, not to include himself or Mrs. Stanton, with regard to services provided pro bono by the solicitor.

Mayor Janakovic noted the case was dismissed and was ruled in favor of the five. He called it another "frivolous lawsuit".

Mrs. Stanton questioned a manager contract with Mrs. Komar. Attorney Benjamin explained an interim city manager contract should be discussed during Executive Session. There was further discussion regarding the matter.

Mayor Janakovic suggested the matter be discussed either during Executive Session following the meeting or at the beginning of the August meeting.

Mr. Williams commented with regard to a June 24, 2014 Right to Know request addressed to himself and signed by Carlos Gunby.

Mrs. Stanton asked for an update regarding the installation of a streetlight at the Somerset Street Playground. Mrs. Komar will look into the matter.

Mr. Williams discussed his motion on January 20th, 2016 to take legal action to fully recover the provisions of the contract with ITSI, which was seconded Mr. Vizza and passed unanimously. Mr. Janakovic stated that a matter discussed during Executive Session should not be discussed. Attorney Benjamin will review the matter and provide an update.

REPORT ON PRIOR YEAR'S AUDIT FINDINGS

Mayor Janakovic indicated the matter was previously reviewed during a workshop.

COUNCIL COMMITTEE/NEIGHBORHOOD LIAISON REPORT

Mr. Vizza discussed the safety at the Johnstown Housing Authority properties. He suggested that the JHA meet with Council immediately. Mr. Vizza also noted a proclamation was presented to Reverend Lloyd King, Pastor of Bethel AME Church, 180 New Street, Johnstown for hosting the Pittsburgh District Church School convention on June 11, 2016.

Mr. Williams read into the record an excerpt of a letter sent by Mr. Andrews to Mr. Leventry at JHA with regard to scheduling a meeting between City Council and JHA. Mr. Vitovich who acts as liaison between the two groups stated that Mr. Kanuch has provided available times and dates. Mr. Vitovich suggested that a meeting be set up with HUD with regard to the matter. Mayor Janakovic suggested a meeting be set up with JHA for 4:00 on a date to be announced.

Mrs. Stanton noted North American Hoganas has the ground ready for the handicapped wheelchair accessible ramp/swing and is awaiting shipment of a hard rubber sidewalk. Mrs. Stanton noted her attendance at the recent Moxham Neighborhood Watch meeting and provided an update on several of the group's projects, including the Christian Home. Mrs. Stanton also noted her attendance at a recent Seventh Ward Civic Association meeting and discussed additional matters discussed at that meeting. She thanked the volunteers who help out at the Wood Street Playground.

Mayor Janakovic commented that the school district and Nutrition, Inc. are offering Summer in the City Program at the Middle School and East Side. He also commented that there are a number of free breakfasts and nutrition programs being delivered to sites throughout the City.

Mrs. Stanton stated Seventh Ward will be sponsoring an Annual Night Out community event. Roxbury St. Paul's United Methodist Church on Derby Street will sponsor a community affair on July 30th from 12:00 to 4:00.

Mrs. Stanton noted concerns about a water pooling problem on Eighth Avenue which was recently paved after the sewage work was completed.

Mrs. Mock stated the Band Shell has assumed the cost of finishing the roller rink at Roxbury Park. She noted that the Gunter Group will be present at the Christ Centered Community Church meeting scheduled for July 14. Mrs. Mock discussed the Coffee with Cops program.

COMMUNICATIONS

1. Planning Commission Minutes of June 1, 2016.

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

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

2. Letter from Attorney Elizabeth Benjamin Re: City of Johnstown Noise Ordinance Exception.
3. Memorandum from Deborah Grass and Kathryn Clark, Esquire Re: City of Johnstown Administrative Code Review.
4. Letter from Jack Williams and Charlene Stanton Re: Convention Center.
5. Letter from Jack Williams and Charlene Stanton Re: Johnstown Housing Authority.
6. Letter from Jack Williams and Charlene Stanton Re: Letter to Maria Kelly/PA DCED.
7. Letter from Jack Williams Re: 2016 Operating Budget.
8. Letter from Jack Williams Re: Letter to Dennis Davin/PA DCED.
9. Letter from Jack Williams Re: Commonwealth Court Appeal Withdrawal.
10. Letter from Jack Williams and Charlene Stanton Re: City's Sewer Rental Charges.
11. Email from Joseph Warhul Re: Codes Department failing at their job.
12. Code Complaints: Jack Williams 4; Charlene Stanton 17; Linda Yutzey 49; Kenneth Blough 3; Wendy Penrose 13; Joe Warhul 11; Bob Bambino 1; Dennis Callahan 5; Debbie Miranda 2.
13. Letter from Jack Williams Re: 2017 Capital Budget.

Mr. Williams suggested that a \$65,000 state recycling grant be deposited in the Sanitation Fund. Mr. Sewalk will review the matter and update Council.

PETITIONS

Eleven (11) citizen petitions to terminate EADS Group.

ORDINANCE FOR FINAL READ

None.

Chief Foust spoke to Council with regard to providing police services to Dale Borough in the amount of \$70,000 per year.

Mayor Janakovic made a motion approving the exploration of the issue and authorizing Chief Foust to bring it back to for Council and Solicitor review. The motion was seconded by Mrs. Mock and passed by the following vote:

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

ORDINANCES FOR FIRST READ

BILL NO. 24 OF 2016, AN ORDINANCE OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, AMENDING THE CITY OF
JOHNSTOWN'S SIXTH AMENDED RECOVERY PLAN ADOPTED ON
OCTOBER 28, 2013 BY UPDATING THE ACT 133 COMPENSATION
AND BENEFIT LIMITATIONS THROUGH 2018.

Mrs. Mock made a motion to approve. The motion was seconded by Mr. Johncola.

Attorney Benjamin explained that the ordinance as presented is not in compliance with the Administrative Code relative to the manner to amend the Recovery Plan by ordinance. The Administrative Code requires that any amendment of an ordinance be set forth in a manner that shows the prior language of the ordinance and then striking out, deletion or addition, so that Council members and those reviewing it can see where the changes are. Attorney Benjamin explained that the Administrative Code does very explicitly provide that, and at this point, Council will concur on any motion to table and bring this back in the appropriate fashion.

Mr. Williams made a motion to table. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Mrs. Stanton requested a copy of the Amended Recovery Plan before the matter is voted upon.

BILL NO. 25 OF 2016, AN ORDINANCE AMENDING ORDINANCE NO. 5193
PASSED FINALLY ON DECEMBER 22, 2015, 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, 2016.

Mr. Williams made a motion to approve. The motion was seconded by Mrs. Stanton and failed by the following vote:

Yeas: Mr. Williams, Mrs. Stanton (2).

Nays: Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mr. Vitovich (5).

BILL NO. 26, 2016, AMENDING ORDINANCE NO. 5197 PASSED FINALLY ON MARCH 23, 2016, AMENDING ORDINANCE NOS. 50700, 5079 AND 5108 TITLED ORDINANCES AMENDING CHAPTER 1048 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED INNER CITY SEWER SYSTEM BY AMENDING SECTION 1048.03 AS AMENDED BY ORDINANCE NOS. 4626, 4921 AND 5033 TO CONFORM TO ACTUAL BILLING RATES, COLLECTION PROCEDURES AND INCREASE SEWER RATE BY FURTHER AMENDING AND PROVIDING FOR A REVISED MINIMUM INNER CITY SEWER CHARGES FOR USERS OF THE GREATER JOHNSTOWN WATER AUTHORITY RECEIVING THE MINIMUM MONTHLY BILLINGS FOR WATER SERVICE.

Mr. Williams made a motion to approve. The motion was seconded by Mrs. Stanton.

There was discussion with regard to the \$55 sewage charge.

The motion failed by the following vote:

Yeas: Mr. Williams, Mrs. Stanton (2).

Nays: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (5).

BILL NO. 27 OF 2016, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5102 OF 2016 CITY OF JOHNSTOWN BUDGET TO INCLUDE THE REVENUE AND EXPENSES FOR FIRE GRANTS RECEIVED IN THE GENERAL FUND.

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

Mayor Janakovic noted that 85 percent is grant related.

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The motion was passed by the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Vizza, Mr. Williams (7).

Nays: None (0).

SHORT RECESS TAKEN

RESOLUTIONS

Resolution No. 9855

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA SUPPORTING A PETITION TO THE PENNSYLVANIA LIQUOR CONTROL BOARD (BOARD'S) BY THE OWNER OF THE PROPERTY KNOWN AS 20 MATTHEW STREET FOR A THREE YEAR EXTENSION OF THE CITY OF JOHNSTOWN'S NOISE ORDINANCE FOR THE BOARD'S REGULATIONS THAT ARE DUE TO EXPIRE ON JULY 29, 2016. (Tabled June 8, 2016).

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, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Vizza, Mayor Janakovic (6).

Nays: Mr. Williams (1).

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

Attorney Benjamin explained the City's noise ordinance provides that music played in a manner that disturbs the peace or at any time is at a louder volume than deemed necessary by the person addressing the enforcement of the ordinance is prohibited. Music playing that can be heard 50 feet from a building, structure or vehicle between the hours of 11:00 p.m. and 7:00 a.m. is prime facie evidence of a violation. The officer who is called to enforce the ordinance has to assess whether or not it is disturbing the peace or too loud. It is not going to be a presumption it is simply because of the time during which it is occurring.

Attorney Benjamin further explained that this resolution seeks to substitute the City of Johnstown's noise ordinance in place of the Pennsylvania Liquor

Control Board regulations that would otherwise be applicable to the Freight Station. Some music is permitted, but maintains it as subject to these prohibitions in the language that state the music cannot disturb the peace and cannot be louder than as determined by the officer. She stated this resolution shows the City's support for a petition to place its own ordinance in place instead of the PLCB regulations and that the PLCB would be removing itself from the situation.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mayor Janakovic,
Mr. Johncola (5).

Nays: Mrs. Stanton, Mr. Williams (2).

Ms. Daly explained that by voting yes allows the City's Police Department to now enforce the noise ordinance, but it is still up to PLCB to approve that. If this would have been voted no, PLCB would not have allowed for amplified sound, meaning no music on the outside of this business, the pavilion area.

Resolution No. 9856

A RESOLUTION OF THE CITY COUNCIL FO THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND APPROVING A PARKLET AND
DONOR MEMORIAL TO BE BUILT AND LOCATED AT THE
WASHINGTON STREET PARKING LOT (Tabled June 8, 2016) (Revised
by Solicitor).

Mr. Vitovich made a motion to remove from table. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams,
Mayor Janakovic, Mr. Johncola, Mrs. Mock (7).

Nays: None (0).

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

Mayor Janakovic explained that if the property was not sold by January 1, 2017, that a parklet would be built.

Mr. Williams made a motion to amend extending the matter until January 31, 2017. The motion was seconded by Mrs. Stanton and failed by the following vote:

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Yeas: Mr. Vizza, Mr. Williams, Mrs. Stanton (3).

Nays: Mr. Vitovich, Mayor Janakovic, Mr. Johncola, Mrs. Mock (4)

Mr. Williams made a motion to re-table. The motion was seconded by Mrs. Stanton and failed by the following vote:

Yeas: Mr. Williams, Mrs. Stanton (2).

Nays: Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock
Mr. Vitovich (5)

The motion as read was passed by the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (5)

Nays: Mr. Williams, Mrs. Stanton (2).

Resolution No. 9857

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE GREATER JOHNSTOWN SCHOOL DISTRICT TO PROVIDE TWO SCHOOL RESOURCE POLICE OFFICERS FOR A THREE-YEAR CONTRACT.

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

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock,

Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams (7)

Nays: None (0).

Resolution No. 9858

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SUBMIT APPLICATIONS FOR TRAFFIC SIGNAL APPROVAL TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION AND TO SIGN THIS APPLICATION ON BEHALF OF THE MUNICIPALITY.

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

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Mayor Janakovic explained this \$2.3 million grant is funded 100 percent by PennDOT to provide traffic lights and signals throughout the City.

The motion was passed by the following vote:

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

Resolution No. 9859

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE TASK ORDER NO. 34 TO THE EADS GROUP, NC. FOR THE PREPARATION OF FUNDING APPLICATIONS, PREPARATION OF PERMIT APPLICATIONS, ADMINISTRATION OF FUNDING AND INSPECTION SERVICES OF THE KERNVILLE SANITARY/STORM SEWER SEPARATION PROJECT.

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

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mayor Janakovic,
Mr. Johncola (5)
Nays: Mrs. Stanton, Mr. Williams (2).

Resolution No. 9860

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPOINTING BEARD LEGAL GROUP, P.C. AS CITY SOLICITOR EFFECTIVE AUGUST 1, 2016 AND CONTINUING THROUGH DECEMBER 31ST, 2017.

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

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola,
Mrs. Mock (5)
Nays: Mrs. Stanton, Mr. Williams (2).

Resolution No. 9861

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPOINTING BEARD LEGAL GROUP, P.C. AS INTERIM LABOR NEGOTIATOR EFFECTIVE AUGUST 1, 2016 AND CONTINUING THROUGH COMPLETION OF RFP PROCESS.

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

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (5)

Nays: Mrs. Stanton, Mr. Williams (2).

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY SOLICITOR AND THE INTERIM CITY MANAGER TO GIVE 30 DAYS NOTICE TO "THE EADS GROUP" OF THE CITY OF JOHNSTOWN'S INTENT TO TERMINATE THE PROFESSIONAL SERVICE AGREEMENT EXECUTED ON APRIL 10, 2012 AND TO EXPIRE ON APRIL 10, 2017, UNDER PROVISION OF SAID AGREEMENT, ARTICLE 6; GENERAL CONSIDERATION; 605 SUSPENSION AND TERMINATION (B)(1) FOR CAUSE (a).

Mr. Williams made a motion to approve. The motion was seconded by Mrs. Stanton and failed by the following vote:

Yeas: Mrs. Stanton, Mr. Williams (2)

Nays: Mr. Johncola, Mrs. Mock, Mr. Vitovich, Mr. Vizza,
Mayor Janakovic (5).

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE INTERIM CITY MANAGER AND CITY SOLICITOR TO PREPARE DRAFT WRITTEN CORRESPONDENCE FOR SIGNATURES OF ALL MEMBERS OF JOHNSTOWN CITY COUNCIL TO THE SURROUNDING MUNICIPALITIES KNOWN TO BE PART OF THE GREATER

JOHNSTOWN AREA TO DETERMINE IF THERE EXISTS INTEREST BY THE RESIDENTS AND ELECTED OFFICIALS OF THE RESPECTIVE MUNICIPALITIES AS TO THE FEASIBILITY OF ANY POSSIBLE MUNICIPAL CONSOLIDATION.

Mr. Williams made a motion to approve. The motion was seconded by Mrs. Stanton and failed by the following vote:

Yeas: Mrs. Stanton, Mr. Vizza, Mr. Williams (3)

Nays: Mrs. Mock, Mr. Vitovich, Mayor Janakovic, Mr. Johncola (4).

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE INTERIM CITY MANAGER TO ADVERTISE FOR THE CITY OF JOHNSTOWN SEEKING PROPOSALS FOR AN INDEPENDENT APPRAISAL OF THE STRUCTURE AND LAND OF CONVENTION CENTER LOCATED AT 301 NAPOLEON STREET, JOHNSTOWN, PENNSYLVANIA, TO DETERMINE THE FAIR MARKET VALUE THAT'S ANTICIPATED AS A RESULT FROM A POSSIBLE SALE OF THE CONVENTION CENTER.

Mr. Williams made a motion to approve. The motion was seconded by Mrs. Stanton.

Attorney Beard explained a request came from Mr. Williams who noted there might be a possible conflict of interest with regard to relevant provisions of the Ethics Act. Attorney Beard stated he does not consider this to be a conflict of interest but referred to the Kissler case. He noted that a good faith defense to any claim of potential conflict of interest is a solicitor can render an opinion under the Ethics Act. Attorney Beard noted that a conversation with Mr. Williams "did not go well," so a decision was made to render an opinion in an open meeting tonight before Council. He stated that based on review of the Ethics Act, based on facts as we see them, based on the Kissler case, there is no conflict for the Mayor to vote one way or the other.

Mayor Janakovic noted that with regard to this particular contract, Mr. Williams made the motion and voted on Resolution No. 8771 on the 20-year contact with Crown American on September 25, 2002. He noted that upon review of the contract, this particular one had no guarantee of payment unless a profit was obtained. The Mayor stated the City is required to pay certain insurances and is responsible for capital improvement. As long as there is an agreement, it cannot be placed in taxation. He questioned why taxpayer money would be

wasted by doing appraisal six and a half years before the property can be sold in 2023. There was further discussion with regard to the matter.

The motion was failed by the following vote:

Yeas: Mrs. Stanton, Mr. Williams (2)

Nays: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola,
Mrs. Mock (5).

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE INTERIM CITY MANAGER TO ADVERTISE FO THE CITY OF JOHNSTOWN SEEKING LETTERS OF INTEREST FROM ATTORNEYS AT LAW AND/OR LAW FIRM FOR SERVING BY APPOINTMENT BY CITY COUNCIL AS CITY SOLICITOR, PURSUANT TO PROVISIONS OF THE CITY OF JOHNSTOWN'S HOME RULE CHARTER, AS ADOPTED ON MAY 18, 1993 BY REFERENDUM, EFFECTIVE JANUARY 1, 1994.

Mr. Williams asked that the resolution be withdrawn.

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE INTERIM CITY MANAGER TO ADVERTISE FOR THE CITY OF JOHNSTOWN SEEKING REQUEST FOR PROPOSAL FROM ATTORNEYS AT LAW AND/OR LAW FIRM FOR SERVING BY APPOINTMENT BY CITY COUNCIL AS LABOR NEGOTIATOR PURSUANT TO PROVISIONS OF THE CITY OF JOHNSTOWN'S ACT 47 RECOVERY PLAN ON MAY 26, 1993, AND AS FURTHER AMENDED THRU THE 6TH AMENDED RECOVERY PLAN ADOPTED BY ORDINANCE NO. 5137, PASSED FINALLY ON OCTOBER 28, 2014 UNDER THE AUTHORITY OF THE COMMONWEALTH OF PENNSYLVANIA MUNICIPALITIES FINANCIAL RECOVERY ACT.

Mr. Vizza made a motion to approve. The motion was seconded by Mrs. Stanton and failed by the following vote:

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Yeas: Mr. Williams, Mrs. Stanton (2)
Nays: Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mr. Vitovich (5).

Resolution No. 9862

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, ESTABLISHING
PROCEDURES AND SETTING DATES FOR THE CITY MANAGER
SEARCH PROCESS AND THE POSITION LISTING.

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

Attorney Benjamin discussed a 2005 Commonwealth Court case cited by Mr. Williams. She explained that case addressed an Executive Session that was held for purposes of litigation where then the attorney/client privilege become crucial in determining if in fact it was privileged and if in fact there was discussion about settlement of litigation. She stated the fact that others were invited in destroyed attorney/client privilege and the court relied on that to determine that there was not an Executive Session properly held for purposes of discussing litigation.

There was further discussion.

The motion passed by the following vote:

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

Resolution No. 9863

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM
CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS TO
ELIMINATE THE RESPECTIVE 2016 CITY OF JOHNSTOWN
OPERATING BUDGET DEFICIT BALANCES, AND MORE
SPECIFICALLY, BUDGET EXHIBIT(A) DETAILED BELOW.

Mr. Williams made a motion to approve. The motion was seconded by Mrs. Stanton.

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Mr. Williams had a discussion with regard to funding transfers.

The motion passed by the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Vizza, Mr. Williams (7).

Nays: None (0).

Resolution No. 9864

A RESOLUTION ESTABLISHING AN ASSISTANCE AND REIMBURSEMENT PROGRAM FOR REPLACEMENT AND REPAIR OF PRIVATE SEWER LATERALS.

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

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Vizza, Mr. Williams, Mayor Janakovic (7).

Nays: None (0).

Resolution No. 9865

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPROVE A FACILITY ENCROACHMENT AGREEMENT WITH CSX TRANSPORTATION, INC.

Mr. Williams made a motion to approve. The motion was seconded by Mrs. Mock.

Mayor Janakovic noted this is with regard to the Eighth Ward sewer project and the CSX crossing near Randy's BiLo.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,
Mr. Williams, Mayor Janakovic, Mr. Johncola (7).

Nays: None (0).

Resolution No. 9866

A RESOLUTION OF THE CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE WITHDRAWAL OF ITS APPEAL OF THE COURT OF COMMON PLEAS DECISION IN WILLIAMS & STANTON VS. CITY OF JOHNSTOWN, ET AL., CASE NO. 2016-0332, FILED AT APPEAL NO. 681 CD 2016 WITH THE COMMONWEALTH COURT OF PENNSYLVANIA.

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

Attorney Benjamin had a discussion with regard to the matter.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola,
Mrs. Mock (5).

Nays: Mrs. Stanton, Mr. Williams (2).

Attorney Benjamin discussed the tentatively scheduled JRA and JHA meetings on July 28, 2016.

PUBLIC COMMENT ON NON-AGENDA ITEMS

William Polacek, 84 Iron Street, Johnstown, provided a Vision 2025 update by noting that there are currently 800 people involved. Mr. Polacek invited Mr. Williams and Mrs. Stanton to be a part of the Vision group.

He also discussed a defense contract that was awarded to his company. Mr. Polacek stated his company has hired 40 people this year and is looking to hire another 14. He thanked the Mayor, Council, City Manager, Police and Fire Departments for their "outstanding cooperation," which has helped to "grow his business".

Mr. Williams responded by wishing Vision 2025 continued success but that he is "focusing his efforts on the 2016-2017 City Budget". Mrs. Stanton noted she, too, will be focusing her efforts on the Budget also, and is also currently involved in community projects.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to the hate crimes and non-discrimination bills. He distributed copies of same to Council members. Mr. DeBartola also discussed "honesty in politics" and

addressed Facebook comments concerning attacks on Leroy Palov, code inspector.

Jerry Ickes, 133 Falcon Drive, Johnstown, addressed Council with regard to a more humane way to disabling animals instead of shooting them. He provided additional information to Councilwoman Stanton with regard to obtaining a tranquilizer.

Mr. Ickes discussed a metal bridge on the Roxbury Playground that is in disrepair. He noted information regarding the matter was brought to Councilwoman Stanton's attention who then made efforts to have it repaired.

Mr. Williams exited the meeting at 9:35 p.m.

Joseph Taranto, 426 Park Avenue, Johnstown, asked Council to act on the hate and discrimination bills. He also discussed the codes officer, housing and blight. Mr. Taranto discussed rules pertaining to fences around swimming pools. He is filing a formal complaint against 184 Sell Street with regard to the fence violation.

Mark Pasquerilla, 945 Menoher Boulevard and local businessman, noted he resents the fact that Mr. Williams exited the meeting. He encouraged Council "to be careful how it treats its employees" and noted he has been told that "Federal Court is the last resort for City employees to seek relief," which he stated may occur "if situations do not change".

Mr. Pasquerilla commended City Manager Melissa Komar on having the same degree as the new British Prime Minister Theresa May. Mr. Pasquerilla suggested that the City sell the Washington Street property to JARI and let the experts there "work on creating value" on the underutilized City property. He "commended" Mr. Williams and Mrs. Stanton on their votes to refuse \$14.3 in PennVEST grants.

NEW BUSINESS

None.

OLD BUSINESS

None.

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There being no further business, the meeting was adjourned at 9:42 p.m.