

JOHNSTOWN CITY COUNCIL MINUTES

Wednesday, July 8, 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. City Manager Carlos Gunby offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic noted that prior to the start of the meeting, a workshop was conducted with regard to Act 47, Act 205 tax options, and a Cambria City Strategic Planning update was provided. An Executive Session was also held with regard to litigation.

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 June 10, 2015 meeting. The motion was seconded by Mr. Gentile 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).

COURTESY OF THE FLOOR

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to local government and referendums. He referred to a new referendum as a "referendum of stupidity" as it calls for a forensic audit of HUD programs. He called it a "smokescreen" for the voters and that these "people in power" can manipulate the residents. He stated people are in a sense "hoodwinking" or trying to pull the wool over our eyes. Mr. DeBartola questioned the number of filed "right to know" requests. He stated Facebook has been used to create drama. He asked that Charlene Stanton and Jack Williams stop wasting money. Mr. DeBartola asked City Council for a response.

Jerry Carnicella, 908 Heather Street, Patton, Pennsylvania, addressed Council with regard to the economic healthcare plan and job creation in the City. He discussed a plan to eliminate drug dealers. He referred to the recently passed Medical Marijuana Bill, which he stated will take away any chance for the

City's plan to put heroin dealers out of business and cure the addiction problem. Mr. Carnicella noted the overall healthcare plan will discourage job growth throughout the state, particularly in our area.

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to code enforcement. He referred to a tree that was lifting a porch off of its foundation. He had been told by Mr. Gunby that the issue would be addressed and Mayor Janakovic agreed to "look into it." Mr. Warhul had been told to remedy the situation to cut some boards away from the building. After he was told the building was structurally sound, a beam broke and the roof landed in the alley. Mr. Warhul commented the situation can be remedied by cutting down the tree at the blighted house. He urged that codes be enforced.

Mayor Janakovic stated the request was passed along to the appropriate person. Mr. Mickel looked at the house and also passed his comments on to Ms. Daly. It was noted the owner is in the process of selling the property.

Mr. Warhul provided a quick overview of the codes process. Mr. Gunby explained the magisterial process, noting the outcome may not be favorable. Mayor Janakovic stated the owner of a blighted house in his own neighborhood, finally on the list to be demolished, made application to be declared a historical site. Mr. Gunby requested that Mr. Warhul to contact him for further discussion.

Charlene Stanton, 184 Sell Street, Johnstown, addressed Council with regard to city government, including blighted properties and lack of code enforcement. She discussed the code violations at the DM Venture Properties in the Prospect and Kernville areas, which are not being addressed. Ms. Stanton also discussed code violations at blighted properties in the Roxbury and Coopersdale sections and discussed a blighted trailer parked on Barron Avenue, which have not been addressed. She questioned whether fines were assessed for garbage violations.

Daniel Stonerook, 1334 Franklin Street, Johnstown, addressed Council with regard to the speed limit on Franklin Street in the Roxbury area. He requested that the 25 mile per hour speed limit be enforced in that area.

REPORT BY THE CITY MANAGER

Carlos Gunby, City Manager, reported the East Coast Baseball League will not be coming to town this year as other locations were not as well prepared as the

City's Point Stadium. He discussed additional options, including collegiate baseball leagues, which he stated is "more our market base."

Mr. Gunby reported that the crowds were down significantly with regard to the 2015 Thunder in the Valley due to the rainy weather.

The City Manager discussed an increase in safety improvements on streets, especially gateways and school zones, by utilizing grant funding. He also noted the possibility of building ramps over the more heavily traveled routes.

Mr. Gunby commended the fire department for its "quick action" to the multiple recent fires. He also commended the police department with regard to curbing drug activity within the City.

He extended his best wishes to long-term employee, Joyce Smith, who retired after 35-plus years.

Mr. Gunby reported the City was awarded two grants, a \$25,000 grant to promote our City and a \$30,000 grant, which will go towards the revitalization of Cambria City.

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The City Manager offered congratulations to Fire Chief Anthony Kovacic for the award of an \$85,000 grant to purchase turnout gear for the firemen.

DCED committed to assist the City in seeking grant funding to support a market study that will identify opportunities for residential and commercial developers. Mr. Gunby discussed an AAABA baseball campaign with the hopes of promoting the growth of a baseball league in the City in the future.

Mrs. Mock asked Mr. Gunby to clarify whether funds were obtained with regard to the Route 56 construction and the planting of flowers and trees. Mr. Gunby stated a grant was obtained for that project.

Mr. Vitovich questioned when the cleanup of the rock slide behind the Point Stadium will be completed. Mr. Gunby explained that PennDOT is responsible for the cleanup. He also noted that due to the size of the rock, some type of blasting may be required, so it may be some time before the project is completed. He will keep Council informed of the situation.

Mr. Vizza expressed his appreciation for the efforts to get baseball into the City.

Mayor Janakovic noted that with regard to grants, "if we don't get them, somebody else will," and he further noted grants must be used for specific purposes.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, thanked the Johnstown Symphony Orchestra and sponsors for the free concert and fireworks at the Point Stadium on July 4, 2015, which was attended by approximately 2,500 people. He offered his best wishes to Maestro Istvan Jaray upon his retirement.

Mayor Janakovic noted his pleasure to welcome the United States Air Force Heritage of America Band for a free concert at PNG Park on June 30, 2015, which was attended by approximately 450 people. He extended a special thank you to Discover Downtown for organizing the event and to JAHA for the use of the park.

The Mayor noted his attendance at the Annual JARI Luncheon at Mount Aloysius on June 25, 2015, which was also attended by PA Secretary of Labor, Kathy Manderino.

Mayor Janakovic discussed a workshop held on June 16, 2015, with representatives from DEP regarding sewer rehabilitation. He discussed with DEP that if Johnstown is going to receive the distinction of "the poorest City in Pennsylvania," then the City needs their assistance as well as state and federal support.

The Mayor welcomed the Federation of Business and Professional Women at a breakfast on June 12, 2015, at the Holiday Inn.

The Mayor met with students from the Windber Area School District relating to the pillar project in Kernville and other areas of the City.

Mayor Janakovic noted logistics work continues with regard to the promotion of Kraft Hockeyville. He stated many events are planned for the Penguins Game on September 29, 2015.

The Mayor also commended Chief Kovacic and the fire department on two recent river rescues.

Mayor Janakovic discussed his hopes for the City to be a vibrant city by the year 2025 due in part to present efforts with Discover Downtown, Creative

Square, Lift Johnstown, and the Chamber of Commerce to move the City forward.

Mrs. Mock requested an update on the hospital appeal. Mr. Gunby stated the initial appeal was denied making the hospital liable for its own tax assessment for the 2015 tax year. He further stated the 25 percent will remain in escrow. Attorney Andrews pointed out that the hospital does have the right to appeal.

REPORT BY THE CITY SOLICITOR

City Solicitor David Andrews stated the third ordinance for first reading on the agenda, Bill No. 14 of 2015, is mandated by the Home Rule Charter to be on this meeting's agenda pursuant to the initiative petition filed by Jack Williams and Charlene Stanton.

REPORT BY THE CITY ENGINEER

Dan Beyer stated the existing miscellaneous repair contract expires on August 14, 2015. He noted Turjan Enterprise as the bidder for the new contract.

Mr. Beyer stated the Hornerstown/Walnut Grove Phase Two construction has been completed. The Roxbury construction will be completed after a few warranty items are addressed.

With regard to Moxham Phase One, Mr. Beyer noted that Continental Construction plans on starting the end of July. He noted work will commence on July 13, 2015, on 300 Place.

Mr. Beyer stated construction is anticipated to begin in January of 2016 on the Morrellville Sewer Project. The Cambria City/Coopersdale/Minersville sanitary sewer project construction is scheduled for February/March of 2016. The Woodvale/Oakhurst lateral project is anticipated to be advertised the end of June and bid openings are scheduled for August 11, 2015, with construction scheduled for October of this year.

PennVEST loans for the Hornerstown/Horner Street Sanitary Project will be submitted the middle of July.

Mr. Beyer stated Carl Walker Construction assessed the cost of the repair of the beam at the Lincoln Street Garage to be \$48,500. Mr. Gunby stated the

City will save approximately \$150-plus thousand dollars to rehabilitate versus replace.

He noted the submission of two grant applications with regard to the Sam's Run repair and the St. Clair Run repair.

A punch list for the cracked sidewalks on Strayer Street will be sent to Terra Works.

Mr. Vizza requested an update on the reduction of flows in the surrounding areas and the impact on the City by this flow reduction. Mr. Beyer stated the municipality repairs and the City repairs are reducing the flows to the treatment plant but are still not meeting the DEP design criteria.

REPORT ON PRIOR YEAR'S AUDIT

Mr. Gunby noted Council will need to formally accept by motion the 2014 audit as presented by Wessel.

Mrs. Mock made a motion to accept the 2014 audit. 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).

Chief Kovacic reported on the receipt of approximately 25 flooded basement calls in the last two weeks. He stated, however, that no runs were made due to flooding. The department did respond to down wires and trees. Mr. Gunby explained progress is being made due to the implementation of new storm drains reducing water filtration to the systems.

Bethany Peracchino highlighted the Financial State of the City Report. She reiterated the 25 percent hospital tax is in escrow. Mr. Gunby noted the amount of the 2015 tax is \$2,222,071.02 compared to \$202,500 in 2014.

Attorney Andrews explained the hospital can appeal to the Court of Common Pleas and beyond to the Commonwealth Court.

Ms. Peracchino referred to the first half of the year percentages noted on the report. She noted the 2015 TAN loan was satisfied early with the real estate

tax payments, which saved approximately \$14,000 in interest payments. Pension advisors will complete an agreement, which will be presented at the August Council meeting. Ms. Peracchino will provide electronic statements to the public.

Mr. Gunby requested that questions for the department heads be initially directed to him.

Mr. Mickel inquired whether blow-up swimming pools fall under the code as far as fencing guidelines. Mr. Gunby stated that pools fall under the state code with third-party inspectors providing that service. He stated pool owners should contact the codes and permitting department as to the requirements.

Mr. Gunby noted the deadline for the receipt of applications for the dog officer position. He stated the police department or game warden will handle the calls depending on the situation.

Mr. Vitovich inquired as to whether the mechanics position has been filled. Mr. Sprincz noted interviews will soon be conducted.

COUNCIL COMMITTEE/NEIGHBORHOOD LIAISON REPORTS

Mr. Mickel reported the Roxbury Civic Group will hold a spaghetti dinner on August 22, 2015, at Roxbury St. Paul's Church to raise funds for the installation of 11 additional cameras throughout the park. He met with Mr. Sprincz relating to the group's concern for the deterioration of a number of backstops at the park. Mr. Mickel continued to recognize the citizens patrolling Park Avenue and Wood Street.

Mr. Johncola thanked the City police and firemen for their recent, amazing river rescues.

Mr. Gentile requested an update from Mr. Sprincz as to the new equipment. Mr. Sprincz stated two plow trucks have arrived with a third one at Tri-County. He noted the street sweeper and the bucket truck are being assembled. Mr. Gentile suggested that the drivers be certified to drive the new trucks. Mr. Sprincz stated a company rep will conduct training for the men.

Mrs. Mock thanked Chief Kovacic and the firemen who took the initiative to clean up several walks on Ash Street. She reported the Western Pennsylvania Methodist Youth Ministries and youth from ACRP cleaned up Sandyvale and the Laurel Avenue Garden. Mrs. Mock stated they will also volunteer at the

Soup Kitchen and will clean up the Mayer Trail as well. Mrs. Mock reported the Seventh Ward Civic Association is in need of membership. The next meeting will be held on July 20, 2015.

Mr. Vizza recommended that those participating with the water and stream activities in the area take water/boat safety courses.

Mr. Vitovich reviewed with the engineer some corrections to the paving projects in Oakhurst. He noted there was discussion with regard to reconstruction of Daniel Street. Mr. Vitovich stated he was amazed by the maps and diagrams, which pinpointed work that was done at every house in that area in connection with pipe installation, pressure testing and plumbing information. He provided a brief description of the technique used to test and lay sewage pipes in Woodvale and Prospect. Mr. Vitovich will visit the Moxham area and other areas of the City as construction starts. He encouraged residents with questions to contact him.

Mr. Vitovich reported a hacksaw was used to cut the basketball rim at the Iolite Avenue Playground. He referred to the walking trail in Minersville and suggested a walking trail bed named in honor of the Wounded Warriors. Mayor Janakovic suggested talking to Brad Clemenson for further assistance on the walking paths and trails.

Mayor Janakovic reported that Lift Johnstown will be conducting a walk downtown on Thursday, July 9, 2015, starting at 11:00 a.m. in Central Park.

Mr. Gentile inquired as to a water leak in the Prospect area. It was noted to be due to an underground spring. Mayor Janakovic stated the matter was addressed.

COMMUNICATIONS

1. Minutes of June 3, 2015 Planning Commission. Mr. Vitovich made a motion to approve. The motion was seconded by Mr. Johncola 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).

2. Code Complaints from Charlene Stanton.
3. Code Complaints from Linda Yutzy.

4. Letter from Jack Williams.
5. Code Complaints from Jack Williams.

Mayor Janakovic requested Mr. Gunby to direct these communications to the appropriate codes person.

PETITIONS:

1. Petitioner's Committee Forensic (Auditing) City Economic Development Loan Programs submitted by Jack Williams and Charlene Stanton. So noted by Mayor Janakovic.

ORDINANCES FOR FIRST READING

BILL NO. 12 of 2015, AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 5166, PASSED FINALLY JANUARY 28, 2015, AS THE "LATERAL RESALE ORDINANCE," TO REVISE AND FURTHER ESTABLISH VALIDITY PERIODS FOR ALL CERTIFICATES OF COMPLIANCE ISSUED PURSUANT TO ORDINANCE 5166.

Mr. Johncola 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).

BILL NO. 13 OF 2015, AN ORDINANCE AMENDING CHAPTER 1042 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, TITLED "SEWERS GENERALLY" AND SPECIFICALLY SECTION 1042.07 TITLED TESTING FOR ILLEGAL STORM OR SURFACE WATER BY AMENDING ORDINANCE NO. 5152, PASSED FINALLY AUGUST 13, 2014, TO ESTABLISH VALIDITY PERIOD FOR CERTIFICATES OF COMPLIANCE ISSUED AFTER DECEMBER 31ST, 2022, REMOVE REFERENCES TO TESTING REQUIREMENTS NOW ADDRESSED BY SEPARATE ORDINANCE NO. 5166, AND TO CLARIFY EFFECTIVE DATES OF TESTING REQUIREMENTS.

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, Mr. Gentile, Mayor Janakovic, Mr. Johncola, Mr. Mickel (7).

Nays: None (0).

BILL NO. 14 OF 2015, AN ORDINANCE DIRECTING THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, TO WITHIN NINETY (90) DAYS OF THE ADOPTION OF THIS ORDINANCE TO ADVERTISE FOR REQUEST FOR PROPOSALS AND AUTHORIZE AND DIRECT THE EXECUTION OF AN AGREEMENT FOR THE FORENSIC ACCOUNTING (AUDITING) OF ALL CITY OF JOHNSTOWN ECONOMIC DEVELOPMENT LOAN PROGRAMS, INCLUDING BUT NOT LIMITED TO (1) THE FEDERALLY FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT (JOBS DEVELOPMENT REVOLVING LOAN PROGRAM); (2), THE FORMER FEDERAL URBAN DEVELOPMENT ACT GRANT (UDAG REVOLVING LOAN PROGRAM); (3), THE COMMONWEALTH OF PENNSYLVANIA ENTERPRISE ZONE PROGRAM LOAN FUNDING (A/K/A ENTERPRISE LOAN PROGRAM, A/K/A KEYSTONE COMMUNITY PROGRAM) AND/OR AS NAMED/DESIGNATED BY THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE CALENDAR YEARS BEGINNING ON JANUARY 1, 2002, THROUGH DECEMBER 31, 2002, AND EACH FOLLOWING YEAR THROUGH DECEMBER 31, 2014; AND FOR THE PERIOD BEGINNING ON JANUARY 1, 2015, THROUGH APRIL 7, 2015, WITH THE FOLLOWING STIPULATIONS AND REQUIREMENTS.

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

Mr. Mickel explained the importance that the taxpayers understand that the proceeds for all the above loan programs were not funded by local taxpayers, but were funded by federal and state programs. He stated, "But yet, we're being asked to spend tens of thousands of dollars of local taxpayers' money to do this forensic audit." Mr. Mickel further stated the outcome of the audit is the fact that people made poor decisions in making the loan or did not do the best job in collecting the loans. Mr. Gunby estimated the cost of the audit at approximately \$25,000.

Mayor Janakovic requested additional information on the matter.

The motion passed by the following vote:

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

Nays: None (0).

ORDINANCES FOR FINAL READING

None.

RESOLUTIONS

Resolution No. 9755

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE FILING OF A PROPOSAL FOR
FUNDS WITH THE PARTNERS FOR PLACES PROGRAM THROUGH
THE FUNDERS NETWORK

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

Mr. Summits explained the City applied for this grant program last year. The
Community Foundation will provide matching funds if the grant is awarded,
which would establish two or three more community gardens throughout the
City, contribute money to continued blight elimination, and provide mini
grants to homeowners to "dress up, paint, remove trees."

The motion 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. 9756

A RESOLUTION OF THE CITY COUNCIL OF THE 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 \$10,900,000 TO BE USED

TOWARDS IMPROVEMENTS TO THE INNER CITY SEWER SYSTEM
IN CAMBRIA CITY, COOPERSDALE, AND MINERSVILLE SECTIONS
OF THE CITY OF JOHNSTOWN.

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

Resolution No. 9757

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA,
AUTHORIZING THE CITY MANAGER TO SIGN ANY DOCUMENTS
NECESSARY TO EXECUTE THE AGREEMENT WITH TURJAN
ENTERPRISES, INCORPORATED, FOR THE AWARD OF BID FOR
CONTRACT NO. 2015-03 FOR MISCELLANEOUS CONSTRUCTION
AND SERVICE REQUIRED TO THE SANITARY AND STORM SEWER
SYSTEMS.

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

OLD BUSINESS

Land Bank Ordinance.

Mr. Gunby and Ms. Komar met with Ethan Imhoff from the Cambria County Planning Commission to develop a joint plan with the County to create a stronger land bank. He further noted that properties adjacent to existing residential properties will be given preference to purchase that property to develop for their own use. Mr. Gunby explained that private funding may also be available.

Mr. Gunby reported the lights at the Wood Street Playground were installed on June 16, 2015, as requested.

NEW BUSINESS

Mr. Gunby reported the surface of Roxbury Park is puddled water. He will review the drainage system installed in the 1970s and obtain pricing estimates to fix the drainage problem. Mr. Gunby stated, "We can do whatever we have to do to keep playing at Roxbury Park or we can let the park dwindle to nothing."

Mayor Janakovic supports Mr. Gunby's plan to renovate the area. It was suggested that fees be raised to play ball at the volleyball court. Mr. Gunby stated a fee increase in all fairness is not a good option since the players purchase the equipment and maintain the court.

Mr. Gentile inquired as to a property on Fairfield Avenue. Ms. Daly explained that since the City used CDBG dollars to demolish the property, the property goes back into Economic Development for residential use and also the existing lien will need to be paid off before the property can be released. She further noted the property cannot be used as a parking lot.

Mr. Vitovich referred to the back part of the former Harris Boyer building that is still standing. Ms. Daly explained the property owner is in the process of updating that section and is also working with a contractor to level the ground of the front portion that was torn down. Ms. Daly noted the former Subway building on Broad Street will be remedied in a similar manner.

There being no further business, the meeting was adjourned at 7:37 p.m.