

JOHNSTOWN CITY COUNCIL MINUTES
Thursday, August 11, 2016

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. Interim 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).

Interim City Manager Melissa Komar, and Elizabeth Benjamin, Solicitor, were also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the Special Meeting Minutes of June 28, 2016, and the regular Council Minutes of July 13, 2016. The motion was seconded by Mrs. Mock. Corrections to the Minutes were discussed.

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).

COURTESY OF THE FLOOR ON AGENDA ITEMS ONLY

Reverend Richard S. Williams, Pastor, Heavenly Sent Ministries Church on Wheels, Johnstown, addressed Council with regard to Amendment 4654. He thanked Mrs. Komar for attending a recent meeting with the church. Reverend Williams discussed the amendment which is in regard to taking prayer out of town meetings. He stated that the Supreme Court ruled against such an action and asked that Council not consider the amendment.

Council noted there would be further discussion regarding the matter.

REPORT BY THE CITY MANAGER

Melissa Komar, Interim City Manager, reported that over the last month the finance department was working with AFLAC to create a wellness program for City

employees. Also, she has also worked with each of the departments on the capital improvement plan and requests for the next five years.

Mrs. Komar reported on the abundant attendance at another Coffee with Cops which was held at the Cambria County Library.

It was noted that Captain Frear announced his retirement after 27 years of service and will move on as the new Chief of the Windber Borough Police Department.

Police department officers attended the National Night Out event held at the Seventh Ward Civic Association on August 7, 2016.

Mrs. Komar stated the Clinton, Illinois Fire Department returned a bell to the City's fire department that predates the 1889 Flood. The bell was on a ladder truck that was destroyed during that flood. She noted that four City firemen will be attending a structural collapse certification program funded by PEMA Region 13. The fire and codes department are working together to board and secure many of the vacant structures throughout the City.

The last two craft and collectible markets are scheduled for August 13 and 27, 2016, from 9:00 a.m. to 3:00 p.m. Mrs. Komar thanked Oopsie Daisy Photography and Heather Andrews for making the July 17, 2016 community event a success.

Mrs. Komar reported that 15 sewer/lateral assistance loans have been awarded over the past month. Also, \$450,000 in lead-based paint funding has been received from the PA Department of Health.

The Interim City Manager reported on the Public Works Department employees working overnight to clean the inlets on the gateways. She noted also the cleaning and removing of brush as well as the trimming of trees throughout the neighborhoods and the City's right-of-ways. Crosswalks are also being repainted prior to the start of school.

Mrs. Komar noted the AAABA Tournament was a success.

Mrs. Stanton requested an update on the lighting at the Somerset Street Playground. Mrs. Komar indicated that after talking to Penelec a streetlight will be added to the park rather than paying for the installation of a light and pole.

Mrs. Komar provided an update with regard to Cheney Run. She will follow up on the matter for Mrs. Stanton with regard to cutting trees down on City property.

Mr. Williams requested a copy of the MMOs used in preparation for the 2016 budget. He inquired as to the fund legal fees in the amount of \$13,889 with regard to an action concerning the qualifications of the City Manager in the Cambria County Court, Superior Court and Commonwealth Court. Mrs. Komar will review the matter and provide a response to Mr. Williams.

Mr. Williams inquired as to purchases with State Recycling Grant money. Mrs. Komar explained that a truck was purchased when all other vehicles were purchased, and the City was reimbursed through the Recycling Grant. The garbage truck was through CDBG.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, was pleased to announce a donation to City Council Chambers by Discover Downtown. He questioned whether Council had any objection to Mrs. Radavonic making the presentation. Ms. Benjamin explained Mrs. Radavonic will be allowed to do so due to the relevance to downtown Johnstown and the Mayor's report.

Melissa Radavonic, on behalf of the Discover Downtown partnership, presented a photograph of the Christmas Tree in Central Park. She also made a presentation to Mrs. Komar in appreciation for her help. Council as well congratulated Mrs. Komar for her efforts.

Mayor Janakovic congratulated the Old Timers' Association for another successful year. He noted that over 600 people attended the AAABA Banquet this year, and further noted the success of the AAABA Tournament.

The Mayor congratulated JAHA and the McAneny Brothers for bringing special acts to the City for this past weekend's music fest.

He noted that Doctor Spectar, on behalf of UPJ, presented a check in the amount of \$2,500 to the City for use at the Point Stadium.

Meetings continue to address issues with regard to transportation, obtaining grants for the trails, the Incline Plane and train station to promote tourism.

The Mayor congratulated the Hornerstown group for sponsoring a National Night Out event, which was attended by the City's police and firemen. He also congratulated Cindy O'Connor of Goodwill and Tony Penna, Sr. for a successful summer program at the Wood Street Playground.

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Mayor Janakovic noted his involvement with the JARI Growth Fund, which offers loans in the amount of \$2,500 to \$25,000 to start small businesses in Cambria County and Johnstown.

The Mayor thanked the Johnstown Rotary Club for providing the flags along the river near the Incline Plane.

Mayor Janakovic noted speeding issues in the Minersville section, which he will discuss further with the Chief.

The Mayor commented on the West End Improvement Group's beautification efforts on Route 56 into the West End.

Mayor Janakovic stated an Executive Session was held with regard to litigation and personnel issues.

REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, Esquire, referred Council to Resolution No. 2 regarding a property at 130 Clinton Street. She noted the tenants addressed by that resolution have formed an LLC, which will be the entity entering into the lease agreement. She will ask Council for a motion to reflect that change during the resolution discussions.

Mr. Williams referred Ms. Benjamin to the Washington Street parking lot for further discussion. Ms. Benjamin reviewed Mr. Williams' correspondence and confirmed that the ordinance as written does not make any exception for lots utilized by the City or City employees or City-owned lots. She noted that the issue can be addressed by amending the ordinance to limit the circumstances by which the Washington Street parking lot is used. Mr. Williams suggested an amendment to repeal all parking at that site. There was discussion with regard to parking spots available to City police and firemen.

Ms. Benjamin suggested Council consider a very special amendment to permit City employees, police and firemen on one stop, to at least take into consideration it has a rational purpose.

Mr. Williams made a motion that parking at the Washington Street site cease and desist until some further action is taken by Council to permit the same. 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).

Mayor Janakovic made a motion that the Solicitor review the legalities for this to work for City renters and also comply with the ordinance or draft an ordinance to address the issue. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mayor Janakovic,
Mr. Johncola (6).
Nays: Mr. Williams (1).

REPORT OF PRIOR YEAR'S AUDIT FINDINGS

Deborah Grass and Kathy Clark, Act 47, discussed suggestions and possible solutions to solve the budget crisis. Ms. Grass noted a \$1.3 million deficit at year's end with the obligations within that amount carried over and addressed in 2016. She stated that borrowing from the sewer upgrade fund helped to meet the City's current obligations. Ms. Grass indicated that a huge amount of time was spent determining the City's financial position and the projected cash flow at year's end.

An evaluation of this year's budget indicated a very close balance within maybe \$100,000 and a balance on the premise that \$500,000 will be available in the sewer upgrade fund reimbursement to the City for activities and wages carried out from the general fund. Ms. Grass stated that with construction projects and repairs, approximately \$450,000 from the general fund will not be available to the City from the sewer upgrade fund, and referred to JRA's invoice in an amount close to a half million dollars. Ms. Grass noted, "The number we're looking at is probably about a \$2.5 million gap between revenues and being able to pay debt obligations."

Robert Eyer of Wessel indicated that obtaining long-term refinancing between \$2.5 million and \$3 million would allow the City's cash flow to continue to operate, which he called a "bridge" to getting out of Act 47 at some point. Mr. Eyer noted an analyses indicating that the existing debt could be refunded and possibly reduced in 2017 and 2018 by several hundred thousand dollars. A conference call with DCED suggested valuations of the City's assets, including the parking garages, the sewer system and the golf course, for sale at some point.

There was further discussion with regard to the five core funds in the budget, including the general, pension, parking, debt service, and recreation/sanitation.

Mr. Eyer explained that refinancing actually means \$3 million of refinancing and \$3 million of new money or a \$6 million package. Ms. Grass explained, "Not doing some type of borrowing to get through to the end of the year may shut the entire operation down about October." It was suggested that the City impose a hiring freeze at this point.

Mrs. Mock made a motion to authorize the Interim City Manager to seek quotes from financial institutions for an unfunded debt loan in the amount(s) of \$2.5 million and \$3 million of new debt for a cumulative total debt not to exceed \$6.1 million. 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).

COUNCIL COMMITTEE REPORTS/NEIGHBORHOOD REPORTS

Mr. Vitovich reported that City Fire Department responded to 213 incidents this month with an average 4 minutes, 13 second response time; 88 staff hours of training; 43,500 lost in total fires, including 190 Chandler Avenue, 150 Wilson Street, 130 D Street, and 83 Fairfield Avenue. He thanked Chief Kovacic for the department's efforts and also for boarding up the vacant homes and structures.

Mr. Vizza thanked the fire department, police and public works for their day-to-day efforts in addressing matters quickly.

Mr. Johncola thanked the Interim City Manager for her efforts with regard to matters concerning the Prospect area.

Mrs. Mock reported the Prospect Store has done a makeover of their original store, converting it to a retail establishment. She noted the West End Community Garden is providing an abundance of fruits and vegetables and thanked those who have come to help in the garden.

Mrs. Mock reported the Seventh Ward hosted the National Night Out on August 2, 2016.

The 2025 Focus Group toured the community gardens.

Mrs. Mock noted her appreciation to Officers Hess and Miller, who have helped to cut grass and pick up garbage at the neighborhood playgrounds.

Mrs. Stanton reported on her attendance at the Hornerstown Seventh Ward Civic meeting with regard to active shooter training. She also attended the final night of the Wood Street Playground Takeover.

Mrs. Stanton attended a ribbon cutting ceremony for the installation of the wheelchair handicapped swings by North American Hoganas. She thanked the businesses that donated food items for the event.

Mayor Janakovic thanked all Council members for getting out in the community and attending the different events.

COMMUNICATIONS

1. Planning Commission Minutes of July 6, 2016
2. Letter from Jack Williams re: Resolution No. 9344
3. Letter from Jack Williams re: City's Noncompliance Codified Ordinance Chapter/Subsection 832.09.
4. Letter from Jack Williams and Charlene Stanton re: City Manager search expenditures.
5. Letter from Jack Williams re: Conflict of interest issue.
6. Letter from Jack Williams and Charlene Stanton re: Special meeting submission of July 15, 2016.
7. Letter from Jack Williams re: July 16, 2016 Act 47 Recovery Coordinator.
8. Letter from Jack Williams re: Request for information and/or records.
9. Letter from Jack Williams and Charlene Stanton re: funds due JRA.
10. Letter from Jack Williams re: City Manager search.
11. Letter from Jack Williams re: Home Rule Charter Article X, Financial Procedures 11.10-1006 Capital Program.
12. Letter from Jack Williams re: reimbursement to General Fund.
13. Letter from Jack Williams re: Resolution No. 9344 (2nd request).
14. Code complaints from: Charlene Stanton - 9; Jack Williams -2; Linda Yutzy, Wendy Penrose, Dennis Callahan-resubmitted complaints.

PETITIONS

None.

ORDINANCES FOR FINAL READ

BILL NO. 24 OF 2016, AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, 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.

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

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

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

Mr. Williams noted it had previously tabled on July 13, 2016.

Ms. Benjamin explained that an amendment will be needed to reflect the appropriate introduction date of July 28, 2016.

Mayor Janakovic made a motion to amend Bill No. 24 to reflect a corrected date of introduction in Council as July 28, 2016. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: Mr. Williams (1).

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

Mayor Janakovic made a motion to approve the ordinance. The motion was seconded by Mr. Vitovich.

There was discussion regarding the scheduled 2018 exit date of the recovery plan.

Ms. Benjamin explained that there was originally some consideration for 2019 but the date should be 2018.

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Mayor Janakovic made a motion to amend Bill No. 24 to replace any and all references to the year "2019" with the year "2018". The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: None (0).

Mrs. Mock made a motion to approve the final reading of Bill No. 24. The motion was seconded by Mr. Vitovich 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).

Mayor Janakovic noted for the record that the ordinance number for the following was typed incorrectly on the July 13, 2016 agenda as 5102 for the first read. It has been corrected to read Ordinance 5201 for final read on this agenda.

BILL NO. 27 OF 2016, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5201 OF 2016 CITY JOHNSTOWN BUDGET TO INCLUDE THE REVENUE AND EXPENSES FOR FIRE GRANTS RECEIVED IN THE GENERAL FUND.

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

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

Nays: None (0).

ORDINANCES FOR FIRST READ

AN ORDINANCE AMENDING ORDINANCE 4654, THE ADMINISTRATIVE CODE OF THE CITY OF JOHNSTOWN, PASSED FINALLY ON OCTOBER 27, 1993 AND AS AMENDED THEREAFTER BY FURTHER AMENDING CERTAIN SECTIONS OF ARTICLE II - ELECTED OFFICIALS - COUNCIL ORGANIZATION AND PROCEDURES AND ARTICLE IV - CITY MANAGER TO PROVIDE UPDATED PROCEDURES AND IMPROVE EFFICIENCY IN CONDUCTING CITY BUSINESS.

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

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams,
Mr. Johncola (6)

Nays: Mayor Janakovic (1).

Mr. Williams suggested a workshop be scheduled with the Solicitor and recovery team. He referred members to his communication wherein he requested copies of the amendments to the Administrative Code.

RESOLUTIONS

Resolution No. 9869

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO AMEND THE GRANT AGREEMENT FOR A PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT INDUSTRIAL SITES ENVIRONMENTAL ASSESSMENT FUND GRANT TO NOW BE SEVENTY-NINE THOUSAND, THREE HUNDRED NINETY-EIGHT DOLLARS AND SEVENTY-FIVE CENTS. IN ORDER TO COMPLETE THE ENVIRONMENTAL ASSESSMENT OF 641 MAIN STREET AS CONTRACT NO. C000062175.

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO TAKE ANY/ALL ACTIONS AND SIGN ANY/ALL DOCUMENTS NECESSARY TO EXECUTE A LEASE AGREEMENT WITH DAVID WILHELM AND

DAN SHAFFER FOR PROPERTY LOCATED AT 130 CLINTON STREET,
JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA.

Ms. Benjamin explained that a motion is necessary to amend this resolution to delete references to David Wilhelm and Dan Shaffer as proposed tenants and amend the resolution to reflect Escape Rooms Johnstown, LLC, as the proposed tenants seeking to lease the property.

Resolution No. 9870

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND
DIRECTING THE INTERIM CITY MANAGER TO TAKE ANY/ALL
ACTIONS AND SIGN ANY/ALL DOCUMENTS NECESSARY TO
EXECUTE A LEASE AGREEMENT WITH ESCAPE ROOMS
JOHNSTOWN, LLC FOR PROPERTY LOCATED AT 130 CLINTON
STREET, JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA.

Mrs. Mock made a motion to amend the resolution. The motion was seconded by Mr. Johncola 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).

There was discussion regarding the lease agreement and the cost of repairs and alterations.

Mr. Williams made a motion to table the resolution. 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).

Mrs. Mock made a motion to approve the resolution as amended. The motion was seconded by Mr. Johncola and 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. 9871

WHEREAS THE CITY OF JOHNSTOWN WAS DESIGNATED AS A DISTRESSED MUNICIPALITY UNDER AUTHORITY OF THE MUNICIPALITIES FINANCIAL RECOVERY ACT OF SEPTEMBER 18, 1992. AND WHEREAS THE CITY OF JOHNSTOWN ADOPTED THE SIXTH AMENDED ACT 47 RECOVERY PLAN ON OCTOBER 28, 2013.

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

There was discussion regarding the different City-owned properties.

Mrs. Mock made a motion to amend the resolution to include Appendix A all City assets with an estimated valuation cost no greater than \$100,000. The motion was seconded by Mr. Vitovich 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)

Mr. Vitovich made a motion to approve the resolution as amended. The motion was seconded by Mrs. Stanton 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)

PUBLIC COMMENT ON NONAGENDA ITEMS

Homer Mattes, 1160 Milford Street, Johnstown, addressed Council with regard to the runoff from Barnett Street. He noted water running near his property after a recent thunderstorm and attributed the problem to a culvert on Barnett Street. He stated that the water does not head to the drain installed for that purpose but runs off. Mr. Mattes stated the problem was investigated but not properly addressed. He requested that the matter be resolved correctly.

Mrs. Stanton stated that she visited the area after the rain and cars were sliding on the gravel washed onto the street. After further discussion it was noted that the matter will be further reviewed.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to City government. He discussed Council's actions during meetings and

questioned the example Councilman Williams is setting by "bringing a gun to a meeting".

Mayor Janakovic noted for the record that Mr. Williams left the meeting at 8:00 p.m., even though the meeting had not yet adjourned.

Mrs. Stanton objected to Mr. DeBartola's personal attack on Mr. Williams.

Mr. DeBartola continued to discuss a child who was the object of bullying and now suffers peripheral blindness from a head injury. He stated Keystone Alliance and Revitalize Johnstown will host a benefit for the child on August 14, 2016, from 4:00 p.m. to 7:00 p.m. at the Bulldog Arena. Mr. DeBartola urged members to support his cause.

Mr. DeBartola pointed out that tonight was the second time Mr. Williams exited the meeting during Mr. DeBartola's public comments.

Mayor Janakovic commented that it is disrespectful to have a member of Council leave during public comment/freedom of speech.

NEW BUSINESS

None.

OLD BUSINESS

Mayor Janakovic discussed the possibility of installing stop signs and speed bumps on Iron Street to hinder speeders.

Ms. Grass asked that an Executive Session be scheduled prior to Council's next meeting on September 14th, 2016, to discuss recommendations for the City Manager's position.

There being no further business, the meeting was adjourned at 8:12 p.m.

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