

JOHNSTOWN CITY COUNCIL MINUTES

Wednesday, August 9, 2017

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.

Pete Vizza, Deputy Mayor, offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic stated an Executive Session was held with regard to personnel and potential litigation prior to the commencement of the meeting.

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).

Elizabeth Benjamin, Esquire, City Solicitor, and Josh Kalp, EADS Group, were also present.

APPROVAL OF MINUTES

Mrs. Mock made a motion to approve the June 14, 2017 Regular Meeting Minutes, June 22, 2017 Special Meeting Minutes, and July 12, 2017 Regular Meeting Minutes.. 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).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

None.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Paul Ricci, 130 Palm Avenue, Johnstown, addressed Council with regard to Bill No. 16, which allocates funds received from the 2017 lead-based paint grant. He expressed his concerns regarding the ill effects of exposure to lead-based paint.

Joe Warhul, 44 Clover Street, Johnstown, addressed Council with regard to the inconsistency with code enforcement.

Mr. Warhul expressed his concerns regarding the sewage project, which was scheduled to commence on July 10, 2017, on his street. He also discussed a sinkhole on Clover Street, which had not yet been addressed.

Mr. Warhul discussed Resolution No. 7, which retains a Pittsburgh firm to investigate a personnel matter. He stated, "The people of Johnstown deserve to know exactly what the issue is."

There was further discussion regarding the matters of his concerns.

John DeBartola, 1197 Bedford Street, Johnstown, expressed his concerns with regard to Resolution No. 7 and Resolution No. 1 as well as the drug forfeiture account. He urged Council to pass a motion to invite Pennsylvania's Auditor General, Eugene DePasquale, to review the City's records.

Mr. Williams stated he 'believes the audit will show some serious issues."

Mrs. Stanton thanked Mr. Williams for filing Right to Know requests and applauded his efforts to stay on top of the loan issue by getting a forensic audit on the ballot, which voters had voted yes to.

Mayor Janakovic noted his concerns for the 26 delinquent loans that were written off in 2002 and 2007.

Mr. Johncola responded to accusations by stating that if "Mr. DeBartola knows something we don't, share it with us." Mr. Williams suggested moving forward with the audit.

Mayor Jankovic noted the large costs incurred with Right to Know requests.

REPORT BY THE CITY MANAGER

Arch Liston, City Manager, was noted to be absent due to health-related circumstances. Ms. Benjamin addressed Mrs. Stanton's concerns about who would be in charge in the absence of the City Manager. She explained a provision added to the Administrative Code whereby Council can appoint an Acting City Manager. There was further discussion regarding the matter.

Mrs. Stanton made a motion to appoint Renee Daly as Acting City Manager effective immediately until Mr. Liston returns. Mrs. Mock seconded the motion.

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

Nays: None (0).

Renee Daly, Acting City Manager, referred Council members to the capital plan attached to Resolution No. 9 for further discussion.

Mrs. Mock made a motion to accept the capital plan as submitted. Mr. Vitovich seconded the motion.

Mr. Williams referred to a previously submitted communication stating the capital plan was not consistent with the Home Rule Charter.

Ms. Benjamin explained the motion just acknowledged the submission of the 2018-2022 capital plan. There was further discussion regarding the matter.

The motion passed by the following vote:

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

Nays: Mrs. Stanton (1).

Mr. Williams abstained from voting on the motion.

Ms. Daly stated Linda Yutzy wanted to publicly thank the residents and the City of Johnstown for supporting the free library located on her property.

Acting City Manager Daly stated the City of Johnstown has partnered with Discover Downtown and the Vision 2025 team concerning the viability of making Gazebo Place a pedestrian walkway with the potential of making Locust Street one way during certain events.

The Acting City Manager reported on the receipt of the final plans for the Roxbury School Project. She noted a budget amendment to be reviewed in September to reallocate \$50,000 to the home/new housing development. HUD will be notified of the change.

Mayor Janakovic explained the affordable housing will be for 55 and older seniors and not Section 8. Ms. Daly was requested to confirm that the Roxbury School Project was not for Section 8 housing. It was noted that the vote tonight was for the reallocation to complete one unit inside of the school.

Ms. Daly referred members to the 2016 audit.

Mrs. Stanton made a motion requesting that the Solicitor draft an ordinance that would prohibit individuals other than handicapped persons to use the handicapped swing at the Park Avenue Playground and Roxbury Park.

Ms. Benjamin will review the matter further before drafting an ordinance.

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).

2016 AUDIT

Robert J. Eyer, Michael Lamb and Joel Valentine, CPAs, were present on behalf of Wessel and Company.

Joel Valentine, CPA, provided an overview of all City funds and operations. He referred Council members to a booklet for further discussion of the City's long-term financial statement, including fixed assets and corresponding debt. He referred to charts and graphs that focused on the City's core surface funds. There was discussion regarding monies in the Pension Fund, the decreased amount of real estate taxes, and the increase in mercantile and business privilege taxes.

It was noted that Duke LifePoint was expected to pay \$1.3 million for real estate taxes and \$700,000 for business privilege taxes.

Mr. Valentine referred to graphs for earned income taxes. He noted monies from the local municipal services tax at approximately \$600,000.

There was discussion in relation to reclassifying fund balances that would never be paid.

Robert J. Eyer, CPA, provided a snapshot of the financial state of the City of Johnstown, including a future state of the City report. He noted that 22 percent of the City's budget as pension payments. Mr. Eyer further discussed the budget challenges going forward.

Michael Lamb, CPA, commented the single audit that was conducted on the Federal funds, as well comments on the City's operations. He noted \$16.8 million in Federal funds and further noted payments in excess of budget, material year-end audit entries and financial statement preparation. Mr. Lamb also discussed the audit risks and recommended controls to be set up, including credit card reduction. He stated the theft that occurred in 2015 has been remedied with current controls.

Mr. Valentine referred to a document entitled Communication With Those Charged With Governance for further discussion relating to the responsibility of the financial statement audit. He noted the recently implemented accounting policies were detailed in the document.

Council members were referred to the Letter of Recommendations for discussion, including recommendations for future tax collection contracts and employee benefit review.

Mr. Lamb offered recommendations in relation to the community development loan programs, which included close monitoring of monies owed to the City. Council members held further discussion on these policies and procedures.

There were recommendations regarding the immediate payment of unrestricted interfund balances, the consolidation of parking activities/tracking in the financial statement, and lapsing the sanitation and recreation fund into the general fund. The group explicitly discussed the recreation fund.

Wessel and Company recommended the implementation of new accounting standards by the City's finance team.

Mr. Williams made a motion to receive the audit. The motion was seconded by Mrs. Stanton 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).

Mr. Williams made a motion for the submission of the August 9th, 2017 financial statement by Wessel and Company. The motion was seconded by Mrs. Stanton and passed by the following vote:

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

Nays: None (0).

Ms. Benjamin will prepare a resolution for discussion at the September 13, 2017 meeting regarding the repayment of interfund transfers.

Mr. Williams made a motion for a 15-minute recess. The motion was seconded by Mrs. Stanton and failed by the following vote:

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

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

Mr. Williams made a motion for a 10-minute recess. The motion was seconded by Mrs. Stanton and failed by the following vote:

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

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

SHORT RECESS TAKEN

REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on attending the AAABA home opener as well as the Tuesday night's game at the Point Stadium. He congratulated the Old Timers' Association on their 73rd Annual AAABA Tournament as well as Martella's Pharmacy and Paul Carpenter's team for representing Johnstown in the tournament.

The Mayor contacted Tom Prestash at PennDOT with reference to a complaint from a resident regarding the crosswalk at Clinton and Locust Streets. Mr. Prestash will send a PennDOT representative to review the handicapped and wheelchair compliancy of the crosswalk. In addition, funding opportunities will be sought for a verbal signal countdown for the blind or legally impaired, which costs \$15,000 per unit.

Mayor Janakovic reported on providing a tour of Johnstown with Linda Thompson from JARI and other community leaders for Patrick T. Harker, President and Executive Director of the Federal Reserve Bank in Philadelphia. Environmental, business and community assets and industrial site reuses were toured as possible sites for new businesses and industries.

The Mayor also noted his welcoming speech at the 34th Annual Alzheimer's Dinner at the Frank J. Pasquerilla Center. 538 people attended.

Mr. Janakovic attended the Ameriserv Music Fest held on August 4 and 5, 2017. On July 26, 2017, he attended the Greater Johnstown School District Communities and Schools presentation at the high school, which is a movement to expand specialized programs within the school district.

The Mayor noted his attendance at a recent luncheon meeting sponsored by the Cambria County Chamber of Commerce with Allegheny County Executive Rich Fitzgerald where current ongoing revitalization efforts in Pittsburgh were discussed. He stated the City of Pittsburgh currently has 21,000 jobs. There was discussion relating to a Bridge to Pittsburgh project whereby those companies may be interested in moving to the Johnstown/Altoona area. He also noted discussion to increase the rail service so people living in Johnstown could work in Pittsburgh.

Mayor Janakovic met with Senator Wayne Langerholc with regard to establishing bike lanes from Ferndale through the City. There was discussion on the completion of new road surfaces for Route 403 in 2019. Maintenance of the bike lanes would be provided by the state following the passage of current legislation.

The Mayor recently attended a presentation of \$40,000 by celebrity chef, Amanda Freitag to the Press Bistro for their award-winning recipe. He stated \$10,000 was presented to Discover Downtown.

Mr. Janakovic also attended the Pipelines, Incorporated opening ceremony on July 14, 2017, on Iron Street.

REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, City Solicitor, opened recent submissions for the professional forensic auditing services contract, Resolution One on the agenda. She noted two proposals were received. One proposal was from Maher Duessel Certified Public Accountants in Pittsburgh at a cost of \$195 per hour for a partner, \$165 per hour for a manager, \$135 per hour for a senior, \$105 per hour for staff, and \$65 per hour for administrative work. Another proposal was received from Ernst and Young, LLC for a flat fee of \$90,000 plus reasonable out-of-pocket expenses for services performed over a two-month period with one month required onsite to review data. There was discussion regarding the proposals.

Mr. Williams made a motion to award the contract to Ernst and Young, LLC at the stated price of \$90,000 plus reasonable expenses. Mrs. Stanton seconded the motion.

Mrs. Mock suggested reviewing the information further before voting on the matter.

Ms. Benjamin recommended an in-depth review and approval of the matter.

The Resolution regarding the forensic auditing contract was read into the record as follows:

Resolution No. 9973

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY SOLICITOR TO PREPARE AND EXECUTE ON BEHALF OF THE CITY OF JOHNSTOWN THE CONTRACT/AGREEMENTS FOR THE RETENTION OF THE AUDITING FIRM OF ERNST AND YOUNG, LLC. TO CONDUCT A FORENSIC AUDIT OF ALL CITY OF JOHNSTOWN ECONOMIC DEVELOPMENT LOAN PROGRAMS , INCLUDING BUT NOT LIMITED TO (1) 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 COMMUNITIES 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 31ST, 2002 AND EACH FOLLOWING YEAR THROUGH DECEMBER 31, 2014 AND FOR THE PERIOD BEGINNING ON JANUARY 1, 2015 THROUGH APRIL 7, 2015 UNDER THE TERMS AND CONDITIONS STIPULATED IN ORDINANCE 5228, PASSED FINALLY BY THE MAY 16, 2017 CITY OF JOHNSTOWN BALLOT REFERENDUM; AND AT THE EXPENDITURE/COST IN THE ACCEPTED AMOUNT OF \$90,000, PLUS REASONABLE OUT-OF-POCKET EXPENSES WITH THE DIRECTOR OF FINANCE AUTHORIZED TO DEBIT THE 2017 CITY OF JOHNSTOWN BUDGET GENERAL FUND EXPENDITURE LINE ITEM 01-405-31-049 NON-DEPARTMENT PROFESSIONAL SERVICES AUDITING AND/OR BY EXECUTED TRANSFERS OF FUNDS TO MEET THE TOTAL

REQUIRED CONTRACTED /AGREED FINANCIAL OBLIGATIONS
PURSUANT TO THE HOME RULE CHARTER, ARTICLE X, FINANCIAL
PROCEDURES §11.10-1010. ADMINISTRATION OF THE BUDGET (D)
TRANSFER OF APPROPRIATIONS.

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

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Williams (5).

Nays: Mr. Vizza (1).

Mayor Janakovic abstained from voting on the motion.

REPORT BY THE CITY SOLICITOR (CONT.)

Ms. Benjamin noted the continuing training of the Ethics Board. She was requested by the City Manager to obtain direction/confirmation from Council pertaining to formalizing and the extent of the training. There was further discussion regarding the matter.

Mrs. Stanton inquired as to whether all boards, authorities and commissions have signed and were in compliance.

Mr. Williams made a motion for the Solicitor send a letter to the Johnstown Housing Authority contesting their position, as they are not covered by the ethics requirement. Mrs. Stanton seconded the motion.

The Solicitor will consult with the City Manager and research the issue further.

It was noted that the loan review committee was a week behind and did not meet until after June 21st, 2017.

Mrs. Stanton requested an update on a property at the corner of Barron Avenue and G Street with a multitude of code violations that continue year after year.

Mrs. Stanton read a letter into the record sent by former City Manager Gunby in 2015 to the property owner as follows: If the City of Johnstown must continue to come to the site to enforce the high grass ordinance, we will have no choice but to file legal proceedings in this matter.

Mrs. Stanton made a motion that the City proceed with legal action against that property owner. Mr. Williams seconded the motion.

Ms. Benjamin referred Council members to the proposed ordinance in the agenda relating to streamlining the process for pursuing code complaints.

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).

Mrs. Stanton discussed continuing violations at a vacant building on G Street. Mrs. Mock stated the building should be condemned.

Mrs. Stanton made a motion to proceed with legal action pending the review and verification provides the basis to do so.

Ms. Benjamin discussed setting up a streamlined way of informing Council of ensuing legal actions. She suggested a more detailed, systematic way to verify properties in violation, including obtaining a report from the codes department ahead of time on properties to be discussed at a council meeting. There was further discussion regarding the matter.

REPORT BY THE CITY ENGINEER

Josh Kalp, EADS Group, referred Council to his report for further discussion. He highlighted key points in his report and answered questions.

Mr. Kalp discussed the Hornerstown Phase One project. The flow rate of 625 gallons per minute was exceeded in June due to the recent rains. A more detailed report will be provided in the near future. He noted ongoing construction on Horner Street in the Eighth Ward.

Construction commenced in the Moxham Phase II area, starting at the upper end of Moxham and working down. Mr. Kalp stated Clover Street was in "bad shape." He stated the design for the storm sewer upgrades on Clover Street was almost completed.

Mr. Kalp noted the receipt of a PennVEST Loan in the amount of \$5.58 million for the Ohio Street project. He further noted the receipt of a grant in the amount of \$400,000 from the Commonwealth Financing Authority for rehabilitation of sewer laterals on Broad Street that requires a \$75,000 cash match from the City. He noted the resolution for the task order on the agenda for consideration.

Mrs. Stanton made a motion to postpone the September 1, 2017 deadline to at least December 30, 2017, for pressure testing in Walnut Grove, Oakhurst and Hornerstown pending the upcoming legal action. Mr. Williams seconded the motion. There was further discussion regarding the motion.

Mrs. Stanton amended the motion to postpone the September 1, 2017 deadline to at least December 30, 2017 for pressure testing in Walnut Grove, Oakhurst and Hornerstown pending the approval by DEP. Mr. Williams seconded the motion.

The motion passed by the following vote:

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

It was noted the \$30,000 in lateral assistance was available to 30 property owners at \$1,000 per income eligible person. Funding was also available from the Johnstown Redevelopment Authority.

COUNCIL UPDATES

1. June 25, 2017 from C. Stanton and J. Williams re: Crosswalk button safety concern of wheelchair bound individuals.
2. July 14, 2017 from J. Williams re: agenda.
3. July 13, 2017 from J. Williams re: Administrative Code Violation.
4. July 17, 2017 from J. Williams and C. Stanton re: NonCompliance-Commonwealth of Pennsylvania 65 P.S. §§67.101 et seq., ("RTKL").
5. July 18, 2017 from J. Williams re: Seventh Amended Recovery Plan.
6. July 18, 2017 from J. Williams re: Ballot referendum-forensic audit.
7. July 19, 2017 from J. Williams and C. Stanton re: City/EADS agreement(s).
8. July 24, 2017 from J. Williams re: NonCompliance Home Rule Charter ARTICLE X, FINANCIAL PROCEDURES Cambria County Court Dkt. 2016-3199 Settlement Stipulations.
9. July 24, 2017 from J. Williams re: 2018 City Operating Budget Submissions.
10. July 24, 2017 from J. Williams re: Resolution No. 9964.
11. July 31, 2017 from J. Williams re: NonCompliance Home Rule Charter § 11.4-407, Codification of Ordinances and PA Title 53 Municipalities Generally §3144.
12. July 31, 2017 from C. Stanton and J. Williams re: Safety concerns-road undermining, blocked storm water grates/inlets.

13. August 1, 2017 from J. Williams re: Council Agenda Updates, August 9, 2019.
14. August 2, 2017 from J. Williams and C. Stanton re: NonCompliance Home Rule Charter ARTICLE X FINANCIAL PROCEDURES §11.10-1006. Capital Program re: NonCompliance Cambria County Court Dkt.2016-3199 Settlement Stipulation.
15. Code complaints: N. Spencer - 1; John - 1; Dennis Callahan - 2; J. Warhul - 4; K. Blough - 1; W. Penrose - 14; J. Williams - 5; C. Stanton - 16; Lindy Yutzy - 19.

NEIGHBORHOOD LIAISONS

Mr. Vitovich reported on the sewer vac cleaning out inlets. Crews were patching manholes, cutting abandoned properties, and taking care of the Point Stadium for AAABA and Roxbury Park. Crews were also painting lines around the schools.

Mr. Vizza thanked George Arcurio, III, Brian Vuletich, the AAABA old-timers, and businesses and corporate leaders for the wonderful Hall of Fame banquet on Saturday, August 5, 2017. He noted over 500 people attended the event at the Frank J. Pasquerilla Conference Center. Mr. Vizza noted his attendance at an event hosted by Reverend Sylvia King at Christ Centered Community Church on Somerset Street.

Mr. Williams referred to his communications. He discussed one communication with regard to misstatements and misinformation in the July 18, 2017 Amended Recovery Plan introduced at the last meeting. Mr. Williams will suggest the matter be tabled at the appropriate time noting issues with the budget and deficit spending. He discussed the need for a budgetary amendment before September 2017 to comply with the Home Rule Charter. There was further discussion regarding the matter.

Mrs. Mock reported on the receipt of the cameras through the Community Foundation and generous donations were set up to be installed at the Oakhurst Playground. The coordination process commenced with Gittings to ensure the cameras are networked with those installed on Fairfield Avenue, Strayer Street, and the playground.

Plans are moving ahead with the new skate park, which is contingent upon the receipt of grant monies to cover costs. Upgrades were currently being made at the current skate park. Todd Stiffler from Bottle Works will be painting the walls and ramps at the park, and new basketball nets will be added and the

court repainted. No smoking signs and camera surveillance signs will be added inside the park. Mrs. Mock noted that cash donations were received to pay for the project at no cost to the City. Police have been foot patrolling the area.

Mrs. Mock indicated that residents in the West End would like to be more actively involved in the improvement of their streets and neighborhood. The West End Improvement Group will implement the Know Your Neighbors program in conjunction with the United Neighborhood Initiative.

The Laurel Avenue Community Garden was noted to be thriving. Residents are partaking in the fresh fruit and vegetables and helping out with weeding.

Kernville and Conemaugh Borough neighborhood cleanup will soon be advertised.

A positive movement was noted towards a playground on Woodvale Avenue above the bridge area. Residents of the Christian Home in the area of the Eighth Ward Playground will be conducting a neighborhood cleanup.

The Roxbury Civic Group will hold a fundraiser to begin replacing the backstops at each field in Roxbury Park. A book sale is scheduled for November 3 and 4, 2017 at the Galleria Mall.

Mrs. Mock thanked the Seventh Ward Civic Association for hosting another successful National Night Out.

The City of Johnstown Business Expo will be held to encourage new business throughout the entire City.

Mrs. Stanton thanked the Seventh Ward Civic Group for hosting the recently held Annual Night Out. Thanks were also given to the Johnstown Police Department, Johnstown Fire Department, and Seventh Ward Ambulance who attended.

Mrs. Stanton volunteered at the Community Fair recently held at the Roxbury St. Paul's United Methodist Church. Thanks were also given to the Johnstown Police and Fire Departments for attending this event.

Roxbury St. Paul's United Methodist Church will be hosting an outdoor movie night scheduled for August 18, 2017, at 8:00 p.m.

Mrs. Stanton reminded all of the weekly community walks which start at the Moxham Lutheran Church 6:30 p.m. A free summer concert is scheduled for August 11, 2017, at 6:30 p.m.

A Walnut Grove area resident contacted Councilwoman Stanton with regard to code violations.

She noted the Produce to the People free food distribution event recently held at the Johnstown Vo-Tech on Schoolhouse Road.

Complaints are still being received with regard to the Cypress Avenue lot currently being used as a construction site for the sewer project. There was further discussion regarding safety conditions at the City-owned site.

PETITIONS

None.

ORDINANCES FOR FINAL READ AND ADOPTION:

BILL NO. 16 OF 2017, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5213 PASSED FINALLY ON DECEMBER 29, 2016 AS THEN AMENDED BY ORDINANCE 5226 PASSED FINALLY ON APRIL 12, 2017 CITY OF JOHNSTOWN BUDGET TO AMEND THE 2017 BUDGET TO PROPERLY ALLOCATE REVENUE AND EXPENSES RELATING TO THE DELINQUENT BUSINESS PRIVILEGE TAX COLLECTED TO DATE, TO REALIZE THE SHORTFALL OF REVENUE FROM THE TAX LIEN SALE, AND TO REALLOCATE FUNDS TO BE RECEIVED FROM THE 2017 LEAD BASED PAINT GRANT.

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

BILL NO. 17 OF 2017, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5214 PASSED FINALLY ON DECEMBER 29, 2016 AND THEN AMENDED BY

ORDINANCE 5227 PASSED FINALLY APRIL 12, 2017 CITY OF JOHNSTOWN 2017 WAGE AND SALARY ORDINANCE TO AMEND THE 2017 WAGE AND SALARY ORDINANCES TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN FOR THE CALENDAR YEAR WITH AN EFFECTIVE DATE THE DAY AFTER FINAL APPROVAL OF CITY COUNCIL.

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

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

Nays: None (0).

BILL NO. 20 OF 2017, AN ORDINANCE ADOPTING THE SEVENTH AMENDED MUNICIPAL RECOVERY PLAN OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, PURSUANT TO THE MUNICIPALITIES FINANCIAL RECOVERY ACT (ACT 47 OF 1987) AS AMENDED.

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

Mr. Williams requested that a special meeting be held with the City Manager and the recovery coordinator on the above matter.

ORDINANCES FOR FIRST READ:

BILL NO. 21 OF 2017, AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 5152 PASSED FINALLY ON AUGUST 13, 2014 TITLED AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ADOPTING A SEWER USE ORDINANCE REQUIRING THE ELIMINATION OF OVERFLOWS AND FURTHER REQUIRING THE TELEVISED AND/OR PRESSURE TESTING OF ALL REAL PROPERTY WITHIN THE STRUCTURE LOCATED THEREON

AND REMEDIATION OF ALL PRIVATE SIDE LATERAL LINES FAILING TO PASS SAID TESTS IN THE EVENT SANITARY FLOWS EXCEED DEP-SPECIFIED DESIGN CRITERIA FOLLOWING PHASE COMPLETION OF CITY SEWER CONSTRUCTION, TO NOW FURTHER AMEND TO DELETE SECTION 2 TITLED UNLAWFUL CONNECTIONS; AND SECTION 15 TITLED PENALTIES DUE TO LACK OF ENFORCEMENT, AND/OR SELECTIVE ENFORCEMENT AS WAS THE PURPOSE AND INTENT OF ORDINANCE NO. 5126 WHEN PASSED FINALLY ON AUGUST 13, 2014.

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

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

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

BILL NO. 22 OF 2017, AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 5166 PASSED FINALLY ON JANUARY 28, 2015, TITLED AN ORDINANCE OF THE CITY OF JOHNSTOWN ADOPTING LATERAL RESALE ORDINANCE REQUIRING LATERAL TESTING UPON SALE OR TRANSFER OF ALL REAL PROPERTY WITH STRUCTURES LOCATED THEREIN TO DETERMINE IF ILLEGAL STORM OR SURFACE WATER IS CONNECTED TO THE SANITARY SEWER, REMEDIATION OF DEFECTS, AND TO SET FORTH REGULATION RELATED THERETO, AS AMENDED BY ORDINANCE NO. 5220, PASSED FINALLY ON FEBRUARY 8, 2017, TO NOW FURTHER AMEND TO DELETE SECTION 2 TITLED UNLAWFUL CONNECTIONS; AND SECTION 15 TITLED PENALTIES DUE TO LACK OF ENFORCEMENT AND/OR SELECTIVE ENFORCEMENT AS WAS THE PURPOSE AND INTENT OF ORDINANCE NO. 5166 WHEN PASSED FINALLY ON JANUARY 28, 2015.

Mr. Williams made a motion to approve the ordinance. 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).

BILL NO. 23 OF 2017, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5213 PASSED FINALLY ON DECEMBER 29, 2016 AS THEN AMENDED BY

ORDINANCE 5226 PASSED FINALLY ON APRIL 12, 2017 AND AS AMENDED BY ORDINANCE NO. 16 PASSED AUGUST 9, 2017 TO FURTHER AMEND THE 2017 BUDGET TO PROPERLY ALLOCATE REVENUE AND EXPENSES RELATING TO THE CDBG AND HOME ALLOCATIONS.

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

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

Nays: Mrs. Stanton (1).

BILL NO. 24 OF 2017, AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 4806, PASSED FINALLY AUGUST 19, 1998, AND KNOWN AS THE "INTERNATIONAL PROPERTY MAINTENANCE CODE" TO REVISE AND FURTHER ESTABLISH SPECIFIC PROVISIONS TO ADDRESS THE FILING OF PROPERTY MAINTENANCE VIOLATIONS AS NONTRAFFIC CRIMINAL CITATIONS PURSUANT TO PENNSYLVANIA RULE OF CRIMINAL PROCEDURE 403.

Mr. Williams made a motion to approve the ordinance. Mrs. Mock seconded the motion.

There was further discussion regarding the motion.

The motion passed by the following vote:

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

Nays: None (0).

RESOLUTIONS

Resolution No. 9974

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY SOLICITOR TO CONTACT THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA'S DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT REQUESTING,

PURSUANT TO THE ACT OF JULY 10, 1987 (P.L. 246, NO. 47 KNOWN AS THE MUNICIPALITIES FINANCIAL RECOVERY ACT, AND MORE SPECIFICALLY, SECTION 224.1 TITLED: PERFORMANCE OF COORDINATOR (a) REVIEW OF COORDINATOR.

Mr. Williams made a motion to approve the resolution. The motion was seconded by Mrs. Stanton 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. 9975

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING DONALD ROBERTSON'S REQUEST TO PURCHASE ONE YEAR, ONE MONTH, TWO WEEKS AND THREE DAYS OF MILITARY SERVICE COMPLETED PRIOR TO EMPLOYMENT WITH THE CITY OF JOHNSTOWN TO INCREASE HIS LENGTH OF SERVICE TO THE CITY FOR POLICE PENSION CALCULATIONS.

Mr. Vitovich made a motion to approve the resolution. The motion was seconded by Mrs. Mock and Mr. Vizza 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. 9976

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN AND EXECUTE ALL AGREEMENTS, MORTGAGES, GUARANTEES AND ALL OTHER LOAN CLOSING DOCUMENTS FOR JJG PROPERTIES, LLC., WHEREAS RESOLUTION 9966 PREVIOUSLY PASSED BY RELEVANT DOCUMENTS ATTACHED; WHEREAS THE DESIRE OF COUNCIL IS TO RESCIND RESOLUTION 9966 AND ADOPT THE INSTANT RESOLUTION RELEVANT ATTACHED.

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

There was discussion regarding the motion. Mr. Williams suggested amending the resolution by inserting at the end, and by repealing Resolution No. 9966.

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. 9977

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY
MANAGER TO SIGN A HOME PROGRAM SUB-RECIPIENT
AGREEMENT AWARDED FUNDS TO THE NORTHERN CAMBRIA
COUNTY COMMUNITY DEVELOPMENT CORPORATION FOR THE
REHABILITATION OF TWO SINGLE FAMILY HOMES IN THE CITY OF
JOHNSTOWN AND TO TAKE ANY AND ALL ACTIONS NECESSARY
TO EFFECTUATE SAME.

Mrs. Mock made a motion to approve the resolution. Mr. Johncola seconded the motion.

There was further discussion regarding the motion.

Mrs. Stanton made a motion to table. Mr. Williams seconded the motion.

The motion failed by the following vote:

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

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

Yeas: Mr. Vitovich, Mayor Janakovic, Mr. Johncola, Mrs. Mock (4).
Nays: Mr. Vizza, Mr. Williams, Mrs. Stanton (3).

Resolution No. 9978

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE SALE OF THE 2004 PIERCE FIRE ENGINE TO COAL RUN VILLAGE VOLUNTEER FIRE DEPARTMENT FOR THE AMOUNT OF \$70,000.

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

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

Nays: None (0).

Resolution No. 9979

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE RETENTION AND HEREBY RETAINING WEISS BURKHARDT KRAMER, LLC FOR LIMITED REPRESENTATION WITH REGARD TO INVESTIGATION OF A PERSONNEL MATTER.

Mrs. Mock made a motion to approve the resolution. 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: None (0).

Mr. Williams and Mrs. Stanton abstained from voting on the motion. Mrs. Stanton explained her abstention due to personal involvement in the matter. Mr. Williams explained he is one of the complainants in the matter.

Resolution No. 9980

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE TASK ORDER NO. 41 TO THE EADS GROUP, INC. FOR THE DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, PREPARATION OF FUNDING

APPLICATIONS, PREPARATION OF PERMIT APPLICATIONS,
ADMINISTRATION OF FUNDING AND INSPECTION SERVICES OF
THE BROAD STREET INTERCEPTOR LATERAL REHABILITATION
PROJECT.

Mr. Vitovich made a motion to approve the resolution. 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: Mrs. Stanton, Mr. Williams (2).

Resolution No. 9981

A RESOLUTION OF THE CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ACCEPTING AND ACKNOWLEDGING THE FIVE (5) YEAR CAPITAL PROGRAM SUBMITTED BY THE CITY MANAGER TO THE CITY COUNCIL ON JULY 12, 2017.

Mrs. Mock made a motion to approve the resolution. The motion was seconded by – Mrs. Stanton and passed by the following vote:

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

Resolution No. 9982

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPROVING FISCAL YEAR 2017 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS APPLICATIONS.

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

There was discussion regarding the motion.

Mayor Janakovic made a motion to amend the resolution to state the term City Manager. Mrs. Stanton seconded the motion.

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).

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

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

MOTIONS

Mr. Williams made a motion to appoint Mrs. Lindy Yutzy to the unexpired term on the Civil Service Board due to the resignation of Charles Arnone. Mrs. Stanton seconded the motion.

Mrs. Mock made a motion to appoint Clyde Williams to the unexpired term on the Civil Service Board due to the resignation of Charles Arnone. Mr. Johncola seconded the motion.

Council voted as follows:

Mr. Clyde Williams - Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mr. Vitovich (5).

Mrs. Lindy Yutzy - Mr. Williams, Mrs. Stanton (2).

Mr. Williams made a motion to appoint Jean Tanaka to the expired term of Angela Reed on the Johnstown Housing Authority Board of Commissioners. Mrs. Stanton seconded the motion.

Mr. Vitovich made a motion to appoint Angela Reed to her expired term on the Johnstown Housing Authority Board of Commissioners. Mrs. Mock seconded the motion.

Mr. Vizza made a motion to appoint Bruce Newkirk to the expired term of Angela Reed on the Johnstown Housing Authority Board of Commissioners. There was no second to the motion.

Council voted as follows:

Jean Tanaka - Mr. Williams, Mrs. Mock, Mrs. Stanton (3).

Angela Reed - Mayor Janakovic, Mr. Johncola, Mr. Vitovich (3).

Bruce Newkirk - Mr. Vizza (1).

The seat remains unassigned.

OLD BUSINESS

None.

PUBLIC COMMENT-NONAGENDA ITEMS

John DeBartola, 1197 Bedford Street, addressed Council with regard to matters not addressed at the meeting, including job creation and the saving our town. He noted his embarrassment and called Council members "pathetic". Mayor Janakovic noted that during his report jobs for the City was discussed. Mr. DeBartola stated he would start to "demand more action" and criticize each Council member "until they start taking him and the rest of the town seriously."

Mayor Janakovic responded by asking Mr. DeBartola to "follow him around sometime" and see exactly what it takes to operate the City of Johnstown. He referred Mr. DeBartola to Vision 2025 to see the actions being taken to bring business into the community.

Mrs. Stanton commented that each Council member has something to offer.

Mrs. Mock stated the "meeting went quite well tonight," and none of us would be there if they were not "passionate about our City."

Mayor Janakovic suggested Mr. DeBartola contact him to cut grass at six to ten places that need that help.

The next regular meeting is scheduled for September 13, 2017

There being no further business, the meeting was adjourned at 10:27 p.m.