

JOHNSTOWN CITY COUNCIL MINUTES
Wednesday, September 13, 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.

Arch Liston, City Manager, offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic noted, prior to the commencement of the meeting, an Executive Session was held with regard to real estate, personnel and litigation.

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, was also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the August 9, 2017 Regular Meeting Minutes. The motion was seconded by Mrs. Mock 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

Mayor Janakovic requested a motion to state proclamations for Mental Illness Awareness Week, the Bethel AME Church's 100th Anniversary and Jem Spectar, UPJ President, on the celebration of the school's 75th Anniversary.

Mrs. Mock made a motion to approve. 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).

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Joe Warhul, 44 Clover Street, Johnstown, addressed Council with regard to Bill No. 24, also known as the International Property Maintenance Code. Mr. Warhul stated he was told to file a Right to Know Request to obtain information regarding whether a criminal background check had been conducted on the recently hired codes officer.

Greg Rager, Bonnybrook Drive, Lakeland, Florida, addressed Council with regard to a property he and his wife own at 185 Rear Derby Street in Roxbury. Mr. Rager suggested an "umbrella" be placed on the vent pipe coming through the roof to eliminate water going into that pipe that then travels directly into the sewage system. He further suggested that a one-time \$25 rebate be offered to the homeowner for installing a cap.

Steve Boone, 5393 Club Drive, Columbus, Ohio, owner of the old Roxbury School, addressed Council regarding Bill No. 23. He noted his group was awarded an allocation of low income housing tax credits from the Pennsylvania Housing Finance Agency followed by a reservation agreement to enable the group to proceed to closing. Mr. Boone explained the old school would be demolished in order to build a 43-unit apartment building for senior citizens at a cost of nearly \$9,950,000. Mr. Boone answered questions from Council members regarding the matter.

Karlene Tantlinger, Town House Towers, 420 Vine Street, Johnstown, addressed Council regarding an incident where she had difficulty as a disabled person ambulating the sidewalk on Locust Street. She contacted the ADA and was informed that the City was not permitted to place anything on the sidewalks that would obstruct pedestrians on the sidewalks. Ms. Tantlinger also commented that one of the walk buttons on the corner near the Post Office was not ADA compliant. She discussed the condition of the Conrad Building. She also noted a water accumulation after a heavy rain/snow in front of the Town House Towers and requested that a sewer be placed in that area. Mayor Janakovic previously contacted PennDOT, and an engineer will study the walk button on the corner of Franklin and Locust Streets.

Ms. Tantlinger reminded Council that October is White Cane Month.

Mrs. Stanton made a motion to declare October as National White Cane Month. Mrs. Mock seconded the motion.

Mr. Williams agreed pass along any information relating to the inspection of the Conrad Building.

Greg Jenkinson, 271 Cypress Avenue, Johnstown, addressed Council regarding the water/sewage rates and compared Johnstown's rates to those in Richland. He urged Council to review the rates and make adjustments.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council regarding Bill No. 24 regarding the powers of code officers and his support of Leroy Palov. Mr. DeBartola also commented that immediate action should be taken on the Conrad Building.

Mayor Janakovic explained that he had done everything within his power to save this "one of a kind building" that would have been renovated had Cambria Rowe moved into it. He stated the Conrad Building can be demolished at a cost of approximately \$300,000 paid for by City residents or with waiting a little longer grants may be obtained in the amount of \$150,000 or half the cost.

Mrs. Stanton discussed the bricks falling off the building and urged that the building be torn down as soon as possible.

City Manager, Arch Liston, explained action had been taken against the owner of the building, who is currently under a \$2,000 a day penalty to secure the building. Mr. Liston explained that outside grant funding was being sought to help with the cost of demolition.

Mr. Williams stated, "The State can't pass their own budget right now and the solution is to get the damn building down now, as quickly as possible." He requested that the Solicitor take whatever action necessary "to get permission to tear it down." There was further discussion regarding monies borrowed from the UDAG Fund, which he noted "may have been done improperly to begin with."

REPORT BY THE CITY MANAGER

Arch Liston, City Manager, requested clarification from Council on whether the receipt of money from nonprofits was to be used for tax reduction or department enhancements.

Mr. Williams referred to Mrs. Stanton's and his communication regarding codification for further discussion.

Mr. Liston discussed responses received from several nonprofits.

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Bob Eyer and Joel Valentine, Wessel and Company, addressed Resolution Numbers 12 and 13. Mrs. Stanton suggested that lengthy discussions be held during workshop sessions instead of during a regular Council meeting.

Mr. Eyer and Mr. Valentine were present to offer follow-up discussion regarding the transfer and repayment of funds that include Resolution Numbers 12 and 13. Mr. Williams noted a Right to Know request filed to obtain that same information.

It was noted that part of the audit includes the calculation for the pension liability and the unfunded health insurance liability. Charter requirements were noted. Mr. Eyer stated that statements were to have been presented at the July meeting, but that somehow Wessel was taken off the agenda.

Mr. Eyer and Mr. Valentine answered general financial questions as well as questions and comments regarding the information contained in the resolutions.

Mr. Liston suggested a review of the UDAG funding to investigate the movement of funds.

Ms. Benjamin noted the resolutions could be addressed at this time.

Mayor Janakovic made a motion to read Resolution Number 12. Mrs. Mock seconded the motion.

Resolution No. 9992

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ACKNOWLEDGING AND/OR AUTHORIZING CERTAIN INTERFUND REPAYMENTS AS RECOMMENDED IN THE MANAGEMENT LETTER ACCOMPANYING THE ANNUAL AUDIT OF THE CITY'S FINANCIAL RECORDS FOR FISCAL YEAR 2016.

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

There was further discussion regarding the resolution.

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

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

There was further clarification of the resolution. Mr. Valentine explained the motion would permit the City to develop a tracking method, approve resolution going forward, structure the loan properly, and develop a loan structure over five years.

The motion to approve 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. 9993

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ACKNOWLEDGING AND AND/OR AUTHORIZING CERTAIN INTERFUND ELIMINATIONS, RECLASSIFICATION OF NET POSITION AND CONVERSION OF FUNDS AS PRESENTED IN NOTE 14 OF THE ANNUAL AUDIT OF THE CITY'S FINANCIAL RECORDS FOR FISCAL YEAR 2016.

Mrs. Mock made a motion to approve the resolution. 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).

Mr. Williams questioned a tax anticipation note as noted in the audit. Mr. Liston noted the note was authorized but was never necessary. The audit will be amended to include the word authorized.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on presenting a plaque to Jimmy Auvil as Johnstown's Number One Fan. The Mayor thanked Mr. and Mrs. Greg Rager who suggested presenting the plaque to Mr. Auvil.

The Mayor noted Cyril Wecht was the guest speaker at a recent fundraiser dinner to save the Ludwig House on Main Street that was once thought to be Clara Barton's headquarters.

He noted Audrey Russo from the Pittsburgh Technology Council recently spoke at the Boulevard Grill. The Council focuses on economic development and excels on connecting business to provide opportunities, which he noted as an important part of the Bridge to Pittsburgh Project. The Mayor indicated a book was drafted regarding Cambria County and bridging the gap between Johnstown and Pittsburgh.

Mayor Janakovic noted his attendance at the United Way breakfast that morning. Its goal was set at \$1.5 million this year.

Mr. Janakovic presented a proclamation to Bill Polacek on September 7, 2017, in celebration of JWF's 30-year anniversary. Picnic lunches were presented to all workers.

The Mayor recently attended a Communities in School meeting that works to provide community services to the Johnstown School District, including dentists, doctors, nurses, behavior, and mental health professionals.

Mayor Janakovic attended a welcome and ribbon cutting for Krista and Michael Rager of Para-Coat Technologies on August 29, 2017. The business, which started in a garage, is located in the former freight car building at 17 Johns Street.

Mr. Janakovic noted his attendance at UPJ's Volunteer Day luncheon on August 26, 2017 at the Frank J. Pasquerilla Conference Center.

On August 22, 2017, Central Park Square met to discuss additional ideas for the park, activities, and business expansion in the downtown area.

Discover Downtown will sponsor a Fall Family Day with the Scarecrows in the Park activity in September and October 2017.

The Mayor attended the Community Foundation's celebration at the Frank J. Pasquerilla Conference Center. Richard Verma, India's Ambassador and Johnstown native, spoke at the event.

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He congratulated St. Mary's Church, VOMA, Art and Bottle Works, Aces, Holy Cross Church, the Irish Pub, and the many vendors that made the recent Ethic Fest a success.

Congratulations were extended to Sandyvale's successful Wine Fest as well as to the Moxham Playground.

Mayor Janakovic welcomed four businesses: Penn Highlands that will be relocating to the old Pennsylvania Revenue Office; the By George Inn will be under new ownership; a new shop will be moving to JWF; and Para-Coat Technologies as previously mentioned.

The Mayor noted a letter distributed to all Councilmembers from DCED awarding a grant in the amount of \$32,400 to address the City's blight.

Mr. Williams discussed Resolution 9915, which was adopted December 29, 2016, concerning the one-year employment agreement of the current City Manager and the City of Johnstown. Mr. Williams questioned the agreement between the Mayor and Mr. Liston being executed December 14, 2016, 15 days prior to Council's adoption of the resolution. Ms. Benjamin explained the agreement was reviewed by the manager first, signed and returned for Council's approval. She indicated the date may have been an error, but the matter was still being reviewed and will have further information at Council's next meeting.

The Mayor discussed his authority to negotiate the contract and further noted that Mr. Williams chose not to attend the interviews.

REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, City Solicitor, updated Council regarding the ethics training and ethics statements that were submitted by the Housing Authority.

Mayor Janakovic noted that Mr. Liston was authorized to start as City Manager before December 31, 2016 to transition into the position.

Mr. Williams made a motion to dismiss Arch Liston for cause from his position as City Manager from all phases of directing in his position as City Manager, the expenditure of resources, manpower for the City of Johnstown, including but not limited to the Johnstown Police Department and/or the assigned records clerks for personal matters, and having no legitimate purpose in conducting of city administration official actions, decisions as defined and executed in the employment agreement, the Johnstown Home Rule Charter and the

Administrative Code of the City of Johnstown. 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).

REPORT BY THE CITY ENGINEER

Steven Sewalk, EADS Group engineer, referred Council to his report for further discussion. He highlighted points in his report and answered questions.

Mr. Sewalk noted the Eighth Ward project was about 50 to 60 percent complete and moving along on schedule.

The Moxham Phase II area was also about 50 percent complete.

Mr. Sewalk stated that approximately 900 to 1,000 letters had been distributed to the Hornerstown, Walnut Grove and Oakhurst areas regarding lateral testing.

It was noted that bids would open on September 28, 2017, with regard to the Ohio Street project, a joint project with JRA. Information was submitted to PennVEST regarding the Kernville Project.

Mr. Sewalk noted just over 2,100 residents or about 25 percent had undergone pressure testing.

The MS-4 Program continues.

Mrs. Stanton noted the receipt of numerous complaints regarding contractors on Cypress and DuPont Streets starting work before 7:00 a.m. She suggested the contractors be informed of the City Ordinance regarding the matter.

Mrs. Stanton made a motion requesting City Administration contact the contractors conducting sewage work in Moxham and Citywide and alerting the supervisor of the Noise Ordinance of the City of Johnstown. Mr. Williams seconded the motion.

Mr. Williams referred to Article XI, General Consideration 6.01, Standards of Performance, for further discussion.

The motion passed by the following vote:

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

Mrs. Stanton discussed a complaint that a car was damaged in Moxham as a result of the sewage work.

COUNCIL UPDATES

1. August 14 letter from J. Williams and C. Stanton re: 2017 tax anticipation loan.
2. August 24 letter from J. Williams re: MMO Resolution No. 9344.
3. August 28 letter from J. Williams re: Transfer of funds pursuant to Home Rule Charter, Article X Financial Procedures.
4. September 3 letter from J. Williams and C. Stanton re: Council's Budget and Finance Committee.
5. September 5 letter from J. Williams re: 7th Amended Recovery Plan.
6. September 5 letter from J. Williams re: 7th Amended Recovery Plan.
7. September 6 letter from J. Williams re: 2016 COJ Independent Audit
8. September 6 letter from Commonwealth of Pennsylvania DCED re: Grant.
9. Code complaints: J. Warhul-1; L. Yutzey-1; Joe-1; Tremarki-1; D. Crosby-1 B.Nickel-1; J. Williams-4; C. Stanton-19.

Mr. Williams commented that the August 28 letter regarding transfer of funds was incorrectly quoted by Mrs. Mock in the newspaper. He commented regarding his August 14 letter. Mr. Williams distributed millage estimates regarding his September 5 letter.

Mrs. Stanton commented on the City's response to a resident's code complaints. She discussed a garage housing pit bulls and the code complaints submitted regarding the matter. Chief Johnson noted that City was not equipped to remove the dogs, so the State dog warden will be contacted. Mayor Janakovic noted complaints regarding feral cats in his neighborhood.

NEIGHBORHOOD LIAISONS

Mr. Vitovich reported on crews cutting grass, rebuilding inlets, cleaning sewers, repainting lines, removing litter, and picking up yard waste.

Mr. Vizza - No Report

Mr. Johncola - No Report.

Mrs. Mock reported that on August 26, 2017, UPJ students helped the West End Improvement Group clean up the community gardens and picked up trash.

She noted the West End Improvement Group purchased cameras that were installed near the Oakhurst Playground.

Todd Stiffler from the Bottle Works was hired to paint murals on the walls of the Bheam Skate Park. New basketball nets were purchased, and the court will be repainted. Benches and play signs were installed at Bheam and Oakhurst as well as camera notification signs indicating the playgrounds are under surveillance. All improvements were funded by generous donations from the West End residents and from grants through the Community Foundation.

Mrs. Mock met with the City Manager, Ms. Daly and the Public Works Director with regard to the location of the new skate park, possibly in the Roxbury neighborhood. She stated no City funds will be used.

She stated a meeting will be scheduled with the City Manager and a Woodvale organization to place a small playground above the bridge. She stated no City funds will be used.

Mrs. Mock attended the Park Avenue block party and met Dr. Jem Spectar, UPJ President, and thanked him for helping the Moxham community. Mrs. Mock and Mayor Janakovic attended a recent event to raise funds for the Clara Barton House.

Mrs. Stanton attended a recent Seventh Ward Civic Association CPR class. Bullet proof vests for the ambulance crew was discussed. The group holds bingo on Thursdays at 6:30 p.m.

Councilwoman Stanton noted her attendance at the recent Ethnic Fest.

She participated in community walks held every Wednesday evening at 6:30 in Moxham. She thanked all involved in putting together a summer block party that was held on Park Avenue. Mrs. Stanton was contacted by a member of the Moxham Renaissance Camera Project group who noted four cameras

were ready to be installed and asked for guidance from the police department in that regard. It was noted that public service funding for 2018 was available.

Mrs. Stanton noted good attendance at Roxbury St. Paul's United Methodist Church outdoor movie night. She thanked all the churches that hold events open to the community.

PETITIONS

None.

ORDINANCES FOR FINAL READ AND ADOPTION:

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 AMENDED BY ORDINANCE 5226 PASSED FINALLY ON APRIL 12, 2017 AND AS AMENDED BY ORDINANCE NO. 5234 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. Vizza.

Mr. Williams made a motion to amend Bill No. 23 to include the following: Exhibit A is the actual CD fund as on the First Read. Exhibit B is a state grant fund also on the First Read. Exhibit C shows the increased revenue from the PennVEST loan drawdowns. Exhibit D decreases capital expenses. Exhibit E transfers expenses back into the general fund. The motion was seconded by Mrs. Stanton.

Mr. Williams rephrased the motion, to amend and adopt as amended Bill No. 23. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: None (0).

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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.

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

Ms. Benjamin explained this ordinance does not provide police powers to code enforcement officers in the sense of being able to make arrests or otherwise deputizing them with badges or making them police officers. It will change the nature of the citations issued. Their actual day-to-day duties will remain the same. There will not be a difference in their activities, but it will streamline the ability to prosecute property maintenance violations.

The motion passed by the following vote:

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

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

ORDINANCES FOR FIRST READ:

BILL NO. 25 OF 2017, AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BY THE ISSUE OF GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$500,000.00 PROVIDE FOR THE NECESSARY FUNDS FOR DEMOLITION PURPOSES; FIXING THE FORM, NUMBER, DATE, INTEREST AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

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

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Mrs. Stanton opposed this ordinance based on Right to Know Requests filed by Mr. Williams and the fact that the City is not enforcing the vacant property maintenance fee, the maintenance property registration. Mrs. Mock voiced her support of the bill in that it will show the community that the City is seriously trying to resolve the matter. She further noted the property maintenance fee should be enforced, but the houses need to be torn down.

Mr. Williams called for the question.

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).

BILL NO. 26 OF 2017, AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GUARANTEED REVENUE NOTE IN THE MAXIMUM PRINCIPAL OF \$5,580,000.00 FOR PURPOSES OF REHABILITATING THE INNER CITY SANITARY SEWER SYSTEM.

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

BILL NO. 27 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, AND THEN AMENDED BY ORDINANCE 5235 PASSED FINALLY AUGUST 9, 2017 CITY OF JOHNSTOWN 2017 WAGE AND SALARY ORDINANCE TO AMEND THE 2017 WAGE AND SALARY ORDINANCE 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.

Mr. Williams commented the salary for City Clerk, if one is appointed, does not fall under this bill. He stated if this position is created tonight it would not be funded in the budget, which would be a violation. Ms. Benjamin explained with this being the first read, Council could come back with a resolution for a transfer of funds to achieve that appropriation. Mr. Williams suggested that qualifications be established and the deadline set for advertisement, and then interviews set up. City Manager Liston noted a city clerk needs to be hired who can perform tasks including records retention, records destruction, dealing with contracts, and coordinating all documentation.

Mr. Williams made a motion to table the matter. There was no second to the motion.

The motion to approve passed by the following vote:

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

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

BILL NO. 28 OF 2017, AN ORDINANCE AMENDING CHAPTER 1048 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED "INNER CITY SEWAGE SYSTEM" BY AMENDING SECTION 1048.03, AS AMENDED BY ORDINANCE NOS. 4626, 4921, 5033, 5070, 5079 AND 5108, TO CONFORM TO ACTUAL BILLING RATES AND TO DELETE AND REPEAL AN INCREASE IN SEWER RATES SCHEDULED FOR IMPLEMENTATION IN JANUARY 2018.

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

Mayor Janakovic noted the importance that sewage rates not be raised from \$55 to \$59 in 2018, that "we've kind of saturated our citizens and their pocketbooks."

Mrs. Stanton commented that back in March some members were very vocal in pushing for the increased sewage rate, and that she and Councilman Williams opposed the increase at that time. She was happy to see that members "have seen the light."

The motion passed by the following vote:

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

RESOLUTIONS

Resolution No. 9983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPROVING THE DESIGNATION OF THE DIRECTOR OF THE CITY'S DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, RENEE DALY, TO SERVE AS ACTING CITY MANAGER IN ANY/ALL INSTANCES OF ABSENCE OF THE CURRENT CITY MANAGER THAT MAY ARISE EFFECTIVE IMMEDIATELY AND CONTINUING THROUGH DECEMBER 31ST, 2017.

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

Mr. Williams suggested Ms. Daly be paid per diem according to the salary of the City Manager Acting during the time she performs the duties of City Manager.

Ms. Benjamin explained the resolution should be amended to provide that Ms. Daly be paid a per diem rate out of the general fund based on the City Manager's rate on the days she serves as Acting City Manager.

The motion 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 made a motion to amend. There was no second to the motion.
The motion to amend 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. 9984

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ANY/ALL ACTIONS NECESSARY TO AMEND CONTRACT NO. C000062297 WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT REGARDING ANCHOR BUILDING FUNDING IN THE AMOUNT OF \$247,000 FROM KEYSTONE COMMUNITIES PROGRAM GRANT FUNDING IN ORDER TO UTILIZE SAID FUNDING FOR THE CREATOR SQUARE PROJECT.

Mrs. Mock made a motion to approve the resolution. The motion was seconded by Mr. Johncola 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. 9985

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT UNDER THE EARLY INTERVENTION PROGRAM FUNDING IN THE AMOUNT OF \$36,000.

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

The amount was amended to \$32,400.

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

Resolution No. 9987

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE ALLOCATION OF THE 2017
FUNDS FROM THE COMMONWEALTH OF PENNSYLVANIA UNDER
ACT 147 OF 1988.

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

It was noted this resolution related to state funding post retirement for fire and police.

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).

Resolution No. 9986

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY
MANAGER TO SIGN A WINTER TRAFFIC SERVICES AGREEMENT
WITH THE COMMONWEALTH OF PENNSYLVANIA THROUGH THE
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE
WINTER SEASONS OF 2017-2018, 2018-2019; 2019-2020; 2020-2021;
AND 2021-2022.

Mrs. Mock made a motion to approve the resolution. 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 (6).
Nays: Mr. Williams (1).

Resolution No. 9988

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA,
AUTHORIZING THE CITY MANAGER TO SIGN THE DOCUMENTS
NECESSARY TO EXECUTE THE SALE OF ITS REAL ESTATE TAX
CLAIMS FOR THE FISCAL YEARS OF 2017, 2018 AND 2019 FOR AN

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ESTIMATED AMOUNT NOT TO EXCEED THAT FISCAL'S YEAR REAL ESTATE TAX SETTLEMENT AMOUNT.

Mr. Johncola made a motion to approve the resolution. The motion was seconded by Mr. Vitovich 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. 9989

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED LICENSE AND INDEMNITY AGREEMENT WITH THE REDEVELOPMENT AUTHORITY OF THE CITY OF JOHNSTOWN IN RELATION TO THE INSTALLATION AND MAINTENANCE OF A 24-INCH SANITARY SEWER LINE UNDER THE SOLOMON RUN FLOOD PROTECTION STREAM CHANNEL.

Mr. Johncola made a motion to approve the resolution. 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).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING AND AUTHORIZING THE CITY MANAGER TO SEEK IMMEDIATE QUOTES FOR THE EMERGENCY DEMOLITION OF THE CONRAD BUILDING AND FOR THE CITY SOLICITOR TO OBTAIN AND EXECUTE ALL REQUIRED APPLICABLE DOCUMENTS FROM THE CONRAD BUILDING RESPONSIBLE PARTIES PERMITTING SAID DEMOLITION.

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

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

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING AND AUTHORIZING THE CITY MANAGER THRU THE DEPARTMENT OF FINANCE TO EXECUTE THE BELOW LISTED TRANSFER OF FUNDS - AS TEMPORARY LOANS TO THE CITY OF JOHNSTOWN'S GENERAL FUND FOR THE PURPOSES OF THE EMERGENCY DEMOLITION OF THE CONRAD BUILDING, AND TO BE AMORTIZED THRU AND BEGINNING WITH THE 2018 CITY OF JOHNSTOWN OPERATING BUDGET'S DULY ENACTED BUDGETARY APPROPRIATIONS AS IDENTIFIED AND CLASSIFIED AS TEMPORARY LOANS PAYABLE TO THE RESPECTIVE FUNDS AND EACH SUBSEQUENT YEAR'S ADOPTED BUDGET FOR A PERIOD NOT TO EXCEED FIVE (5) YEARS (2022).

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

Resolution No. 9990

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPROVING THOMAS HORNER'S REQUEST TO PURCHASE TWO YEARS, FOUR MONTHS AND FOUR WEEKS OF MILITARY SERVICE COMPLETED PRIOR TO EMPLOYMENT WITH THE CITY OF JOHNSTOWN TO INCREASE HIS RETIREMENT CREDIT FOR FIREFIGHTER PENSION CALCULATION.

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

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

Resolution No. 9991

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY
MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE
THE RESPECTIVE 2017 CITY OF JOHNSTOWN OPERATING BUDGET
DEFICIT BALANCES AND MORE SPECIFICALLY, BUDGET EXHIBIT
(A) AS DETAILED BELOW.

Mrs. Mock made a motion to approve the resolution. 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).

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, DECLARING ITS INTENT TO
CONVERT A TWO-WAY CITY-OWNED STREET ON LOCUST STREET
TO A TEMPORARY ONE-WAY CITY-OWNED STREET ON LOCUST
STREET AND TO CLOSE GAZEBO PARK TO ANY NONPEDESTRIAN
TRAFFIC AND PLACE TEMPORARY PARKING METERS AT SUCH
LOCATION FROM OCTOBER 16, 2017 TO JANUARY 19, 2018, FOR
PURPOSES OF FACILITATING THE TEMPORARY GAZEBO PARK
PEDESTRIAN ACTIVITY PROJECT.

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

Mr. Williams noted the resolution was improper, that it takes an ordinance to change
streets and parking.

Ms. Benjamin explained the resolution was for a temporary closure and that a
resolution could be passed with that intention. Mrs. Mock suggested the
matter be resubmitted. There was further discussion concerning the matter. It

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was noted that neither a resolution or an ordinance was necessary for a temporary change.

Mrs. Mock made a motion to table. After further discussion, the motion to table was withdrawn by Mrs. Mock.

The motion to approve failed by the following vote:

Yeas: None (0).

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

Resolution No. 9994

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, ACKNOWLEDGING AND
APPROVING A CODE COMPLAINT POLICY FOR THE CITY OF
JOHNSTOWN.

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

There was discussion regarding a complaint not being addressed if not submitted properly. City Manager Liston noted the complaint would be forwarded. The resolution was amended to indicate that a misdirected complaint would be forwarded.

Mr. Williams noted for the record that this resolution does not pertain to members of Council, and that he will continue to submit code complaints.

The motion 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. 9995

A RESOLUTION OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY,
COMMONWEALTH OF PENNSYLVANIA, APPROVING TRANSFER OF
LIQUOR LICENSE NUMBER R-8203 INTO THE CITY OF JOHNSTOWN
FROM PORTAGE BOROUGH.

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

This was regarding the By George Inn.

Mrs. Stanton submitted two code complaints to Ms. Daly.

Resolution No. 9996

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, DECLARING ITS INTENT TO
GRANT A RIGHT OF WAY AGREEMENT AND EASEMENT TO
JOHNSTOWN BUSINESS DISTRICT COALITION T/A DISCOVER
DOWNTOWN JOHNSTOWN FOR THE PURPOSE OF A PERMANENT
STRUCTURE TO BE CONSTRUCTED WITHIN JOHNSTOWN
CENTRAL PARK.

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

Mr. Williams inquired whether a permanent structure in the park would need to be reviewed by the planning commission. It was explained that an easement permits the use of a space on the property that does not need to go before the zoning hearing board but will need to go before the planning commission.

Mayor Janakovic noted the structure will be used for storage. There was further discussion regarding the matter.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola (4).

Nays: Mrs. Stanton, Mr. Williams, Mrs. Mock (3).

MOTIONS

Pension Board Appointment to the Board of Trustees of the Comprehensive Municipal Pension Trust Fund effective immediately and continuing through December 31st, 2017, pursuant Ordinance 5136 Codified at Chapter 282.

Mr. Williams made a motion to nominate Katherine Purelli-Webb The motion was seconded by Mrs. Stanton.

Ms. Purelli-Webb received the following votes:
Mr. Williams, Mrs. Mock, Mrs. Stanton (3).

Mayor Janakovic made a motion to nominate Jennifer Burkhart. The motion was seconded by Mr. Vizza.

Ms. Burkhart received the following votes:
Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola (4).

Mr. Williams made a motion to nominate Lindy Yutzy to the Civil Service Board to the expired term of Ricky Britt which expired 7/31/2017. The motion was seconded by Mrs. Stanton.

Ms. Yutzy received the following votes:
Mr. Williams, Mrs. Mock, Mrs. Stanton (3).

Mr. Vizza made a motion to nominate Bruce Newkirk. The motion was seconded by Mr. Vitovich.

Mr. Newkirk received the following votes:
Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mr. Vitovich (4).

Mrs. Mock made a motion to reappoint Deacon Jeffrey Wilson to a term on the Appeals Board which expired 3/27/17. The motion was seconded by Mr. Johncola.

Deacon Wilson received the following votes:
Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich, Mr. Vizza (5).

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Mrs. Stanton made a motion to nominate Lindy Yutzy

Lindy Yutzy received the following votes:
Mr. Williams, Mrs. Stanton (2).

After discussion, Mrs. Stanton made a motion to disband the Vacant Property Review Committee. The matter was tabled for further discussion.

Mr. Vitovich made a motion to nominate Angela Reed to the Johnstown Housing Authority. The motion was seconded by Mrs. Mock.

Ms. Reed received the following votes:
Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich (4).

Mr. Vizza made a motion to nominate John DeBartola.

Mr. DeBartola received the following vote:
Mr. Vizza (1).

Mrs. Stanton made a motion to nominate Lindy Yutzy.

Ms. Yutzy received the following votes:
Mrs. Stanton, Mr. Williams (2).

NEW BUSINESS:

Mayor Janakovic made a motion to authorize the City Manager to execute and submit a letter of intent to apply for the Industrial Site Reuse Grant Program. Mr. Johncola seconded the motion.

Ms. Benjamin explained this grant was available in an amount between \$150,000 to \$175,000 to help abatement of properties, such as the Conrad Building. This was authorizing the City Manager to submit a letter of intent to apply, which was necessary to pursue those funds.

Mrs. Stanton seconded the motion. There was no public comment regarding the motion. The motion passed by the following vote:

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

OLD BUSINESS

None.

PUBLIC COMMENT-NONAGENDA ITEMS

It was noted that Officer Shawn Rager's badge number would be retired.

The next regular meeting is scheduled October 11, 2017

There being no further business, the meeting was adjourned at 9:13 p.m.