

JOHNSTOWN CITY COUNCIL MINUTES

Wednesday, April 11, 2018

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.

Reverend Sylvia King offered the invocation and the Pledge of Allegiance was recited.

Mayor Janakovic noted a workshop with Brad Clemenson on the trails throughout Johnstown and an Executive Session with regard to litigation were held prior to the meeting.

Mayor Janakovic recognized Justin Spanko and Carl Kinkopf as the newest members of the Johnstown Police Department. Jonathan Rosenthal was introduced as the new director of DCED.

The following members of Council were present for roll call:

Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams (7).

Curt Davis, Interim City Manager, and Elizabeth Benjamin, Esquire, City Solicitor, were also present.

APPROVAL OF MINUTES

Mrs. Mock made a motion to approve the March 15, 2018, Meeting Minutes. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mr. Vitovich (5).

Nays: None (0).

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

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

Mayor Frank Janakovic read a proclamation for the 50th Anniversary of the U.S. Fair Housing Law into the record as follows:

APRIL 11, 2018, marks the 50th anniversary of the passage of the U.S. Fair Housing Law, Title 8 of the Civil Rights Act of 1968, which enunciates a national policy on fair housing without regard to race, color, creed, national

origin, sex, familial status and handicaps, and mandates fair housing opportunities for all citizens.

AND the Fair Housing Law prohibits discrimination of the sale or rental of residential housing based on race, color, creed, national origin, sex, familial status, or handicap.

AND the assistance Fair Housing legislation renders its citizens in their efforts to gain access to affordable housing as considerable and perhaps intangible. And the commitment and effort of the public and government must continue to assure such access to fair housing for all Americans.

AND the City of Johnstown has proven its support for the concept of and the right to fair housing.

I, FRANK J. JANAKOVIC, MAYOR OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, do hereby join in the national celebration in the pursuit of the shared goal and responsibility of providing equal housing opportunity for all citizens.

BE IT FURTHER RESOLVED, THAT I, FRANK J. JANAKOVIC, MAYOR OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, do hereby declare the month of April 2018 to be Fair Housing Month in the City of Johnstown.

PUBLIC COMMENT - AGENDA ITEMS ONLY

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to three agenda items. These included Bill No. 4 that addresses changes to the Administrative Code as it pertains to exchanges with Council members during the course of the public comment period, Bill No. 18 that addresses current sewage mandate changes, and Resolution No. 12 that addresses loans defaulted under the City's Economic Development Revolving Loan Program. He questioned why the loans were made and why the City waited so long to do anything, as well as whether legal action would be the only remedy.

With regard to the revolving loan program, Mr. Williams explained, "The City sat on their behinds for many, many years." He also stated those businesses listed had more than enough time to contact the City and had not. He explained that Bill No. 18 was being brought back for Council to decide whether to rectify the matter.

Mr. DeBartola asked Council to vote no against the administration speaking and provide additional information on the sewer mandate.

Brittany Baker, representative for Cambria/Somerset Association of Realtors, addressed Council with regard to Bill No. 18. She noted national trends with regard to downtown revitalization programs across the state and nation. She suggested that sewage repairs be performed in a less invasive manner. She and the Association were in favor of Bill No. 18.

REPORT BY THE INTERIM CITY MANAGER

Curt Davis, Interim City Manager, referred to a change in the firefighters' agreement that would allow for the hiring of part-time positions for those members going on vacation in lieu of overtime expenses.

He referred to the Code Complaints attached to the packet for further consideration by Council.

Mr. Davis noted a scheduled meeting with Magistrates Musulin and Price to review the code violations, parking ticket violations, and hearing issues.

The Interim City Manager also enclosed a list of properties for demolition.

He noted the receipt of two proposals under the valuation of assets.

Mr. Davis provided a copy of the property tax update, again providing for the option to make four installment payments for the City's property tax to Berkheimer.

The Interim City Manager noted a meeting to be held concerning the naming of the Point Stadium.

He noted several resolutions on the agenda, one of which concerns the current \$10.9 million loan for Kernville and the possibility of reapplying and obtaining a grant or loan grant. Another request related to a three-year extension for the surrounding municipalities to get their flows entering the City under control, which DEP will consider.

Mr. Williams noted that back in 2016 DEP refused to meet in open session. He stated it was too early to consider an extension. He inquired why the Interim City Manager was acting on the matter without Council's input. Mr. Davis only provided available options to discuss with Council members regarding the

matter. There was further discussion regarding the impact of surrounding municipality flows entering the City.

Mayor Janakovic noted a concern that some residents are getting water in their basements after performing the required sewage.

Interim City Manager Davis noted two Planning commission appointments and the at-large GJWA appointment.

Mr. Davis stated the gas company desired to install new lines before the completion of the paving in the Eighth Ward. The paving company agreed to apply a base coat. After the line installation, the gas company will help pay for the cost of the final paving.

Mr. Williams indicated the GJWA appointment was not an at-large appointment but must be a resident of one of the surrounding municipalities.

He inquired as to the elimination of the groundskeeper position for the Point Stadium and questioned the elimination of the position without an agreement with the collective bargaining unit. Mr. Davis indicated that AFSCME agreed to the elimination. He further explained that the current groundskeeper brushes, paints lines, and cleans the locker room, but does not perform electrical work. Mr. Davis further explained that the court determined that proper protocol was not followed with regard to the death of a retired electrician. There was further discussion regarding the duties of past groundskeepers and the current training.

Mr. Vitovich discussed a recent instance when two laborers who "had no idea what they were doing" were sent to install the baseball mound.

Mr. Williams asked for assurance that no persons using the Point Stadium on a rental agreement have access without the presence of a city employee. He indicated it is a City asset, and "we're open for liability if someone gets hurt, killed or anything else." There was further discussion concerning the groundskeeper position duties and pay rate.

Mr. Williams discussed Resolution No. 10041, which directed the Interim City Manager to advertise and receive requests for proposals for professional auditing services and engineering services. There was further discussion on the resolution. Mr. Davis indicated the RFPs were written, but the terms of the resolution would not meet the deadline.

Ms. Benjamin explained a motion would be needed to repeal or correct the resolution.

Mrs. Mock made a motion to extend the date regarding Resolution No. 10041 to June 30, 2018. Mr. Britt seconded the motion. Hearing no public comment, the motion passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Williams, Mr. Britt (7).

Nays: None (0).

Mr. Williams inquired as to his not receiving a response to a Right to Know Request regarding the annual inventory that was due on March 30, 2018. He discussed a report by Deborah Grass that indicated the Johnstown Police Department had 40 police officer positions, which is two above the Act 47 limit and which former City Manager Liston indicated did not include COPS grant funding for 2018.

Mr. Davis stated there were 34 police officers, including the new hires. A letter had been received from coordinators that indicated that 38 officer positions were permissible. There was further discussion regarding the recruitment of more police officers.

Mr. Williams discussed his communication regarding Council's intent concerning a sewer transfer to the general fund for \$490,000.

Ms. Benjamin explained that it was previously verified that this \$490,000 amount was deemed for actual sewer expenses. She indicated the matter could later be reviewed. The City Code as amended provides that the amount be paid back by the end of the fiscal year or as Council would determine. If it would not be paid by the end of the fiscal year, Council would need to take some action to identify its timely payback. Ms. Benjamin indicated that her understanding to date was that amount was not a borrowing but rather an actual sewer expense.

Mr. Williams indicated the matter could be corrected through a budget amendment.

Mr. Williams discussed Bill No. 3 that was previously tabled twice. Ms. Benjamin explained that, per the language in the Administrative Code, if a bill fails more than twice, the bill could not be reintroduced for six months. It was suggested that the matter again be placed on the agenda at a future meeting. There was further discussion regarding the matter. Ms. Benjamin will further review the matter.

Mrs. Stanton referenced the receipt of complaints from Moxham residents concerning an unsecured construction laydown site on Bridge Street. Mr. Davis stated the contract for Bridge Street was signed prior to the requirement to place a six-

foot fence around construction laydown sites. Mrs. Stanton expressed her concern for kids playing on the site.

Mrs. Stanton discussed additional contractor complaints. She asked that Mr. Warhul's concerns sent to Mr. Davis also be addressed. Mrs. Stanton asked that an inlet on Clover Street be reviewed and noted safety concerns on Plainfield Avenue. There was further discussion regarding road conditions and the base material for the roads.

Mrs. Stanton discussed concerns with sinking road conditions along Franklin Street near Habits Beer and Tobacco. She desired to have her communication emails or letters provided to every member of Council. There was further discussion regarding the matter.

SHORT BREAK TAKEN

Mrs. Stanton referred to Bill No. 18 for further discussion on emails submitted in support of the bill. It was noted additional discussion on Bill No. 18 would be had at the time the bill was read.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, noted his attendance at a recent meeting with Lieutenant Governor Mike Stack with regard to discussion on pension reform. Mayor Janakovic indicated, without state support, it would be "very tough" to balance the budget. He also discussed the City's blight and drugs with the Lieutenant Governor.

Mr. Janakovic presented at a breakfast with the Johnstown Rotary Club and discussed the positives and negatives of the City of Johnstown.

He noted his attendance at the recent Kiwanis Pancake Day at Johnstown High School at which members of the Key Club from the high school were also present.

Mayor Janakovic noted his attendance at the Second Annual Vietnam Veterans Tribute at the Cambria County War Memorial.

The Mayor recently met with Senator Toomey, staff, and Commissioners to address monetary support necessary at both the federal and state levels. He also met with Senator Casey briefly regarding the same issues.

Mr. Janakovic reported on his attendance at the Seventh Annual Lift Project Party to encourage individuals to volunteer throughout the City.

Mayor Janakovic visited the Highlands Health Clinic (formerly the Johnstown Free Medical Clinic) at the former Lee Hospital Annex in downtown Johnstown.

Mr. Janakovic noted that the Chamber of Commerce Regional Partnership/ Discover Downtown recently held an Easter Egg Hunt in downtown Johnstown. There will be a Central Park cleanup held in May.

Mayor Janakovic discussed the Bridge to Pittsburgh and noted an estimated 25,000 unfilled jobs in the Pittsburgh area.

The Mayor noted Johnstown was one of the 20 finalists to receive support from the National League of Cities, but only six were selected nationally with regard to support for the opioid and heroin crisis.

He attended a tour of Johnstown Elementary School along with the U.S. Secretary of Education, Betsy DeVos.

The Mayor discussed high-risk loans offered by the JARI Growth Fund Board.

REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, Solicitor, asked Council to consider the following motions and offer comments before voting:

A motion to approve and authorize the City Solicitor to execute and file on behalf of the City of Johnstown and all named Respondents a Stipulation of Settlement and Relief and joint motion for a Preorder in the Matter of Williams and Stanton V. City of Johnstown, et al., Civil Action No. 2017-4061.

Mrs. Mock made a motion to approve. Mayor Janakovic seconded the motion.

This is a mandamus action for terms that included reimbursement of costs for \$209 incurred by Mr. Williams and Mrs. Stanton for an action filed in their individual capacities against the City and other named Respondents in

exchange for the withdrawal of the lawsuit by Mr. Williams and Mrs. Stanton. Ms. Benjamin noted a term that provides for the City's compliance with Article X of the Home Rule Charter. She provided an additional explanation.

Ms. Benjamin also explained the agreement proposed included an agreement that there is absolutely no admission of liability or to be construed as an admission of liability. She also cautioned discussion as it was a mutually agreed to resolution.

The motion passed by the following vote:

Yeas: Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Britt,
Mayor Janakovic (5).

Nays: None (0).

Mrs. Stanton and Mr. Williams abstained from voting on the motion.

Ms. Benjamin will further discuss Bill No. 4 at the appropriate time.

COUNCIL UPDATES

1. Planning Commission Minutes of March 7, 2018.
2. Communication from J. Williams re: 2017 Annual Inventory.
3. Communication from J. Williams re: 2018 City Operating Budget
4. Communication from J. Williams re: former Washington Street Parking Garage Permissible Limited Parking (Ord. 5205),
5. Communication from J. Williams re: Budget and Finance.
6. Communication from J. Williams re: Agenda Submission - Council Updates Council meeting of Wednesday, April 11, 2018.
7. Communication from J. Williams re: Agenda Submission - Council Updates Council meeting of Wednesday, April 11, 2018.
8. March 5, 2018 communication ITSI Loan Recap from J. Williams.
9. March 6, 2018 communication Delinquent Loans from J. Williams.
10. March 7, 2018 communication Investar Loans from J. Williams.
11. March 8, 2018 communication Press @ Park Loan from J. Williams.
12. March 9, 2018 communication 2018 City Budget (CDBG Find (04) from J. Williams.
13. March 9, 2018 communication Flood City Loan from J. Williams.

NEIGHBORHOOD LIAISONS

Mrs. Mock reported on a successful West End Improvement Group Easter Egg Hunt recently held at Bheam Skate Park.

She noted the Trash to Treasures event to be held Saturday, April 14, 2018, at St. Therese Social Hall.

Mrs. Mock further noted the Pittsburgh Penguins Alumni game recently held at the Cambria County War Memorial netted \$5,000 towards the Roxbury Park hockey rink. She indicated additional donations were also being received. A meeting with representatives is scheduled to discuss added fund raising events through the Penguins.

Reverend King reported that United Neighborhood Group recently held its first session in Prospect. She noted the Kernville Community meeting will be held April 12, 2018, at the YWCA.

Reverend King stated Thursday, April 19, 2018, the United Neighborhood Group will meet at 5:00 p.m. at Christ Centered Community Church to discuss plans for the Fourth Annual Peace in the Valley Walk scheduled for Friday, May 4, 2018. The walk would begin at the Trojan Stadium and commence through Hornerstown to the Johnstown Elementary School for a memorial service and then ending back at the Trojan Stadium.

Mr. Britt reported on his recent assignment as liaison to the Hornerstown and Conemaugh Borough areas to address neighborhood concerns.

Mr. Williams referred to the December 31, 2017, information included in the packet for further discussion. He noted that during 2017, "the general fund spent \$650,000 more than what was budgeted which means those bills would need to be paid in 2018." He discussed the reasons for the recent mandamus action. Mr. Williams stated, "Council cannot continue to spend money that's not there."

Mrs. Mock amended her report to indicate her review of financial information.

Reverend King commented on her appreciation and respect for the knowledge that Mr. Williams provides and brings forth.

Mayor Janakovic commented that from his understanding, 2016 was the first time the City was "in the black" at \$97,000, and that "in 2017, surplus money from the

hospital was taken to come up with a balanced budget for that year with money to allocate into 2018."

Mr. Britt commented on his respect for Mr. Williams' knowledge of City Government and appreciation of his input.

Mrs. Stanton stated, "Mr. Williams does his best to bring issues before Council," which she indicated "falls on deaf ears which leads to mandamus actions."

Mrs. Mock suggested that Mr. Williams contact the City Manager via telephone rather than written correspondence.

Mr. Britt noted Council's obligation to serve the City in order to move it forward and "stop the bickering among ourselves."

Mayor Janakovic noted the intent of the workshops was to work together, and asked that Mr. Williams and Mrs. Stanton consider attending to work "for the good of the City."

Mr. Vitovich had no report.

Mrs. Stanton reported on attending the recent Seventh Ward Civic Association meeting and noted the company will replace two ambulances. The association reported its 30 to 35 drug overdose calls a month has been recently reduced to 10. Bingo night has been discontinued for Seventh Ward Civic groups.

She indicated that the weekly neighborhood community walk in Moxham would be moved from Saturday morning to Wednesday evening starting April 25, 2018.

Mrs. Stanton referred to a list of blighted properties for further discussion. She indicated that several code complaints filed resulted in the properties being ticketed, except for one for the County Redevelopment Authority who indicated it would "take care of the issue." She discussed a blighted property on Napoleon Street owned by the Cambria County Redevelopment Authority and inquired as to why the property had not been boarded up. Mrs. Stanton commented that the Ludwig House, a blighted property owned by the Johnstown Area Heritage Association, was a similar situation to the Conrad Building, that a "free pass" was given which she indicated, "Is not right to anybody in the City."

ORDINANCES FOR FINAL READ

BILL NO. 13 OF 2018, AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO 4723 PASSED FINALLY APRIL 26, 1995 AND KNOWN AS THE "MECHANICAL OR ELECTRONIC AMUSEMENT OR MUSICAL DEVICES" TO REVISE AND FURTHER ESTABLISH SPECIFIC DEFINITIONS CONSISTENT WITH CURRENT USES IN THE CITY OF JOHNSTOWN.

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

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic, Reverend King (7).

Nays: None (0).

BILLS FOR FIRST READ

BILL NO. 4 OF 2018, AN ORDINANCE AMENDING ORDINANCE 4654, TITLED: AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER, AND OTHER MUNICIPAL OFFICIALS, PASSED FINALLY ON OCTOBER 27, 1993, AND AS AMENDED BY ORDINANCE NOS. ~~4654~~, 4693, 4731, 4894, 4880, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5055, 5058, 5069, 5177, 5194, ~~AND 5199~~ AND 5210 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. Tabled February 14, 2018. (Updated proposal included in Council packet.)

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

Yeas: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock (5).

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

Ms. Benjamin explained there is an updated proposed amendment to Bill No. 4 that reflects some of the matters discussed and now proposed in the work meeting of Council. The updated version includes an adjustment to the section addressing bonding language. She noted also a few ordinance numbers missing from prior amendments and referred Council members to the updated version for review.

Ms. Benjamin noted the following ordinance numbers need to be added to this proposed amendment, including 5229, 5230, 5231, 5196 and 5127 submitted by Mr. Williams.

Mr. Britt made a motion to amend Bill No. 4 in accordance with the updated proposed amendment distributed this evening, including ordinance numbers as read. Mrs. Mock seconded the motion.

Mr. Williams suggested the entire bill with the amendments be read into the record.

There was further discussion on the bonding matter.

Mr. Williams made a motion to amend the bonding for the City Manager to be capped at \$250,000 and bonding for the Finance Director to be capped at \$500,000.

Mrs. Mock made a motion to amend the updated proposed amendment bill to include the addition of numbers read previously and to update the bonding language to reflect a set and stated amount of \$250,000 for the City Manager bond and \$500,000 for the Finance Director's bond. The motion was seconded by Mr. Britt and passed by the following vote:

Yeas: Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic,
Reverend King, Mrs. Mock, Mrs. Stanton (7).

Nays: None (0).

Mrs. Mock made a motion to incorporate and replace with all content contained in the updated proposed amendment to Bill No. 4 as amended this evening. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mr. Vitovich (5).

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

**BILL NO. 14 OF 2018, AN ORDINANCE AMENDING ORDINANCE 2447,
SECTION 1810.02 PASSED FINALLY IN COUNCIL ON MARCH 30,**

1943, TITLED SMOKING IN PUBLIC CONVEYANCES TO SMOKING IN PUBLIC CONVEYANCES AND OTHER DESIGNATED PUBLIC MEETING PLACES AND TO ADD SECTION (A)(1), NO PERSON SHALL SMOKE AT ANY SPORTS OR RECREATIONAL FACILITY IN THE CITY OF JOHNSTOWN INCLUDING THE POINT STADIUM, ROXBURY PARK AND CENTRAL PARK FROM BOUNDARY TO BOUNDARY.

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

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mr. Vitovich (5).
Nays: Mrs. Stanton, Mr. Williams (2).

BILL NO. 15 OF 2018, AN ORDINANCE AMENDING ORDINANCE NO. 4654 PASSED FINALLY IN COUNCIL ON OCTOBER 27TH, 1993 TITLED: AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME RULE CHARTER APPROVED BY THE VOTERS ON MAY 18TH, 1993, AND AS FURTHER AMENDED BY THE ORDINANCE NOS. 4693, 4731, 4880, 4894, 4902, 4908, 4991, 5015, 5024, 5127, 5034, 5402, 5055, 5058, 5069, 5177; MAY 19TH, 2015, VOTER REFERENDUM AND ORDINANCE NOS. 5194, 5196, 5199, 5210, 5229, 5231, AND BY BILL NO. 4 OF 2018 PENDING FINAL CONSIDERATION ON MARCH 15, 2018, (ORDINANCE NUMBER PENDING) AND BY FURTHER AMENDING SECTION 204 TITLED COUNCIL MEETINGS AGENDA.

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, Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Britt (5).

BILL NO. 16 OF 2018, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5245

PASSED FINALLY ON DECEMBER 13, 2017 AMENDING ORDINANCE 5250, PASSED FINALLY ON MARCH 15, 2018, CITY OF JOHNSTOWN BUDGET TO AMEND THE 2018 BUDGET TO PROPERLY ALLOCATE EXPENSES RELATING EMPLOYEES' SALARIES WITH THE PAY CHANGES DUE TO THE 2018-2020 AFSCME CONTRACT.

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

Yeas: Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Britt,
Mayor Janakovic (5).
Nays: Mrs. Stanton, Mr. Williams (2).

BILL NO. 17 OF 2018, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5246, PASSED FINALLY ON DECEMBER 13, 2017 AMENDING ORDINANCE 5251 PASSED FINALLY ON MARCH 15, 2018, CITY OF JOHNSTOWN 2018 WAGE AND SALARY ORDINANCE TO AMEND THE 2018 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.

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

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Britt, Mayor Janakovic,
Reverend King (5).
Nays: Mrs. Stanton, Mr. Williams (2).

BILL NO. 18 OF 2018, AN ORDINANCE AMENDING ORDINANCE NO 5166 PASSED FINALLY ON JANUARY 28, 2016 AMENDING ORDINANCE NO. 5152 PASSED FINALLY AUGUST 13, 2014 AMENDING ORDINANCE NO. 5103 PASSED FINALLY MARCH 28, 2012 (AND REPEALED) ALL RELATING TO AN ENACTING LATERAL TESTING BY MUNICIPALITY AND AS ENACTED BY SECTION (4) OF ORDINANCE NO. 5166, NO. 5152, AND 5103.

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

Yeas: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King,
Mrs. Mock (5).

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

Mr. Davis requested those property owners who called in to obtain a contractor agreement to demonstrate their good faith in moving forward. It was suggested that the March 31, 2018, deadline be extended to July 31, 2018, and published in the newspaper and on the City's website.

Mrs. Stanton made a motion to extend the deadline from March 31, 2018 to July 31, 2018. Mayor Janakovic seconded the motion.

Yeas: Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic,
Reverend King, Mrs. Mock, Mrs. Stanton (7).

Nays: None (0).

**BILL NO. 19 OF 2018, AN ORDINANCE ENACTING PROHIBITED USES OF
TELECOMMUNICATIONS AND TECHNOLOGY RESOURCES POLICY.**

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

Mrs. Stanton explained that the purpose of the ordinance was related to the confidentiality and privacy matters being violated, including release of private telephone numbers, emails and passwords. The matter was further discussed.

The motion failed by the following vote:

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

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

RESOLUTIONS

Resolution No.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY OF
JOHNSTOWN'S DEPARTMENT OF COMMUNITY AND ECONOMIC
DEVELOPMENT-CODE ENFORCEMENT TO CONDUCT A CITY-WIDE,
(ON SITE INVENTORY) OF ANY AND ALL VACANT PROPERTIES**

(RESIDENTIAL AND COMMERCIAL) INCLUDING BY CITY WARDS, STREET NUMBERS, STREET NAMES AND FURTHER TO INCLUDE VERIFICATION AS TO ANY EXISTING CONNECTIONS TO THE CITY OF JOHNSTOWN INNER CITY SEWER COLLECTION LINES REMAINING CONNECTED AND/OR DISCONNECTED AND CAPPED PREVENTING CONTINUED COLLECTION OF SEWAGE AND TO SUBMIT WRITTEN REPORT TO CITY COUNCIL ON OR BEFORE MARCH 1, 2018. (Tabled 1-2-18).

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

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams (7).

Nays: None (0).

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

There was further discussion regarding the resolution.

Mrs. Mock made a motion to table the resolution. The motion was seconded by Reverend King and passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Britt (5).

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

Resolution No. 10074

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO APPLY FOR A THREE (3) YEAR EXTENSION OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) CONSENT ORDER AND AGREEMENT.

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

There was further discussion regarding the resolution.

The motion passed by the following vote:

Yeas: Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Williams, Mr. Britt, Mayor Janakovic (7).
Nays: None (0).

Resolution No. 10075

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM
CITY MANAGER TO WORK WITH THE COUNTY IN SUBMITTING A
GRANT APPLICATION TO THE PENNSYLVANIA CENTER FOR
CRIME AND DELINQUENCY (PCCD) FOR A YOUTH CRIME
DIVERSION PROGRAM IN THE AMOUNT OF \$98,550.

Reverend King 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. Williams,
Mr. Britt, Mayor Janakovic, Reverend King (7).
Nays: None (0).

Resolution No. 10076

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM
CITY MANAGER TO DECLINE THE PENNVEST FUNDING OFFER OF
A \$10,900,000 FOR THE KERVILLE SANITARY/STORM WATER
SEPARATION PROJECT (ME#71434).

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

Ms. Benjamin explained the original application was for a loan, and this would be to
obtain a grant.

The motion passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich (6).
Nays: Mr. Williams (1).

Resolution No. 10077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL UNION NO. 463 FOR THE PERIOD OF JANUARY 1, 2018 THROUGH DECEMBER 31, 2020.

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

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt (7).

Nays: None (0).

Resolution No. 10078

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO SIGN AN AGREEMENT FOR THE PROPOSAL SUBMITTED BY RDM-JOHNSTOWN, LLC TO PROVIDE BILLING AND COLLECTION SERVICES OF THE CITY OF JOHNSTOWN SEWER RENTAL FEES.

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

There was further discussion regarding the matter.

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic (5).

Nays: Reverend King, Mrs. Stanton (2).

Resolution No. 10079

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED) TO SIGN AN AGREEMENT WITH HEBERLING ASSOCIATES, INC. FOR A JOHNSTOWN HISTORIC RESOURCE SURVEY. THE CITY OF JOHNSTOWN, DEPARTMENT OF

COMMUNITY AND ECONOMIC DEVELOPMENT (DCED) ARE UNDERTAKING A CITY-WIDE EFFORT TO IDENTIFY HISTORIC PROPERTIES IN THE CITY OF JOHNSTOWN AS PER THE ADVISEMENT OF THE PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICE (PASHPO). THE SURVEY WILL CONSIST OF SEVERAL PHASES TO COMPLETE THIS REQUEST. PHASE 1 WILL INCLUDE THE FOLLOWING AREAS: MOXHAM, KERNVILLE, HORNERSTOWN, AND THE CENTRAL BUSINESS DISTRICT OUTSIDE OF THE PREVIOUSLY SURVEYED AREAS.

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

Mr. Davis indicated this would be grant funding that would allow for less paperwork regarding the demolition of a building. He further stated the City has an agreement whereby 20 percent of the grant monies will go to Johnstown Area Heritage Association (JAHA) for overseeing this effort.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Britt,
Mayor Janakovic, Reverend King. (6).
Nays: Mr. Williams (1).

Resolution No. 10080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO SIGN AN AMENDED AGREEMENT FOR AN EXTENSION OF SERVICES WITH THE HUMANE SOCIETY OF CAMBRIA COUNTY TO PROVIDE DOMESTIC ANIMAL CONTROL FOR THE CITY OF JOHNSTOWN.

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

Mr. Davis explained this was an extension of the original three-month agreement.

The motion passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt,
Mayor Janakovic, Reverend King, Mrs. Mock. (7).

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Nays: None (0).

Resolution No. 10081

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR FUNDING ASSISTANCE FROM THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY IN THE AMOUNT OF \$10,900,000.00 TO BE USED TOWARDS IMPROVEMENTS TO THE INNER CITY SEWER SYSTEM IN THE KERNVILLE AREA OF THE CITY OF JOHNSTOWN.

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

Yeas: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King,
Mrs. Mock (5).

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THAT "REQUEST FOR PROPOSALS" BE PREPARED/DEVELOPED AND ADVERTISED SEEKING SUBMISSIONS FOR THE EXCLUSIVE A), RIGHTS FOR EVENT PROMOTIONS; B), SCHEDULING; C), STADIUM MANAGEMENT OPERATIONS; AND D), CONCESSION OPERATIONS AT THE POINT STADIUM; E), INCLUDING WITH AN OPTION BEING AWARDED "NAMING RIGHTS" TO THE FACILITY (POINT STADIUM).

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

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mr. Vitovich (5).

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

Resolution No. 10082

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR A GRANT THROUGH THE PA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO ASSIST WITH REMEDIATION EFFORTS PERTAINING TO ROXBURY PARK IN THE AMOUNT \$250,000.00.

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

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams (7).

Nays: None (0).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP-CITY SOLICITORS TO FILE ALL NECESSARY CIVIL LEGAL ACTIONS WITH THE CAMBRIA COUNTY COURT OF COMMON PLEAS FOR THE DEFAULT IN TERMS AND CONDITIONS OF ECONOMIC DEVELOPMENT LOANS GRANTED UNDER THE CITY'S ECONOMIC DEVELOPMENT REVOLVING LOAN PROGRAMS, AND SPECIFIC TO (1) PRESS AT THE PARK (2013 UDAG LOAN \$31,250); (2) INVESTAR REDEVELOPMENT (2004 JOBS LOAN \$30,000 AND 2011 UDAG LOAN \$10,000); (3) FLOOD CITY LODGE #371 (2010 UDAG LOAN \$26,400); (4) SCHRADER FLOWER SHOP (2011 JOBS LOAN \$12,700); (5) POINT PUB (2011 JOBS LOAN \$45,000); (6) 110 FRANKLIN STREET (2006 JOB LOAN \$30,327)(INFORMATION BASED ON CITY RECORDS OBTAINED BY 1/2/18 RIGHT TO KNOW REQUEST.

Mr. Williams made a motion to approve the resolution. Mrs. Stanton seconded the motion.

Mr. Davis explained that some of these accounts were current, some were paid off, including the Point Pub, one was being renegotiated, and Press @ The Park will be paid off next month. The amounts noted were the original loan

amounts and not the current balances. There was further discussion regarding the resolution.

The motion failed by the following vote:

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

Nays: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich,
Mr. Britt (5).

Mr. Williams objected to Mr. Britt voting on the resolution.

Resolution No. 10083

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE INTERIM CITY MANAGER TO PLACE AN ADVERTISEMENT/PUBLIC NOTICE OF THE CITY COUNCIL ACCEPTING APPLICATIONS FROM INTERESTED NON-CITY RESIDENTS RESIDING WITHIN THE SERVICE AREA OF THE GREATER JOHNSTOWN WATER AUTHORITY FOR APPOINTMENT TO THE GREATER JOHNSTOWN WATER AUTHORITY BOARD OF COMMISSIONERS FOR THE UNEXPIRED TERM OF THE LATE EDWARD CERNIC, SR. (DECEASED) TO EXPIRE ON DECEMBER 31, 2019.

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

There was a moment of silence for Edward Cernic, Sr., who recently passed away.

The motion passed by the following vote:

Yeas: Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Williams, Mr. Britt, Mayor Janakovic (7).

Nays: None (0).

NEW BUSINESS

Mr. Williams provided a submission from the Petitioners' Committee to issue a referendum on the Administrative Code.

OLD BUSINESS

Planning Commission Appointment Nominations as follows:

Mr. Vitovich made a motion to nominate Barry Gallagher. Mrs. Mock seconded the motion.

Mr. Britt made a motion to nominate Pete Vizza. Mrs. Mock and Mr. Vitovich seconded the motion.

Mrs. Stanton made a motion to nominate Lindy Yutzy. There was no second to the motion.

Mrs. Stanton made a motion to nominate John DeBartola. There was no second to the motion.

Mrs. Mock made a motion to vote on the two nominees, Barry Gallagher and Pete Vizza. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Britt, Mayor Janakovic,
Reverend King (5).

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

PUBLIC COMMENT-NONAGENDA ITEMS

John DeBartola, 1197 Bedford Street, Johnstown, reminded Council of the Saturday, April 28, 2018, tree planting downtown starting at 9:00 a.m. Mr. DeBartola noted that if not working, he would be attending the rescheduled cleanup in the West End.

He noted that the residents of Coopersdale would be present at the Planning Commission meeting on April 17, 2018, at 5:00 p.m. to protest the zoning request of former Councilmember William Gentile.

Mayor Janakovic noted that the property being protested was formerly a rundown playground/tennis court that kids were damaging as well as being injured. He referred to it as an "insurance nightmare" and further that it was a property not in taxation.

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Mrs. Stanton commented that the nearby residents would be the ones affected the most. She encouraged those residents to attend and "let their voice be heard."

Mr. Vitovich inquired as to why the residents of Coopersdale had to go outside of their area to bring people in "to help them fight their fight."

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:45 p.m.

The next regular meeting is scheduled for Wednesday, May 9, 2018 at 6:00 p.m.