

JOHNSTOWN CITY COUNCIL MINUTES
Tuesday, April 3, 2018
WORKSHOP MEETING

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the Workshop Meeting to order at 5:00 p.m.

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

The following members of Council were present for roll call:

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

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

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

Mr. Davis noted for the record that Councilman Williams indicated he would not be attending the Executive Session on April 5, 2018, the special meeting scheduled, and the "so-called" non-voting workshop.

Ms. Benjamin clarified that the term workshop satisfies the definition of a non-voting meeting as described in the Sunshine Laws, which is one that is stenographically recorded, open to the public, and properly advertised. Ms. Benjamin stated there was a provision in the current Bill 4 to conduct a workshop or non-voting session every Wednesday of every month for review of the next meeting's agenda.

It was noted that Councilman Williams had objected to workshops in the past. Mayor Janakovic commented that Councilman Williams had requested workshops in the past on budget and planning and even on Saturdays. Ms. Benjamin clarified that today's meeting was a special meeting, a non-voting workshop. Under the Home Rule Charter, there must be a period of public participation at every meeting and that workshops must be advertised.

Ms. Benjamin explained the differences between a special meeting and workshop. She explained a special meeting as one not regularly scheduled, but a specific purpose must be identified when advertised. A workshop is a non-voting session. Mayor Janakovic noted that voting could be conducted at special meetings. Mrs. Mock stated that at workshops "you just work."

Ms. Benjamin further explained that the Sunshine Law requires a period of public comment prior to any official action. The Home Rule Charter provides the opportunity for public comment at all public meetings.

It was noted for the record that Councilman Williams had chosen not to attend this workshop and the review of City applicants for City Manager on Thursday. Mr. Davis indicated that there had been no response from Mrs. Stanton.

Ms. Benjamin explained an Executive Session as a meeting permitted to be held behind closed doors to address certain topics like labor relations, acquisition of real estate, legal opinions, personnel and litigation.

Mr. Vitovich commented on the controversy that exists on Council, and that five members have shown up "willing to do the right thing" and "do what's best for our City."

Mayor Janakovic commented on having to sit through topics previously discussed in prior workshops. Mr. Britt as well noted the length of last month's Council meeting. Ms. Benjamin suggested one way to maintain order at a Council meeting was to prepare a well thought-out and structured agenda. She suggested Council consider revising the agenda, that all Council reports could be held at the end to generate more discussion.

It was noted that each Council member in the past was responsible to report on a section or area of town, but it was further noted that at the time there were nine Council members.

Mr. Vitovich requested Ms. Benjamin clarify the term, "call for the question." Ms. Benjamin explained that calling for the question was like a motion that requires a second and Council vote, and that whoever was speaking at the time must be permitted to finish speaking. There was discussion regarding the timeline for submission of agenda items, including those for public comment.

After further discussion, Mayor Janakovic clarified that all agenda items must be submitted to Ms. Cushing by Wednesday at noon. Ms. Cushing requested additional time to post to the website. Mr. Davis noted seven business days might be better to post ordinances and resolutions to the website. Council agreed that regular meetings be advertised two business days before the regular meeting, and that the agenda be posted to the public on the Monday before the meeting. If Monday were a holiday, then the agenda would be posted on Tuesday by noon. There was further discussion regarding the timeline. Ms. Benjamin noted that Council members were welcome to offer additional suggestions.

Ms. Benjamin referred Council members to Chapter 210 of the Administrative Code and Bill No. 4, which is a bill to make changes to Chapter 210. There was

discussion with regard to changing Chapter 210.13 of the Administrative Code to be consistent with the Charter concerning public comment.

Bill No. 203(a) of Bill No. 4, wherein it is stated that regular meetings of Council shall be held at least once a month, all regular meetings shall commence at 6:00 p.m., and any workshop meeting shall be duly advertised for the months of January, February, March, April, September and October on the 4th Wednesday of the month and designated as non-voting meetings.

Ms. Benjamin referred to Section 210.08 for discussion of differences between regular meetings, special meetings, and emergency meetings. She suggested that the definition for the non-voting meeting held every 4th Wednesday of the month be added to that section. It was noted that options for discussion at the non-voting meeting could consist of discussion of potential agenda items and other pertinent ongoing City matters described more specifically by the City Manager.

Time limits were also discussed. Ms. Benjamin indicated that Bill No. 4 proposed the time for public comment on agenda items would be limited to five minutes and three minutes for non-agenda items and would include exchanges with Council members. She explained that by law the public comment portion of the meeting must be held at the beginning of Council meetings. There was also discussion to include City residents and City taxpayers' terminology.

Ms. Benjamin referred Council members to 210.09 for further discussion of agenda meetings. It was noted the change for guest presentations would be omitted. Council discussed combining the Council Updates and Neighborhood Liaisons portion of the agenda. Reverend King suggested that Council members should have designated neighborhoods, so the residents of that neighborhood could bring concerns to that one Council member.

Mr. Davis commented that this was done in the past as a Council procedure and not a resolution. The neighborhoods include Prospect, Woodvale/Conemaugh Borough, Downtown, Hornerstown/Walnut Grove, Kernville, 8th Ward/Roxbury, Morrellville, Oakhurst, Cambria City/Minersville, and Coopersdale. Mr. Davis indicated that neighborhood volunteers are requested first. If there were none, then the districts would be assigned during Council's next meeting. The title would remain as Council Updates, Neighborhood Liaisons Reports.

Ms. Benjamin referred Council members to agenda action items for discussion. She explained that under the Sunshine Law the public has to be allowed to speak before official action is taken. Ms. Benjamin stated the definition of agenda

action items would include proposed ordinances, resolutions, motions, proclamations, and any other items that appear on the agenda and are subject to a vote. She indicated that those non-agenda action items would be moved to the end of the meeting.

Council members discussed whether Code Complaints should be included on the agenda. Reverend King suggested that the Code Complaints remain on the agenda in summary form. Mayor Janakovic agreed with the summarization but suggested a list be included.

It was noted that Mr. Davis should address any questions of Council members.

Ms. Benjamin referred to changes with regard to public participation. It was noted that Council would have discretion in consultation with the Solicitor to allow public comment where there are extenuating circumstances. It was noted that Council members and other city officials and representatives should refrain from interrupting or otherwise engaging in conversation with speakers, that public comment period was input and would be discussed further at the appropriate time.

It was reiterated that reports with regard to neighborhoods would be conducted during the neighborhood liaison reports portion on the agenda.

Ms. Benjamin explained that the changes should be clearly marked via strikethrough font, underscoring or any other manner of labeling or highlighting that makes any proposed changes clear on the face of the ordinance.

There was discussion regarding changes to continued budget oversight language, as previously stated that "Council shall be provided with copies of all resolutions, contracts, and agreements following their execution" would now state, "shall/may be provided with electronic copies of all resolutions, contracts and agreements."

There was discussion with regard to language changes for specific amounts of bonding requirements as well as the use of the word shall. Mr. Davis noted that Council never had bonding before and never had cash other than petty cash. The minimum bond was changed to \$100,000 and 60 days.

Mr. Davis asked Council to consider whether contact with the Solicitor should be made via the City Manager or via Council as a whole. Ms. Benjamin explained the Home Rule Charter states that Council or the City Manager can request a legal opinion that must be returned in writing. She requested further direction on the matter.

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Stated Meeting, continued

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Mayor Janakovic suggested that contact with the Solicitor by Council, as a whole, should go through the City Manager. There was further discussion regarding the matter.

There being no further business, the workshop meeting was concluded at 7:00 p.m.