

JOHNSTOWN CITY COUNCIL MINUTES
Wednesday, October 10, 2018

City Council met in a stated session for the general transaction of business.
Mayor Frank Janakovic called the meeting to order at 6:01 p.m.

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

The following members of Council were present for roll call:

Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich (6).
Absent: Jack Williams (1).
Mr. Williams was absent due to medical reasons.

George Hayfield, City Manager, and Elizabeth Benjamin, Esquire, City Solicitor,
were also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the August 30, 2018 Non-Voting Budget
Workshop Minutes. The motion was seconded by Mr. Britt and passed by the
following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich (6).
Nays: None (0).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

Mayor Janakovic will be presenting a proclamation to the NAACP Freedom Fund
Banquet on October 13, 2018, and to the Red Ribbon Week for October 23,
2018.

PUBLIC COMMENT - AGENDA ITEMS ONLY

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council in opposition to
the noise accusations made against the bar. He and Mr. Taranto visited the bar
and find it to be a very friendly family business. Mr. DeBartola stated the
community should "stand up and help this business to protect it from Joseph
Warhul's accusations." There was a round of applause in support of his
comments.

Mr. DeBartola read a letter regarding the Act 47 Exit Plan into the record as follows: Dear DCED and Deborah Grass: We bring to your attention a contract with the Frank J. Pasquerilla Conference Center that needs to be broken. We have a situation here in our community where it appears some of the politicians are bought off. And this is such a good deal, but it's not a good deal for the taxpayers. We think that needs to change. You can look up the lease agreement with the Frank J. Pasquerilla Conference Center and review the audits. And we are asking the DCED to take legal action to break this contract and to change it to make sure that it's a contract that's fair for everybody. Not that it's a biased contract, one that's made for someone who is wealthy who obviously is an influential individual with bought-off politicians. We ask the Johnstown City Council to support the effort of making sure the taxpayers are treated fairly, and if they don't, we hope the taxpayers realize this and ask this Johnstown City Councilmembers to stand up and resign their positions. This is from me and Joe Taranto.

Mr. DeBartola further suggested that this aspect does not make any sense with regard to taxpayer money. He asked the Act 47 coordinator to put pressure on the state to cancel the contract and take legal action because "the contract isn't in the best interest of the City." He also urged each Councilmember to make a statement regarding this matter.

Mr. DeBartola asked Councilmembers Williams and Stanton "to put a motion in to take legal action to break this contract" as they support what is right for the citizens of the community.

Mrs. Stanton commented that she did not know what became of the motion that was made previously asking the City Manager to meet with Mr. Barletta, Crown's attorney, to renegotiate that lease.

Mrs. Stanton made a motion to request the City Manager meet with Crown's legal Counsel in order to renegotiate the terms of the lease.

Mayor Janakovic noted that Act 47 must be passed before any motion can be made.

The motion died for lack of a second.

Crystal Warhul, 44 Clover Street, Johnstown, addressed Council in opposition to Resolution No. 4 concerning the substitution of the City of Johnstown's noise ordinance with Section 493 of the Liquor Code for an establishment known as Slammin' Sam's, 80 Bridge Street. Ms. Warhul contacted the State Police

about the noise issue as the Johnstown Police took no corrective action. She asked that Council review the facts and resolve the matter.

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council in opposition to Resolution No. 4 concerning the substitution of the City of Johnstown's noise ordinance with Section 493 of the Liquor Code for an establishment known as Slammin' Sam's, 80 Bridge Street. Mr. Warhul contacted the Pennsylvania Liquor Control Board who investigated the matter and issued citations after receiving no satisfaction from the owner and the Johnstown Police Department. He questioned the contents of the resolution and referred to a circulated petition petitioning to keep the law in place that has been in place for that license and the other three liquor licenses on that street.

Mr. Terry Jamerson, 300 Jerome Avenue, Jerome, PA, was unable to address Council as he was not a City resident or taxpayer.

Steve Stull, 1718 Solomon Run Road, Johnstown, PA, addressed Council as a property owner in the City. He was present to support the Slammin' Sam's establishment.

Randy Gajewski, 763 Central Avenue, Johnstown, addressed Council in support of the Slammin' Sam's establishment. He referred to an individual who complained of amplified noise after the bar was remodeled and a soundproof room was added in June of 2017. Mr. Gajewski referred Councilmembers to an article in the Our Town magazine written about the Slammin' Sam's bar. He stated the owners are "two of the nicest people" and "do not need the harassment this individual has inflicted on them."

Vic Cafeo, 198 William Penn Avenue, Johnstown, an engineer for Cafeo Builders and Developers who helped design the addition, was present in support of the Slammin' Sam's establishment. He commented that thousands of extra dollars were spent to deaden the noise. Mr. Cafeo walked around the area of the bar near Mr. Warhul's home and could not hear any noise.

Annie Paonessa, 1215 Goucher Street, Johnstown, co-owner of Slammin' Sam's Bar, stated she and her husband were present to seek an exemption from the City of Johnstown Noise Ordinance, Section 493, page 34 of the Liquor Code. Ms. Paonessa commented that the issue was not about the noise, but a "personal vendetta" against one of her customers. She noted an extra \$8,000 had been spent to insulate the band room and further noted that all the back doors are closed before the band starts. Ms. Paonessa commented that the business sponsors basket parties for children and adults with cancer, homeowners who have lost a home as a result of a fire, and everything from weddings to wakes.

She noted her husband has a "great love for the community" and asked that Council "not let one man destroy what she and her husband have built."

Deborah Humphreys addressed Council as an employee of Slammin' Sam's offered comments in support of the Slammin' Sam's establishment. She noted the entertainment helps support the local economy and could not understand why no complaints were made whenever the establishment was known as Partners.

Brenda Maurer, 48 Clover Street, Johnstown, commented in support of the Slammin' Sam's Bar. She indicated she could hear no noise, even with her windows open.

Michael Barton, Jr., had been invited by Councilwoman Mock to speak to Council regarding the possibility of redoing an appraisal completed four years ago with regard to forestry work for "well under \$500" and the possible harvest of timber inside Stackhouse Park. He stated, upon further review of the matter, the City does own the timber and does own Stackhouse Park, and that there is a stipulation that timber may be removed for any advantageous development to the parklands and for park purposes.

Mrs. Mock explained there is no connection between the timber in Stackhouse Park and the dam that is outside the park. She is hopeful that an agreement can be reached that the project would be in "good faith" for the people who live downstream and timbering the trees would be beneficial.

Mayor Janakovic spoke with the Mayor of Westmont, who noted an overpopulation of deer and doe at the park, so the money could benefit all entities.

Mr. Barton further commented that the City does have a license to remove dead and dying timber.

REPORT OF THE CITY MANAGER

George Hayfield, City Manager, had no report but answered questions by Councilmembers.

Mrs. Stanton requested an update regarding the mold in the Public Safety Building. Mr. Hayfield stated the basement was dried with fans and dehumidifiers, and a sump pump installed to keep the water out. He noted test results taken that morning would be received in approximately seven days. Mrs. Stanton requested that the results be emailed to her.

Mrs. Stanton requested an update regarding a collection date for televisions. Mr. Hayfield had not yet addressed the matter. Mrs. Mock stated the County would not collect any more televisions at this time due to an overabundance of them.

The City Manager noted an installed camera placed at Roxbury Park did not record the recent illegal dumping at Roxbury Park

Mrs. Stanton noted that Roxbury Tire Center and Wal-Mart would accept used tires. She commented that the two storm inlets at the corner of Plainfield and Hammer Avenues have dropped down and should be repaired.

Mrs. Stanton made a motion requesting that the City correct the issues with the storm drains on Plainfield Avenue. Mrs. Mock suggested that Public Works review the matter.

Councilwoman Stanton requested an update with regard to code complaints previously submitted, including one with regard to a vacant property on Lunen Street. There was further discussion regarding the matter. Mayor Janakovic asked that the City Manager review the matters as requested.

Mrs. Stanton reported on numerous hazards at the Roxbury Playground.

Mayor Janakovic commented on available grants and possibly neighborhood volunteers could assist with the situation. Mrs. Stanton urged the City Manager check into the matter further. She suggested that the playground be closed if repairs cannot be made until next year.

Reverend King noted that all City playgrounds have safety issues.

Mrs. Stanton participated in a wheelchair challenge to experience the difficulties persons with disabilities are facing. She inquired if the businesses downtown are "grandfathered in" or do they have to meet requirements of the ADA laws, specifically with wheelchairs. She asked Mr. Hayfield to review the laws on the matter.

Mrs. Stanton discussed a letter from People's Gas that indicated the company would be installing new gas lines in Roxbury. She suggested that it would be beneficial for the City Manager to contact People's and splitting the cost of paving after the work was completed.

Mrs. Mock noted a similar event on Chandler Avenue. She stated the matter should have been coordinated but found out that the gas company "follows its own rules."

Mrs. Stanton urged the City Manager contact People's Gas regarding the matter.

Mr. Vitovich discussed the matter with Mr. Overdorff at Quaker Sales, who indicated that the gas company would not attend any meetings to discuss coordination efforts.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, participated in a recent wheelchair tour with Ms. Wheelchair, PA, and five others downtown. He commented on his new appreciation for those persons in wheelchairs and noted a lot more work needs to be done throughout the region to accommodate persons with disabilities.

Mayor Janakovic noted his attendance at a meeting with DCNR Secretary Cindy Adams Dunn for discussion of funding for local projects, including a train schedule that would allow travel to and from Pittsburgh and Harrisburg on the same day.

Mr. Janakovic met with William Caldwell, the new CEO of Conemaugh Memorial Medical Center for discussion regarding options for the Lee Hospital building.

The Mayor recently visited Hanging Gardens, the new medical marijuana facility on Iron Street that will eventually offer more than 200 jobs for the community.

The Mayor recently met with the Occupational Advisory Committee at the Greater Johnstown High School and was amazed at the accomplishments of the students. He commented that all the ironwork planters on the parking meters were made at the shop at the high school.

Mr. Janakovic noted his attendance at a press conference for Communities In Schools, which is an organization that works to build relationships that empower students to stay in school.

He noted his attendance at the recent Johnstown Slavic Festival event where he sampled 22 different nutrolls.

He commented that the JARI Growth Fund recently received another \$125,000 to start small businesses throughout the region. He noted a few new businesses have recently opened on Main Street.

CITY ENGINEER

No Report.

REPORT BY THE CITY SOLICITOR

Ms. Benjamin had no report but noted there would be discussion regarding amendments later in the agenda.

COUNCIL UPDATES

1. September 5, 2018, Minutes of Planning Commission

September 13, 2018, Letter from Dr. Taranto Re: Board Appointments

September 17, 2018, Fax from J. Williams Re: F-Troop Governance & City Administration

October 1, 2018, Fax from J. Williams Re: 2019 CDBG General Funding Salary & Wage Allocations

October 1, 2018, Fax from J. Williams and C. Stanton Re: 2019 Budget Recommendation

Code Complaints from J. Williams-3
Code Complaints from D. Callahan – 3

NEIGHBORHOOD LIAISONS

Mrs. Mock reported the West End Improvement Group scheduled a basket party on November 11, 2018 at St. Therese's Church Hall. She noted that basket donations can be made.

Mrs. Mock indicated a grant was submitted to the Community Foundation for the Alleghenies for additional improvements to the gardens and cameras in the West End.

Mrs. Mock, Reverend King, and others met with the Woodvale Community to discuss bringing that "forgotten neighborhood" back into the City.

A cleanup in Kernville scheduled for Saturday, October 27, 2018, was noted.

Reverend King noted the opening of a new restaurant in downtown called Carrie's Place at the corner of Main and Market Streets.

A Christmas Tree Lightup Night will be held in Kernville and Hornerstown this year.

Mr. Britt congratulated the new businesses that have recently opened in the downtown area and also commended the businesses that have "been here forever" despite overcoming obstacles.

He again addressed the problem near the Am-Slo playground in Old Conemaugh Borough. Mr. Britt stated the City was aware of the problem, and that Public Works employees were not ignoring the matter.

Mayor Janakovic stated the Annual Halloween Parade will be held on Tuesday, October 23, 2018. The Christmas Parade will be held in November.

He noted that Discover Downtown will sponsor Halloween in Central Park with special scarecrows and an animated display.

Mr. Vitovich also noted Public Works would address matters as quickly as possible.

Mrs. Stanton participated in Whiskers N' Wags one mile walk recently held to raise funds for Habitats for Hounds. Special thanks to the Johnstown Veterinary Associates and Dr. Assad for sponsoring the event that raised nearly \$1,000.

Mrs. Stanton attended the recent 7th Ward Civic Association Meeting where concerns regarding abandoned cars and property code violations were addressed.

She thanked volunteers and the business who participated in the recent two-hour walk through Hornerstown to pick up litter.

Councilwoman Stanton noted her attendance at the recent Moxham Crime Watch Meeting with guest speaker City Manager George Hayfield.

Moxham Renaissance recently held a community barbeque to raise funds for maintenance of the Russell House.

Mrs. Stanton continues to walk with residents in Moxham to pick up litter. There will be no walk on October 31, 2018, due to Halloween and trick or treat. She noted that beginning November 3, 2018, the walks will occur on Saturday mornings at 9:00 a.m.

The Moxham Lutheran Church annual covered dish dinner will be held October 24, 2018.

Mrs. Stanton stated the expected completion date of the Roxbury Place Apartment Complex was the end of December of 2018 or beginning of January of 2019. She noted 43 apartments would be available for people between the ages of 55 and older with qualifying incomes. She noted the telephone number for applicants interested in the complex is 614-942-2020.

Mrs. Stanton organized a Halloween house-decorating contest in Roxbury with prizes to be awarded. She thanked the Roxbury businesses who are sponsors and/or judges, including the Roxberry Creamery, Roxbury Tire Center, Tony's Sub Shop and Styles With Edge. Baskets for names and addresses would be placed in the businesses for those interested in participating.

Councilwoman Stanton thanked Lisa Rager and family for holding the Second Annual Officer Shawn Rager Memorial Food Drive last Saturday. Items collected will benefit those in need throughout the City.

Mayor Janakovic, on behalf of Council, expressed condolences to the Barry Sirko family. He noted Mr. Sirko was involved in men's softball leagues for decades as an organizer and planner.

PETITIONS

None.

ORDINANCES FOR FINAL READ

BILL NO. 26 OF 2018, AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GUARANTEED REVENUE NOTE IN THE MAXIMUM PRINCIPLE AMOUNT OF \$3,906,560.00 FOR THE PURPOSES OF REHABILITATING THE INNER CITY SANITARY SEWER SYSTEM; FIXING THE FORM, DATES, INTEREST AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTATION WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO INCUR AND EXCLUDE ADDITIONAL DEBT OF THE GOVERNMENTAL UNIT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; PROVIDING FOR THE AUTHORIZED SIGNATORIES AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

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

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

Nays: Mrs. Stanton (1).

ORDINANCES FOR FIRST READ

BILL NO. 25 OF 2018, AN ORDINANCE TO PARTIALLY VACATE POPPY ALLEY FROM 143 LORAIN STREET TOWARDS CROYLE STREET TO THE END OF POPPY ALLEY IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.(Tabled 9/12/18)

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

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

Nays: None (0).

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

Mrs. Stanton commented the owner owns property on Franklin Street that has visible code violations. The City Manager noted the owner has no outstanding code violations and no record of a vacant property maintenance fee. Mrs. Mock indicated the property owner has purchased a building permit and will be remodeling the property. Photographs of the property were provided.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King,
Mrs. Mock, Mrs. Stanton (6).
Nays: None (0).

BILL NO. 27 OF 2018, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, COUNTY OF CAMBRIA, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 5246 PASSED FINALLY ON DECEMBER 13, 2017 AND AS AMENDED BY ORDINANCE NO. 5251 ON MARCH 15, 2018, AND AMENDED BY ORDINANCE NO. 5254 ON MAY 9, 2018 THE 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(Tabled 9/12/18).

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

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich (6).
Nays: None (0).

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

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich (6).
Nays: None (0).

BILL NO. 28 of 2018, AN ORDINANCE DIRECTING THE CAMBRIA COUNTY BOARD OF ELECTIONS TO PLACE ON THE MAY 2019 MUNICIPAL

PRIMARY ELECTION BALLOT FOR THE CITY OF JOHNSTOWN, THE BALLOT REFERENDUM QUESTION FOR CONSIDERATION BY THE REGISTERED VOTERS OF THE CITY OF JOHNSTOWN, WHICH IF RECEIVING A MAJORITY OF THE VOTES CAST, ESTABLISHES A GOVERNMENTAL STUDY COMMISSION, AND FURTHER, THE ELECTION OF SEVEN (7) GOVERNMENTAL STUDY COMMISSIONERS DURING THE MAY 2019 MUNICIPAL PRIMARY ELECTION, PURSUANT TO THE COMMONWEALTH OF PENNSYLVANIA 53 Pa. C.S.CHAPTERS 29 (HOME RULE), 30, (OPTIONAL PLANS) & 31 (OPTIONAL PLANS) HOME RULE CHARTER AND OPTIONAL PLAN LAWS.

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

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich,
Mr. Britt (5).
Nays: Mrs. Stanton (1).

BILL NO. 29 OF 2018, AN ORDINANCE AMENDING ORDINANCE NO.. 5102 PASSED 3-28-12 AND/OR ANY AND ALL SUBSEQUENT AMENDMENTS, AND THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN; CHAPTER 1484 TITLED: RESIDENTIAL RENTAL PROPERTY REGISTRATION AND MORE SPECIFICALLY, SUBSECTION 1484.05, REGISTRATION AND LICENSING OF RESIDENTIAL RENTAL PROPERTIES BY ADDING SUBSEQUENT 1484.05.01 TITLED: POSTING OF NON-COMPLIANT PROPERTY REGISTRATION AND INSPECTION REQUIREMENTS.

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

Yeas: Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Britt,
Mayor Janakovic (5).
Nays: Mrs. Stanton (1).

Reverend King suggested a workshop be held regarding this matter. Mrs. Stanton commented a current City ordinance to register rental property already exists.

BILL NO. 30 OF 2018, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5245

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PASSED FINALLY DECEMBER 13, 2017 TO AMEND THE 2018 BUDGET, MORE SPECIFICALLY, REVENUE AND EXPENDITURES BUDGET FOR THE SEWER RENTAL UPGRADE MAINTENANCE REPAIR FUND, BUDGET EXHIBIT (A).

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

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Britt, Mayor Janakovic,
Reverend King (5).
Nays: Mrs. Stanton (1).

Ms. Benjamin explained that at the final read of this ordinance at the next meeting it will need to be amended and adopted as amended.

BILL NO. 31 OF 2018, AN ORDINANCE OF THE CITY OF JOHNSTOWN CHANGING TRAFFIC FLOW FROM ONE WAY TO TWO WAYS ON BAUMER STREET FROM SPRUCE STREET TO TEAK STREET.

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

Mayor Janakovic explained that Dale Oxygen will be expanding its services on Baumer Street and requesting to make a right coming out on Baumer and get the light going out of town.

The motion passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Britt, Mayor Janakovic,
Reverend King, Mrs. Mock (6).
Nays: None (0).

BILL NO. 32 OF 2018, AN ORDINANCE AMENDING ORDINANCE NO. 5245, PASSED FINALLY ON DECEMBER 13, 2017 AND REPEALING AND REPLACING ORDINANCE NO. 5250 PASSED FINALLY ON MARCH 15, 2018; NO. 5253, PASSED FINALLY ON MAY 9, 2018; AND NO. 5257 PASSED FINALLY ON JULY 11, 2018 IN ORDER TO PROVIDE FOR THE PROPER ALLOCATION OF REVENUE AND EXPENSES RELATED TO THE BROAD STREET SEWER PROJECT, SHPO HISTORICAL SURVEY, SALARY CHANGES ARRIVING FROM THE ADOPTION OF COLLECTIVE BARGAINING AGREEMENTS, ADJUST THE EXECUTIVE SECRETARY/CITY CLERK POSITION AND

DEPARTMENT, REALIZE A SHORTFALL OF REVENUE FROM THE RECREATION FUND, REALLOCATE FUNDS REFLECTING LACK OF RECEIPT OF 2018 ECONOMIC DEVELOPMENT ASSISTANCE GRANT, AND TO ALLOCATE REIMBURSEMENT FUNDS TO THE 2018 UDAG BUDGET, FOLLOWING PUBLIC NOTICE AND A PUBLIC HEARING.

Mr. Britt made a motion to approve. The motion was seconded by Mrs. Mock.

Ms. Benjamin explained this bill was introduced and discussed previously. This reflects budget amendments to the 2018 budget that were previously adopted without public hearing and were subject to clarification. This ordinance tends to correct that issue by reviewing prior amendments, introducing them again and advertising for a public hearing to adopt them. So it's a procedural issue. The original bill was distributed without exhibits attached. There is a new version of Bill No. 32 with exhibits attached. We would want to make a formal amendment to attach Exhibits A, U, C, P, F, H, K and M.

Ms. Benjamin stated this Bill was being introduced for a First Reading.

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

Mrs. Stanton indicated a letter from herself and Councilman Williams was sent to each Council member indicating a second notice of intent to file a court action.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King,
Mrs. Mock (5).
Nays: Mrs. Stanton (1).

Ms. Benjamin further explained that this can be included on the October 24, 2018 Non-Voting Budget Session agenda and still have time to advertise and hold a public hearing at the November meeting. So that would be the opportunity to review these exhibits if there are any further concerns.

Mrs. Mock made a motion to adopt for a First Reading as amended. 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).

Abstention: Mrs. Stanton (1). She noted a possible court action as the reason for her abstention.

BILL NO. 33 OF 2018, AMENDING ORDINANCE NO. 5245 PASSED FINALLY ON DECEMBER 13, 2017 TITLED: AN ORDINANCE ESTIMATING THE AMOUNT OF REVENUES TO BE RECEIVED BY THE CITY OF JOHNSTOWN FROM VARIOUS SOURCES AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES FOR THE OPERATIONS OF THE VARIOUS FUNDS, BUREAUS, DEPARTMENTS AND THE PAYMENT OF DEBT SERVICE AND PENSION FUND OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2018, INCLUDING THE FOLLOWING CITY OF JOHNSTOWN FUND SECTIONS AND THE RESPECTIVE FUNDS "BUDGET EXHIBIT A DETAILS" AND REPEALING ORDINANCE NO. 5250 PASSED FINALLY ON MARCH 15, 2018, ORDINANCE NO 5253 PASSED FINALLY ON MAY 9, 2018 AND ORDINANCE NO. 5257 PASSED FINALLY ON JULY 11, 2018 WITH COUNCIL'S NON-COMPLIANCE WITH HOME RULE CHARTER; ARTICLE IV. OPERATION AND ORDINANCES OF COUNCIL.

Mrs. Stanton made a motion to approve. The motion was seconded by Mrs. Mock.

Ms. Benjamin explained this ordinance was submitted by Councilman Williams to the City Manager's Office that likewise sought to amend the bill just as passed with Bill No. 32. She indicated that this would be Councilman Williams proposed version of the ordinance and needs to be included on the agenda. She noted no attachments were included.

Mrs. Stanton noted the budget attachments were included with a copy of the ordinance given to all Councilmembers at the last workshop

The motion failed by the following vote:

Yeas: Mrs. Stanton (1)

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

Abstention: Reverend King (1). She noted she did not understand as the reason for her abstention.

BILL NO. 34 OF 2018, AN ORDINANCE ADOPTING AN EXIT PLAN FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, PURSUANT TO THE

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MUNICIPALITIES FINANCIAL RECOVERY ACT (ACT 47 OF 1987) AS AMENDED.

Mr. Vitovich made a motion to approve. The motion was seconded by Mr. Britt.

Ms. Benjamin suggested a workshop regarding this matter be held followed by a special meeting to adopt and ensure Council is in compliance with the deadline. At that point, the ordinance would be amended to attach that updated exit plan.

The motion passed by the following vote:

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

Nays: Mrs. Stanton (1).

RESOLUTIONS

Resolution No. 10120

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH LIBERONI, INC. AWARDED CONTRACT 2018-04 FOR THE CONSTRUCTION OF THE BROAD STREET INTERCEPTOR LATERAL REHABILITATION PROJECT (Tabled 9/12/18).

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

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

Nays: None (0).

Mrs. Mock made a motion to vote on the resolution as read. The motion was seconded by Mr. Vitovich.

Ms. Benjamin explained that grant money expires June 2019.

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Yeas: Mrs. Mock, Mr. Vitovich, Mr. Britt, Mayor Janakovic,
Reverend King (5).
Nays: Mrs. Stanton (1).

Resolution No.

A RESOLUTION OF THE CITY OF JOHNSTOWN, COUNTY OF CAMBRIA,
COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE CITY
MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE
THE RESPECTIVE 2018 CITY OF JOHNSTOWN BUDGET DEFICIT
BALANCES AND MORE SPECIFICALLY, BUDGET EXHIBIT (A)
(Tabled 9/12/18).

Mrs. Mock made a motion to remove from table. 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 (6).
Nays: None (0).

The resolution was withdrawn by the City Manager.

Resolution No. 10121

A RESOLUTION OF THE CITY OF JOHNSTOWN, COUNTY OF CAMBRIA,
COMMONWEALTH OF PENNSYLVANIA AUTHORIZING THE CITY
MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE
THE RESPECTIVE 2018 CITY OF JOHNSTOWN BUDGET DEFICIT
TRANSFERS, BUDGET EXHIBIT (A).

Mr. Britt made a motion to approve. 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 (1).

Resolution No. 10122

A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 10113 TO PROVIDE FOR THE UPDATED RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, SUPPORTING A PETITION TO THE PENNSYLVANIA LIQUOR CONTROL BOARD (BOARD'S) FOR THE PROPERTY KNOWN AS 80 BRIDGE STREET FOR THE SUBSTITUTION OF THE CITY OF JOHNSTOWN'S NOISE ORDINANCE FOR SECTION 493 (34) OF THE LIQUOR CODE (Tabled 9/12/18).

Mr. Vitovich made a motion to remove from table. The motion was seconded by Mr. Britt.

Mrs. Stanton suggested that the petition be read by all Councilmembers. She inquired if any further information was obtained from the Liquor Control Board.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Britt, Mayor Janakovic,
Reverend King (6).
Nays: None (0).

Ms. Benjamin explained there was an indication from the City Clerk and also from one of the members of the public that there had been changes to this resolution; and if so, Council should acknowledge what those changes are.

The City Manager explained the Liquor Control Board requested a specific language change to the ordinance and also the reference to outdoor entertainment was in the resolution by error from a previous resolution and should not have been there. He further explained that this version is minus any reference to outdoor entertainment.

Mrs. Mock made a motion to amend the resolution to delete reference to an outdoor venue. The motion was seconded by Mr. Vitovich.

Mrs. Mock commented that she did contact Officer Mirabella regarding the matter and that she, Reverend King and other members of Council went to the neighborhood and talked to several neighbors who indicated there was no problem with noise and there was no noise heard outside the bar. Mrs. Mock further commented that the police chief also visited the establishment and he did not hear anything outside the building. Mrs. Mock indicated that in her mind, a thorough investigation was completed regarding the matter.

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The motion passed by the following vote:

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

Nays: None (0).

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

Mrs. Stanton commented she does not know the PLCB's position on the matter.

The motion passed by the following vote:

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

Nays: Mrs. Stanton (1).

APPLAUSE

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL
DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH
STRAW CONSTRUCTION CO. INC. AWARDED CONTRACT 2018-08
FOR THE CONSTRUCTION OF THE ROXBURY PARK UPGRADES
PROJECT.

(Whereupon, a recess was taken.)

The resolution was withdrawn by the City Manager.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, EXERCISING PROVISIONS OF
JOHNSTOWN'S HOME RULE CHARTER PURSUANT TO ARTICLE III.
COUNCIL-POWERS, DUTIES AND LIMITATIONS AND LEGISLATION.

Mr. Vitovich made a motion to approve. The resolution died for lack of a second.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY MANAGER WITH THE ASSISTANCE OF THE CITY SOLICITORS TO PROCEED WITH AND ADVERTISE FOR REQUEST FOR PROPOSALS FOR THE SALE OF CITY OWNED TIMBER AS IDENTIFIED IN THE TIMBER INVENTORY/APPRaisal OF AUGUST 2015 PREPARED BY MICHAEL BARTON, FORESTRY CONSULTING AND THE EADS GROUP.

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

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

Nays: Mrs. Stanton (1).

Mrs. Mock commented that the timbering project should move forward.

Resolution No. 10123

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE 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 TO BE USED TOWARDS IMPROVEMENTS TO THE INNER CITY SEWER SYSTEM IN THE OLD CONEMAUGH BOROUGH AREA OF THE CITY OF JOHNSTOWN.

Mr. Vitovich made a motion to approve. The motion was seconded by Mr. Britt.

Reverend King suggested that Council be more "creative" when it comes to sewer projects, that due to the conditions of some of the homes and market values, it might be more cost efficient to buy that home instead of hauling equipment to the area and doing a sewer project. She suggested not moving forward until the matter is reviewed further.

Mayor Janakovic noted this resolution is just with regard to application for funding. There was further discussion regarding the matter.

The motion passed by the following vote:

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Yeas: Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Britt,
Mayor Janakovic, (5).
Nays: Mrs. Stanton (1).

Resolution No. 10124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
REPEALING AND REPLACING RESOLUTION NO. 10088 AND
DIRECTING THE CITY MANAGER TO PREPARE AND RFP FOR POINT
STADIUM MANAGEMENT SERVICES TO INCLUDE PROPERTY
MANAGEMENT, COMPREHENSIVE FACILITY OPERATIONS,
SCHEDULING, CONCESSIONS AND EVENT PROMOTIONS.

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

Mrs. Stanton noted that a resolution has already been passed authorizing the City
Manager in coordination with Act 47 team to seek RFPs for the Point Stadium
management.

Mr. Hayfield explained this resolution would replace the existing RFP, which had
placed constraints and conditions on the manager.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Britt, Mayor Janakovic,
Reverend King (5).
Nays: Mrs. Stanton (1).

Resolution No. 10125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY
MANAGER TO SIGN A CONTRACT WITH LOCHER DEMOLITION &
EXCAVATING, LLC. IN THE AMOUNT OF \$146,980.00 FOR CONTRACT
#2-18-10, CDBG STRUCTURE DEMOLITION PROGRAM TO DEMOLISH
FIFTEEN STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN.

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

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Mrs. Stanton asked why 13 of the 15 properties to be demolished are located in one neighborhood. She noted that none of the properties was on the previous scheduled demo list.

Mrs. Mock commented that combining gateway cleanups with neighborhood cleanups provides a good "balance".

Mayor Janakovic noted that 53 properties were submitted for demolition and only 15 were approved.

Mrs. Stanton suggested that the properties to be demolished should not be determined by gateway but determined by safety. There was discussion regarding demolition of the property at 404 Oak Street using UDAG funds.

The motion passed by the following vote:

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

Nays: Mrs. Stanton (1).

MOTIONS

Ms. Benjamin noted motions to amend with regard to Bill No. 30 and Bill No. 34. She referred to the amended Bill No. 30, which was distributed to all Councilmembers. She will amend language in Bill No. 30 and read the motion into the record as follows:

A motion to amend Bill No. 30 of 2018 in order to replace the title of said bill with the following: An ordinance of the City Council of the City of Johnstown, Pennsylvania, amending Ordinance No. 5245 passed finally December 13, 2017 to amend the 2018 budget, and more specifically, revenue and expenditures, budget for sewer rental upgrade maintenance repair fund (Budget Exhibit A) to reflect increased sewer fund budget revenue due to higher projected revenues from sanitation sewer upgrade charge fees and increase of noneligible PennVEST-related expenditure line item as detailed below. And to forever replace any other language referencing a resolution to instead reference it as an ordinance, including the language to the attestation.

Mrs. Mock made a motion to approve. The motion was seconded by Mr. Britt.

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

Nays: None (0).

Abstention: Mrs. Stanton (1). She noted a possible court action as the reason for her abstention.

Mrs. Mock made a motion to amend Bill No. 34 of 2018 to attach the September 26, 2018 exit plan. The motion was seconded by Mayor Janakovic.

Ms. Benjamin explained an updated version is expected but until there is one, this will be the version that's attached.

The motion passed by the following vote:

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

Nays: Mrs. Stanton (1).

NEW BUSINESS

Mrs. Stanton referred to an email she submitted to the City Manager with regard to photographs of dying and decaying trees at Roxbury Park and is concerned they may fall on somebody. She requested that Public Works remove the trees.

OLD BUSINESS

There will be further discussion at the next meeting regarding the four applications for the Loan Review Committee that were received.

Mayor Janakovic noted a letter was received from Mr. Joseph Taranto requesting that his name be taken off the Tree Commission and that a replacement be made effective with his termination.

PUBLIC COMMENT - NONAGENDA ITEMS

John DeBartola, 1197 Bedford Street, Johnstown, read the following letter into the record that was also included in each Councilmember's packet:

Lucy's Place, 520 Washington Street in Johnstown, PA, 15901,

814-539-4448. Greetings, Johnstown City Council, my name is Cheryl Orris and along with my sister, Sheila Burkett, we are the owners of Lucy's Place at 520 Washington Street in Johnstown downtown. I am here today to sincerely thank the City of Johnstown, the Johnstown Redevelopment Authority and all other parties involved for securing us a grant toward the façade improvements done to our building. Like any small business owners in the downtown area, we strive to do our very best to remain open to add to revitalization to our area. Our business was built very shortly after the great 1889 Flood and withstood both the 1936 and 1977 Floods. It has served as a small tavern restaurant and hotel for decades. For years, Lucy's Place proudly serves the area's LGBT community and welcomes everyone to come and celebrate the joy and diversity of our area. We look forward to the exciting development of the Iron to Arts Corridor that will literally unfold outside our doorstep. And yet another facet, we hope our humble little building will help enhance this new experience to both locals and out-of-town guests. It's in this spirit we invite the Mayor, City Manager, all Councilmembers and the Johnstown Redevelopment Authority to our grand reopening October 13th. Thank you, all you, for your assistance to make our building more attractive and helping to make a more vibrant downtown Johnstown for everyone to enjoy. We encourage Johnstown to join us at 6:30 p.m. (and this is all of you as well) on October 13th, (that's this Saturday), for our meet and greet of special guests, including Moxham's very own Divine Medium Christina Cay Watts who will be present to do Tarot card readings for a small fee. We will have a special guest bartender from the Flood City Roller Derby Group. At 9:00 p.m., we will host one of our fun-filled glow parties, like always, 21-plus and you must show valid ID. Sincerely, Cheryl Orris and Sheila Burkett.

Mr. DeBartola invited everyone to the grand reopening.

NEXT SCHEDULED MEETINGS:

Wednesday, October 24, 2018, at 5:00 p.m. (Non-Voting Workshop) followed by a
Special Meeting at 6:00 p.m.

Thursday, November 1, 2018 at 5:00 p.m. (Budget Presentation)

Wednesday, November 14, 2018 at 6:00 p.m.(Regular Meeting)

Wednesday, November 28, 2018 at 5:00 p.m.(Non-Voting Workshop)

ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.