

JOHNSTOWN CITY COUNCIL MINUTES  
Wednesday, May 9, 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 an Executive Session that was held prior to the meeting with regard to litigation and land acquisition.

OATH OF OFFICE: - None

ROLL CALL:

The following members of Council were present for roll call:

Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, and 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 April 3, 2018, Non-Voting Workshop 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).

Motion to approve the April 11, 2018 Regular Meeting Minutes:

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

Nays: None (0).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

Mayor Frank Janakovic noted the following proclamations that would be acknowledged by mail: Men's Health Month and the second celebrating the Bicentennial of the United States District Court for the Western District of Pennsylvania.

PUBLIC COMMENT - AGENDA ITEMS ONLY

Ms. Benjamin explained that the Public Preservation Policy does provide that a group must designate a representative to speak on its behalf.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to Resolution Three on the agenda related to the Assets Study. He suggested that the worth of the City's assets be determined, including those listed in the resolution.

Mr. DeBartola stated he and other residents of the community were very confused and requested clarity with regard to Bill No. 18. He requested answers from the City with regard to moving forward.

Mr. Williams stated the proposal is that testing will go up to the foundation, and that no testing would be conducted inside the home. He commented that he would pay for testing to the outside of the foundation, pay for any repairs to that point, "because they're not getting into my cellar floor." He further stated, "No one is going to convince me that an automatic washing machine, dishwasher or flushing the toilet ten times a day and taking two showers a day is the cause of the infiltration."

Mayor Janakovic questioned, "Whether any borough, township or city passed the numbers they need to achieve by just going to the foundation." He suggested that the matter be addressed further after all speakers had a chance to speak.

Tom Costa, 401 Brookside Way, Geistown, property owner in the City, addressed Council with regard to the sewage upgrade confusion, indicating that his properties in Lower Yoder were dug from the street to the home's foundation and then stopped. He further indicated that his properties in Cambria City would need to be pressure tested.

Mr. Costa noted further confusion with regard to the statistics indicating that Mrs. Stanton stated 29.4 percent or 2,499 pressure tests had been completed and the Mayor stated 44 percent.

There was further discussion regarding the correct statistics. Mayor Janakovic requested that Council refrain from answering any additional questions until the speakers were finished.

Mr. Costa stated it was quoted that there would be a 99 percent chance "that DEP will shut this down if the bill passes this evening." There was further discussion. Mr. Williams requested clarification of the matter.

Cheryl Tomkosky, 742 Grove Avenue, Moxham, addressed Council with regard to the sewage upgrades and Bill No. 18. She inquired whether concessions could be made for those who have already upgraded and rates could be raised for those who have not. Ms. Tomkosky indicated that she had received an estimate of between \$8,000 to \$12,000 to upgrade and noted that the "\$1,000 loan is not going to cut it." She stated that the elected officials should be looking out for the best interests of the taxpayers.

Sue Lease, 1133 Club Drive, a realtor within the City of Johnstown, addressed Council with regard to the sewage upgrades. Ms. Lease referred to a letter sent by Shannan Louder, a real estate agent in her office, for further discussion. She encouraged Council to pass Bill No. 18.

Mr. Williams will provide Ms. Lease with a copy of the consent order and DEP mandates.

Ms. Lease also requested a copy of the flow report and "just wants the right information as to what's going on." Ms. Lease agreed that the bill should be passed tonight, "that if DEP shoots it down, then we all know it's DEP that's requiring this," and not the individual councils.

John Varner, 748 Grove Avenue, Johnstown, addressed Council with regard to the sewage upgrades and stated, "The City has the biggest problem of all this, the biggest lines, the biggest problem," as water from outlying areas is still coming into the City. He referred to the cast iron pipes that most homes in the City still have and the problems that would ensue if that type of pipe were broken. Mr. Varner stated that the problem is "from storm sewers dumping into the sanitary sewers to keep them flushed out," and that once the City has addressed the situation, many problems would be eliminated. He indicated, "Making people go through the cost of ripping houses for lines that aren't even having any problems is ludicrous," and referred to a neighbor, who now has water coming into her basement when she had no problems previously. He suggested that the viewports be investigated to verify the homes that are draining water illegally.

Bill Lease, 1133 Club Drive, realtor, and current president of Cambria-Somerset Association of Realtors, addressed Council with regard to questions from his clients related to the sewer upgrades. He requested a contact to provide him with information regarding the sewer project, so that he could provide that information to his clients.

Mayor Janakovic indicated there are "certain Councilmembers telling people that they will be getting money back, that there's a way to recover that" for those property owners who have already had the sewage upgrade completed, referring to Mrs. Stanton. Mrs. Stanton noted for the record that she did not say that people were being paid back if they already did the work. She had further discussion regarding the matter.

Mrs. Mock suggested a public workshop with DEP, EADS and JRA to answer questions and to develop an educated plan.

Mr. Williams asked, "Where was your education when you voted to pass the Consent Order in 2014?"

Mayor Janakovic reminded Mr. Williams that he only sat through one of the presentations regarding the matter, "walked out the door, and did not listen to both presentations by the EADs Group and Kimball." Mr. Williams read the 2014 Consent Order into the record for further discussion regarding the matter.

Mrs. Stanton noted that Council has been fighting this sewage matter since 2013 and discussed several options the City proposed, including building a new plant at a cost of \$750 million or placing holding tanks all over the City. She indicated that the City has taken out PennVEST loans for \$122,417,754 for the projects completed.

Mr. Williams indicated that EADS engineers have been paid \$24 million thus far. Mayor Janakovic commented that the \$24 million did offset any rate increases. Mr. Williams commented rates have been raised three times. There was extensive discussion regarding the matter.

Mrs. Stanton further commented on the sewage upgrade project. She reminded Council that it voted unanimously to support HR 465, which would lessen the mandate restrictions that the EPA has for all the cities regarding sewage overflow. Mrs. Stanton commented on a letter sent by DEP, which indicates that the Department does not mandate or require any specific methodology or investigative approach for identifying leaking pipes within a sewage system and does not mandate pressure testing; that each municipality will develop a

plan to address the problem; and that the concerns with under slab replacement relate to the cost effectiveness of that approach.

Reverend King commented that Mrs. Stanton "has so much information on this sewage project", and it would be of benefit if both she and Mr. Williams "would actually join in with everybody else." Reverend King commented further that if she had been on Council at the time the sewage upgrade project was voted on, she would have voted "to expand the plant" and "not overtax the residents." Reverend King asked, "That all come together and be respectful of one another." She commented, "This here is not getting us anywhere," and "It's disrespectful to the people sitting in this audience and he should stop that." Reverend King stated that Mr. Williams had "disrespected her by his behavior and she did not appreciate it." Mr. Williams commented, "Well, get over it, okay."

There was considerable discussion regarding the mandamus action that was withdrawn by Mr. Williams and Mrs. Stanton as well as discussion regarding sewage upgrade options that Mrs. Stanton indicated were not presented to the residents. Mayor Janakovic stated the decision was either "a four-foot patch with rumble strips for eternity," because there is no money to do that, or "paved curb to curb so streets could be resurfaced that haven't been done since the '77 Flood."

Mr. Britt commented that for an hour and a half, "there has been discussion about everything but what we should have been talking about" and nothing has been accomplished. Mr. Britt stated that Mr. Williams' comment about himself and Reverend King being brainwashed was "very unprofessional." He thanked Mrs. Stanton for providing all the research she had obtained with regard to the sewage upgrade project. Mr. Britt commented that he and Reverend King are "new at this" and like others want to know, "we also would like to know."

Mayor Janakovic commented in response to Mr. DeBartola's question about "what the plan was." The Mayor explained the proposal was for \$750 million to \$1 billion to build the plant, and none of the sewage upgrade work would have been necessary, but city residents as well as boroughs and townships would have been paying approximately \$200 a month, times 12 months, or \$2,400, times 10 years, or \$24,000.

He stated the City also had to comply by 2022 with reducing the water levels being treated at the sewage plant. The plant treats 10 to 20 million gallons of water in any one-rain event, but was treating on average 120 million to 150 million gallons of water.

Mr. Janakovic noted Council's decision was made "based on those numbers, those figures, that option," that "we were backed into a corner," that "you either do this or you pay significant fines and costs."

The City Manager noted that in a recent conversation with DEP he requested a three-year extension to consider the flow readings coming into the City and to reapply for a grant.

Mrs. Mock suggested that everyone "keep educating themselves on the matter," and that what was known back in 2009 and 2010 is "not the same as where we're at right now." She stated, "We need to know where we're at now, where DEP is on the matter, what are they going to offer us, how can we do this with all the data and all the information."

Brittney Baker, Cambria Somerset Association of Realtors, commented that overflows are due to all the storm water and that now there is flooding in basements. Mrs. Stanton noted that sump pumps in basements are connected to the sewage system, "which is increasing the flow to the sewage plant, that residents are paying to clean the sewage as well as rain water." She commented that as a result, figures and flow studies are "skewed."

Mayor Janakovic noted for the record that Mrs. Stanton was offered the opportunity to conclude her comments. Council members requested to move on. Mrs. Stanton asked permission to state a few brief comments to conclude on the subject

Mr. Williams appealed the ruling to not allow Mrs. Stanton to speak. He stated, "It takes a vote of Council to rule on that."

Mrs. Mock made a motion to move on. Mr. Vitovich seconded the motion.

Ms. Benjamin explained if there is no objection to the ruling that Mrs. Stanton was denied to speak, Council needs to vote to either sustain that objection, meaning that she would be permitted to speak, or overrule that objection meaning she would not be permitted to speak.

Mrs. Mock made a motion to overrule. Mr. Vitovich seconded the motion.

After further discussion, Council voted as follows to allow Mrs. Stanton to speak:

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

Mrs. Stanton suggested that Council pass Bill No. 18, that a workshop be held with regard to the sewage upgrade project "to figure it all out." She noted that she and Mr. Williams have conducted plenty of research, and that she does not know of anybody on Council "more dedicated than Councilman Williams to finding the answers and getting the truth out there."

Mrs. Stanton made a motion to conduct a workshop. Mrs. Mock seconded the motion.

Mr. Vitovich suggested that JRA and DEP be invited to attend the workshop also. Mrs. Stanton stated for the record that she would not be present at any workshop that has JRA present.

Mrs. Mock made a motion to call for the vote. Mr. Vitovich seconded the motion.

Ms. Benjamin explained the following motion is only with regard to conducting a workshop and not about the invitees.

The motion passed by the following vote:

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

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

Mrs. Mock made a motion to conduct a workshop with DEP, JRA and EADS. Mr. Vitovich seconded the motion.

The City Manager asked for clarification of the workshop. Mrs. Mock stated her motion is for education overall process with all the parties involved.

Mrs. Stanton commented that last year she and Mr. Williams proposed a resolution similar to her motion and stated that DEP declined the invitation. Mrs. Stanton was against inviting DEP and reminded Council of the past involvement with the JRA and its Solicitor.

Mr. Vitovich made a motion to call for the vote. Mrs. Mock seconded the motion.

Reverend King suggested that Council meet first as a whole for discussion without inviting anybody else.

Mrs. Stanton made a motion that Council conduct a workshop as a whole without inviting anybody else.

Mr. Williams made a motion to amend the motion to exclude EADS, JRA and DEP. The motion was seconded by Mrs. Stanton and failed by the following vote:

Yeas: Mrs. Stanton, Mr. Williams, Reverend King (3).

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

Mrs. Mock's motion to conduct a workshop with EADS, JRA and DEP failed by the following vote:

Yeas: Mr. Vitovich, Mayor Janakovic, Mrs. Mock (3)

Nays: Mr. Williams, Mr. Britt, Reverend King, Mrs. Stanton (4).

Reverend King made a motion that Council itself meet for a workshop. Mr. Williams seconded the motion.

Mrs. Stanton stated Council defeated her earlier similar motion.

Ms. Benjamin explained that if Council was voting on a similar motion that had previously failed in the same meeting, that the motion would need to be reintroduced or renewed, and somebody who voted against it would need to propose the motion.

Mr. Britt made a motion to reintroduce the motion that Council conduct a workshop as a whole. Reverend King seconded the motion.

Mrs. Stanton suggested that any Council members with any questions or concerns contact the City Manager before the workshop.

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

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

Nays: None (0).

#### REPORT BY THE INTERIM CITY MANAGER

Curt Davis, Interim City Manager, indicated the Solicitor has a copy of the forensic audit and asked Council members to determine a date for a question and answer session at which time the auditors would be present. May 16, 2018 was noted for the record.

Mr. Davis reported that 14 police applicants passed the written exam, and the interviews and physicals are continuing. Five new officers would be hired by the end of the month.

He referred Council members to the Valuation of Assets for review, which he noted would be completed by September 30, 2018.

A zoning change recommendation to go to a C-1 was included in the packet.

The resolution on the noise ordinance related to Our Sons on Main Street. Mr. Davis noted the Pennsylvania Liquor Control Board would review the matter.

Ms. Benjamin explained the ordinance is being substituted for PLCB's regulation in order to allow local law enforcement to enforce hour and noise ordinances. Ms. Benjamin assured Council that the process was such that would substitute the City's ordinance for the PLCB's regulation.

Mr. Davis noted the receipt of many phone calls from residents concerned about the \$600 a day fine for noncompliance of pressure testing. Mr. Williams referred Council members to the ordinance he would be introducing tonight, which was proposed by himself and Mrs. Stanton previously that would eliminate the \$600 a day fine. Mr. Williams stated the City has been in violation of the 2012 Consent Order by not enforcing it.

Mayor Janakovic commented that he "is not going to go out and charge somebody \$600; that's ridiculous; that's a scare tactic." There was extensive discussion regarding the proposed ordinance to eliminate the \$600 a day fine.

There was discussion regarding the terms of the Advanced Disposal contract. Mrs. Mock noted the receipt of complaints from residents who want to bring back the spring cleanup.

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

#### SHORT RECESS TAKEN

Mrs. Stanton also noted the receipt of complaints from residents regarding spring cleanup. She noted that, under the current garbage contract, there is a bulk pickup of one large item once a month with no additional charge.

Mrs. Stanton distributed petitions in support of Bill No. 18. She discussed a code complaint, which she has been reporting, with regard to vacant Cambria County Redevelopment Authority property at 624 Napoleon Street as well as

the First Christian Church on Vine Street, which she suggested should be boarded up.

Mrs. Stanton inquired as to the non-listing of code complaints on Council's agenda. Mr. Davis noted a spreadsheet of all code complaints submitted. Mrs. Mock stated, in her opinion, the spreadsheet was a sufficient listing of the complaints. There was considerable discussion regarding the matter.

Mrs. Stanton made a motion to list all code complaints submitted under the Council Updates section of the agenda, including the Council member's name, if they so choose, and number of complaints. The motion was seconded by Mayor Janakovic and passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Stanton, Mr. Vitovich (4).  
Nays: Mr. Britt, Mrs. Mock, Mr. Williams (3).

Mrs. Stanton commented on the receipt of complaints from residents who had sent communications to Council that are not being listed on the agenda. Mr. Williams commented, "If a communication is addressed to members of City Council, it should be listed on the agenda as a communication." Mrs. Stanton requested that all Council members receive a copy of all correspondence addressed to the members of City Council.

Ms. Benjamin explained a communication was not an agenda action item, meaning an item require a vote, and therefore, would be at the end of the meeting.

Mr. Williams discussed the resolution to take legal action against delinquent loans. Mr. Davis stated the latest spreadsheet did not reflect that and was happy to show that to Mr. Williams.

Mr. Britt commented on a document he had signed as an official.

#### REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on attending the recent Cabinet in your Community event. He stated Secretary Davin from DCED, Secretary of Labor and Industry, Secretary of Aging, Secretary of PennDOT, and Secretary of Drug and Alcohol attended. Mayor Janakovic discussed the City's pension fund and other issues with Secretary Davin.

Mayor Janakovic recently presented a Proclamation to the Kiwanis Club on their 100th Anniversary.

The Mayor met with the Heinz Foundation to discuss the needs of Johnstown and hopefully funding may come to the City.

Mr. Janakovic noted the opportunity to meet with Dutch Embassy officials, Deputy Head of the Economic Department of the Netherlands, and Embassy secretaries from the Netherlands, who are very interested in Johnstown and the opportunity to create some trade across the ocean.

He attended the recent Rotary dinner during which 12 scholarships were awarded to students from Bishop McCort, Conemaugh Valley, Ferndale, Forest Hills, Greater Johnstown, Richland, Westmont and Johnstown Christian School. The Mayor stated a number of students were graduating from Johnstown High School with an associate's degree.

#### REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, Solicitor, reported that a majority of the matters were addressed during Executive Session. She requested that Council take a copy of the forensic audit report. A special meeting is tentatively scheduled for May 16, 2018, at 5:00 p.m.

Mr. Williams stated a resolution was passed on March 8, 2017 regarding a Valuation of Assets study for the Pasquerilla Conference Center, the ITC Parking Garage, the Lincoln Street Parking Garage, the Berkley Hills Golf Course, and the sanitary sewer conveyance system and not the Point Stadium as stated in Resolution No. 3 on the agenda. Mr. Davis had requested consideration to submit a proposal for leasing the Point Stadium. There was further discussion regarding the matter.

Mr. Williams noted that Bill No. 3 was omitted from the last agenda. Ms. Benjamin stated the bill would be placed back on the next meeting's agenda.

#### COUNCIL UPDATES

1. Planning Commission Minutes of April 4, 2018.
2. Planning Commission Minutes of May 2, 2018.
3. April 12 letter from Andrea Fenimore.
4. April 16 letter from Jack Williams re: Pending Budget Amendment Bill No. 16 of 2018.
5. April 23 letter from C. Stanton and J. Williams re: Clover Street.
6. April 30 letter from Dennis Marone re: Support of Bill No. 18.

7. May 1 letter from Shannan Yarnick-Louder re: Support of Bill No. 18.
8. May 3 Petitions to support Johnstown City Council Bill No. 18 from C. Stanton.

### NEIGHBORHOOD LIAISONS

Mrs. Mock reported the Roxbury Civic Group completed the Adopt a Highway spring cleanup along Franklin Street as well as Roxbury Park. A grant was received from the Community Foundation for the Alleghenies to replace backstops at the park. The group also continues to support the endeavors to construct a hockey rink at the park.

West End Improvement Group will be getting workers from Starbucks to help with the gardens on Saturday, May 12, 2018.

Reverend King reported that the first Kernville Community meeting was held April 12, 2018, and another meeting is scheduled for May 10, 2018, at 5:30 p.m. at the YWCA.

The United Neighborhood Group continues to meet and some street fairs and block parties are planned in different communities starting in June.

Reverend King reported on attending the Franklin Street Corridor meeting on April 23, 2018. She stated the Fourth Annual Peace Walk held on Friday, May 4, 2018, was "a huge success" and was a way for people to get to know one another and bond together on neighborhood issues.

Mr. Britt reported on the receipt of complaints from the Conemaugh Borough neighborhood regarding the potholes near the Am-Slo Club playground.

Mr. Britt noted paving continues in the Hornerstown area.

Mr. Williams had no report.

Mr. Vitovich had no report.

Mrs. Stanton reported Fire Chief Tony Kovacic was guest speaker at the recent Moxham Crime Watch meeting. She stated Chief Kovacic provided a "very informational presentation" with regard to the fire department calls, fire pit regulations, vacant properties, and fire hydrants.

She reported on a recent cleanup of the Jim Mayer Trail near Clover Street sponsored by a Change for Johnstown Facebook group.

Mrs. Stanton noted her attendance at the recent Seventh Ward Civic Group meeting where there was discussion of ambulance reports, including overdose calls, which she noted were up slightly from the previous month. She noted also that a Democratic rally was recently held there. Mrs. Stanton provided residents with code complaint forms, which she encouraged all to fill out and submit to City Hall.

She participated in a walking tour of the Hornerstown neighborhood during which blight concerns and code violations were observed.

Mrs. Stanton asked the City Manager to accept and forward to the codes department 20-code complaint forms from West End resident, Lindy Yutzy. She requested that Ms. Yutzy receive a response to her complaints.

Mrs. Stanton participated in a walking tour of the Kernville neighborhood during which code violations and vacant properties were seen. She presented complaints to the City Manager that were requested to be forwarded to the codes department for review and response.

Mrs. Stanton asked the City Manager to authorize the codes department to conduct a sweep for code violations in the Kernville neighborhood. City Manager Davis indicated the new director of Community and Economic Development was setting up a schedule with regard to the matter.

#### ORDINANCES FOR FINAL READ

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

Nays: Mrs. Stanton (1).

Abstention: Mr. Williams (1). Mr. Williams noted pending criminal action regarding the 2018 budget still under review.

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.

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

Mr. Davis explained the bill.

The motion passed by the following vote:

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

Nays: Mrs. Stanton (1).

Abstention: Mr. Williams (1).

#### 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 and April 11, 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 motion:

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

Nays: None (0).

Ms. Benjamin explained the bill is as amended at the April 11, 2018 meeting.

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

Mr. Williams noted three sections that required clarification and definitions, including the words "willful, willfully and extenuating circumstances," as the definitions for the purpose of the ordinance are not stated.

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

Ms. Benjamin explained that Mr. Williams's concern was valid, that the extenuating circumstances reference might have to be addressed on a case-by-case basis.

The motion passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt,  
Reverend King (5).

Nays: Reverend King, Mrs. Mock (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. (Tabled April 11, 2018.)**

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, Mrs. Stanton (6).  
Nays: Mr. Williams (1).

Mrs. Mock made a motion to approve Bill No. 14 as read. Mr. Vitovich seconded the motion.

Mrs. Mock stated that trying to enforce Central Park boundary to boundary was impossible. Mr. Davis noted that Roxbury Park would be hard to enforce also. There was further discussion regarding the bill. Mrs. Stanton noted for the record that she is in agreement with Mrs. Mock to remove Central Park from the ordinance. There was further discussion regarding the matter.

Mrs. Mock made a motion to remove Central Park from Bill No. 14. The motion was seconded by Mrs. Stanton and failed by the following vote:

Yeas: Reverend King, Mrs. Mock, Mrs. Stanton (3).  
Nays: Mr. Williams, Mr. Britt, Mayor Janakovic, Mr. Vitovich (4).

Mrs. Mock made a motion to approve Bill No. 14 as read. The motion was seconded by Mr. Britt and failed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Mr. Vitovich (3).  
Nays: Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Williams (4).

Mayor Janakovic requested the City Manager to remove the no smoking signs.

There was discussion whether the chairs on the sidewalk ordinance was being enforced. Mr. Davis noted that complaints concerning the matter could be forwarded to him.

**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. (Tabled April 11, 2018.)**

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

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

The bill remained tabled.

BILL NO. 20 OF 2018, AN ORDINANCE SPECIFICALLY AMENDING  
ORDINANCE NO. 4159 PASSED FINALLY IN COUNCIL THE 24TH  
DAY OF OCTOBER, 1979, THE SHORT TITLE OF WHICH IS "THE  
ZONING ORDINANCE OF THE CITY OF JOHNSTOWN," BY  
REZONING CERTAIN BLOCKS OF LAND LOCATED IN THE 21ST  
WARD OF THE CITY OF JOHNSTOWN.

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

Mr. Williams commented this was the same property that in 2014 was recommended not be rezoned. He offered additional information regarding the matter.

Mr. Vitovich noted that at a public meeting, both sides agreed unanimously to work their differences out. Mrs. Stanton stated she thought this was referred to as "spot zoning." City Manager Davis explained that per the Planning Commission, C-1 is not spot zoning. The lot right next to it is C-1 and C-1 is acceptable. There were further comments. Mayor Janakovic noted the property in question was an abandoned City tennis court that was in disrepair and out of taxation, which the property was now placed back in taxation and was a "major improvement from what it was."

The motion passed by the following vote:

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

## 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 A WRITTEN REPORT TO CITY COUNCIL ON OR BEFORE MARCH 1, 2018. (Tabled 1-2-18 and 4-11-18).

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

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

Nays: None (0).

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

There was further discussion regarding the resolution. Mr. Davis indicated studies are ongoing with regard to blight and code enforcement, along with the historical survey. The City Manager noted the volunteer assisting with the survey has previous experience in the matter. Mayor Janakovic commented that the deadline of March 1 had already passed.

Mrs. Stanton made a motion to amend the date to August 1, 2018. There was no second to the motion.

The motion to approve the resolution as read failed by the following vote:

Yeas: Mrs. Stanton (1).

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, DIRECTING THAT THE "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). (Tabled 4-11-18.)

Reverend King made a motion to remove the resolution from table. Mr. Vitovich seconded the motion.

There was further discussion regarding the resolution.

Reverend King withdrew her motion. Mr. Vitovich withdrew his second to the motion.

Mrs. Stanton made a motion to remove the resolution from table. There was no second to the motion. The resolution remained tabled.

Resolution No. 10084

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN AN AGREEMENT WITH HJA STRATEGIES, LLC, FOR THE VALUATION OF ASSETS STUDY. THIS STUDY WILL PROVIDE A VALUATION FOR THE FRANK J. PASQUERILLA CONFERENCE CENTER, THE ITC PARKING GARAGE, THE LINCOLN STREET PARKING GARAGE, THE BERKLEY HILLS GOLF COURSE, THE CITY'S SANITARY SEWER CONVEYANCE SYSTEM AND LEASING OF THE POINT STADIUM. THE STUDY WILL ALSO PROVIDE A FINANCIAL ANALYSIS AND A DISPOSITION STRATEGY FOR EACH ASSET.

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

There was discussion regarding the resolution. Ms. Benjamin explained a separate agreement would come before Council with regard to the matter but that Council is currently voting on the overall package.

The motion passed by the following vote:

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

Nays: None (0).

Mr. Williams did not vote on the motion.

Resolution No. 10085

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, SUPPORTING A PETITION TO THE  
PENNSYLVANIA LIQUOR CONTROL BOARD (BOARDS) BY THE  
OWNERS OF THE PROPERTY KNOWN AS 229 MAIN STREET FOR  
SUBSTITUTION OF THE CITY OF JOHNSTOWN'S NOISE ORDINANCE  
FOR THE BOARD'S REGULATIONS.

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

Mr. Davis explained that the property owner was fined by the PLCB last year for allowing a man to play his guitar, that PLCB will be conducting a hearing with regard to the matter.

The motion passed by the following vote:

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

Nays: Mrs. Stanton (1).

Mr. Williams did not vote on the motion.

Resolution No. 10086

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, APPROVING MICHAEL CAPRIOTTI'S REQUEST TO  
PURCHASE FIVE YEARS OF MILITARY SERVICE COMPLETED  
PRIOR TO EMPLOYMENT WITH THE CITY OF JOHNSTOWN TO  
INCREASE HIS RETIREMENT CREDIT FOR FIREFIGHTER PENSION  
CALCULATIONS.

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

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

Nays: None (0).

Mr. Williams did not vote on the motion.

Resolution No. 10087

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, APPROVING MICHAEL KELLY'S REQUEST TO  
PURCHASE FIVE YEARS OF MILITARY SERVICE COMPLETED  
PRIOR TO EMPLOYMENT WITH THE CITY OF JOHNSTOWN TO  
INCREASE HIS RETIREMENT CREDIT FOR FIREFIGHTER PENSION  
CALCULATIONS.

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

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

Nays: None (0).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO  
EXECUTE A SALES AGREEMENT FOR THE PURCHASE OF CERTAIN  
PROPERTY REFERENCED HEREIN AS 722 BARCLAY STREET FROM  
1ST SUMMIT BANK IN AN AMOUNT NOT TO EXCEED \$6,000.00.

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

Ms. Benjamin recommended tabling the resolution for lack of a title search.

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,  
Mrs. Stanton, Mr. Vitovich (6).

Nays: None (0).

NEW BUSINESS

Interim City Manager Davis noted a request by Mr. Britt to make himself and other Council members available to the public at a time and date to be determined at City Hall for discussion of any of their concerns.

Mayor Janakovic reminded Council members of the special meeting with regard to the loan review report on May 16, 2018.

Mrs. Stanton made a motion that Bill No. 21 of 2018 as proposed by Mr. Williams eliminating the \$600 a day fine for residents be read now and voted on. Reverend King seconded the motion.

Mayor Janakovic suggested that amendments be made to the ordinance rather than eliminating the ordinance. The City Manager noted the way the ordinance currently reads the fine could go up to \$600. Ms. Benjamin explained that the ordinance states that people who violate shall be subjected to a fine not to exceed the maximum of \$600. There was further discussion. Ms. Benjamin will review and make changes to the current ordinance. Bill No. 21 will appear on the next agenda as a first read.

Reverend King withdrew her second to the motion pending further review.

Reverend King commented that none of the meetings had been addressing the fact that "the City is almost out of money", nor has there been any type of meeting to discuss how to move forward. She suggested that a workshop be scheduled with regard to that. Mayor Janakovic noted the biggest issue was the pension fund and contribution, that the City may be facing a \$300,000 increase this year in addition to the current contribution. Mr. Davis will coordinate a workshop with the financial firm for early July.

OLD BUSINESS

Mr. Vitovich made a motion to appoint Ed Cernic, Jr. to the vacancy on the Greater Johnstown Water Authority Board. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: Mrs. Stanton (1).

Wednesday, May 9, 2018  
Stated Meeting, continued

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Mrs. Stanton noted that at the last meeting she had made a motion to extend the sewage compliance deadline for neighborhoods to July 31st, which May 31st Council voted unanimously to extend that. Ms. Benjamin noted the matter was pending DEP approval to amend. Mr. Davis will contact DEP on the matter.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 10:05 p.m.

The next regular meeting is scheduled for Wednesday, June 13, 2018 at 6:00 p.m.