

JOHNSTOWN CITY COUNCIL MINUTES  
Wednesday, August 8, 2018

City Council met in a stated session for the general transaction of business.  
Mayor Frank Janakovic called the meeting to order at 6:04 p.m.

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

Mayor Janakovic noted an Executive Session was held prior to the meeting with regard to real estate issues and threatened litigation. Ms. Benjamin explained the reason for not identifying the litigation.

The following members of Council were present for roll call:

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

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

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the June 26, 2018 Special Meeting; July 11, 2018 Regular Meeting; and July 30, 2018 Special Meeting.

Mr. Williams stated the June 26, 2018 Special Meeting did not have a quorum present and should have been advertised as a nonvoting session. Ms. Benjamin explained the June 26, 2018 Special Meeting did not have a quorum, but was more akin to a non-voting meeting. The meeting had been advertised, and the minutes may be recorded. There was further discussion regarding the matter.

Ms. Benjamin suggested that Council table the matter, review whether the purpose of the special meeting complies with the Charter rules, and further address the matter at the next meeting.

Mr. Britt made a motion to table approval of the June 26, 2018 Minutes. The motion was seconded by Mrs. Mock and failed by the following vote:

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

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

Abstention: Mr. Vitovich (1).

Reverend King made a motion to "get rid" of those Minutes and "be done with it."

Ms. Benjamin explained the Minutes will be part of the official record of the meeting and can be adopted as information regarding a gathering held on June 26, 2018, or rewritten and brought back. She further explained that Council "cannot pretend this meeting didn't occur or that it doesn't exist."

Mr. Williams made a motion to withdraw the June 26, 2018 Special Meeting Minutes. The motion was seconded by Mrs. Stanton and passed by the following vote:

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

Mr. Williams requested that the July 11, 2018 Regular Meeting Minutes reflect that his absence at that meeting was due to medical reasons.

Mrs. Mock made a motion to approve the July 11, 2018 Regular Meeting Minutes and July 30, 2018 Special Meeting Minutes. 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: None (0).  
Present: Mrs. Stanton, Mr. Williams (2).

#### PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

None.

#### PUBLIC COMMENT - AGENDA ITEMS ONLY

None.

#### REPORT BY THE CITY MANAGER

George Hayfield, City Manager, reported on the installation of the Sargent's Stadium at the Point signage. He noted the lighting and sound systems were checked for the AAABA Tournament, which began August 6, 2018.

Mr. Hayfield noted a resolution on the agenda with regard to a PennVEST loan in the amount of \$3,906,560 and grant funds in the amount of \$6,993,440

for the Kernville sewer project scheduled to start in September. Deadline for submittals regarding that matter was noted as August 31, 2018. He stated the project would require a budget amendment.

The City Manager noted RFPs related to the auditor, engineer, solicitor and counsel would be advertised August 12, 2018, with a deadline for all submittals being August 31, 2018.

Mr. Hayfield noted a meeting with the Act 47 coordinator with regard to mid-year projections. A year-end surplus of \$726,000, revenue in the amount of \$13,622,000, and expenses in the amount of \$12,896,000 were projected. He stated 2019 would start with a projected \$1.4 million.

The City Manager noted a resolution on the agenda related to the Broad Street Interceptor Project contract with A. Liberoni, Inc., that would require a budget amendment.

Mr. Hayfield discussed the UDAG fund. He noted \$848,014 was added to that fund by an ordinance passed at the June 13, 2018 meeting that increased the overall funds to approximately \$1,269,000. The additional funds were a result of a \$300,000 parking fund loan repayment and a \$548,000 general fund repayment. Mr. Williams requested documentation with regard to those funds.

Mr. Williams inquired as to how revolving loan money could be "put in" for emergency demolition. Mr. Hayfield explained a transfer from one expense line item to another, including \$100,000 to be taken from the revolving loan fund expense line item and transferred to the emergency demolition fund, as well as \$20,000 to be taken from that same fund and transferred to the economic development line item.

Mr. Williams commented that per the Charter there would need to be complete documentation of the transfer of funds, what line item to what line item. Mr. Hayfield referred to additional details provided in the Council packet.

There was discussion regarding an incorrect comment related to paving costs made by Mr. Hayfield in the Tribune Democrat on July 22, 2018. There was discussion regarding another incorrect statement in the newspaper concerning an accident in Moxham involving a sewage contractor and a parked car. Mr. Vitovich commented that the car's owner was told to obtain a rental car and that repairs to the vehicle would be paid for by that contractor. Mrs. Stanton commented that any complaints with regard to damage done by a sewage

contractor to private property or to an automobile should be directed to the City and not to the EADS Group.

Mr. Williams suggested that DCED be contacted with regard to management, concessions, and promotion proposals at the Point Stadium.

Mrs. Stanton requested that Bishop McCort and First Commonwealth Bank be contacted as to the collapse of the flood channel walls on Akers Street as well as the channel walls to the rear of Bishop McCort.

Mayor Janakovic met with representatives from the Army Corps of Engineers as to the ownership of the channels by the Army Corps and by the City. He awaits a response on the matter. Mrs. Stanton maintains a map reflecting the division of the channels.

Mrs. Stanton requested that the City Manager provide an update on recent flood damage on Stackhouse Street and Delaware Avenue. Mr. Hayfield suggested those residents themselves contact the City.

Mrs. Stanton requested an update on the blight and overgrowth situation on Slick Alley. The City Manager stated the matter was turned over to the Codes Department.

Mrs. Stanton had not received a response to her 23 code complaints previously submitted. She resubmitted the complaints along with Right to Know requests. She discussed unpaid vacant property fines and noted that the City would receive \$55,000 in revenue if all the property fines were paid in full. Council members further discussed the collection of those fines.

Mr. Williams made a motion for the City Manager or his designee to take all action necessary to notify vacant property owners by letter and/or advertisement on registering their properties and paying in full all applicable vacant property maintenance fees by October 1, 2018, or possibly face legal action. The motion was seconded by Mr. Vitovich.

There was further discussion regarding the motion.

Mr. Vitovich called for the question. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: None (0).

Ms. Benjamin suggested that the City Manager gather information regarding the properties for further discussion at the next meeting.

Mr. Vitovich commented on the installation of piping into an open creek along Pennsylvania Avenue. He suggested that maybe one of the pipes might have sunk. He suggested that the Fire Department check the channel and see if one of the pipes did collapse resulting in the water being spouted onto Pennsylvania Avenue.

It was suggested that the retention pond at Stackhouse Park be checked as well, which if cleaned out may solve part of the problem.

#### REPORT BY THE MAYOR

Frank Janakovic, Mayor, noted his attendance at the 74th Annual AAABA opening night on August 6, 2018, and assisted with player trophy presentations. He had also congratulated Ameriserv for another great music fest for the City.

Mayor Janakovic participated in the Annual Duck Race for the St. Vincent DePaul Food Kitchen on Sunday, August 5, 2018. He stated \$17,000 was raised to help feed those in need in the community.

Mr. Janakovic attended the 25th Annual AAABA Hall of Fame Banquet with guest speaker Al Oliver, former Pirates baseball player, as well as major league players, Julio and Ruddy Lugo. He noted Maurice Berry was also inducted into the AAABA Hall of Fame. The Mayor congratulated George Arcurio and the AAABA Oldtimers Committee.

The Chamber of Commerce recently sponsored a presentation by Pittsburgh Mayor Bill Peduto. Mayor Janakovic was provided an "open invitation" to meet with him in Pittsburgh to discuss strategies, including the bridge to Pittsburgh.

The U.S. Department of Economic Development approved an application by the Southern Alleghenies Planning and Development Commission and the City of Johnstown. The Mayor noted a summit of federal and state agencies recently conducted to support the importance of Johnstown. The topics discussed included increasing internet connection in Johnstown, river access and flood control, blight elimination, and land banks. Representatives from EDA, EPA, Army Corps of Engineers, DEP, DCED, HUD, and FEMA attended.

Mayor Janakovic toured the Cambria Metal Arts Shop.

The Mayor offered a proclamation declaring Coney Island Day in Johnstown for the reopening.

Mr. Janakovic noted his attendance at a State Commonwealth presentation with Representative Barbin and Senator Langerholc. Both agreed that changes need to be made to the pension fund and support for the Act 47 team.

Mayor Janakovic presented Charles Jeffers with a proclamation for his years of service with the Johnstown Police Department at his recent retirement ceremony.

The Mayor attended a Redeemed Men of God Banquet held recently to recognize black men of leadership.

Mr. Janakovic offered congratulations to JRA for securing the marijuana manufacturer at the old mill site on Iron Street that is expected to create a minimum of 50 jobs.

#### REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, Solicitor, referred to possibly amending some of the resolutions, but she would offer further comments at that time. She noted a current ordinance that allows properties to be declared a nuisance once weeds on a property reaches a certain height and certain notices have been issued. The Public Works Department can go on the property to abate that nuisance.

Mr. Williams referred Council members and the Solicitor to a communication regarding ordinances that were not legally adopted, including Bill No. 7, Ordinance 5250, Bill No. 16, Ordinance 5253; Bill No. 22, Ordinance 5257; and Bill No. 23 on tonight's agenda. Mr. Williams read into the record a section of the Home Rule Charter which states, an ordinance requiring prior public notice, no final action shall be taken on any of the following types of ordinances and amendments thereto without a public hearing thereon and at least ten days prior public notice. Mr. Williams noted that none of the three ordinances was given a ten-day notice or public hearing and, therefore, were null and void. He suggested all of the bills should be introduced as new bills, including first read by Council, public notice for ten days and a public hearing.

Ms. Benjamin will further review the matter and advise if corrective action is necessary.

Mr. Williams stated if the matter was not corrected, court action would be pursued.

Mrs. Mock agreed with Mr. Williams and suggested that a workshop be held with the accountants for further discussion of the matter.

Mr. Williams noted an example of 90 line items in the 2017 general fund that were either over budgeted or there was no money in to begin with. Mayor Janakovic also suggested that workshops be held to provide a further understanding of the matter.

Mr. Williams stated he and Mrs. Stanton will be issuing a notice of intent to file a petition for contempt against Council and the City for the deficits on September 4, 2018.

Ms. Benjamin questioned Mr. Williams as to a satisfactory resolution with regard to the notice of intent. Mr. Williams agreed that a workshop combined with efforts that the matter be reviewed before September 4 would be a satisfactory solution. He suggested that a workshop be scheduled for the last week of August.

Mrs. Stanton noted her request for a readable copy of the budget at the beginning of the year had not yet been received.

Mr. Britt agreed that Council should sit down together to move forward on the matter.

Mrs. Stanton made a motion for a ten-minute recess. The motion was seconded by Mr. Williams and passed unanimously.

SHORT RECESS TAKEN

#### CITY ENGINEER

Mrs. Stanton noted that according to her reading the August EADS report, approximately 1,800 properties remain noncompliant with the pressure testing. She further noted the deadline has passed.

Mrs. Stanton had received a response from DEP's program manager, Christopher Reilly, who indicated that DEP does not mandate testing and

replacement of underslab private laterals, that the City of Johnstown and its consultants proposed the replacement of private laterals under the slab. She stated Mr. Reilly further indicated that removal of downspouts would assist with the matter. Mrs. Stanton and Mr. Williams were in favor of changing the consent order to only go to the exterior of the foundation and will submit an ordinance at next month's Council meeting regarding the matter.

Mrs. Stanton made a motion that Council amend the consent order and agreement and the abatement plan.

Reverend King referred to a letter read by Mr. Davis in June from the same person. Ms. Benjamin read the letter into the record that stated that the Department believes that Bill 18 would be in violation of the City's SSO abatement plan that was approved August 31, 2015, and incorporated within the consent order and agreement. In addition, that until the City assures the Department that it will comply with the SSO abatement plan and consent order and agreement, the Department will not consider any requests for a time extension.

Ms. Benjamin was again requested to read the May 29, 2018 letter into the record.

The Solicitor explained that a submission would need to be made to DEP that reflects the correct amendment to the consent order to modify that abatement plan.

Mr. Britt made a motion that clarification be given on the letter, whether DEP would be amenable to an amendment to the abatement plan, consistent with Bill No. 18. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: None (0).

### COUNCIL UPDATES

1. Letter of July 23, 2018 from Helping Hands of Cambria County, Inc. Re: Exoneration of taxes.
2. Letter of July 27, 2018 from C. Stanton Re: City Hired Sewage Contractors.



NEIGHBORHOOD LIAISONS

Mrs. Mock reported on the West End Improvement Group's community garden growing and doing well with the help of volunteers.

Cleanups were recently held on Fairfield Avenue and Strayer Street by the Goodwill Youth Corps.

Mrs. Mock and Reverend King attended a recent Roxbury meeting. Residents asked that a recreation committee be established as in the past.

A Race for the Rink fundraiser will be held for the Roxbury hockey rink on September 15, 2018, beginning at 10:00 a.m.

Mrs. Mock noted her attendance at a recent Hope 4 Johnstown spaghetti dinner at the Greater Johnstown Middle School in Hornerstown. She indicated the group would also have a Fun Day at Roxbury Park on August 18, 2018.

Reverend King reported on her attendance at the recent grand reopening of Coney Island.

Reverend King also noted her attendance at the Hope 4 Johnstown Unity Fellowship Meal.

She stated the Prospect meeting had been postponed. Hornerstown and Kernville have meetings scheduled. A car wash was scheduled in Kernville on August 25, 2018.

Reverend King indicated the United Neighborhood Group was working on a project with Chief Johnson to help deter neighborhood crime. She stated the project was in its preliminary stages and updates would be provided.

The Roxbury Civic Group was also considering plans to reorganize a Recreation Commission.

Mr. Britt indicated his attendance at some of the same events that Councilwoman Mock and Reverend King attended. He requested residents be patient with the sewage work and paving being completed in the City. Mr. Britt noted his attendance at the Redeemed Men of God Banquet and thanked Johnstown businesses for their support.

Mr. Britt discussed organizing a 200-man march for the purpose of unity of the City of Johnstown. He stated, "We need to start working together."

He noted another community meeting scheduled for August 14, 2018, at the Johnstown Middle School in Hornerstown.

Mayor Janakovic noted a ribbon cutting ceremony to be held Saturday, August 11, 2018, at the new trail below the Inclined Plane. A grant was being sought for handicapped access to the area.

Mr. Janakovic also noted a rib fest to be held at PNG Park.

The Mayor noted his observation of many things to be done at the stadium, including cleanup and equipment purchase. He asked that the Recreation Commission help with that endeavor.

Mr. Williams requested that a readable copy of the budget and latest financial report be provided at the workshop.

Mr. Vitovich checked on all of the debris dams in the City due to the recent rains and noted, "They're deplorable." He questioned whether there was a way to obtain federal funding to clean the dams. Mayor Janakovic suggested that the City Manager contact the County grant writer; City consultant Lou Crocco; and Matt Ward, federal grant writer, with regard to the matter.

Mr. Williams noted a DER budget that years ago funded an annual clearance of the debris, but that money was stopped. The Mayor commented that the late Congressman Murtha had also helped obtain federal funding.

Mr. Vitovich commented that the Johnstown Housing Authority recycling containers cannot hold all the recycling that is being deposited. He asked that the Housing Authority be contacted regarding bigger containers.

Mrs. Stanton thanked the 7th Ward Civic Association for hosting the Annual Night Out event recently held in the Hornerstown community. She recognized Chief Johnson and members of the Johnstown Fire Department who also attended.

She discussed the receipt of complaints with regard to streets not being cleaned at the times indicated on Fronheiser Street, and that the correct times should be stated on the signage.

Mrs. Stanton commented on submitting numerous complaints with regard to a home that recently collapsed at 404 Oak Street that has been vacant since 2001.

Mrs. Stanton made a motion to advertise for RFPs for the emergency demolition of the property. Mr. Williams stated an RFP was not necessary for an emergency.

Mrs. Stanton noted that photographs of the property were supplied to Mr. Davis and Mr. Hayfield.

The City Manager commented that an amendment on the agenda transfers \$100,000 into emergency demolition.

Mr. Britt noted another home to be demolished.

Mayor Janakovic suggested that the City Manager assess the matter and discuss it with the Codes Department.

Mrs. Stanton made a motion to do an emergency demolition, if possible, of a home located at 404 Oak Street. The motion was seconded by Mr. Williams.

Mayor Janakovic made a motion to amend the motion to authorize the emergency demolition of property at 404 Oak Street and any other properties contingent upon the City Manager's examination and confirmation that emergency demolition is appropriate. The motion was seconded by Mr. Vitovich and passed by the following vote:

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

Nays: None (0).

Mrs. Stanton further reported on participating in the Moxham Community Walks. She recently attended the Moxham Crime Watch meeting where residents expressed an interest in the Coffee with Cops Program. A block party was being planned for September. Fundraising ideas for cameras and concerns regarding the condition of sidewalks on Grove and Highland Avenues were discussed.

She noted a community fair held at Roxbury St. Paul's Church.

Complaints were received regarding construction vehicles blocking one lane of Sell Street at the Roxbury Avenue Apartments construction site and no

signage alerting drivers of the one-lane street, which Mrs. Stanton noted as a safety concern. She asked the City Manager to investigate the matter.

ORDINANCES FOR FINAL READ

BILL NO. 23 OF 2018, AN ORDINANCE OF CITY COUNCIL FO THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5245 PASSED FINALLY ON DECEMBER 13, 2017, AS AMENDED BY ORDINANCE 5250 PASSED FINALLY ON MARCH 15, 2018, AS AMENDED BY ORDINANCE 5253 PASSED FINALLY ON MAY 9, 2018, CITY OF JOHNSTOWN BUDGET TO AMEND THE 2018 BUDGET TO PROPERLY ALLOCATE REIMBURSEMENT FUNDS IN 2018 UDAG BUDGET.

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

Ms. Benjamin noted this ordinance would be reviewed and corrective action would be taken if necessary.

Mrs. Stanton made a motion to table. The motion was seconded by Mr. Williams 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).

BILL NO. 3 OF 2018 AN ORDINANCE DIRECTING THE CAMBRIA COUNTY BOARD OF ELECTIONS TO PLACE ON THE NOVEMBER 2018 GENERAL 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 NOVEMBER 2018 GENERAL ELECTION, PURSUANT TO THE COMMONWEALTH OF PENNSYLVANIA 53 Pa.C.S.CHAPTER 29 (HOME RULE), 30 (OPTIONAL PLANS) & 31 (OPTIONAL PLANS) HOME RULE CHARTER AND OPTIONAL PLANS LAW (Tabled 1-2-18).

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

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

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

BILL NO. 21 OF 2018, AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 5152 PASSED FINALLY ON AUGUST 13, 2014 TITLED AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ADOPTING A SEWER USE ORDINANCE REQUIRING THE ELIMINATION OF OVERFLOWS AND FURTHER REQUIRING TELEVISED AND/OR PRESSURE TESTING OF ALL REAL PROPERTY WITHIN THE STRUCTURE LOCATED THEREON AND REMEDIATION OF ALL PRIVATE SIDE LATERAL LINES FAILING TO PASS SAID TESTS IN THE EVENT SANITARY FLOWS EXCEED DEPENDENT SPECIFIED DESIGN CRITERIA FOLLOWING PHASE COMPLETION OF CITY SEWER CONSTRUCTION, TO NOW FURTHER AMEND TO DELETE SECTION 2 TITLED UNLAWFUL CONNECTIONS; AND SECTION 15 TITLED PENALTIES DUE TO LACK OF ENFORCEMENT AND/OR SELECTIVE ENFORCEMENT AS WAS THE PURPOSE AND INTENT OF ORDINANCE NO. 5152 WHEN PASSED FINALLY ON AUGUST 13, 2014 (Tabled June 13, 2018.)

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

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

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

Mr. Williams reminded the City Manager that he is "charged with enforcing this ordinance as it stands now." Mrs. Stanton noted that currently there are approximately 2,000 people in violation.

#### ORDINANCES FOR FIRST READ

1. 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.

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

Mrs. Stanton made a motion to table the ordinance, noting the petition had not been notarized. Ms. Benjamin explained, as this is the first read, that the petitioner can correct the petition between the time of the first read and final adoption. Mr. Williams suggested that the petitioner execute the document in front of the City Clerk or a notary.

The motion was seconded by Mr. Williams and passed by the following vote:

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

Nays: Mrs. Mock, Mayor Janakovic (2).

## RESOLUTIONS

### Resolution No. 10109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH LOCHER DEMOLITION & EXCAVATING, LLC. IN THE AMOUNT OF \$173,310.00 FOR CONTRACT #2018-07, CDBG STRUCTURE DEMOLITION PROGRAM TO DEMOLISH TWENTY-FIVE STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN (Updated 8/8/18).

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

Mrs. Stanton suggested the matter be tabled pending further information. Ms. Benjamin noted that the list was incorrect and that there was an issue with the documents not being distributed to all of Council. Mr. Williams stated that missing is the account number from where the amount was being paid.

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

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

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

There was further discussion regarding the matter. The City Manager stated the line item number is 046092929018 under Demolition Clearance, Grant Expenses, 2018, in the amount of \$200,000.

Mayor Janakovic made a motion to amend as read by the City Manager. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Resolution No. 10110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN DOCUMENTS TO ACCEPT 2018 GRANT FUNDING AWARD FROM THE SOUTHERN ALLEGHENIES PLANNING AND DEVELOPMENT COMMISSION (SAP&DC) ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA.

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

Reverend King requested clarification of the resolution.

The motion passed by the following vote:

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

Resolution No. 10111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE, CLOSE AND COMPLETE A PENNVEST FUNDING OFFER IN THE AMOUNT OF A GRANT OF \$6,993,440 AND A LOAN OF \$3,906,560 AS WELL AS TO PROCEED WITH BIDDING AND EXECUTE ALL NECESSARY BIDDING DOCUMENTS TO AWARD CONTRACTS FOR

THE IMPROVEMENTS TO THE INNER CITY SEWER SYSTEM IN THE  
KERNVILLE AREA OF THE CITY OF JOHNSTOWN.

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

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

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

Resolution No.

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.

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

Mrs. Stanton made a motion to table. She commented that there was no supporting documentation and no contract attached. The motion was seconded by Mr. Williams.

Ms. Benjamin explained an update was provided on the resolution.

Mr. Britt voted yes in error and was requested to take back his vote. Ms. Benjamin explained that votes had been taken back in the past.

The motion failed by the following vote:

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

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

Mr. Williams stated a resolution cannot be presented and voted on at the same meeting.

Ms. Benjamin discussed as previously mentioned in her Solicitor's Report that there were some amendments and resolution updates that were then amended to the current resolution. However, she initially felt Council was discussing the



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funding offer on the PennVEST. This resolution is regarding the A. Liberoni contract with attached bidding information, and that is not included.

Mayor Janakovic made a motion to withdraw and resubmit the resolution at the next meeting. The motion was seconded by Mrs. Mock.

Ms. Benjamin suggested further discussion of the matter.

The motion passed by the following vote:

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

Nays: Mr. Williams (1).

Mr. Williams exited the meeting at this time.

#### Resolution No. 10112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN  
ACCEPTING THE CODIFICATION OF ORDINANCES UPDATED FOR  
THE PERIOD OF JANUARY 2017 THROUGH DECEMBER 2017

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

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

Nays: None (0).

#### Resolution No. 10113

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA,  
SUPPORTING A PETITION TO THE PENNSYLVANIA LIQUOR  
CONTROL BOARD (BOARDS) BY THE OWNER OF THE PROPERTY  
KNOWN AS 80 BRIDGE STREET FOR THE EXEMPTION TO THE CITY  
OF JOHNSTOWN'S NOISE ORDINANCE FOR THE BOARD'S  
REGULATIONS.

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

Ms. Benjamin explained that typically when this type of resolution is presented, the City's municipal ordinance is substituted over the PLCB regulations, and that that permits an exemption.

Mr. Vitovich noted his attendance at a similar PLCB public hearing and commented that the hearing would be lengthy and many residents may voice their concerns. Afterwards, the PLCB will make a determination.

Ms. Benjamin suggested the motion be amended to replace the words, quote, exemption to, end quote, with the words, quote, substitution of, end quote, in the title paragraph and the fourth clause of the resolution. The resolution would read as follows:

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA,  
SUPPORTING A PETITION TO THE PENNSYLVANIA LIQUOR  
CONTROL BOARD (BOARD'S) BY THE OWNER OF THE PROPERTY  
KNOWN AS 80 BRIDGE STREET FOR THE SUBSTITUTION OF THE  
CITY OF JOHNSTOWN'S NOISE ORDINANCE FOR THE BOARD'S  
REGULATIONS.

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

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

Nays: None (0).

Present: Mrs. Stanton (1).

Resolution No. 10114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, ACCEPTING AND ACKNOWLEDGING THE FIVE (5)  
YEAR CAPITAL PROGRAM SUBMITTED BY THE CITY MANAGER  
TO THE CITY COUNCIL ON AUGUST 1, 2018.

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

There was further discussion regarding the resolution.

Ms. Benjamin suggested the motion be amended to attach the capital plan.

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The motion to approve the resolution as amended passed by the following vote:

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

Resolution No. 10115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY  
PLANNING COMMISSION TO DEVELOP AND SUBMIT A  
COMPREHENSIVE PLAN FOR THE CITY.

Mr. Vitovich made a motion to approve the resolution. The motion was seconded by  
Reverend King.

There was further discussion regarding the resolution.

Mayor Janakovic made a motion to amend to read as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE LEAD  
AGENCY TO COORDINATE THE DEVELOPMENT AND SUBMISSION  
OF A COMPREHENSIVE PLAN FOR THE CITY.

The motion to approve the resolution as amended was seconded by Mr. Britt and  
passed by the following vote:

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

The City Manager indicated that DCED grant fund money in the amount of \$25,000  
was available for the comprehensive plan.

MOTIONS

None.

NEW BUSINESS

Johnstown Housing Authority Appointment

Mr. Vitovich made a motion to nominate John Slezak. The motion was seconded by Mrs. Mock.

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

Mrs. Mock requested that Mr. Britt and Reverend King be given a calendar of appointments and expiration dates.

Mr. Vitovich called for the question.

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

Lindy Yutzky: Mrs. Stanton (1).

Abstentions: Reverend King, Mr. Britt (2). Both abstentions were due to lack of information.

Ms. Benjamin explained that the appointments did not pass as two members of Council abstained from voting. She will confirm that information in the Charter.

OLD BUSINESS

Mrs. Stanton discussed the locations, dates and times of Kernville meetings. Reverend King stated the next meeting was August 16, 2018, 5:30 p.m. at the old Mennonite Church on Somerset Street. She stated all were welcome to attend.

Mrs. Stanton asked if there was any objection to someone recording the meetings. Reverend King stated she is a resident of Kernville where resident meetings are held, and she has rented the church as the meeting location. She noted that the residents have certain things that they do not want to occur at the meetings. There was further discussion to clarify the matter.

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PUBLIC COMMENT - NONAGENDA ITEMS

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to a recent article in the newspaper regarding elimination of the Fire Chief and the potential merge with the Police Chief. He stated both positions are very important individually and does not want to see them combined into a public safety position and asked Council to consider the matter carefully.

Mr. DeBartola asked Council to reconsider a meeting with the Johnstown Housing Authority and Johnstown Redevelopment Authority with regard to blight, drugs, poverty and crime. He asked that action be taken to come up with a plan and a set agenda.

He applied for the Housing Authority appointment and agreed with Mrs. Stanton that "new blood" was needed.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:25 p.m.

The next regular meeting is scheduled for Wednesday, September 12, 2018 at 6:00 p.m.

The next non-voting meeting is scheduled for Wednesday, September 26, 2018 at 5:00 p.m.