

JOHNSTOWN CITY COUNCIL
REGULAR MEETING MINUTES
Wednesday, January 16, 2019

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. The Pledge of Allegiance was recited.

Mayor Janakovic stated an Executive Session and Public Hearing on the Budget and Wage and Salary Ordinances was held prior to the commencement of the meeting.

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; Elizabeth Benjamin, Esquire and Carl Beard, Esquire, City Solicitors, Robert Ritter, Finance Director, and Jonathan Rosenthal, Economic Development Director, were also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the November 27, 2018 Special Meeting Minutes. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Williams (6).
Nays: None (0).
Present: Mrs. Stanton (1).

There was no motion and no second for approval of the November 28, 2018 Non-Voting Workshop Minutes. The minutes passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich Mr. Britt (5).
Nays: None (0).
Present: Mrs. Stanton, Mr. Williams (2).

Mr. Vitovich made a motion to approve the December 12, 2018 Regular Meeting Minutes. 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: None (0).
Present: Mrs. Stanton, Mr. Williams (2).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

None.

PUBLIC COMMENT-AGENDA ITEMS ONLY

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to the Greater Johnstown Water Authority appointments. He suggested that Council appoint new people "who are not connected to special interests." He suggested that the appointment to the Johnstown Redevelopment Authority also be someone "who not connected to any of the political factions."

Mr. DeBartola referred to Resolution 10 on the agenda with regard to the resignation of City Manager George Hayfield and stated that Council should begin a new search for that position. Mr. Williams noted that he and Mrs. Stanton will be withdrawing that resolution and that the matter will be resolved. Mr. DeBartola asked for further explanation of the matter.

CITY MANAGER REPORT

George Hayfield, City Manager, had no report.

Mrs. Stanton had questions regarding the City's use of towing service. She noted the contract with Brat Towing was dated October 25, 2002, which was 13 years ago. She suggested that an RFP be placed so other towing companies could bid on the matter. Mrs. Mock stated Cernic/McQuaide were also called upon.

Mrs. Stanton made a motion to place an RFP for the City's towing services with the assistance of the City Solicitor. The motion was seconded by Mr. Williams. There was further discussion regarding the motion.

The motion passed by the following vote:

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

Discussion continued with regard to insurance requirements of the towing companies. Mr. Beard stated two options are available, including a contract that was universal to everybody or listing conditions in the RFP.

Mrs. Stanton discussed the hazardous sidewalk conditions along Valley Pike. She noted a letter was sent to Norfolk Southern regarding the matter, but no response had been received, nor had the matter been corrected. She quoted the City Ordinance passed in 1999 and amended in 2004 that requires that a heavily traveled sidewalk be repaired.

Mr. Vitovich assessed the matter and Public Works does not have the right equipment, skills or manpower to resolve the issue.

Mrs. Mock suggested that a follow-up letter be sent certified mail to Norfolk Southern regarding the matter. Mr. Beard noted a letter authored by himself or Ms. Benjamin might be more relevant.

Mrs. Stanton asked that the illegal dumping and business signage postings at Roxbury Park be addressed, as there are ordinances in place regarding those matters. Mrs. Mock suggested that signs stating no advertisement allowed be posted at the park.

Mrs. Stanton discussed a recent wheelchair challenge she was involved in and asked the City Manager to review the City's ADA compliance laws.

Mrs. Mock requested an update with regard to the RFP for the Public Safety Building cleanup. Mr. Hayfield stated that just for the basement alone the amount was \$30,000 to \$40,000. He noted that Public Works would need to do a majority of the work due to the cost. Mrs. Mock suggested that special protection for the employees be obtained if necessary to do the work but that the matter needs to move forward for the safety and protection of those working in the building. There was further discussion regarding the matter.

Mr. Williams questioned Council's acceptance of the Wessel Audit on December 12, 2018 stating it was inaccurate. He referred to a section in the audit, which stated that City Council consisted of nine members, noting that in 2012 that was reduced to seven. He stated a further section had statements regarding the recreation millage, which were incorrect and noted the audit was published before it was accepted by Council.

Mr. Williams made a motion to send the audit back to Wessel for corrections and then have them returned to Council for acceptance and publication. The motion was seconded by Mr. Vitovich.

Mr. Beard explained the matter does not require a vote that the City Manager can request that the changes be made.

Mr. Williams restated the motion to send the audit back to Wessel for corrections and then returned to Council for acceptance and publication. The motion was seconded by Mrs. Stanton.

The motion passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt (4).

Nays: Mayor Janakovic, Reverend King, Mrs. Mock (3).

There was discussion regarding sewer contractors who are listed on the City's website who have not paid taxes and still doing work in the City. The City Manager was asked to review the matter.

Mr. Williams asked whether the City Manager addressed RFPs for engineering, solicitor and auditing services. Mr. Hayfield noted those had been published and responses have been received. Mayor Janakovic suggested that the matter be continued until the February meeting or that a special meeting be held right before an upcoming workshop to clear the matter up.

Mr. Williams discussed an agreement for collection services entered into with the Johnstown Credit Bureau by a former employee. He requested that the City Manager make sure administration employees are aware that they do not have the right to sign contracts on behalf of the City.

Mr. Williams requested the amount of money paid to Young, Oakes and Brown for the forensic audit of the finance office. Mr. Hayfield will respond to the matter.

MAYOR REPORT

Frank Janakovic, Mayor, noted his attendance at the recent Point Stadium Awards Banquet honoring local athletes and students. He noted that Samuel Zambanini was also honored for his 25 years of coaching at Conemaugh Township and Don Bailey for his 35 years of coaching at Forest Hills.

Mr. Janakovic noted his attendance at the the New Year's Eve Celebration downtown.

He attended the Cambria County Court Review with regard to the local service tax, which was expected to be approved pending passage of the final approved budget.

The Mayor was present at the State of the County Report recently held by the Cambria County Commissioners. He noted the City has a "very good working relationship" with the County Commissioners.

Mr. Janakovic sat down with the new CEO of Duke LifePoint, William Caldwell, to discuss some projects and economic options that Duke was considering for the City. He also noted his attendance at the JARI Growth Fund Meeting for discussion of mutual shared loans.

Mayor Janakovic welcomed Flood City Flooring, a new business located downtown on Washington Street, two medical marijuana dispensaries and the possible expansion of Hoganas in the Moxham area.

The Mayor noted his attendance at the recent Vision 2025 Fundraiser at the Pasquerilla Conference Center, which netted \$50,000 towards helping with projects.

CITY SOLICITOR

Elizabeth Benjamin, Esquire, City Solicitor, noted topics in her report had been covered during Executive Session and remaining topics will be covered under Resolutions and Ordinances.

CITY ENGINEER

No Report.

COUNCIL UPDATES/NEIGHBORHOOD LIAISONS

Mrs. Mock reported that the West End Improvement Group was in winter hiatus but gearing up for spring.

She stated that a Community Foundation Initiative Grant for \$10,000 has been received with the option to receive an additional \$15,000 if the group can raise \$15,000 for a total of over \$70,000 to fix the Roxbury Rink. The group has been in contact with Senator Langerholc and the City Manager to obtain a DCNR grant also.

Mrs. Mock commented that Celebration Johnstown was a success and she thanked all the volunteers for their efforts.

Mrs. Mock noted that she and Reverend King would conduct a workshop on January 31, 2019 for discussion of what UDAG funds can be used for in conjunction with monies from JRA and the Cambria County Redevelopment Authority and private monies for demolition of properties.

Reverend King commended Hope for Johnstown for work done in the City. She noted her attendance at the Point Stadium Awards Banquet as well as the fundraiser for Vision 2025.

Reverend King noted a successful Ninth Year Christmas Dinner at her church serving over 200 people.

United Neighborhood Association will be meeting on Thursday at the Christ Centered Community Church at 5:30 p.m.

Reverend King commented that another purpose for the workshop scheduled for January 31 was to discuss a group's interest in buying and remodeling homes to sale.

Mr. Britt noted he was still dealing with recent health problems but wanted to mention Ms. Hardison's new business on Lincoln Street.

He noted the upcoming Second Annual Redeemed Men of God Banquet, which was scheduled for July 28, 2019.

Mr. Williams read the Preamble and sections of the Home Rule Charter into the record. Mayor Janakovic commented this portion of the meeting was to provide neighborhood liaison reports and called Mr. Williams out of order.

Mr. Vitovich reported that Public Works was in winter snow removal mode.

(Whereupon, a short recess was taken.)

COUNCIL UPDATES/NEIGHBORHOOD LIAISONS (Continued)

Mrs. Stanton reported that hazardous conditions exist at the Roxbury Playground, and that approximately 75 percent of the trees located in the park are decayed or dying and falling down. She noted a large sinkhole along the walking path as well as ten light posts that need lightbulbs replaced and corner stone arch walls that are crumbling. Mrs. Stanton noted an abandoned car at the park lot

and a yellow shopping cart pushed down over the hill. She noted a large tree stump that would need removed.

Mrs. Station made a motion to have these concerns addressed. The motion was seconded by Mr. Williams and failed by the following vote:

Yeas: Mrs. Stanton (1).

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

Mr. Williams did not vote.

Mr. Britt did not think the matter required a motion.

The City Manager noted that some of the concerns have been addressed, and Mrs. Mock suggested that the City Manager follow up on the remaining issues.

Mr. Williams suggested that Council members read the Recovery Plan.

Mrs. Stanton thanked Linda Yutzy for cohosting a coat drive and Joe Warhul and the Facebook group, Change for Johnstown, who organized a children's stocking and boot collection drive to benefit Park Avenue United Methodist Church Food Pantry and Families in Need.

Mrs. Stanton thanked the Cambria Somerset Association of Realtors, Roxbury Tire Center, Styles With Edge Salon, Tony's Sub Shop, CCC Amusements and the Boulevard Grill who helped sponsor a house-decorating contest for the Roxbury neighborhood. She noted eight winners were chosen.

Mrs. Mock reported that the West End Improvement Group also sponsored a Christmas house-decorating contest for which five winners were chosen.

COUNCIL UPDATES

1. Planning Commission Minutes: December 5, 2018, January 2, 2019.
2. Letter of January 4, 2019 from Curt Davis.
3. Letter of January 7, 2019 from Linda Orlosky.
4. Letter of January 8, 2019 from Donald F. Buday.

Mr. Williams requested that the Solicitor notify the Planning Commission that they are not complying with the Codified Ordinances with regard to roll calls and minutes.

ORDINANCES FOR FINAL READ

BILL NO. 35 OF 2018, 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 FOR THE VARIOUS BUREAUS, DEPARTMENTS AND THE PAYMENT OF DEBT SERVICE OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1ST, 2019 (Tabled 12/27/18).

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,
Mr. Vitovich (5).

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

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

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

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

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

Mr. Williams made a motion to refer to the Budget and Finance Committee. The motion was seconded by Mrs. Stanton.

There was further discussion regarding the matter. Reverend King commented that the bill was certainly within the "spirit of the law". Mr. Williams stated that there was no definition in the Home Rule Charter or Administrative Code for "spirit of the law" and that passing a budget that was not complete and accurate was a violation of the Charter as determined by the Commonwealth Court.

Mr. Hayfield explained that the Point Stadium belongs within the Recreational Fund, and that Roxbury Park can be included within the Recreational Fund.

Robert Ritter, City Finance Director, explained the changes are minor and "sort of ridiculous to hold up the budget", that the budget can be amended.

The motion failed by the following vote:

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

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

Mr. Williams made a motion to divide the question into 12 funds. The motion was seconded by Mrs. Stanton and failed by the following vote:

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

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

Mr. Vitovich made a motion to approve Bill No. 35 as read. The motion was seconded by Mr. Janakovic.

Mayor Janakovic stated and Ms. Benjamin agreed that the bill could be passed tonight and amended anytime at any future meeting.

Mrs. Stanton commented that resolution indicates \$40,000 for Roxbury Park and not the \$31,000 as noted in the budget. Mr. Hayfield explained that the \$40,000 was an estimate.

The motion passed by the following vote:

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

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

BILL NO. 36 OF 2018, AN ORDINANCE FIXING THE SALARIES AND WAGES TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2019 (Tabled 11/27/18).

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

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

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

Wednesday, January 16, 2019
Stated Meeting, continued

10 of 21

Mr. Vitovich made a motion to approve Bill No. 36 as read. The motion was seconded by Mrs. Stanton.

Mr. Williams made a motion to table. There was no second.

Mr. Williams made a motion to refer to the Budget and Finance Committee. There was no second.

Mr. Vitovich made a motion to approve Bill No. 36. The motion was seconded by Mr. Britt.

Ms. Benjamin explained that it might be possible to add additional specified line items for where the salary was derived from amend it to incorporate those, adopt as amended, and get it passed. She stated it was a matter of matching it to the budget.

The motion passed by the following vote:

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

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

ORDINANCES FOR FIRST READ

BILL NO. 1 OF 2019, AN ORDINANCE AMENDING ORDINANCE NO. PASSED FINALLY ON JANUARY 16, 2019 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 OPERATION 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, 2019, INCLUDING THE FOLLOWING CITY OF JOHNSTOWN FUND SECTIONS, AND MORE SPECIFICALLY, AMENDING 2019 UDAG FUND "BUDGET EXHIBIT A DETAILS".

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

Mrs. Stanton commented that there was confusion with regard to the use of UDAG funds for demolition purposes but stated she would not attend a workshop with the director of the Redevelopment Authority for the City for further

discussion of the matter. There was further discussion regarding the use of UDAG money.

Mr. Vitovich called for the question.

Ms. Benjamin explained that there needs to be a motion to call for the question that would cease discussion, the motion would be seconded and then an immediate vote would be taken.

The motion to call for the question was seconded by Mr. Williams.

She further clarified that if Council would like the discussion to continue, they would need to vote no on the motion, but if Council would like to cease discussion and get to the vote, they would need to vote yes on the motion.

The motion passed by the following vote:

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

The motion to approve Bill No. 1 of 2019 as read 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. 2 OF 2019, RESUBMISSION: AN ORDINANCE AMENDING ORDINANCE NO. 4654, AS AMENDED BY ORDINANCE NOS. 4693, 4731, 4880, 4894, 4902, 4908, 4991, 5015, 5024, 5127, 5034, 5042, 5055, 5058, 5069, 5177. MAY 19, 2015 VOTER REFERENDUM AND ORD. NO. 5194, 5196, 5199, 5210, 5229, 5230, 5231 AND 5255 TITLED: AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME RULE CHARTER APPROVED BY THE VOTERS ON MAY 18, 1993 BY FURTHER AMENDING SECTION 212 ORDINANCES.

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

There was discussion regarding the bill.

Wednesday, January 16, 2019
Stated Meeting, continued

12 of 21

The motion failed by the following vote:

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

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

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 (TABLED 10/10/18).

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

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

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

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 SUBSECTION 1484.05.01 TITLED: POSTING OF NON-COMPLIANT PROPERTY REGISTRATION AND INSPECTION REQUIREMENTS. THIS WAS TABLED 10/10/18).

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

Yeas: Mrs. Stanton (1).

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

Mr. Williams did not vote on the motion.

RESOLUTIONS

Resolution No. 10144

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE UPDATE OF CITY LOAN
PROGRAM GUIDELINES.

Mr. Williams made a motion to table. The Loan Review Committee has adopted by a referendum that this action was noncompliant. The motion was seconded by Mrs. Stanton and failed by the following vote:

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

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

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

Mr. Williams stated that the action on November 27 whereby names were submitted to the Loan Review Committee was improper, that the ordinance was passed by a referendum stipulating the terms. He further stated that the City Manager and Council amended a duly enacted referendum and the appointments are invalid until corrected, that any action by the Loan Review Committee was done without being properly seated in accordance with the ballot referendum.

There was further discussion regarding motion.

Ms. Benjamin explained there was an intention to bring back another resolution that appoints another member and stated that it was important to note that the members were appointed to one-year or two-year terms but should have been appointed to a three-year term. The City Manager noted the matter would be back on the February agenda for discussion.

Ms. Benjamin explained that the current motion pending was to approve a resolution authorizing an update of the City's loan program guidelines that had been previously addressed and approved by the Loan Review Committee.

The motion passed by the following vote:

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

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

Resolution No. 10145

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN ALL AGREEMENTS AND OTHER CLOSING DOCUMENTS TO PROVIDE A LOAN GUARANTEE TO AMANDA ARTIM AND INTRIGIA, INC. , d/b/a THE BALANCE RESTAURANT.

Mrs. Mock made a motion.

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

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

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

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

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

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

Resolution No. 10146

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN ALL AGREEMENTS AND OTHER CLOSING DOCUMENTS TO PROVIDE LOAN SUBORDINATION AGREEMENT FOR THE (ELKS) FLOOD CITY LODGE.

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

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

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

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

Abstention: Mr. Britt (1).

Mr. Britt noted his membership in the organization as the reason for his abstention.

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

There was discussion regarding a prior loan by the Elks Flood City Lodge.

Ms. Benjamin explained that the Johnstown Credit Bureau was asked to confirm there was no objection or complication posed by this agreement.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mayor Janakovic, Revered King, Mrs. Mock (4).

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

Abstention: Mr. Britt (1).

Mr. Britt noted his membership in the organization as the reason for his abstention.

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY
MANAGER TO SIGN ALL AGREEMENTS AND OTHER CLOSING
DOCUMENTS TO PROVIDE LOAN SUBORDINATION AGREEMENT
FOR HADIX GREENE PARTNERSHIP, HADGREENE,
INCORPORATED.

Mr. Vitovich made a motion to approve.

There was further discussion regarding the resolution.

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

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

Nays: None (0).

Resolution No. 10147

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY
MANAGER TO SIGN ALL AGREEMENTS AND OTHER CLOSING
DOCUMENTS TO ACCEPT A DONATION OF REAL PROPERTY AT
THE NORTHEAST CORNER OF FRANKLIN AND MAIN STREETS.

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

Mr. Williams stated that the property would be taken out of taxation immediately.

Mr. Lovrich explained there was a deed description and map in each Councilmember's packet for further review. He stated that if the City does not accept the property, it will be donated to a conservancy and further stated that it would be in the City's best interest to retain that property.

The motion passed by the following vote:

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

Resolution No. 10148

A RESOLUTION OF THE CITY COUNCIL 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 \$5,200,000 TO BE USED TOWARDS IMPROVEMENTS TO THE INNER CITY SEWER SYSTEM ALONG AND NEAR FAIRFIELD AVENUE LOCATED WITHIN THE WEST END AREA OF THE CITY OF JOHNSTOWN.

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

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

Mrs. Mock commented several properties along Fairfield Avenue would be demolished in conjunction with this sewer project.

Resolution No.

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

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

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

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

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

Mr. Williams commented this resolution was not consistent with the Administrative Code as it fails to identify the account number and was also an improper expenditure.

Ms. Benjamin explained there was a line item in the budget that addresses the project.

Mrs. Stanton noted she was worried about having a grant come into the city that requires the city to provide matching grant money. She had further discussion regarding her concerns.

Mayor Janakovic made a motion to table. 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, Revered King (7).

Nays: None (0).

Resolution No. 10149

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE CITY MANAGER AND CITY
SOLICITOR TO RETAIN VALBRIDGE PROPERTY ADVISORS TO
PERFORM A FULL APPRAISAL REVIEW OF THE RICHARD I.
SOMIARI AND STELLA A SOMIARI PROPERTY IN CONNECTION
WITH TAX ASSESSMENT APPEAL LITIGATION.

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

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

Nays: Mr. Williams (1).

Resolution No.

Wednesday, January 16, 2019
Stated Meeting, continued

18 of 21

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, REPEALING RESOLUTION NO. 10135 PASSED ON NOVEMBER 27TH, 2018 TITLED : A RESOLUTION OF THE CITY COUNCIL OF JOHNSTOWN APPROVING MEMBER APPOINTMENTS TO THE LOAN REVIEW COMMITTEE BY THE CITY MANAGER OF THE CITY OF JOHNSTOWN DUE TO NONCOMPLIANCE WITH THE MAY 16, 2017 BALLOT REFERENDUM AS CERTIFIED BY THE CAMBRIA COUNTY ELECTION OFFICE ON JUNE 2ND, 2017.

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

Ms. Benjamin explained that Mr. Williams was repealing the prior Loan Review Committee appointments.

The motion failed by the following vote:

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

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, CALLING FOR AND REQUESTING THE RESIGNATION OF GEORGE HAYFIELD AS CITY MANAGER EFFECTIVE UPON PASSAGE OF THIS RESOLUTION. AND IF RESIGNATION IS NOT SUBMITTED IN WRITING NO LATER THAN NOON THURSDAY, JANUARY 17, 2019, THAT MR. HAYFIELD BE DISMISSED WITH CAUSE EFFECTIVE 12:01 P.M. THURSDAY, JANUARY 17, 2019.

The above resolution was withdrawn.

Resolution No.

A RESOLUTION OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTS THE CITY MANAGER THROUGH THE ASSISTANCE OF THE BEARD LEGAL GROUP-CITY SOLICITORS, TO CONTACT THE CITY OF JOHNSTOWN INSURANCE CARRIERS REGARDING THE CITY'S ABILITY TO INSURE CONTINUING LIABILITY COVERAGES WITH REQUIRED STANDARDS FOR THE SAFETY OF PERSONS USING AND VISITING ANY OF THE CITY'S (14)

STATED AND ACKNOWLEDGED CITY PLAYGROUNDS AS PUBLISHED ON THE CITY'S INTERNET WEBSITE, INCLUDING ONSITE COMPLIANCE INSPECTIONS BY AN INDEPENDENT QUALIFIED PERSON, FIRMS AND LLC.

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

Mrs. Stanton commented this resolution was regarding whether the City's insurance company would cover any accidents or injuries at Roxbury Park due to the dangerous conditions at the park. There was further discussion regarding the matter.

The motion failed by the following vote:

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

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

Mayor Janakovic requested that the City Manager contact the insurance company to have a representative view the properties and make recommendations.

Mr. Williams exited the meeting.

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, SEEKING THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA'S DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT REQUESTING PURSUANT TO THE ACT OF JULY 10, 1987, P.L. 426, NO. 47 KNOWN AS THE MUNICIPALITIES FINANCIAL RECOVERY ACT TO RECOMMEND THE CITY OF JOHNSTOWN BE PLACED UNDER RECEIVERSHIP PURSUANT TO THE ACT.

Mrs. Stanton made a motion to approve. The motion died for lack of a second.

Resolution No. 10150

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SEEK AND SIGN UPON SOLICITOR REVIEW AN AGREEMENT WITH A PROFESSIONALLY LICENSED INSURED AND BONDED FORESTER TO PERFORM SELECTIVE TIMBERING ON CITY OWNED PROPERTY.

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

Mrs. Stanton noted this was basically the same resolution to do timbering that she and Councilman Williams proposed in 2017 and which Council passed. Mrs. Mock explained this resolution was to hire a forester who finds the best market for it.

The motion passed by the following vote:

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

Nays: None (0).

MOTIONS

1. Appointments to the Greater Johnstown Water Authority.
2. Appointments to the Johnstown Civil Service Commission.

Mrs. Stanton commented that per City resolutions, advertisements must be made quarterly in the Tribune Democrat that it was accepting applications for Boards, Authorities and Commissions, which she stated was not done.

Mrs. Stanton made a motion to table any appointments until proper advertisement was made in the Tribune Democrat as required. The motion was seconded by Reverend King.

Ms. Benjamin clarified that there was an existing resolution that calls for quarterly advertisements. She stated the resolution could be amended at a later time, but as of that time, that was what it stated.

The motion passed by the following vote:

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

Nays: Mr. Vitovich (1).

Mayor Janakovic noted that all current Board, Authority and Commission members would continue in their capacity until voted on by Council.

NEW BUSINESS

Wednesday, January 16, 2019
Stated Meeting, continued

21 of 21

None.

OLD BUSINESS

None.

PUBLIC COMMENT-NON-AGENDA ITEMS

Mr. Stonebrook commented that Saturday, April 13, 2019 was National Record Store Day. He asked if Council would allow George's Song Shop to play records outside from 7:30 a.m. until 9:30 a.m. that morning. The City Manager will review the matter and provide a response.

Joseph DeBartola, 1197 Bedford Street, Johnstown, addressed Council regarding his Right To Know Request he filed two years ago with regard to drug forfeiture records. He commented on the "dismal condition" of the records he received which he stated were handwritten and incomplete which prompted him to file and win four lawsuits with the County. Mr. DeBartola will forward to the City any records received and asked that the records be compared. He stated he would be filing a Right To Know Request in the near future with regard to records from 2016 to current.

Mayor Janakovic stated his appointment to the Johnstown Redevelopment Authority was Richard Truscello. The Mayor commended Brian Vuletich for his years of service to the JRA Board.

RECESS/ADJOURNMENT

There being no further business, the meeting adjourned at 8:56 p.m.

NEXT SCHEDULED MEETINGS

Workshop, Wednesday, January 23, 2019, 5:00 p.m. for review of next month's agenda.

UDAG Workshop on January 31, 2019.

Executive Session, February 4, 2019, at 5:00 p.m. for review of evaluation report on the City's real estate.

Regular Meeting, Wednesday, February 13, 2019, 6:00 p.m.