

JOHNSTOWN CITY COUNCIL
SPECIAL MEETING MINUTES
Tuesday, July 23, 2019

City Council met in a stated session for the general transaction of business.

Mayor Frank Janakovic called the meeting to order at 5:00 p.m.

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

The following members of Council were present for roll call:

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

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

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

PUBLIC COMMENT - AGENDA ITEMS ONLY

John DeBartola, 1197 Bedford Street, presented before Council with regard to Resolution No. 1 regarding the Berkley Hills Golf Course and Resolution No. 2 regarding a fixed rate, tax-exempt loan.

He inquired as to how Mr. Hayfield could solicit bids for the sale of the golf course with an existing five-year lease. He inquired as to how Council could authorize a loan in the amount of \$6,800,000 and put the City in debt for 13 years. Mr. DeBartola urged Council to reconsider the resolutions.

Mrs. Mock noted the resolution refers to a refinance of existing debt at a lower interest rate for a shorter duration and lower payments. Mayor Janakovic indicated the resolution shortens the duration by four years at a savings of over \$300,000. Mr. Williams commented the loan balance was \$6,375,000 and that \$400,000 would be applied to other accounts or other things.

ORDINANCES FOR FINAL READ

BILL NO. 20 OF 2019, AMENDING ORDINANCE NO. 5270 PASSED FINALLY IN COUNCIL ON MAY 8, 2019 AMENDING ORDINANCE NO. 5266 PASSED FINALLY ON JANUARY 16, 2019: "FIXING THE SALARY OF WAGES TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN FOR THE CALENDAR YEAR BEGINNING ON JANUARY 1, 2019 TO DELETE THE IMPROPER ACTIONS AND REFERENCES AS TO BUDGET AMENDMENTS BEING CONTAINED IN SAID ORDINANCE NO. 5270 AND TO FURTHER PROVIDE

AUTHORIZATION FOR THE COMPENSATION HOURLY RATE OF
PART-TIME FIREFIGHTERS

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

Mr. Williams commented this wage and salary ordinance was approved once, that his amendment would correct the error so there would be no delay in hiring of part-time firefighters due to this.

The motion passed by the following vote:

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

Nays: None (0).

ORDINANCE FOR FIRST READ

BILL NO. 23 OF 2019, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 4275, CODIFIED ORDINANCE OF THE CITY OF JOHNSTOWN CHAPTER 1060, TITLED GARBAGE AND RUBBISH COLLECTION AND DISPOSAL, PASSED FINALLY ON MAY 26, 1982, AND AMENDED BY ORDINANCE NO. 4297 ON 12/20/82; ORDINANCE NO. 4500 ON 10/11/89; ORDINANCE NO. 4671 ON 7/13/94; ORDINANCE NO. 4699 12/21/94; ORDINANCE NO. 4762 ON 12/30/96; ORDINANCE NO. 4982 ON 12/19/05; ORDINANCE NO. 4903 ON 1/8/03; ORDINANCE NO. 4909 ON 3/12/03; ORDINANCE NO. 4920 ON 1/12/03; ORDINANCE NO. 4956 ON 12/8/04; ORDINANCE NO. 5015 ON 3/12/08; ORDINANCE NO. 5040 ON 10/13/09; ORDINANCE NO. 5053 ON 2/4/10; ORDINANCE NO. 5067 ON 4/28/10; ORDINANCE NO. 5082 ON 4/13/11; ORDINANCE NO. 5100 ON 2/15/12; ORDINANCE NO. 5107 ON 7/11/12; MORE SPECIFICALLY AMENDING CODIFIED ORDINANCE SECTION 1060.14 TEMPORARY CHANGES; SECTION 1060.19 REFUSE COLLECTION FEES; SECTION 1060.20 STICKERS; SECTION 1060.21 ENFORCEMENT, ATTACHED AS EXHIBIT TITLED CHAPTER 1060, GARBAGE AND RUBBISH COLLECTION AND DISPOSAL.

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

Mr. Williams commented that per the codified ordinance, the provision for penalty would be in conflict with stating that ProDisposal would be in charge of

collections and has to be removed as criminal citations cannot be filed. He also noted in the contract with Pro Disposal, there is a two can, six bag limitation, and that the codified ordinance states three cans and six bags. Mr. Williams inquired if members were aware that when it passed the resolution to direct the City Manager to enter into that contract, that it obligated the City to \$15,175,860 for the terms. He stated, in ProDisposal's attachment pages, the base collection rate is \$18.97 starting September 1, 2019, and that when extending that out, the total annual cost is \$1.3. Calculating that out into three bills a year totals \$75.88, or a \$61 increase per year. Mr. Williams stated the current ordinance caps it at \$166 a year. He commented further that the contract with ProDisposal puts the City "on the hook" for any difference not collected.

Ms. Benjamin explained the unit given out with the request for proposals were identified as being estimated for calculation purposes. She stated there is various language indicating that there are unanticipated fluctuations, there is that concern, and that was something that could be clarified via an amendment to the agreement. She further stated the title does contemplate that the enforcement section would be eliminated, that Council can make a motion to amend the ordinance to eliminate the penalty section and adopt the proposal as amended.

Mrs. Mock mentioned that ProDisposal came in as the lowest bid. There was further discussion regarding the contract. Ms. Benjamin offered an additional explanation of the contract with ProDisposal.

Mrs. Mock made a motion to amend and adopt Bill No. 23 to include the elimination of Section 1060.21, regarding Enforcement, and 1060.99, regarding Penalty. The motion was seconded by Mr. Vitovich and passed by the following vote:

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

Nays: None (0).

RESOLUTIONS

Resolution No. 10196

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY
MANAGER TO SOLICIT BIDS AND REQUESTS FOR PROPOSALS FOR
SALE, LONG-TERM LEASE, CONCESSION AGREEMENT OR
OPERATIONS AND MANAGEMENT AGREEMENT OF THE CITY-

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OWNED BERKLEY HILLS GOLF COURSE FACILITY AND PROPERTY
LOCATED AT 361 GOUCHER STREET, UPPER YODER TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

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

Mr. Williams further discussed the matter and took exception to a letter being sent out regarding the matter without an action of Council, and he referred to a 1987 resolution passed by Council and signed by Mayor Pfuhl as well as City Controller, Ed Wojnarowski. He referred Council to his and Mrs. Stanton's letter for further review. He asked that there be clarification regarding whether DCNR would forgive the loan for the property. It was noted the resolution is a request for proposals.

The motion passed by the following vote:

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

Resolution No. 10197

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SOLICIT RESPONSES FOR REQUEST FOR PROPOSAL (RFP) FROM FINANCIAL INSTITUTION INTERESTED IN PROVIDING A FIXED RATE, TAX EXEMPT LOAN WITH TERM OF 13 YEARS (2032 MATURITY) IN THE AMOUNT OF \$6,800,000. THE 2019 LOAN WILL BE ISSUED TO PROVIDE FUNDS TO (1) REFUND ON A CURRENT BASIS ALL OF THE CITY'S GENERAL OBLIGATION BOND (GOB) SERIES 2013 IN THE OUTSTANDING PRINCIPAL AMOUNT OF \$6,375,000; AND (2) PAY THE COST OF ISSUANCE.

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

Yeas: Mrs. Mock, Mr. Vitovich, Mayor Janakovic, Reverend King (4).
Nays: Mr. Williams (1).

RECESS/ADJOURNMENT

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NEXT SCHEDULED MEETING:

WEDNESDAY, AUGUST 14, 2019 AT 6:00 P.M. (REGULAR MEETING)

There being no further business, the meeting adjourned at 5:28 p.m.