

JOHNSTOWN CITY COUNCIL  
REGULAR MEETING MINUTES  
Wednesday, September 11, 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 King offered the invocation. The Pledge of Allegiance was recited.

Mayor Janakovic requested a moment of silence in honor of those who perished in the attacks on 9/11/2001.

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, City Solicitor; Robert Ritter, Finance Director; and Chief Johnson, City of Johnstown Police Department, were also present.

Mrs. Stanton noted for the public that the meeting is aired by Atlantic Broadband on Channels 9 and 14.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the June 12, 2019 (tabled 8/14/19) and July 10, 2019 Regular Meeting Minutes; the July 16, 2019 Workshop; the Special Meeting July 23, 2019; and Regular Meeting Minutes of August 14, 2019.  
Mrs. Mock seconded the motion.

Mrs. Stanton made a motion to approve the minutes separately.

Mr. Vitovich made a motion to remove from table the Regular Meeting Minutes of June 12, 2019. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: Mr. Williams (1).

Mrs. Mock made a motion to approve the Regular Meeting Minutes of June 12, 2019.  
The motion was seconded by Mr. Vitovich and passed by the following vote:

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

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Nays: None.  
Present: Mrs. Stanton, Mr. Williams (2).

Mr. Vitovich made a motion to approve the Regular Meeting Minutes of July 10, 2019. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Mr. Vitovich made a motion to approve the Workshop Minutes of July 16, 2019. The motion was seconded by Mr. Britt and passed by the following vote:

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

Mr. Vitovich made a motion to approve the Special Meeting Minutes of July 23, 2019. 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: None (0).  
Present: Mrs. Stanton, Mr. Williams (2).

Mr. Vitovich made a motion to approve the Regular Meeting Minutes of August 14, 2019. The motion was seconded by Mr. Britt and passed by the following vote:

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

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

Mayor Janakovic noted his presentation of a proclamation last month to the Croatian Lodge 5 in honor of its 125th Anniversary.

PUBLIC COMMENT-AGENDA ITEMS ONLY

John DeBartola, 1197 Bedford Street, came before Council for discussion of appointments Council would be making at this meeting and also the lengthy number of resolutions for the City Manager. Mr. DeBartola offered his services once again as a citizen and taxpayer to help improve the City to make it a better place. He hoped to put aside differences and work together "for the common good of the community."

With regard to the multiple resolutions, he stated it was time for Council to "go back to a strong mayor form of government" and dissolve the City Manager by 2021.

Mrs. Stanton noted that when she and Councilman Williams proposed a change in the form of government in the past, Council voted it down. She agreed with Mr. DeBartola's opinion regarding appointments to the boards, authorities, and commissions. She noted the appointments were advertised on the website, and the last time they were advertised in the Tribune Democrat was January of 2019. Ms. Cushing noted the appointments were advertised in August of 2019. There was further discussion regarding the matter.

Mrs. Stanton made a motion to delay voting on appointments to boards, authorities and commissions until the next meeting. The motion was seconded by Mrs. Mock 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).

Mr. Williams noted one of the applicants for the Housing Authority appointment resides on Schrader Avenue in Stonycreek Township and suggested he be notified that the position was open to City residents only.

REPORTS:

CITY MANAGER

George Hayfield, City Manager, reported that a third code enforcement officer started August 19, 2019. The Economic Development Director will start on September 30, 2019. Mr. Hayfield noted the mechanic position at the City Garage remains open.

ProDisposal started its contract September 1, 2019. Mr. Hayfield noted the owner/operator was present in the audience.

Mr. Hayfield reported that drainage work, infield work, and backstops had been completed on the two ball fields at Roxbury Park. Handicapped parking spots were installed.

He noted the Army Corps of Engineers would commence work on the channel near the Johnstown High School towards the end of September 2019.

Mrs. Mock requested an update on Stackhouse Park. Mr. Hayfield had no updates to report but would inquire about the matter.

Mayor Janakovic inquired when Napoleon Street would be paved. It was noted the street would be completed by mid-October.

Mr. Williams asked the City Manager to include in the Minutes those transfers he was authorized to make without a resolution. He also requested that in the future Mr. Hayfield include encumbrances on the monthly financial reports as was previously done in the past. Mr. Ritter explained that encumbrances are the result of purchase orders being placed, and there were not many purchase orders placed. Mr. Williams referred to the ordinance regarding that matter for further discussion.

Mrs. Stanton asked that the 15 lights that are out along the walking path and a felled tree struck by lightning covering six or seven parking spots in the upper lot be addressed. Mr. Campagna stated the lights would be replaced and the tree would soon be cleaned up.

Mrs. Stanton referred to her email that went unanswered regarding how much revenue the City was receiving for advertising signage posted up at Roxbury Park. Mr. Ritter noted no revenue was received from the signage. Mrs. Stanton suggested the signs be removed and fines be issued for unauthorized sign posting. Mrs. Mock noted that unauthorized signage was also being posted at Sargent's Stadium at the Point. There was further discussion regarding the matter.

Mayor Janakovic suggested that invoices be sent regarding the matter. Mr. Williams suggested that to advertise at Roxbury Park, signs should be limited to a certain size and placed on outfield fences. Mayor Janakovic suggested that signage sizes and fees be placed in the form of a resolution to be voted on by Council at the next meeting.

Mrs. Stanton requested clarification of Resolution 10184 passed in April of 2019 regarding Roxbury Park Phase Two, a \$250,000 grant request for greenways, trails and recreation. She indicated Mr. Hayfield noted the grant would not include the sidewalks. Mr. Hayfield explained the application made for Roxbury Park Phase Two was purely for playground equipment. There was discussion about the conflicting information regarding grant funds for new playground equipment, surface, and sidewalks.

Mrs. Stanton suggested enforcement of the ordinance regarding placement of garbage cans on the sidewalk 24 hours prior to pickup and removal of the cans 24 hours after pickup. She suggested enforcement of the ordinance, and Mr. Williams suggested the ordinance might need clarification.

Mrs. Stanton expressed concerns regarding commercial property violations for which to her understanding ABD Construction had been hired to enforce. Mr. Hayfield noted ABD was responsible for permitting with limited hours; Laurel Construction does commercial inspections. There was discussion regarding making the position in-house. Mr. Williams noted the ordinance officer and building permit positions were both previously in-house but were eliminated. There was discussion regarding creating the in-house position again.

Mayor Janakovic made a motion that a report be provided at the next meeting demonstrating cost-saving differences between ABD Construction, Laurel Construction, and in-house. Mr. Vitovich seconded the motion.

Mr. Williams suggested that the report include whether any CDBG money could be applied to that position. There was further discussion regarding the motion.

There was no vote taken on the motion.

Mrs. Stanton discussed a situation where a codes officer entered a property with a gun drawn. Chief Johnson stated the codes officer should have Act 235 training and a permit to carry a weapon. The City Manager was asked to address the matter with that codes officer.

Mrs. Mock noted properties are currently being demoed through the City, Redevelopment Authority, and the County as well as private individuals. She requested the City Manager to email a report listing the total number of demo permits issued.

Mayor Janakovic inquired as to who was making sure that the permits were being enforced. Mrs. Mock suggested that could be another duty for the in-house person hired for the position.

MAYOR

Mayor Janakovic reported that he attended and volunteered at the Ethnic Fest. He complimented Johnstown City Police, Fire, and Public Works. It was estimated that approximately 30,000 people attended over the three-day period.

The Mayor noted his attendance at the recent Sandyvale Wine Festival.

He congratulated the Highlands Health Clinic downtown on its recent fundraiser to help many who cannot afford health insurance.

The Mayor reiterated his proclamation honoring Croatian Lodge 5 on its 125 Anniversary.

He noted his attendance at the recent Community Foundation Founder's Day Picnic at PNG Park.

He congratulated UPJ's 600 freshmen who helped cleanup efforts throughout the City and its neighborhoods.

Mr. Janakovic met with representatives of both medical marijuana pharmacies and toured both sites.

He is working with Dr. Spectar and UPJ regarding grant opportunities to work with adolescents in the area.

Mayor Janakovic attended Sunday in the Park, which he referred to as a "huge success" with nearly 400 people in attendance.

He is spending time with Pennsylvania legislators, including Senator Langerholc and Representatives Rigby and G.T. Thompson. Senator Langerholc is attempting to obtain a percentage of funding from the antiquated Johnstown Flood Tax for use in Act 47 cities such as Johnstown.

CITY SOLICITOR

Elizabeth Benjamin, Esquire, City Solicitor, reported on a resolution that passed at the last meeting relative to a joint motion for a stipulation of settlement DKT 2017-4061. She noted, following the adoption of that resolution, the motion was filed and noted that for purposes of the minutes.

Ms. Benjamin noted, in follow-up to ongoing discussions at the past meetings, Council discussed the potential amendment or clarification of language with respect to Pro Disposal's contract, and that was distributed in advance of the September 1, 2019 contract. She indicated that a ProDisposal representative was in attendance.

Ms. Benjamin noted additional items for clarification as Council proceeded through the agenda.

Mr. Williams referred to the Minutes of September 14, 2016 meeting, page 11, for further discussion of the Administrative Code. He indicated at that time he requested clarification of Section 212, Enforcement of Ordinance and procedures requiring enforcement and inquired whether that pertained to the City Manager. Ms. Benjamin explained that was correct at the time, that there was no exception made, and indicated that is correct to this day. A subsequent amendment was made to address that in Bill 4 of 2018 to address the violations within that section as being willful violations.

Mr. Williams stated the point he was making is that "all ordinances require endorsement no matter who it is."

#### CITY ENGINEER

Mrs. Stanton referred to the Our Town newspaper for further discussion of an article involving a former City employee who while hospitalized had his old sewage line disconnected and never reconnected to the tap-in at the sidewalk. As a result, sewage was all through his basement. She stated that numerous telephone calls to the City Manager were made and not returned. EADS was quoted as saying, "This isn't my problem." Mrs. Stanton stated the City Manager was the one who should be contacted regarding any problems with sewage.

Mrs. Mock noted that EADS does have a punch list of items to be addressed and resolved by the contractor. She stated this particular issue was something different, and the City's insurance or the City's budget should be able to cover it. Mayor Janakovic opined the matter was a legal recourse.

Mrs. Stanton made a motion requesting that the City Manager contact this resident to hear the whole story and relay that information to the Solicitor. Mayor Janakovic seconded the motion. No vote was taken on the motion.

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An engineer's report regarding the sewage tap-ins was requested prior to the next meeting.

#### COUNCIL UPDATES /NEIGHBORHOOD LIAISONS

Mrs. Mock reported that the Roxbury Civic Group continues to work on improvements at the Roxbury Park.

A cleanup was held August 24, 2019, in Woodvale by the Woodvale Community Group.

The Community Garden in the West End was doing well. Additional cameras were purchased for another main street in the West End.

Mrs. Mock stated another neighborhood group called the West End Neighborhood Network was started which focuses on knowing your neighbors, knowing your neighborhood, to get people in the neighborhood to keep a watch on the area.

Reverend King stated the Woodvale neighborhood started the community group and has been meeting monthly since last October. She noted that any neighborhoods interested in having neighborhood meetings could contact either herself or Mrs. Mock for further information.

Reverend King noted that Thursday, September 12, 2019, a meeting would be held in Kernville for discussion of its annual house-decorating contest.

She indicated the Johnstown Police Department would conduct an active shooter training at the Christ Centered Community Church on Tuesday, September 17, 2019.

On Thursday, September 19, 2019, the United Neighborhood Group will meet and was seeking other neighborhoods interested in starting neighborhood groups.

On Wednesday, September 25, 2019, PennDOT will be holding a job fair at 5:30 p.m. at Christ Centered Community Church.

Mr. Britt thanked the Memorial Baptist Church, Reverend Johnson, and Mr. Hayfield for their help in obtaining lighting in the Prospect area. Lighting was also being sought for a parking lot in that area.



Mr. Britt noted that St. James Missionary Baptist Church on Pine Street would be holding a fall festival this Saturday, September 14, 2019.

He noted an alley by the playground in Conemaugh Borough was settling, requiring asphalt, and requested the matter be investigated.

Mayor Janakovic commented that going over the Minersville Bridge that the stop sign sets back about 10 or 15 feet from the road. He suggested that the sign be moved. Mr. Campagna noted that PennDOT should be contacted regarding the matter.

Mr. Williams had no report.

Mr. Vitovich reported that Public Works was out cleaning inlets, patching, and paving many roads. He commended Jared for his hard work.

Mrs. Stanton reported that Johnstown Veterinary Associates would be holding a one-mile walk for Whiskers and Wags this Saturday, September 14, 2019, at 11:00 a.m.

Moxham Renaissance will be holding a community barbeque on September 22, 2019, at Park Avenue. She noted the website would have further information regarding the matter.

Mrs. Stanton was present at Randy's BiLo and Roxberry Creamery to listen to feedback from residents. She indicated the number one complaint was blight and vacant property issues, as well as no answer to code complaints.

Mrs. Stanton continues to volunteer with the Moxham Community Walkers.

She thanked the Johnstown Police Department for working diligently to remove abandoned vehicles. Chief Johnson clarified that an abandoned vehicle has no valid inspection, no valid registration, inoperable, and not been moved for a period of 48 hours. After 48 hours, a \$600 citation is issued along with a certified letter that the vehicle must be moved. He noted, as of the middle of August, approximately 108 vehicles had been moved off the City streets. He stated the matter was being taken very seriously.

Mrs. Stanton made a motion to recess for five minutes. There was no second to the motion. Mrs. Stanton and Mr. Williams exited the meeting.

1. Code complaints from J. Williams - 2.
2. Code complaints from C. Stanton - 5.
3. Code complaints from L. Yutzy - 13.
4. Code complaints and no answers from D. Callahan - 38.
5. Code complaints from A. Mangos - 5.
6. Code complaints from C. Ceglar - 2.
7. Code complaint from K. Barefoot - 1.
8. Code complaint from J. Thompson - 1.

#### PETITIONS

None

#### ORDINANCE FOR FINAL READ

None.

#### ORDINANCE FOR FIRST READ

BILL NO. 29 OF 2019, AN ORDINANCE TO PARTIALLY VACATE FULMER ALLEY FROM 1-3 CAMPBELL TOWARDS THE END OF FULMER ALLEY IN JOHNSTOWN, PENNSYLVANIA AS A PUBLIC THOROUGHFARE.

Mr. Vitovich made a motion to approve the ordinance. 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: None (0).

BILL NO. 30 OF 2019, AN ORDINANCE TO VACATE JONES PLACE FROM NAPOLEON STREET TO ROBB AVENUE IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.

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

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

BILL NO 25 OF 2019, AN ORDINANCE REPEALING ORDINANCE NO. 5265 PASSED FINALLY ON JANUARY 16, 2019 AND AS AMENDED BY BILL 18 OF 2019 ON JULY 10, 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 OPERATIONS OF THE VARIOUS FUNDS, BUREAUS, DEPARTMENTS AND THE PAYMENT OF DEBT SERVICE AND PENSION FUND OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2019, BUDGET EXHIBIT "A" DETAILS AND MORE SPECIFICALLY FUND (24) SEWER UPGRADE/MAINTENANCE/REPAIR FUND DUE NONCOMPLIANCE WITH HOME RULE CHARTER ARTICLE X TITLED FINANCIAL PROCEDURES AND THE CAMBRIA COUNTY COURT OF COMMON PLEAS APRIL 18, 2018 ORDERED STIPULATION OF SETTLEMENT AND RELEASE AND JOINT MOTION (DKT 2017-4061). Tabled 8/14/19.

Mr. Vitovich made a motion to remove the ordinance from table. 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)

Mr. Vitovich made a motion to vote on Bill No. 25 as read. The motion was seconded by Mrs. Mock and failed by the following vote:

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

BILL NO. 31 OF 2019, AN ORDINANCE REPEALING ORDINANCE NO. 5272 PASSED FINALLY ON AUGUST 14, 2019, TITLED: AN ORDINANCE AMENDING ORDINANCE NO. 5265 ESTIMATING THE AMOUNT OF REVENUES TO BE RECEIVED BY THE CITY OF JOHNSTOWN FROM VARIOUS SOURCES AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES FOR THE OPERATIONS OF THE VARIOUS FUNDS, BUREAUS, DEPARTMENTS, AND THE PAYMENT OF DEBT SERVICE OF THE CITY OF

JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR  
BEGINNING JANUARY 1, 2019 BUDGET EXHIBIT "A" DETAILS TO  
AMEND THE 2019 UDAG FUND.

Mr. Vitovich made a motion to approve the ordinance.

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

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

There was further discussion regarding the ordinance.

RESOLUTIONS

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY MANAGER WITH THE ASSISTANCE OF THE APPOINTED PROFESSIONAL ENGINEERING SERVICE OF THE EADS GROUP AND OTHER SUBSEQUENT RETAINED PROFESSIONAL ENGINEERING SERVICES FOR INNER CITY SEWER UPGRADE PROJECTS TO PREPARE A WRITTEN REPORT OF THE CITY OF JOHNSTOWN'S OWNED PROPERTIES SUBJECT TO SEWAGE COMPLIANCE AND PURSUANT TO THE DEP CONSENT ORDER, INCLUDING COMPLIANCE WITH EXISTING CITY ORDINANCES FOR LEGAL CONNECTIONS AND IMPOSED DEADLINES CONTAINED IN DEP CONSENT ORDER, CITY PROPERTIES WHEREBY ANY AND ALL CORRECTIVE ACTION HAS BEEN TAKEN AND COMPLETED, ESTIMATED COSTS FOR ALL PROPERTIES LISTED IN THIS RESOLUTION AS FOLLOWS. Tabled 8/14/19.

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

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

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

Yeas: Mr. Vitovich (1).

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

Mayor Janakovic noted he reviewed Roberts Rules of Order regarding changing one's vote. He stated a member has the right to change his or her vote up to the time the result is announced. After that, he or she can make the change only by permission of the assembly, which can be given by unanimous consent or by adoption of a motion to grant the provision that is undebatable.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, GIVING WRITTEN NOTICE OF TERMINATION FOR CAUSE OF GEORGE HAYFIELD AS JOHNSTOWN CITY MANAGER EFFECTIVE UPON PASSAGE OF THIS RESOLUTION FOR CAUSE AND WITH AN EFFECTIVE TERMINATION DATE OF NO LATER THAN FRIDAY, SEPTEMBER 6, 2019, FOR INCLUDING BUT NOT LIMITED TO :

1. FAILURE TO COMPLY WITH THE TERMS OF THE JULY 1, 2018 EXECUTED EMPLOYMENT AGREEMENT
2. FAILURE TO COMPLY WITH REQUIREMENTS OF CITY OF JOHNSTOWN HOME RULE CHARTER, ARTICLE VI, CITY MANAGER, 11.6-602. DUTIES; ARTICLE X, FINANCIAL PROCEDURES, 11.10-1010 ADMINISTRATION OF THE BUDGET; 11.10.1005 BUDGET
3. FAILURE TO COMPLY WITH REQUIREMENTS INCLUDING THE ENFORCEMENT AND COMPLIANCE WITH THE ADMINISTRATIVE CODE OF THE CITY OF JOHNSTOWN, ORDINANCE NO. 4654 AS AMENDED.
4. FAILURE TO COMPLY WITH CERTAIN PROVISIONS CONTAINED IN THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN
5. FAILURE TO COMPLY WITH TERMS AND CONDITIONS OF THE CAMBRIA COUNTY COURT OF COMMON PLEAS APRIL 18, 2018 ORDERED STIPULATION OF SETTLEMENT AND RELEASE AND JOINT MOTION (DKT 2017-4061) UPON ASSUMING THE POSITION OF CITY MANAGER EFFECTIVE JULY 1, 2018. Tabled 8/14/19.

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Mayor Janakovic made a motion to discuss this resolution in Executive Session immediately after the reading.

Reverend King made a motion that the bill remain tabled. Mrs. Mock seconded the motion.

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

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

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

Mayor Janakovic stated there would be no further discussion regarding the resolution since it has remained tabled.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY MANAGER TO GIVE PUBLIC NOTICE OF THE CITY OF JOHNSTOWN SEEKING REQUEST FOR PROPOSALS (RFP) FROM THIRD PARTY SOURCES FOR ALL CODES ENFORCEMENT, INCLUDING BUT NOT LIMITED TO INSPECTIONS, RESPONDING TO SUBMITTED CODE ENFORCEMENT COMPLAINTS, ISSUANCE OF FINES, PENALTIES, PURSUANT TO CITY OF JOHNSTOWN CODIFIED ORDINANCES IN ACCORDANCE WITH APPLICABLE COMMONWEALTH OF PENNSYLVANIA STATUTES RE: RULES OF CIVIL AND/OR CRIMINAL COURTS. Tabled 8/14/19.

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

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

Nays: Reverend King, Mrs. Mock, Mr. Vitovich (3).

Mr. Williams made a motion to vote on the resolution as read. It was thought that Mayor Janakovic seconded the motion but he disputed that second.

Mrs. Mock called for the question. The motion was seconded by Mrs. Stanton and failed by the following vote:

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

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

Resolution No. 10211

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, ACCEPTING THE CODIFICATION OF ORDINANCES  
UPDATED FOR THE PERIOD OF JANUARY 1, 2018 THROUGH  
DECEMBER 31, 2018. Tabled 8/14/19. (Expense from General Fund  
01.400.34.013.00 Legal Body/Legal Notice/adv).

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

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

Nays: Mrs. Stanton (1).

Mrs. Mock made a motion to approve the resolution as read. Mayor Janakovic  
seconded the motion.

Ms. Benjamin explained this was tabled because there was a question regarding the  
fact that the codification was referenced as having been certified through  
November 14, 2018, on the City's website where the codification appears. In  
addition, this covered the period January 1, 2018, through December 31, 2018.  
It appears as though the updating on the website might have occurred prior to  
when there was a chance to get the resolution distributed. To correct the  
matter, a motion would need to be made to amend this resolution to replace all  
references to the period of January 1st, 2018, through December 31st, 2018,  
with language as follows:

January 1st, 2018 through November 14, 2018 and as further through  
December 31st, 2018.

Mr. Williams made a motion to approve the resolution as amended. 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).

Mayor Janakovic noted, with regard to the next two resolutions, one is replacing the  
other.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CIT OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH LECKEY'S DEMOLITION SERVICE IN THE AMOUNT OF \$169,975.00 FOR CONTRACT #2019-25, CDBG STRUCTURE DEMOLITION PROGRAM TO DEMOLISH EIGHTEEN (18) STRUCTURES THROUGHOUT THE CIT OF JOHNSTOWN. (Tabled 8/14/19)

Mr. Williams commented that when you have a tabled resolution, a new resolution cannot be introduced and brought to the table and amended to do what you want. He further commented that the UDAG amendment that was just tabled was unbalanced, so he moved that it remain tabled.

Mayor Janakovic noted that Resolution 5 was not correct. The City Manager requested the resolution be withdrawn.

Ms. Benjamin explained the resolution has to first be removed from table in order to have it withdrawn.

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

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

Nays: None (0).

The City Manager withdrew the resolution.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A CONTRACT WITH LECKEY'S DEMOLITION SERVICE IN THE AMOUNT OF \$160,531.95 FOR CONTRACT #2019-25CDBG STRUCTURE DEMOLITION PROGRAM TO DEMOLISH SEVENTEEN (17) STRUCTURES THROUGHOUT THE CITY OF JOHNSTOWN. (Expense from CDBG Fund/04.609.29.17/Demo Clearance Grant Expenses 2018).



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Mr. Williams made a motion to table the resolution due to the budget not being balanced. 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 commented that by proceeding with this expenditure would be in violation of the April 19th stipulation but also the November 4 stipulation.

Ms. Benjamin did not disagree, but this was just brought to her attention. The resolution can be approved contingent upon verification of appropriate expenditure amounts.

Mr. Williams noted, for the record, that if this proceeds, there would be another motion for contempt as the budget was not balanced.

Mrs. Stanton suggested the matter be tabled pending clarification. Mrs. Mock suggested a special meeting be held for further discussion of Mr. Williams' ordinance distributed today. There was further discussion regarding the matter.

Mrs. Stanton made a motion to table the resolution. Mayor Janakovic explained there had already been a motion to table that failed.

Mrs. Stanton suggested the resolution be withdrawn and resubmitted at the October 9th meeting.

The City Manager made a motion to withdraw the resolution.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP-CITY SOLICITORS TO INITIATE AND FILE LEGAL ACTIONS AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO CODIFIED ORDINANCES 484.10 PARKING IN MUNICIPAL METERED AREAS; WAIVER FINE AND ADMINISTRATIVE CODE, ORDINANCE NO. 4654 AS AMENDED; SECTION 212 ORDINANCES (i) Enforcement of Ordinances; Procedures; Procedures and (j) penalties.

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

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

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

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP-CITY SOLICITORS TO INITIATE AND FILE LEGAL ACTIONS AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO ORDINANCE NO. 5265 PASSED FINALLY ON JANUARY 6, 2019, SUBSECTION 1.A AND ADMINISTRATIVE CODE ORDINANCE NO. 4654 AS AMENDED SECTION 212 ORDINANCES (I) ENFORCEMENT OF ORDINANCES; PROCEDURES; PROCEDURES AND (J) PENALTIES.

Mr. Williams made a motion to withdraw the resolution since there had been some sort of indication that the encumbrances would be included in future reports. Mrs. Mock seconded the motion. Mr. Williams withdrew the resolution.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP-CITY SOLICITORS TO INITIATE LEGAL ACTION AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO CITY OF JOHNSTOWN'S CODIFIED ORDINANCES, CHAPTER 236 DEPARTMENT OF FINANCE (B) PRE AUDIT IN ACCORDANCE WITH ADMINISTRATIVE CODE, ORDINANCE NO. 4654 AS AMENDED, SECTION 212 ORDINANCES ((I) ENFORCEMENT OF ORDINANCES; PROCEDURES; AND PROCEDURES AND (J) PENALTIES.

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

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

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

There was further discussion. Mayor Janakovic stated that there should be no further discussion regarding the matter since it was tabled.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE BEARD LEGAL GROUP-CITY SOLICITORS TO INITIATE AND FILE LEGAL ACTION AGAINST GEORGE HAYFIELD, CITY MANAGER, PURSUANT TO CODIFIED ORDINANCES 223.09 CITY INVENTORY; AND ADMINISTRATIVE CODE ORDINANCE NO. 4654 AS AMENDED SECTION 212 ORDINANCES (I) ENFORCEMENT OF ORDINANCES; PROCEDURES; AND PROCEDURES AND (J) PENALTIES.

Mrs. Mock made a motion to table the resolution. 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: Mr. Williams, Mrs. Stanton (2).

Resolution No. 10212

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A MUNICIPAL WINTER TRAFFIC SERVICES SUPPLEMENTAL AGREEMENT WITH THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, FOR THE EFFECTIVE DATES OF OCTOBER 15, 2019 AND THE WINTER SEASONS OF 2019-2020, 2020-2021, 2021-2022.

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

Resolution No. 10213

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO ENGAGE THE COHEN LAW GROUP IN CABLE FRANCHISE RENEWAL SERVICES AT A RATE OF \$13,320 FOR CABLE FRANCHISE RENEWAL NEGOTIATIONS AND CABLE FRANCHISE FEE AUDIT SERVICES. (Expense from the General Fund/01.404.40.021.00 Legal/Court fees).

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

Mrs. Stanton suggested the City Solicitor or City Manager have a discussion with the cable company regarding lower rates.

Ms. Benjamin explained the matter involves a highly professionalized negotiations process, and she recalled that Council wanted to send this back out for RFPs by other legal groups. The City Manager confirmed that occurred. Mr. Hayfield noted the response received was from the Cohen Law Group.

Mr. Williams called for the question.

The motion passed by the following vote:

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

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

Resolution No. 10214

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR A GRANT THROUGH PA WALKWORKS TO PREPARE A COMPLETE STREETS POLICY FOR THE CITY OF JOHNSTOWN IN THE AMOUNT OF \$5,000.00.

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

Mrs. Stanton commented this related to a study to identify and promote safe walking routes through the city. She suggested that the City's sidewalks need to be made safe for walking.

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Mrs. Mock called for the question.

The motion passed by the following vote:

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

Nays: Mrs. Stanton (1).

Councilman Williams exited the meeting.

Resolution No. 10215

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE TASK ORDER NO. 47 TO THE EADS GROUP, INC. FOR THE DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, PREPARATION OF PERMIT APPLICATIONS AND ADMINISTRATION OF FUNDING OF THE DOWNTOWN SIDEWALK PROJECT (Expense from State Grant Fund/13.690.29.341.000/Washington Street, ARC).

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

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

Nays: Mrs. Stanton (1).

Resolution No. 10216

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN ALL AGREEMENTS, MORTGAGES, GUARANTEES AND ALL OTHER LOAN CLOSING DOCUMENTS FOR DNJ INVESTMENT PROPERTIES, LLC. (Expense from State Grant Fund/13.649.29.339.00/Enterprise Zone Grant Expenses Direct Business Loans).

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

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Mrs. Stanton commented that Council had no need to vote on a resolution authorizing the City Manager to sign those documents. If the loan review committee approves a loan, it is approved.

Ms. Benjamin explained the auditors recommended Council approve this matter.

The motion passed by the following vote:

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

Nays: None (0).

Abstentions: Mrs. Stanton (1). Mrs. Stanton abstained from voting on the motion stating that Council did not need to vote on the matter.

Resolution No. 10217

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS FROM DEPARTMENT TO DEPARTMENT WITHIN THE RECREATION FUND TO ELIMINATE THE RESPECTIVE 2019 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES, AND MORE SPECIFICALLY, BUDGET EXHIBIT AS ATTACHED HEREIN.

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

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

Nays: None (0).

Resolution No. 10218

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE EFFECTIVE DATE OF THE SECURITY AND EXCHANGE COMMISSION RULES REGARDING MUNICIPAL ADVISOR REGISTRATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACTUAL ENGAGEMENT TO WORK WITH BOENNING AND SCATTERGOOD, INC., SERVING AS MANAGING UNDERWRITER FOR THE STRUCTURING, MARKETING, APPROVING AND ISSUING OF BONDS FOR THE CURRENT

REFUNDING OF THE CITY'S OUTSTANDING GENERAL OBLIGATION  
BONDS SERIES OF 2013.

Mr. Vitovich made a motion to approve the resolution. Mr. Britt seconded the motion.

There was a discussion of the costs associated with the resolution. Mr. Ritter noted this involves refinancing, and that it would save \$300,000 for 2020.

The motion passed by the following vote:

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

NEW BUSINESS

Board appointments were postponed until the October meeting.

OLD BUSINESS

Mrs. Stanton inquired as to why responses were not being received for code complaints. She also inquired as to why a code complaint was not placed on the agenda as requested.

Reverend King suggested a meeting be held with the codes department regarding this matter.

PUBLIC COMMENT-NON-AGENDA ITEMS

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council regarding his request in June of 2019 for an accounting of all drug forfeiture and DUI records in the City's possession from January 1, 2017, to present. He noted that Ms. Benjamin stated no records exist in the City's possession of any seizures, expenditures, and any DUI account, and that Chief Johnson stated that no forfeitures were received in calendar year 2017, and no DUI records exist similar to the transaction histories that were disclosed to the requestor.

Mr. DeBartola stated he has sued the DA's office. He questioned how there were no DUI arrests for all that time. He had been told that the District

Attorney plea-bargains every single case down, so there are no records. Mr. DeBartola commented, if that were true, this Council has a moral obligation to deal with it.

He thanked Mr. Williams and Mrs. Stanton for bringing up ABD Construction at the meeting and stated that was his Right to Know Request of the JRA and the City.

Mr. DeBartola stated he is the only applicant for the Johnstown Housing Authority appointment who lives within the City limits.

Michael Bellvia, Pro Disposal, presented before Council for discussion of his company's contract with the City, which started September 2, 2019. He noted that letters were sent which enclosed the recycling and holiday schedules. He stated there is a six-bag weekly limit and one bulk item per month. Mr. Bellvia requested that this information be included on the City's website. He stated ProDisposal has a Facebook page and a website where the information will also be posted. Mayor Janakovic requested the information also be advertised in the newspaper. Mr. Bellvia noted a ten percent discount for senior citizens 65 years of age and older. He stated a spring cleanup was not included in the contract, but he would be willing to work with the City regarding the matter.

Mr. Bellvia clarified that no garbage stickers will be provided to customers, and that the company's route sheets will contain information concerning who has paid their bill. He requested that customers place trash in front of their homes, as some of the alleys are impassable. It was suggested that Mr. Bellvia identify those alleys that are not accessible.

He requested that the City enforce payment of the garbage bills. Mr. Bellvia commented that the City can contact his company at any time and desired to continue the smooth transition.

Mr. Hayfield stated John Dubnansky would start as the City's new Economic Development Director on September 30, 2019. Mayor Janakovic commented that Mr. Dubnansky is a very competent person and has been the county grant writer for a number of years. Mrs. Mock identified codes, blight and economic development as the City's most problematic concerns and noted that Mr. Dubnansky plans to focus on restructuring the codes department.

Mr. Hayfield stated he would be away from October 9 to October 19, 2019, and that Mr. Ritter will take over the City Manager responsibilities during that time.



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RECESS/ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

NEXT SCHEDULED MEETING

Regular Meeting, Wednesday, October 9, 2019 at 6:00 p.m.