

JOHNSTOWN CITY COUNCIL MINUTES
Wednesday, February 8, 2017

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 6:10 p.m. Council had a moment of silence for Dorothy Haselrig Thomas who recently passed.

Arch Liston, City Manager, offered the invocation, and the Pledge of Allegiance was recited.

An Executive Session was noted to be held prior to the commencement of the meeting.

The following members of Council were present for roll call:

Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams (7).

City Manager Arch Liston and Elizabeth Benjamin, Solicitor, were also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the December 29, 2016 and January 11, 2017 Regular Meeting Minutes. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams (7).
Nays: None (0).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

Mrs. Stanton requested that a proclamation be issued regarding Multiple Sclerosis Awareness Week, March 5 through March 11, 2017.

Mayor Janakovic was approached by the Guidance Counselor Association, PA Department of Education requesting a proclamation for all of the guidance counselors throughout the area.

Mr. Williams made a motion to approve both proclamations. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,
Mr. Williams, Mayor Janakovic (7).
Nays: None (0).

PUBLIC COMMENT ON AGENDA ITEMS ONLY

John DeBartola, 1197 Bedford Street, Johnstown, and President of the Keystone Alliance Gay Life Newsletter, addressed Council with regard to hate crimes and nondiscrimination ordinances. He stated the City will join 38 other municipalities in Pennsylvania if the two ordinances were adopted. He suggested that the ordinances include language for ethnic intimidation. Mr. DeBartola noted the passing of the ordinances was the first step in the right direction. He commended Council for starting the process of creating the ordinances and hoped the ordinances would be passed.

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to Bill No. 50, which addresses the powers and duties of Council. He discussed an appointee to the Housing Authority who was incarcerated for two weeks due to a violation of probation for a second DUI. Mr. Warhul suggested that the man be removed from his position on the Housing Authority.

Ms. Benjamin explained there is power vested in Council via the Home Rule Charter and Administrative Code addressing the ability to appoint and remove members of authorities, boards and commissions. She noted however there are other statutes that provide alternative measures. She noted that the matter may be researched further at the request of Council.

Mr. Williams made a motion that the City Solicitor contact the Court of Common Pleas to determine the facts relative to the matter and report back to Council. Mayor Janakovic suggested that the City Solicitor review the Housing Authority rules with HUD with regard to the matter. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vizza, Mr. Williams, Mayor Janakovic,
Mr. Johncola (6).

Nays: None (0).

Mr. Vitovich abstained from voting on the motion.

Dr. CatherineAnne McCloskey-Ross, 500 Broad Street, Johnstown, addressed Council as a representative of the City's transgender support group. She discussed the nondiscrimination ordinance. She noted that anyone objecting to this ordinance "is objecting to the way she exists".

REPORT BY CITY MANAGER

Arch Liston, City Manager, reported on vacancies in the police department and the need to diversify the workforce. He stated Civil Service tests will be given March 18, 2017. He encouraged women and minorities to sign up to take the test.

Mr. Liston noted that parking tickets will be collected more aggressively as there were a substantial number of unpaid parking tickets.

He noted a deed search with regard to the golf course. There are no restrictions with regard to monetizing the asset. He asked Council for their authorization to continue with the title search process for a possible future sale.

He discussed the replacement of the carpeting at the Pasquerilla Conference Center. Mr. Liston stated a roof leak at the center makes replacing the carpeting at this point "kind of senseless" until the roof is repaired. He stated a warranty still exists on the roof, and the company will be contacted with regard to those repairs.

There was discussion regarding whether an invoice or billing in the amount of \$90,000 had been received. Mr. Williams noted an annual letter from the Pasquerilla Conference Center requesting reimbursement in the amount of \$80,000 for carpeting. Mayor Janakovic had never seen an invoice for work or carpeting purchased in that amount. There was further discussion regarding the matter.

Ms. Benjamin explained the need to address the roof situation prior to the carpeting matter. Mr. Williams requested an answer with regard to money that is owed. He commented, the "obligation is due".

Mrs. Mock made a motion to invite Mr. Barletta to a Workshop before the next Council meeting for further discussion regarding the matter.

Mrs. Stanton suggested a letter be sent to Mr. Barletta stating the carpeting will not be replaced until the roof leak is repaired. The letter should request that Mr. Barletta obtain three estimates for the price of the carpeting at the Convention Center. She noted a resolution could be prepared at the next Council meeting if the matter is confirmed.

Mayor Janakovic responded that Mr. Barletta had already agreed to the roof repair before replacing the carpeting.

Mrs. Stanton made a motion to obtain three carpeting estimates. The motion was seconded by Mrs. Mock.

The City Manager reiterated that the roof repair must first be resolved, and then the vendors will be contacted to address the carpeting matter.

Mr. Williams noted, "There is nowhere in any submissions that Crown is required other than to make the request and wait 20 days before they assume it's approved, that they have to submit an invoice to the City for payment."

Ms. Benjamin explained that the carpeting at the Convention Center was a capital expenditure and Crown submits a request for a certain amount to be included in the budget to allow for that going forward. She further explained that the parties may agree to obtain estimates.

The City Manager noted that bids for 22 HUD properties will be received for demolition in April.

Mr. Liston was awaiting the final report from the auditor with regard to the District Attorney's Office drug fund monies.

He discussed the first resolution on the agenda concerning the SAFER grant for firefighters. Mr. Liston requested the resolution be withdrawn.

Mrs. Mock made a motion authorizing the City Manager to commence the title search process for the golf course. The motion was seconded by Mr. Vizza and passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mayor Janakovic,
Mr. Johncola, Mrs. Mock (6).

Nays: Mr. Williams (1).

Andrea Ryan, 190 Derby Street, Johnstown, addressed Council with her concerns regarding the ordinances for final read on the agenda. She noted the ordinances "seem to represent a trend of relaxing the codes currently on the books that would accommodate the offenders of those codes." Ms. Ryan suggested the accountability by property owners and the codes department. She urged Council to consider applying to Cambria County for Act 152 funds, inquiring of the codes department for reasons the codes are not being enforced, amending ordinances related to blight and rejecting Resolution 7A by requiring owners to pay and not the City's taxpayers.

Mrs. Stanton agreed with the comments made by Ms. Ryan.

Mayor Janakovic explained that Commissioner Chernisky passed Act 152, a \$15 fee on transfers and purchases only used for demolition. He stated the decision on the fair allocation of those monies across the county was yet to be determined.

There was a discussion regarding the cost of the demolition of the Conrad Building. The Mayor noted the cost to demolish roughly 1,200 properties throughout the City could cost as much as \$9.6 million.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on attending, along with Mrs. Mock and Mr. Vizza, a Martin Luther King musical play at Johnstown High School on Sunday, January 15, 2017, presented by the Johnstown Community Gospel Choir, NAACP Youth Council representing five difference school districts, the Youth Christ Centered Community Church, Greater Johnstown Interact club and AmeriCorps. A proclamation was presented.

The Mayor and Mr. Vizza attended a fundraiser for Dorothy Thomas, who recently passed away. He commended the Greater Johnstown School District and East Side Elementary for honoring this person who had done so much for the community.

Mr. Janakovic also noted his attendance, along with Mr. Vitovich and Mrs. Mock, at the unity rally organized by NAACP, which was held in Central Park on Monday, January 16, 2017 at noon.

Mayor Janakovic also reported on attending the monthly meetings of the Chamber of Commerce, Discover Downtown, and Vision 2025. He noted 22 different work groups and over 200 people participating in the groups for Vision 2025.

The Mayor met with the City Manager, Ms. Daly and the Army Corps of Engineers with regard to a \$250,000 grant to review the waterways.

Congratulations were offered to Gary Poborsky of GAP VAX for creating 50 to 75 new jobs.

Mayor Janakovic noted approximately 50 people attended a roundtable discussion with local mayors, supervisors and councilmen to discuss a collaboration, cooperation, sharing resources, and grants among the City with local boroughs and townships around the City. He noted the County Commissioners, Judge

Krumenacker, Michael Foreman from DCED, Deb Grass from Act 47, Melissa Komar from JRA, Wally Burlack from Vision, as well as City Manager Arch Liston were also in attendance. Representatives from Conemaugh Township, Brownstown, Daisytown Borough, East Conemaugh Borough, East Taylor, Ferndale, Franklin, Geistown, Lorain, Richland, Southmont, Westmont, and West Taylor were also in attendance.

Mr. Williams inquired as to the status of Resolution 9917 concerning municipal consolidation.

Mayor Janakovic explained "getting people to the table is the first step" regarding discussions of consolidation.

Ms. Benjamin could not speak to the meeting as she was not in attendance. She noted the Mayor reached out to the municipalities and organized the meeting. There was further discussion regarding the matter. A copy of Resolution 9917 was distributed for review.

Ms. Benjamin stated a letter inviting open and general discussion regarding consolidation could be sent. Mayor Janakovic noted the meeting was "simply a discussion" and "50 people were willing to work with our City".

Mr. Williams wanted the terms of the resolution fulfilled. Ms. Benjamin will follow up on the matter and offer a report at the next meeting.

REPORT BY THE CITY SOLICITOR

The City Solicitor reminded all to not speak over one another.

Ms. Benjamin referenced a letter from Mr. Williams and Mrs. Stanton with regard to Bill No. 48 of 2016, the lateral resale ordinance. She summarized the bill, which allows for a change in compliance, extends the amount of time to 180 days, and allows an additional period of 365 days for homeowners to comply with the pressure testing and remediation requirements. Ms. Benjamin contacted DEP with regard to getting their opinion on the proposed change and received a response confirming that DEP was agreeable to the initial 180-day period but did not provide any further comment on the 365 day period.

Mayor Janakovic noted Council's vote was taken based on the opinion given by Renee Daly and her conversation with DEP.

Ms. Benjamin explained a discussion concerning the best way of dealing with the problem, which pertains primarily to the phases of the sewer project and the homeowners being required to engage in remediation work within this period of time where the actual installation of the sewer system might not be occurring for a year or so after. She noted a possible amendment to Bill No. 48 would be to provide for a period of 90 days following the point at which the construction project reaches the neighborhood as that is the primary issue. She stated that DEP was again amenable to that change.

She referred to a motion in the packet to amend Bill No. 48, which provides for a temporary certificate of compliance to be effective for 180 days and the City Manager and ordinance compliance officer will have the option to extend this period for up to 90 days after the City had completed the installation of the sewer system. Ms. Benjamin noted this is the best solution as approved by DEP.

Mr. Williams discussed 23 certificates of compliance that were given extensions as he and Mrs. Stanton reviewed, including a property purchased by ACRP on Franklin Street, which was not in accordance with the ordinances.

Mayor Janakovic commented that ACRP does have a contract for the sewage work and placed money in escrow for the completion of the work. He commented, "There aren't enough contractors to get the work done."

Renee Daly discussed the line on Catherine Street, which was granted an extension.

Ms. Benjamin discussed a response relating to correspondence being sent to Craig Bachik and the nonprofit group involved with the Conrad Building. She noted the corporation was requesting that Council, the City Manager, and the City codes office that correction measures have begun with regard to the Conrad Building.

Mr. Liston noted the Codes Department had not started enforcement action against the Conrad Building. Ms. Daly noted that 303Franklin, LP, was selling the property to JBDDC once the project is approved by EDA, which needs proof that all four floors are being rented. Mr. Liston indicated the building will have to be taken down if affirmative steps are not seen through the summer.

Ms. Benjamin discussed a proposal that was presented relating to the Washington Street Parking Lot. A resolution will be prepared for the parking lot.

Mrs. Stanton made a motion to have the property assessed. The amount of property tax on the property should be confirmed with the assessment office.

Mrs. Mock made a motion instructing the City Manager to prepare a resolution with regard to the Washington Street Parking Lot. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola,
Mrs. Mock (5).

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

Ms. Benjamin noted the Johnstown Housing Authority responded with possible dates for a meeting.

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

SHORT RECESS WAS TAKEN.

REPORT BY THE CITY ENGINEER

Andy Fedorko, EADS Group, referred Council to his report for further discussion.

Mrs. Stanton inquired as to a quality assurance check by the City that the flow monitors are working properly.

Mr. Fedorko stated the meters are checked every time the meters are moved, which is more often than once a year per the manufacturer's requirement. He stated that any meter not functioning correctly would be removed and replaced with another meter.

Mrs. Stanton inquired as to the Roxbury flow meter. She also inquired as to a state standard with regard to the diameter of the pipes used for the sewer lines.

Mr. Fedorko explained the size of the diameter is based on flow of the pipe and that the majority of the lines are 8-inch lines. It also depends on the number of homes being served by the line.

Mrs. Stanton inquired as to the number of neighborhoods the sewage upgrade would be divided into.

Mr. Fedorko indicated there were around 14 projects. He explained the number of projects did not coincide with the number of communities.

Mrs. Stanton questioned the number of downspouts illegally connected in the Roxbury area. She also had questions regarding the completion of the Hornerstown phase one.

Mrs. Stanton made a motion that the City immediately cease all flow monitoring until all illegal connections are removed from the system, the accuracy of EADS reports can be examined thoroughly, and that flow monitoring be performed again on any neighborhood that received a failing study. The motion was seconded by Mr. Williams and failed by the following vote:

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

Nays: Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mr. Vitovich (5).

COUNCIL UPDATES:

1. FAX from Jack Williams, January 23, 2017 RE: RTK follow up.
2. Letter from Charlene Stanton, January 24, 2017 RE: Vacant Property Ordinance/Maintenance Fee.
3. Letter from Charlene Stanton, January 26, 2017 RE: Illegal dumping.
4. Letter from Charlene Stanton, February 1, 2017 RE: Northwood Avenue/Derby Street storm inlet overflow.
5. Code complaints from Charlene Stanton - 19; Jack Williams - 1.
6. Planning Commission Minutes of January 4, 2017.

COUNCIL COMMITTEE REPORTS/NEIGHBORHOOD REPORTS

None.

PETITIONS

None.

ORDINANCES FOR FINAL READ AND ADOPTION:

BILL NO. 48 OF 2016, AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 5166 PASSED FINALLY JANUARY 28, 2015, AND AS AMENDED IN ORDINANCE 5179 PASSED FINALLY AUGUST 12, 2015, AND KNOWN AS THE "LATERAL RESALE ORDINANCE" TO REVISE AND FURTHER ESTABLISH VALIDITY PERIODS FOR TEMPORARY CERTIFICATES OF COMPLIANCE ISSUED AND TO ADDRESS ADDITIONAL MATTERS PERTAINING TO SAID TIME PERIODS.

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

Mrs. Stanton made a motion to amend the ordinance to remove the guideline that if a temporary certificate was issued prior to December 2016 a new one can be requested. The motion was seconded by Mr. Williams and failed by the following vote:

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

Nays: Mr. Johncola, Mrs. Mock, Mr. Vitovich, Mr. Vizza (4).

Mayor Janakovic abstained from voting on the motion.

Mrs. Stanton made a motion to amend the ordinance to remove the wording, because of the limited number of contractors. The motion was seconded by Mr. Williams.

There was further discussion regarding the ordinance.

Mrs. Stanton noted the reason for amending the ordinance was due to the City "not making it to the neighborhood".

There was further discussion regarding the matter.

Mrs. Mock called for the question.

The motion failed by the following vote:

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

Nays: Mr. Johncola, Mrs. Mock, Mr. Vitovich, Mr. Vizza (4).

Mayor Janakovic abstained from voting on the motion

Ms. Benjamin requested, as previously discussed in her Solicitor's report, a motion to amend Bill No. 1 of 2017, to include additional amendments to Codified

Ordinance Chapter 14. Motion to amend Bill No. 48 of 2016 to provide the changes to the temporary time compliance period proposed in Section 10 in order to allow for time to be granted in accordance with the time installation had been completed for the property owner to that address as shown in the revised amended version of Bill No. 48.

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

Ms. Benjamin further explained the amended bill would provide for the basic temporary compliance of 180 days and provide for an option for the City Manager and ordinance compliance officer to extend this period up to 90 days from the point which the City had completed installation of the sewer system in that neighborhood.

The motion to amend passed by the following vote:

Yeas: Mr. Johncola, Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Williams (5).

Nays: Mrs. Stanton (1).

Mayor Janakovic abstained from voting on the motion.

Mr. Williams made a motion to vote on Bill No. 48 as amended. The motion was seconded by Mrs. Mock.

Mr. Williams noted his support of the 90 days but he would not vote for the final passage based on the amendments of Mrs. Stanton. He commented that those in violation should not be given additional time.

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Johncola (4).

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

Mayor Janakovic abstained from voting on the motion.

BILL NO. 1 OF 2017, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1480; TITLED VACANT STRUCTURES SUBSECTION 1480.02 GENERAL REQUIREMENTS (3) AND 1480.03 TITLED: REGISTRATION OF STRUCTURES; INSPECTIONS; ABATEMENT OF NUISANCES.

Ms. Benjamin explained the amendment to the bill related to the definition of a vacant structure and intended to close a loophole present in the current version of the ordinance that allows owners of properties to debate their requirement of paying the revolving fee by listing the property for sale. This language

would amend the ordinance to provide that in order to be excluded from the definition, the property must be listed for sale and have one active utility working as well. This will improve the ordinance for giving exceptions for a lack of vacancy and the owner attempting to sell versus an actual vacant structure not being appropriately addressed. Ms. Benjamin noted the proposed change would delete the four consecutive months.

It was noted payments were \$100 minimum per month for seven months. There was further discussion regarding the vacant ordinance.

Mr. Williams made a motion to amend Bill No. 1 of 2017 to include the additional amendments. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams,
Mayor Janakovic, Mr. Johncola, Mrs. Mock (7).
Nays: None (0).

Mr. Williams made a motion to vote on Bill No. 1 of 2017 as amended. The motion was seconded by Mrs. Mock.

Mrs. Stanton questioned the seven-month time period for compliance. She inquired as to the amendment proposing to only require one working utility. There was further discussion with regard to compliance costs.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic,
Mr. Johncola, Mrs. Mock, Mrs. Stanton (7).
Nays: None (0).

**BILL NO. 4 OF 2017, AN ORDINANCE SPECIFICALLY AMENDING
ORDINANCE NO. 4773 PASSED FINALLY JUNE 11, 1997 AND KNOWN
AS THE "JUNKED AND/OR ABANDONED MOTOR VEHICLES" TO
REVISE AND FURTHER ESTABLISH SPECIFIC PROVISIONS IN LINE
WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND
TO ADDRESS ADDITIONAL MATTERS PERTAINING TO NUISANCE
VIOLATIONS.**

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

Mrs. Stanton suggested a motion to amend to remove the paragraph with regard to giving the code enforcement officer the option to extend the period determined necessary by extenuating circumstances, determined at the officer's discretion and in no event to exceed any period longer than 60 days unless granted by the City Manager.

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

Mr. Williams commented on an incident where the codes officer granted extensions at his discretion. He noted the adopted ordinances "should be enforced and required to be enforced". There was further discussion regarding the matter.

The motion failed by the following vote:

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

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

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

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (5).

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

ORDINANCES FOR FIRST READ

BILL NO. 50 OF 2016, AMENDING ORDINANCE NOS. 4693, 4731, 4880, 4894, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5055, 5058, 5069, 5177, 5194, 5196, 5199 AND BILL NO. 19 OF 2016 PASSED FINALLY OCTOBER 12, 2016 ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF COUNCIL, CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME RULE CHARTER APPROVED BY THE VOTES ON MAY 18, 1993 BY FURTHER AMENDING ARTICLE II, ELECTED OFFICIALS, COUNCIL ORGANIZATIONS AND PROCEDURES, SECTION 203, ORGANIZATION OF COUNCIL (Tabled December 29, 2016).

Mr. Johncola made a motion to remove from table. There was no second to the motion.

BILL NO. 51 OF 2016, AN ORDINANCE BY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, PLACING ON THE MAY 16, 2017 PRIMARY ELECTION BALLOT OF THE CITY OF JOHNSTOWN THE VOTER REFERENDUM QUESTION FOR CONSIDERATION BY THE CITY OF JOHNSTOWN ELECTORATE TO AMEND THE HOME RULE CHARTER TO REDUCE THE NUMBER OF ELECTED COUNCILMEMBERS FROM SIX (6) COUNCIL PERSONS AND ONE (1) MAYOR TO FOUR (4) COUNCIL PERSONS AND ONE (1) MAYOR EFFECTIVE JANUARY 1, 2018 (Tabled December 29, 2016).

There was no motion and no second. The bill remained tabled.

BILL NO. 3 OF 2017, AN ORDINANCE VACATING CENTAUR PLACE BETWEEN GARFIELD STREET AND M STREET NEXT TO THE PROPERTY LOCATED AT 280 FAIRFIELD AVENUE, IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE (No action taken at January 11, 2017 meeting).

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

Mr. Williams noted for the record that a Petition had been received. There was further discussion regarding the matter.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic, Mr. Johncola (7).
Nays: None (0).

BILL NO. 5 OF 2017, AN ORDINANCE AMENDING ORDINANCE NO. 4174, PASSED FINALLY JANUARY 23, 1980, TITLED: AN ORDINANCE PROHIBITING DISCRIMINATION IN EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATIONS AND OTHER AREAS OF INTERGROUP RELATIONS IN THE SOCIAL, CULTURAL AND ECONOMIC LIFE OF THE CITY OF JOHNSTOWN, REQUIRING FAIR EMPLOYMENT PRACTICES, FAIR HOUSING PRACTICES AND FAIR PUBLIC ACCOMMODATION PRACTICES BY PROHIBITING DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS BECAUSE OF RACE, COLOR, RELIGION, ANCESTRY, SEX, NATIONAL ORIGIN OR PLACE OF BIRTH; ESTABLISHING A

COMMISSION ON HUMAN RELATIONS AND PRESCRIBING THE POWERS AND DUTIES THEREOF; AND PROVIDING PENALTIES; BY FURTHER AMENDING CERTAIN SECTIONS TO PROHIBIT PRACTICES OF PREJUDICE AND DISCRIMINATION AGAINST INDIVIDUALS BY REASON OF SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION.

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

Mr. Williams noted this was a civil matter as there were no provisions for enforcement or penalty. He inquired as to the City staff member to be in charge of enforcement of the ordinance.

Ms. Benjamin explained the current bill, Bill No. 5 of 2017 sought to amend Ordinance 4174, which addressed human relation regulations and legislation that already in place. Ms. Benjamin stated it was a mini version of the Pennsylvania Human Relations Act. She noted the allowance for a person to file a complaint with the local Human Relations Commission and pursue that complaint. An order issued by that Commission for relief may be enforced by the complainant, the City Solicitor or the Commission at the Court of Common Pleas and can impose a general offense penalty in the form of a fine.

She further explained that a complaint filed with the local Commission could be pursued to the point of an order for relief enforced by the Court of Common Pleas and fine imposed.

There was further discussion regarding the matter.

Mrs. Stanton commented that Bill Nos. 5 and 6 reflect HB 177 and SB 974 and inquired as to why the Senate and House had not passed the bills. She commented that Bill No. 5 as written provided for any protection for religious entities, which she felt would violate the Freedom of Religion. Mayor Janakovic stated the bill prohibits discrimination because of race, color, religion, ancestry, sex and national origin.

Ms. Benjamin read into the record the remainder of the ordinance with regard to religious denominations, institutions or organization or any education organization offered by a religious organization.

Mrs. Stanton made a motion to table for further clarification. There was no second to the motion.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola,
Mrs. Mock (5).
Nays: Mrs. Stanton, Mr. Williams (2).

BILL NO. 6 OF 2017, AN ORDINANCE AMENDING ORDINANCE 4654
TITLED: AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE
CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA,
DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE
CITY MANAGER AND OTHER MUNICIPAL OFFICIALS, PASSED
FINALLY ON OCTOBER 27, 1993 AND AS AMENDED BY ORDINANCE
NOS. 4693, 4731, 4894, 4880, 4902, 4908, 4991, 5015, 5024, 5034, 5042,
5055, 5058, 5069, 5177, 5194 AND 5199 BY FURTHER AMENDING
CERTAIN SECTION OF THE TITLE TEN - OFFICERS AND
EMPLOYEES GENERALLY TO PROHIBIT PRACTICES OF PREJUDICE
AND DISCRIMINATION AGAINST INDIVIDUALS BY REASON OF
SEXUAL ORIENTATION, GENDER, IDENTITY, OR EXPRESSION.

Mrs. Mock made a motion to amend.

Ms. Benjamin explained, following a discussion with Mr. DeBartola, the submission was a proposed amendment to create a hate crimes policy and to amend the hate crime of ethnic intimidation to include these protected categories. She stated Bill No. 6 addressed the City's Administrative Code as used by the City to regulate itself and its internal policies, that Bill No. 6 was not the appropriate means to take any action of this nature. She noted a different bill should be adopted if Council wished to pursue a civil hates crimes offense. The bill would not be amended.

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

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Vizza, Mr. Williams (7).
Nays: None (0).

BILL NO. 7 OF 2017, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF
JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5213
PASSED FINALLY ON DECEMBER 29, 2016 CITY OF JOHNSTOWN
BUDGET TO AMEND THE 2017 BUDGET TO PROPERLY ALLOCATE
REVENUE AND EXPENSES RELATING TO THE DELINQUENT

BUSINESS PRIVILEGE TAX COLLECTED AND RECEIVED BY
TURNKEY TAXES ON 1/13/17 AND TO PROPERLY ALLOCATE THE
TRANSFER OF FUNDS FROM ITC TO PARKING FUND.

BILL NO. 8 OF 2017, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5214 PASSED FINALLY ON DECEMBER 29, 2016 CITY OF JOHNSTOWN 2017 WAGE AND SALARY ORDINANCE TO AMEND THE 2017 WAGE AND SALARY ORDINANCE TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN FOR THE CALENDAR YEAR WITH AN EFFECTIVE DATE THE DAY AFTER FINAL APPROVAL OF CITY COUNCIL.

Mr. Williams made a motion to table Bill Nos. 7 and 8. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,
Mr. Williams (7).

Nays: None (0).

BILL NO. 9 OF 2017, AN ORDINANCE TITLED: AN ORDINANCE AMENDING ORDINANCE NO. 4719 PASSED FINALLY APRIL 12, 1995, AND AS AMENDED BY ORDINANCE 5062 PASSED FINALLY MARCH 24, 2010 TITLED: AN ORDINANCE ESTABLISHING A PERSONNEL POLICY FOR ALL CITY OF JOHNSTOWN EMPLOYEES BY FURTHER ESTABLISHING PROCEDURES AND POLICIES FOR THE EMPLOYEES OF THE CITY OF JOHNSTOWN BY FURTHER AMENDING CERTAIN SECTIONS TO PROVIDE UPDATED PROCEDURES AND POLICIES FOR THE EMPLOYEES OF THE CITY OF JOHNSTOWN.

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

Mr. Williams noted that on December 14, 2016, Bill No. 49 of 2016 was introduced as this ordinance and tabled. He stated Bill No. 49 should be brought from table for further discussion. Mr. Williams suggested that Bill No. 9 be tabled until there is review of Bill No. 49.

Ms. Benjamin had been directed at the last meeting to create a new bill, and that Bill No. 49 was not taken off the table.

Mr. Williams made a motion to remove Bill No. 49 from the agenda. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams,
Mayor Janakovic, Mr. Johncola, Mrs. Mock (7).
Nays: None (0).

Mr. Williams made a motion to withdraw Bill No. 49. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic,
Mr. Johncola, Mrs. Mock, Mrs. Stanton (7).
Nays: None (0).

Mr. Williams made a motion to approve Bill No. 49 as read. The motion was seconded by Mr. Johncola and passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams,
Mayor Janakovic, Mr. Johncola (7).
Nays: None (0).

RESOLUTIONS

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SEEK
GRANT FUNDING FOR FOUR (4) ADDITIONAL FIREFIGHTERS
UNDER 2016 SAFERS (Tabled December 29, 2016).

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

Yeas: Mr. Vizza, Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich (7).
Nays: None (0).

Resolution No.

A RESOLUTION OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING A RESOLUTION TO CREATE A HATE CRIMES POLICY.

Resolution No.

A RESOLUTION OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING A RESOLUTION TO CREATE A NON-DISCRIMINATION POLICY.

Mr. Williams made a motion to remove from table and withdraw the above two resolutions. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza (7).

Nays: None (0).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO PROCESS AND MAKE PAYMENT IN AN AMOUNT OF (\$90,000) NINETY THOUSAND DOLLARS AND NO CENTS TO CROWN CONVENTION CENTER FROM THE 2017 CITY OF JOHNSTOWN'S ADOPTED OPERATING BUDGET; CAPITAL FUND LINE ITEM 18-48928-196.00 TITLED CAPITAL PROJECT 'UNCLASSIFIED MISC. EXPENSES, AS PARTIAL PAYMENT FOR CAPITAL EXPENDITURES DUE CROWN PURSUANT TO LEASE AGREEMENT EXECUTED ON MAY 8, 2003; AND AS AMENDED ON DECEMBER 13, 2007 FOR OPERATION AND MANAGEMENT OF THE CITY'S CONVENTION CENTER.

Mr. Williams made a motion to table the above resolution until the receipt of additional information. The motion was seconded by Mrs. Stanton and passed by the following vote:

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Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Vizza, Mr. Williams (7).
Nays: None (0).

Resolution No. 9918

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL
DOCUMENTS NECESSARY TO EXECUTE AN AMENDMENT TO
TASK ORDER NO. 19 TO THE EADS GROUP, INC. FOR
MODIFICATIONS TO THE SCHEDULE FOR RENDERING SERVICES
FOR THE OLD CONEMAUGH SEWER REPLACEMENT PROJECT.

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

Yeas: Mr. Johncola, Mrs. Mock, Mr. Vitovich, Mr. Vizza,
Mayor Janakovic (5).
Nays: Mrs. Stanton, Mr. Williams (2).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE SOLICITATION FOR
QUALIFICATION STATEMENTS FOR PROFESSIONAL ENGINEERING
AND ASSOCIATED SERVICES FOR THE CONTINUATION OF THE
SANITARY SEWER UPGRADES.

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

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams,
Mayor Janakovic, Mr. Johncola (7).
Nays: None (0).

Ms. Benjamin exited the meeting at 9:30 p.m.

Resolution No. 9919

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, AUTHORIZING AND DIRECTING THE CITY MANAGER AND FINANCE DIRECTOR TO TAKE ALL ACTIONS NECESSARY TO SEEK AND OBTAIN PROPOSALS FOR THE BORROWING OF GENERAL OBLIGATION NOTE IN AN AMOUNT NOT TO EXCEED \$500,000 FOR PURPOSES OF DEMOLITION OF BLIGHTED PROPERTIES AND STRUCTURES.

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

The City Manager stated the properties will be prioritized in order of those presenting the most danger.

Mrs. Stanton commented the City should not keep borrowing money but should hold the property owners responsible. City Manager Liston commented that is "absolutely impossible," noting that the people are either deceased, have walked away from their properties or are involved in bankruptcy proceedings. He further commented, "The City has to take responsibility and spend the dollars to take care of the problem."

Mr. Williams, Councilmembers and the City Manager further discussed the matter.

Mr. Williams called for the question.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola,
Mrs. Mock (5).

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

Resolution No. 9920

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SUBMIT A KEYSTONE COMMUNITIES FAÇADE IMPROVEMENT GRANT TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT IN THE AMOUNT OF \$810,000.00.

Mrs. Stanton made a motion to approve the resolution. The motion was seconded by Mr. Johncola.

Ms. Daly commented the \$810,000 was specific to the Central Business District and Cambria City, and that programs were in place for the application by commercial properties for the entire City. She stated this was in support of JARI and Gautier's grant funded project, which will receive NAP tax credits for partnering with the City.

Mayor Janakovic called for the question.

Mr. Williams commented there were additional neighborhood sidewalks in need of repair.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton (6).

Nays: Mr. Williams (1).

Mr. Williams referred to Council Updates for further discussion of 11 code violations that were dropped off at his residence on Monday, February 6, 2017, by Ms. Linda Yutzey, Barron Avenue, Johnstown. He asked that Ms. Yutzey be contacted as to the status of any actions taken by Codes.

Mayor Janakovic noted that addresses would not be listed as there was no verification of code violations.

Mr. Williams suggested that Mr. Liston contact Ms. Benjamin on the matter.

MOTIONS

None.

NEW BUSINESS

Mr. Vizza made a motion to reappoint Anthony Caputo to the Zoning Hearing Board.
The motion was seconded by Mrs. Mock.

Mrs. Stanton made a motion to appoint Linda Yutzey to the Zoning Hearing Board.
The motion was seconded by Mr. Williams.

The following were votes for Mr. Caputo:

Yeas: Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mr. Vitovich (5)
Nays: Mr. Williams, Mrs. Stanton (2).

The following were votes for Ms. Yutzey:

Yeas: Mr. Williams, Mrs. Stanton (2).
Nays: Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mr. Vitovich (5)

Mr. Vitovich made a motion to appoint Charles Arnone to the Zoning Commission.
The motion was seconded by Mr. Vizza.

Mrs. Stanton made a motion to appoint Homer Mattes to the Zoning Commission.
The motion was seconded by Mr. Williams.

The following were votes for Mr. Arnone:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (5).
Nays: Mr. Williams, Mrs. Stanton (2).

The following were votes for Mr. Mattes:

Yeas: Mr. Williams, Mrs. Stanton (2).
Nays: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (5).

Mr. Williams made a motion to appoint Ms. Yutzey to the Planning Commission.
The motion was seconded by Mrs. Stanton.

Mrs. Stanton made a motion to appoint Mark Amsdell to the Planning Commission.
The motion was seconded by Mr. Williams.

Mr. Vitovich made a motion to appoint Mr. White to the Planning Commission. The
motion was seconded by Mr. Johncola.

The following were votes for Mr. White:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (5).

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

The following were votes for Mr. Amsdell:

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

Nays: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (5).

OLD BUSINESS

None.

PUBLIC COMMENT-NON-AGENDA ITEMS

Ron Shawley, Johnstown, updated Council as to the Honan Avenue Hiking Trail. He thanked the Johnstown Police Department for their efforts in apprehending the criminals who destroyed the property along the trail. He noted the Honan Avenue Trail had been designated as a Pennsylvania Greenways Trail, which provides for the application of DCNR grants. Mr. Shawley will provide information to Ms. Daly with regard to matching funds by the City. He asked if Public Works would maintain the road in the event of an emergency. There was discussion regarding equipment being provided for the playground as well as maintenance on the property.

Mrs. Mock suggested trail cameras. Mr. Shawley stated six trail cams were donated, but the cameras have to be in HD in order to "hold up in court".

Mayor Janakovic suggested that Mr. Shawley contact the Community Foundation, John Dubnansky, the County's grant writer, the Lee Foundation, United Way and others for assistance.

John DeBartola, 1197 Bedford Street, Johnstown, requested that a motion be proposed instructing the Solicitor to create a hate crimes ordinance for discussion at the meeting on March 8, 2017.

Mr. DeBartola discussed the referendum to reduce the size of City Council. He suggested that the Solicitor further explain the referendum. Mayor Janakovic noted his understanding was that Ms. Benjamin, the County Solicitor, Attorney Barbin, and the election office will determine that matter.

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Mrs. Mock made a motion instructing the City Manager to contact Ms. Benjamin with regard to following through on the creation of a hate crimes ordinance. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic (7).

Nays: None (0).

Mr. DeBartola discussed ways to draw new businesses into the City. He suggested that Council create a commission to help create new jobs. He believes that Acting Chief Janciga "is the right man" for the position.

The next regular meeting is scheduled for March 8, 2017.

There being no further business, the meeting was adjourned at 9:45 p.m.