

## JOHNSTOWN CITY COUNCIL MINUTES

Wednesday, January 11, 2017

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. Pastor Brittany Wooten of Roxbury St. Paul's Church offered the invocation, and the Pledge of Allegiance was recited.

A Workshop was held prior to the start of the meeting to discuss a Moxham police substation, blight land banking, and monetization of city properties.

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, Esquire, Solicitor, were also present.

### APPROVAL OF MINUTES

Mr. Williams made a motion to approve the November 22, 2016 Regular Meeting, December 6, 2016 Special Meeting, and December 14, 2016 Regular Meeting Minutes. 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).

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

Chief Anthony Kovacic read a proclamation to Officer Justin Green and Assistant Chief Bob Statler for their valiant efforts to rescue an individual from a house fire on November 14, 2016, at 728 Grove Avenue. Bob Opett from Police and Firemen's Insurance presented the plaque.

Mayor Janakovic read a proclamation to Avinash Gore, CEO of North American Hoganas for the company's work in the community, including the installation of security cameras, lighting, and a handicapped swing at the Park Avenue Playground, as well as the installation of securing lighting at the Wood Street Playground.

The Mayor was requested to offer a proclamation for the NAACP celebration of Martin Luther King's birthday at the Johnstown High School Auditorium. He urged all Council members to attend.

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 Resolution Nos. 3 and 4, discrimination and hate crimes policy. He urged Council to pass the legislation. He thanked Councilman Vitovich for sponsoring the matter.

Mr. DiBartola read a portion of Senate Bill No. 974 into the record as follows: Public policies reflecting an open and welcoming environment and ensuring equal opportunity foster economic growth and prosperity which benefit the inhabitants of the City. Denial of equal opportunity, equal employment, housing, public accommodation opportunities because of such discrimination, and the consequent failure to utilize the productive capacities of individuals to their fullest extent deprives large segments of the population of the city of earnings necessary to maintain decent standards of living, necessitates their resort to public relief, and intensifies group conflicts, thereby resulting in grave injury to the public health and welfare, compels many individuals to live in dwellings which are substandard, unhealthy, overcrowded, juvenile delinquency and other evils thereby threatening the peace, health, safety and general welfare of the city and its inhabitants. Public policies reflecting an open and welcoming environment and ensuring equal opportunity foster economic growth and prosperity which benefit the inhabitants of the city. Whereas conversely, the absence of nondiscrimination protections hinder efforts to recruit and retain the diversity of talented individuals and successful enterprises required for a thriving economy and strong public sector on which the inhabitants of this city depend.

He read into the record a part of House Bill No. 177 as follows: Whereas, the City of Johnstown has elected to provide for the offense of ethnic intimidation or any malicious intention motivated by hatred towards the actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals.

Mr. DeBartola stated there are two ways to cement LGBT workplace protections in every state. One is for Congress to pass the equality act, which formally extends federal civil right laws to LGBT people. The second is for the Equal Employment Opportunity Commission to decide that these laws

already extend to LGBT people in the form of sex discrimination bans, and for the Supreme Court to affirm that interpretation. He noted that neither path is currently plausible.

Mr. DeBartola further stated that Republicans will not pass the equality act, Trump's appointments to the EEOC will be anti-LGBT probably, and the Supreme Court will remain at least one seat away from a broad interpretation of sex discrimination, which starts at the local level. He hopes that Council passes these bills to protect the community minorities.

Johanna Boratko, 380 Beatrice Avenue, Johnstown, addressed Council with regard to the City's hate crimes. She stated that in 2015 her son started cutting himself for being bullied because he was gay. The bullying was stopped while in school but after school it resumed. Ms. Boratko noted that last summer a teenager chased her son home and smashed out windows on her home. She stated her neighbors were witnesses to the hate crime but was told by a police officer that it is hard to prove a hate crime and asked Council to make changes.

Deacon Jeffrey Wilson, 170 Prospect Street, Johnstown, discussed the benefits of consolidation for the City and the outlying municipalities. Deacon Wilson commented that consolidation would result in the need for more Council seats rather than less. He stated that attracting more people to our City and cooperation among Council should be a goal for 2017.

Deacon Wilson noted that at one time a major retailer was interested in the City's golf course and inquired if that would be something that the City might consider.

Attorney Janakovic commented that that particular entity has since been downsizing and was no longer interested, but the City would welcome that kind of business either in the City or on that particular property.

Deacon Wilson further noted that as a youth leader he took kids back to school shopping out of the area. He suggested taking blighted properties and selling them for low prices to move them back into taxation. He used Savannah, Georgia, as an example of a city that had done this and is now a thriving city.

Mayor Janakovic commented that a number of entities out there, including JARI, are working on a number of such opportunities in the City.

Mr. Vitovich noted his understanding with regard to the sale of the Berkley Golf Course was contingent upon using the land for recreation only.

REPORT BY CITY MANAGER

Arch Liston, City Manager, reported that within the last ten days a review had begun with regard to the City's financial procedures, including making sure procurement processes were up to date and being followed.

The City Manager noted the website would be updated.

Discussions commenced with regard to the Conrad Building. Mr. Liston noted the owners will be put on notice that the City will take legal action against them if the existing problems were not addressed.

City Manager Liston met with representatives of the Attorney General's Office regarding drug enforcement. He noted they were very informative and commented that Cambria County had a very comprehensive coordinated and unified effort to address the problems.

Mr. Liston met with insurance brokers and unions to review healthcare costs. He also met with the Act 47 team regarding blight issues and ways to address the Moxham community station.

The City Manager discussed drug funds received from the District Attorney's Officer indicating that an internal audit would be conducted regarding the disbursement of the funds. He will meet with the District Attorney for further discussion regarding the matter.

Mr. Liston commented that it had been an enjoyable first couple weeks.

Mr. Williams discussed the \$6 million unfunded debt loan, which was to provide approximately \$3 million in new money to pay an existing debt. He noted the December report indicated \$5.5 million for debt service and inquired as to the whereabouts of the other \$500,000.

Mr. Keith indicated the amount may not have been posted yet. There was further discussion regarding two transfers, including the line of credit and F&B refinance and a transfer from debt service into the general fund. He requested a breakdown of those transfers.

Mrs. Stanton asked the City Manager to address a pipe coming out of a sidewalk onto Spring Street. Mr. Liston indicated that sump pumps are designed to drain out onto the sidewalk. She asked that the matter be addressed further.

Mr. Williams discussed his December 5 communication to Council with regard to 2016 audit concerns. A workshop was suggested to address the matter.

#### REPORT BY THE MAYOR

Frank Janakovic, Mayor, welcomed Jack Babich to the Johnstown Redevelopment Authority. He provided a brief description of his work in the community.

Mr. Babich commented that he was looking forward to working with JRA and Council.

The Mayor reported on a discussion regarding a community substation in Moxham.

Mr. Janakovic noted his attendance at the Greater Johnstown Basketball game on January 7, 2017, for a presentation. He congratulated the Johnstown School District Wish Kids who after receiving funding raised \$2,571 at a fundraiser to give back to the representatives of Make A Wish. The Mayor quoted one student as saying, "We're being motivated to give back instead of letting it hold us back."

The Mayor noted his attendance at an information sharing session at UPJ concerning the heroine and the drug epidemic, which he stated was also attended by Attorney General Elect Josh Shapiro, Dr. Cyril Wecht, Acting Chief Janciga, the City Manager, and others.

Mayor Janakovic made a motion instructing the City Manager to start advertising for a police chief. 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, Mayor Janakovic (7).

Nays: None (0).

#### REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, Esquire, City Solicitor, noted recommendations and actions will be addressed later on in the Agenda. She did confirm that there was action to reach out to owners of the Conrad Building providing notification to remedy any and all apparent safety hazards.

Mrs. Stanton inquired if a response was received from the owners of that building. It was noted that no response had been received, but that the owners have 30 days to respond.

Mrs. Mock noted Tuesday, February 7, 2017, at 5:00 had been set aside for discussion relating to consolidation.

#### REPORT BY THE CITY ENGINEER

Steve Sewalk referred Council to his report for further discussion.

Mrs. Stanton was concerned about the accuracy of reports to Council by the EADS Group with regard to the number of down spout violations in the Roxbury section. Mr. Sewalk noted that 91 out of 122 violations had been resolved. He will provide an update for Mrs. Stanton.

Mrs. Stanton expressed a concern about comments in violation letters sent to residents as well as any enforcement actions that were to be taken by March 2016. There was further discussion regarding the matter.

Mrs. Stanton noted that all rain spouts should be removed from draining into the sewage lines to determine an accurate flow rate and not an estimated calculation. Mrs. Stanton referred to a natural spring coming off the hillside on Northwood Avenue. There was discussion relating to ways underground springs may be diverted with the placement of the new sewage system.

Mayor Janakovic commented that springs find their own natural path. He reminded her that many City property owners have wells in their yards. He also noted that Roxbury Park was previously a lake, and the water level does come up.

Mrs. Stanton made a motion to correct the infiltration of underground springs, have an actual flow monitoring study performed, and remove illegal downspouts. The motion was seconded by Mr. Williams.

Mayor Janakovic noted this is a DEP matter, which may also involve the Army Corps of Engineers and EPA.

Mrs. Mock stated, "How do you put a price tag on trying to find springs and divert them and you don't even know where they're at?" The group further discussed the matter.

Mr. Williams noted an ordinance with regard to downspouts that was not enforced.

The motion was defeated by the following vote:

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

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

COUNCIL UPDATES:

Code Complaints: Charlene Stanton-16; Jack Williams-2; Kenneth Blough-1

COUNCIL COMMITTEE REPORTS/NEIGHBORHOOD REPORTS

Mr. Vitovich noted Public Works were doing preventive maintenance in the shop. He also noted that the recycling had hit a snag and was being worked out.

Mr. Vizza noted comments regarding the safety of the Johnstown Housing Authority properties. He requested additional apartment inspections and criminal background checks and "less taxpayer-funded luxury travel".

Mr. Vizza referred to his fliers that were distributed with regard to the medical expenses of Dorothy Thomas, a recent Hornerstown fire victim. He noted the School District would hold a spaghetti dinner on Sunday, January 29, 2017, at the East Side Elementary School with proceeds going towards those medical expenses.

Mrs. Stanton inquired whether the Johnstown Housing Authority had responded to a letter requesting their attendance a meeting with City Council. Ms. Benjamin noted that no response had been received as. There were further comments regarding the matter.

Mrs. Mock made a motion instructing Ms. Benjamin to send another letter to the Johnstown Housing Authority with regard to a meeting with Council. 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).

Mrs. Mock reported that the West End Improvement Group was working on a grant for additional cameras in the neighborhood. She noted the deadline for the Community Foundation Grant is January 20, 2017.

Mrs. Mock invited all to attend the United Neighborhood Group Meeting to be held on Thursday, January 12, 2017, at the Christ Centered Community Church.

Mrs. Mock will be meeting with Ronna Yablonski, Executive Director of the Cambria County Drug Coalition, to discuss the heroin epidemic.

Mrs. Stanton discussed concerns regarding the City's homeless and help that is available. She noted the Martha and Mary House in Dale is staffed 24 hours a day and its goal is to help people move forward. Mrs. Stanton indicated the Director of the shelter will address Council at its next workshop on February 8, 2017.

Mrs. Stanton made a motion for further discussion with regard to the shelter at the next workshop. The motion was seconded by Mr. Williams 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).

Mrs. Stanton held a discussion with regard to Officer Shawn Rager who died unexpectedly last year. Retired Officer Greg Rager, which Mrs. Stanton noted was no relation, had graciously contracted a memorial bench to be made and engraved in his honor. The bench is located downtown.

Mr. Williams made a motion that a letter be sent from Council thanking Greg Rager for his contribution. 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).

Mr. Williams made a motion approving the retirement of Officer Rager's badge and that the badge be given to his wife for safekeeping. The motion was seconded by Mrs. Stanton and passed by the following vote:



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

#### PETITIONS

None

#### ORDINANCES FOR FINAL READ AND ADOPTION:

None.

#### ORDINANCES FOR FIRST READ

**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 THE  
TEMPORARY CERTIFICATES OF COMPLIANCE ISSUED AND TO  
ADDRESS ADDITIONAL MATTERS PERTAINING TO SAID TIME  
PERIODS. (Tabled December 14, 2016)**

Mrs. Mock made a motion to remove from table. The motion was seconded by Mr. Johncola 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).

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

Ms. Benjamin explained that there had been no response from DEP. Mrs. Stanton stated Council should wait for a response from DEP before acting on the bill. There was further discussion regarding the matter.

Ms. Benjamin clarified the motion was to approve Bill No. 48 as currently written.

The motion passed by the following vote:

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

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

Mayor Janakovic abstained from voting on the motion.

BILL NO. 49 OF 2016, 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. (Tabled December 14, 2016).

Mrs. Mock made a motion to remove from table for discussion. The motion was seconded by Mr. Vitovich.

Ms. Benjamin explained the intent in voting to remove from table was not necessarily relevant, had no specific purpose. It was sufficient to state, motion to remove from table.

The motion passed by the following vote:

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

Nays: Mr. Williams (1).

Ms. Benjamin explained that Bill No. 49 pertained to changes to the personnel ordinance developed by the former Interim City Manager. She stated that to her recollection Council had tabled it for further review. Ms. Benjamin further explained that during the course of that time, her office received amendments from the Finance Director and the City Manager was contacted with respect to his input in the ordinance.

Ms. Benjamin also commented on the two resolutions concerning the nondiscrimination policy and hate crimes bill. She stated the City already had a nondiscrimination policy that in the event Council wished to adopt a policy to protect categories proposed by the Bill No. 50, the best action would be to incorporate into existing policy. She further stated the hate crimes bill would

not be addressed in the personnel ordinance. There was further discussion regarding the matter.

Mrs. Mock made a motion to vote down this ordinance and draft a new ordinance. The motion was seconded by Mr. Vitovich and was defeated by the following vote:

Yeas: Mr. Vitovich (1).

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

BILL NO. 50 OF 2016, AMENDING ORDINANCE NO. 4654 AS AMENDED BY ORDINANCE NO. 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.

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

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

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

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.

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

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

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

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.

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

Mrs. Stanton suggested a fee increase from \$500 to \$750. She had further discussion regarding rental inspections. It was noted that Chief Kovacic checks for animals left behind in vacant structures before boarding up the structure.

The motion passed by the following vote:

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

Nays: None (0).

BILL NO. 2 OF 2017, AN ORDINANCE AMENDING ORDINANCE NO. 4654 TITLED AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF COUNCIL, THE CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME RULE CHARTER APPROVED BY THE VOTERS ON MAY 18, 1993 AND AS AMENDED BY ORDINANCE NOS. 4693, 4731, 4880, 4894, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5056, 5058, 5069, 5177, 5194, 5199 AND 5210 BY FURTHER AMENDING THE SAME AS STIPULATED IN THE FOLLOWING.

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

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

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

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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.

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

There was discussion regarding the ordinance.

Mr. Williams made a motion to table pending the appropriate information. The motion was seconded by Mrs. Stanton and was defeated by the following vote:

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

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

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.

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

Mrs. Stanton stated the City Code Officer should not be given the discretion to extend the timeframe of 60 days.

Mrs. Stanton made a motion to amend the ordinance denying discretion by the City Code Officer. The motion was seconded by Mr. Williams.

The motion passed by the following vote:

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

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

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

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

## RESOLUTIONS

### Resolution No.

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

Mr. Vitovich made a motion to remove from table. 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 (6).  
Nays: Mr. Williams (1).

Mrs. Mock made a motion to remove from table for discussion. The motion was  
seconded by Mr. Vitovich.

Chief Kovacic discussed waivers under the SAFER Grant, including longevity of the  
program and the cap which is 75 percent wages and benefits. It was noted the  
money had to be used for new hires and percentage increases in '18 and '19  
would only be funded to the '17 levels. He will further discuss the matter with  
the City Manager.

Mrs. Mock made a motion to re-table. The motion was seconded by Mr. Johncola  
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).

### Resolution No. 9917

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY  
MANAGER AND THE CITY SOLICITOR TO PREPARE, DRAFT A

WRITTEN CORRESPONDENCE FOR SIGNATURES OF ALL MEMBERS OF JOHNSTOWN CITY COUNCIL TO THE SURROUNDING MUNICIPALITIES KNOWN TO BE PART OF THE GREATER JOHNSTOWN AREA TO DETERMINE IF THERE EXISTS INTEREST BY THE RESIDENTS AND ELECTED OFFICIALS OF THE RESPECTIVE MUNICIPALITIES AS TO THE FEASIBILITY OF ANY POSSIBLE MUNICIPAL CONSOLIDATION AND PURSUANT TO ACT 47 RECOVERY PLANS ENACTED ON MAY 26, 1993 BY ORDINANCE NO. 4644.

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

Mrs. Mock made a motion to amend. The motion was seconded by Mr. Johncola.

Mrs. Mock would like to amend the resolution to have a letter drafted by Mayor Janakovic on behalf of Council and to have the responses returned to the attention of the Mayor at City Hall. She noted a meeting had been scheduled with Judge Krumenacker for February 7, 2017, regarding the matter.

The motion passed by the following vote:

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

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

There was further discussion with regard to the resolution. Mrs. Stanton noted the matter was brought forth previously by herself and Councilman Williams on May 11, June 8, July 13, September 14, January 12, October 26, November 9, November 22, and December 14, 2016. She clarified that the resolution was to have a discussion at table with other municipalities to see if there was an interest.

Resolution No.

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

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

Mr. Williams stated the City or any city municipal government had no authority to adopt a criminal statute. Ms. Benjamin explained the resolution discussed the

creation of a hate crimes policy and supporting House Bill 177. She stated Council could pass a resolution in support of a house bill and would need an ordinance to create a civil offense of a hate crime but could not via action of City Council create a policy.

Mr. Williams noted it would take an act of the General Assembly to amend currently in place now or adopt something new.

Ms. Benjamin explained the City could support the bill to amend at the General Assembly level, but the General Assembly had to take action to change or amend the hate crimes policy.

Mrs. Stanton made a motion to table for clarification of House Bill 177. Mr. Williams seconded the motion. Ms. Benjamin offered further clarification of the resolution. Mr. Williams commented that there should be no discussion on a tabling motion.

The motion passed by the following vote:

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

Resolution No.

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

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

Mrs. Stanton commented that Senate Bill 974 was not included in the resolution and stated she could not make an informed decision on the matter. The motion to amend was seconded by Mr. Williams 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).

Ms. Benjamin explained there would be further discussion and a review of Senate Bill 974 and House Bill 177 before re-introducing the resolution.



BE IT RESOLVED BY THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AND IT IS HEREBY RESOLVED BY AUTHORITY OF THE SAME THAT THE MAYOR OF THE CITY OF JOHNSTOWN BE AUTHORIZED AND DIRECTED TO SIGN THE HIGHWAY RESTORATION AND MAINTENANCE BOND ON ITS BEHALF AND THAT THE CITY MANAGER BE AUTHORIZED AND DIRECTED TO ATTEST THE SAME.

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

Mayor will be removed and replaced by City Manager.

The motion passed by the following vote:

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

#### MOTIONS

None

#### NEW BUSINESS

Mr. Vizza nominated William Gentile to be reappointed to the Greater Johnstown Water Authority. The nomination was seconded by Mr. Johncola.

Mr. Williams nominated John DeBartola to fill the expired term on the Greater Johnstown Water Authority.

The following votes in favor of William Gentile:

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

The following votes in favor of John DeBartola:

Mr. Williams, Mrs. Stanton (2).

OLD BUSINESS

None.

PUBLIC COMMENT-NON-AGENDA ITEMS

John DeBartola, 1197 Bedford Street, Johnstown, thanked Mrs. Stanton and Mr. Williams for nominating him to fill an expired vacancy on the Greater Johnstown Water Authority. He addressed Council with regard to drug forfeiture money, which he noted by state law was to be placed into a separate account and not a general account.

City Manager Liston explained that years ago the DA's office were writing checks to individuals in the police department, which were then deposited into the City's account. He stated the forfeiture money was dedicated to drug enforcement and drug actions by the police. He will meet with the DA's office for further discussion on the matter.

Mr. Liston noted the \$44,000 over the last six years had gone into the general fund. He stated if the money was not released directly to the City, the money could be drawn down on from the County. He noted a lack of proper accounting and not having a segregated fund, which he noted was a "curable problem".

Mayor Janakovic commented that he was informed that checks were made out to the police and not to the City. He noted no contributions from the DA in 2016, \$4,000 in 2015.

Mr. DeBartola suggested that Council obtain an audit to clear up any questions or misconceptions. Mr. Liston will review the matter further and provide an update at the next meeting.

Joseph Taranto, 456 Park Avenue, Johnstown, stated he was going to address Council with regard to what has already been discussed by Mr. DeBartola and the City Manager. He also received Right To Know information regarding the matter. He was glad to hear an internal review would be conducted and addressed at a later meeting.

Mr. Taranto, as a representative of the housing authority, commented that the authority's communities represent ten percent of total crime according to statistics. He suggested that a meeting with Council be held during daylight

hours and also that a representative of the JRA be present for the discussions. There was further discussion regarding the matter.

Mr. Vitovich recommended a meeting with Council, JHA, JRA and the School Board.

Mrs. Stanton commented, "Council just simply wants to meet with the Housing Authority," and stated it should be an evening meeting. Mayor Janakovic noted the matter would be resolved by way of a letter sent to the JHA.

Mike Kane, 631 Diamond Boulevard, Johnstown, provided Council with a Vision 2025 update. He noted a meeting would be held on Tuesday, January 17, 2017, with regard to a Community Foundation Grant to the Western PA Conservancy for a tree inventory throughout the City. Mr. Kane discussed the Vision 2025 capture teams and capture team awards.

Friends of Cambria City projects were discussed including ethnic theme crosswalk patterns reflecting the heritage of the neighborhood as well as pole banners and future plans for individuals or businesses to purchase the pole banners.

Bottle Works recently received a \$2,000 grant for more pylon paintings along the underpass, which had become popular and well received. He noted one project was to paint the steps above the Inclined Plane. Mr. Kane invited anyone interested in a community project to visit the Vision 2025 website. He noted thus far 800 people had attended meetings or signed up for capture teams. Mr. Kane noted that the Community Foundation had committed \$25,000 to the capture teams.

Mayor Janakovic commended the Community Foundation and all involved in the Vision 2025.

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

There being no further business, the meeting was adjourned at 8:34 p.m.