

JOHNSTOWN CITY COUNCIL MINUTES
Wednesday, November 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.

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

Mayor Janakovic noted that prior to the commencement of the meeting, an Executive Session was held relating to litigation.

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).

Elizabeth Benjamin, Esquire, City Solicitor, was also present.

APPROVAL OF MINUTES

Mr. Williams made a motion to approve the September 13, 2017 and October 10, 2017 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

None.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

None.

REPORT BY THE CITY MANAGER

Arch Liston, City Manager, requested potential dates for a joint workshop between the City of Johnstown, Johnstown Housing Authority and Johnstown Redevelopment Authority. The matter will be discussed later.

Mr. Liston reported on a meeting held with pension auditors and noted a positive move from a Tier III to a Tier II level by the state or 50 percent funding in the pension system.

The City Manager noted positive results at the recent AFSCME and FOP negotiations.

Renee Daly, Economic Development Director, answered an inquiry from Mrs. Stanton regarding the guidelines to obtain CDBG monies.

Mrs. Stanton discussed the poor condition of streets in Moxham and inquired whether the streets would be paved before winter. Mike Calpin, Public Works Director, stated a base would be placed on the roads.

Mrs. Stanton noted the receipt of complaints regarding the parking lot at the corner of Osborne Street and McKinley Avenue utilized by Bishop McCort. The parking lot still did not comply with the ordinance requiring parking lots to be paved and a storm water management system to be installed.

The City Manager stated corrective action would be taken if compliance were not met within a reasonable period. Mrs. Stanton referred to the matter as "selective enforcement," and indicated that some property owners are being forced to comply and others are not. Mr. Williams wondered whether Bishop McCort was getting "special special consideration".

Mayor Janakovic reminded Council that it previously voted against the opportunity to borrow money to fix the Washington Street parking lot.

Mrs. Mock suggested amending the resolution to allow a certain period of time within which a graveled parking lot must be paved. City Solicitor, Elizabeth Benjamin, explained that Council would need to make a decision whether to amend the ordinance to reflect that language. Mr. Williams reminded Mr. Liston of his obligation to enforce the current ordinance.

Mrs. Mock made a motion to amend the resolution. Mr. Vitovich seconded the motion. No vote was taken.

Mrs. Stanton requested an update regarding a previous complaint submitted by Mrs. Penrose. The City Manager stated this was not the proper jurisdiction for a code violation, and that if the matter cannot be resolved at the administrative level, it would be sent to the magistrate.

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Mr. Williams made a motion requesting that the fines for Mrs. Penrose be dismissed.
Mrs. Stanton seconded the motion. There was further discussion.

The motion failed by the following vote:

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

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

REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on attending the recent Early Childhood event at the Greater Johnstown/Bishop McCort football game. He stated Katie Couric was also present at the event conducting a documentary on Johnstown and cities like Johnstown.

The Mayor presented a proclamation to the NAACP at its recent Freedom Banquet. He noted funds for the purchase of 31 stun guns was presented to the City at the Tomahawks opening game wherein Chief Johnson and other police officers also attended.

The Mayor noted a free Google workshop was held at the Bottleworks Art Center in Cambria City.

Mr. Janakovic noted his attendance at the recent Johnstown Symphony Concert held within the Cambria Iron Works. He thanked the symphony orchestra, JRA, Melissa Komar, and the City Fire, Police and Public Works for their help in making this event a success.

He stated the Bridge to Pittsburgh initiative was moving forward with ways to assist with the residents of Johnstown commute to jobs in Pittsburgh.

The Mayor congratulated the Cambria County Association for the Blind on their 90th Anniversary. He also commended Forever Broadcasting, one of the sponsors, for a successful Halloween Parade, attended by thousands of people downtown.

Mayor Janakovic attended a recent Vision 2025 meeting. Renee Daly, Economic Development Director, noted the seventh amended recovery plan recommended that the consolidated plan be updated. The suggestion was to combine the Vision 2025 groundwork, the Cambria City plan, and the master plan for downtown and Kernville into one. The plan would then be used by

the Planning Commission. Ms. Daly also suggested a possible workshop with Council concerning the matter be scheduled.

The Mayor attended the grand opening of Convergys Technical Center on Lyter Drive that offers voice response services for chat, mobile, text, social, email, and interactive phone applications, as well as QuickBooks and Intuit software. It hopes to open another site in the Johnstown area. Mrs. Mock commented that Ms. Daly has been in touch with the company concerning possible downtown location sites if the company needs to expand.

The Mayor stated Congressman Rothfus joined the recent Cambria Regional Summit meeting via videoconference.

He reminded all to attend the downtown Veteran's Day Parade as well as the Christmas Parade to be held on Friday, November 17, 2017.

REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, City Solicitor, reported on the following three civil actions filed against the City of Johnstown:

1. In the Court of Common Pleas of Cambria County, Williams and Stanton v. City of Johnstown, et al., Docket No. 2017-4061. Ms. Benjamin requested a motion to authorize the Solicitor to enter an appearance on behalf of all named Defendants. She explained the lawsuit as a mandamus action filed along with a Petition for Contempt Sanctions against the City of Johnstown, City Manager and all City Councilmembers, aside from Councilwoman Stanton and Councilman Williams.

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

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

Nays: None (0).

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

2. In the Court of Common Pleas of Cambria County, Walnut Management Corporation, Appellant, v. City of Johnstown, et al., Docket No. 2017-4013.
3. In the Court of Common Pleas of Cambria County, Johnstown Medical Development Corporation v. City of Johnstown, et al., Docket No. 2017-4114.

Ms. Benjamin explained the Walnut Management and JMDC are tax assessment appeals and requested a motion to authorize the Solicitor to enter an appearance on behalf of the City of Johnstown.

Mr. Vitovich made a motion to approve. Mr. Vizza seconded the motion. There was discussion regarding the motion.

The motion passed by the following vote:

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

Nays: None (0).

Abstentions: Mrs. Stanton, (1). Mrs. Stanton noted her employment with Conemaugh Duke LifePoint as the reason for her abstention.

Mr. Williams commented on the applications for certificates of compliance regarding the sewer project and referred to Ordinance 5103 repealed in 2014 for further discussion. He filed a Right to Know requesting the names and addresses of all those forms issued under 5103 that will need to be redone.

Ms. Benjamin explained the matter pertains to real estate transfers, and from her recollection, the ordinance was different. It was noted the old forms would be removed.

Mr. Williams discussed the receipt of complaints relating to the combined sewer/water billing. He reminded Council that former City Manager Denne, without the authority of Council, made an agreement with RDM years ago to combine the bills. He stated on or about October 22, 2014, Council formally authorized that a contract be executed. Mr. Williams noted that the GJWA and JRA entered into a combined billing agreement, but there has been no action by Council to join in. He noted the bills are "improper", and per the 2018 budget, there would be no savings to the City.

The City Manager explained that per a discussion with RDM, the JRA would piggyback the City's bills for a savings to the ratepayer. The City was working on an upgraded contract, so that RDM may continue the process. Ms. Benjamin explained ways to amend the contract.

Ms. Benjamin explained that no action could be taken to retroactively authorize the joint billing. She further explained possible actions to be taken by Council. It was noted that the ratepayer has the option to write three individual checks for the bill, one to the City of Johnstown, GJWA and JRA.

Mrs. Mock made a motion to authorize the joint billing from October 1, 2017 through December 31, 2017. Mr. Vizza seconded the motion. There were comments on the motion. It was recommended that a flyer be sent out clarifying the joint billing and indicating the option to make three payments.

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).

Ms. Benjamin discussed the ongoing efforts to schedule the ethics training. Mrs. Mock suggested the City inform members of the ethics committee of those ongoing efforts to set a training date.

REPORT BY THE CITY ENGINEER

Steven Sewalk, EADS Group engineer referred Council to his report for further discussion. He highlighted key points in his report and answered questions.

Mr. Sewalk noted the Eighth Ward project was approximately 60 to 70 percent complete and will continue through the winter.

It was noted the Morrellville section should be completed before winter. The Moxham Phase II project will shut down for the winter season.

Just over 600 pressure tests had been completed and continues on schedule with approximately 25 percent completion.

Mr. Sewalk stated three quotes were received to remove the overhang from the Conrad Building. He stated, if there were asbestos, changes would need to be made with the contractor to remove it.

Mr. Williams noted a court action scheduled for January 26, 2018, concerning the sewage mandate.

Mrs. Stanton made a motion to extend the December 31, 2017 deadline to February 28, 2018 due to the limited number of available contractors as well as the legal action. Mr. Williams seconded the motion.

Mr. Williams commented the extension might need to extend to March or April of 2018. Mr. Sewalk stated PA DEP understands there may be a need for an extension as long as the project moves forward.

Ms. Benjamin agreed with Mr. Sewalk on the matter and recommended a letter or email be sent regarding the extension. Mr. Williams noted a mix-up to a previous response to EADS.

Mayor Janakovic suggested the motion be amended to extend the deadline to March 31, 2018 contingent upon no objection from DEP.

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).

The City Manager noted that Resolution No. 6 would be withdrawn.

COUNCIL UPDATES

1. Planning Commission Minutes of October 24, 2017.

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

2. Legislative Alert - Radar for Municipal Police.
3. September 28, 2017 letter from Michele Beener Re: Gautier Steel Ltd.
4. October 6, 2017 letter from Bernard Mroczka Re: City Council.
5. October 25, 2017 letter from Jack Williams Re: Violation Ord. No. 4719 as amended by Ord. No. 5062.
6. October 27, 2017 submission of Initiative Petition from Petitioner's Committee.

7. Code complaints from: J. Williams - 3; C. Stanton - 2.

PETITIONS

None.

ORDINANCES FOR FINAL READ AND ADOPTION:

BILL NO. 27 OF 2017 AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE NO. 5214, PASSED FINALLY ON DECEMBER 29, 2016 AND THEN AMENDED BY ORDINANCE NO. 5227 PASSED FINALLY APRIL 12, 2017 AND THEN AMENDED BY ORDINANCE NO. 5235 PASSED FINALLY AUGUST 9TH, 2017, 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 (Tabled October 10, 2017).

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

Mr. Johncola made a motion to approve. 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).

BILL NO. 30 OF 2017, AMENDING CHAPTER 1048 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED "INNER CITY SEWAGE SYSTEM" AND SPECIFICALLY SECTION 1048.03 AS PREVIOUSLY AMENDED BY ORDINANCE NOS. 4626, 4921 AND 5033

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TO PERMIT TEMPORARY TRANSFERS AND/OR BORROWING IN
LIMITED CIRCUMSTANCES SPECIFIED BELOW.

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

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

Nays: None (0).

Mrs. Stanton and Mr. Williams (2) abstained from voting on the motion.

BILL NO. 31 OF 2017, AN ORDINANCE ESTIMATING THE AMOUNT OF
REVENUES TO BE RECEIVED BY THE CITY OF JOHNSTOWN FROM
VARIOUS SOURCES AND APPROPRIATING SPECIFIC SUMS
ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES FOR THE
OPERATIONS FOR THE VARIOUS BUREAUS, DEPARTMENTS AND
THE PAYMENT OF DEBT SERVICE OBLIGATIONS OF THE CITY OF
JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR
BEGINNING JANUARY 1, 2018.

Mrs. Mock made a motion to table. 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: None (0).

Mrs. Stanton and Mr. Williams (2) abstained from voting on the motion.

BILL NO. 32 OF 2017, AN ORDINANCE FIXING THE SALARIES AND WAGES
TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE
VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF
JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR
BEGINNING JANUARY 1, 2018.

Mrs. Mock made a motion to table. 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: None (0).

Mr. Williams and Mrs. Stanton (2) abstained from voting on the motion.

RESOLUTIONS

Resolution No. 10007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ALLOCATE FUNDS FOR THE CREATION OF THE CITY CLERK POSITION WITHIN THE 2017 CITY OF JOHNSTOWN OPERATING BUDGET AND MORE SPECIFICALLY, BUDGET EXHIBIT (A) AS DETAILED BELOW.

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

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

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

Mr. Williams referred to the City Manager's memo regarding the matter for further discussion. It was noted the resolution should state General Fund and not Sewer Fund.

Resolution No. 10008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING NANCY CUSHING TO SERVE AS CITY CLERK EFFECTIVE OCTOBER 10, 2017. (Tabled October 10, 2017).

Mrs. Mock made a motion to remove from table. 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 (6).

Nays: Mr. Williams (1).

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

Mrs. Stanton commented the position was never advertised. City Manager Liston stated there is no requirement to advertise the position of City Clerk and discussed Ms. Cushing's qualifications.

Mr. Williams noted the personnel ordinance contains a stipulation that positions must be advertised.

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

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

There was discussion regarding the effective date of the position. Ms. Benjamin clarified for the record that Council's intent for the effective date of the position as being November 9, 2017.

Mrs. Mock made a motion amending the resolution to include an effective date of November 9, 2017. The motion was seconded by Mr. Johncola 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. 10009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE AND PURSUE A "REQUEST FOR PROPOSALS" FROM QUALIFIED ACCOUNTANTS OR ACCOUNTING FIRMS FOR APPOINTMENT AS CITY AUDITOR AND FOR PURPOSES AND PERFORMING AND COMPLETING SERVICES INCLUDING BUT NOT LIMITED TO AN INDEPENDENT ANNUAL AUDIT OF CITY OF JOHNSTOWN ACCOUNTS BEGINNING JANUARY 1, 2018.

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

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

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

Resolution No. 10010

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO PREPARE, ADVERTISE AND PURSUE A REQUEST FOR PROPOSALS FROM QUALIFIED FIRMS AND INDIVIDUALS FOR A MULTIPLE-YEAR AGREEMENT TO PROVIDE PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES INCLUDING BUT NOT LIMITED TO SPECIFIC PROJECTS AND SERVICES PERTAINING TO THE INNER CITY SEWER REHABILITATION PROJECT.

Mr. Williams made a motion to table. 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 (6).
Nays: Mrs. Stanton (1).

Resolution No. 10011

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO PREPARE, ADVERTISE AND PURSUE A REQUEST FOR PROPOSALS FROM QUALIFIED ATTORNEYS AND FIRMS OF ATTORNEYS FOR THE APPOINTMENT AND PROVISION OF LEGAL SERVICES AS THE CITY SOLICITOR.

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

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich,
Mr. Vizza, Mr. Williams (6).
Nays: Mrs. Stanton (1).

Mr. Williams made Council aware that requests for proposals for professional services are not necessary.

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AND AGREEMENT WITH A. LIBERONI, INC. AWARDING CONTRACT 2017-05 FOR THE CONSTRUCTION OF THE HORNER STREET AND OHIO STREET INTERCEPTOR AND STORM WATER SEPARATION PROJECT.

Mr. Williams made a motion to withdraw. 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: Nays (0).

Resolution No. 10012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE AND/OR CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO SEEK AND OBTAIN PROPOSALS FOR THE BORROWING OF A 2018 TAX ANTICIPATION NOTE IN AN AMOUNT NOT TO EXCEED \$1,500,000 AND FOR CLOSING NO LATER THAN DECEMBER 31, 2017.

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

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

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

Resolution No. 10013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY MANAGER TO PLACE THE REQUIRED SUNSHINE/OPEN MEETING PUBLIC NOTICE FOR 5:00 P.M. PREVAILING TIME, TUESDAY, JANUARY 2, 2018, CITY COUNCIL'S REORGANIZATION MEETING PURSUANT.

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING AND DESIGNATING ROBERT F. JOHNSON, CHIEF, JPD AS ACTING CITY MANAGER EFFECTIVE 12:01 A.M. MONDAY, JANUARY 1, 2018, DUE TO THE RESIGNATION OF ARCH LISTON AS CITY MANAGER EFFECTIVE 12:00 A.M. DECEMBER 31, 2017.

Mrs. Stanton made a motion to approve. Mr. Williams seconded the motion.

Mr. Williams noted the resolution assures that "someone is in place come New Year's Eve" and that Ms. Daly had previously indicated she was not interested in the position.

Mayor Janakovic suggested Ms. Daly should be asked to consider the position until January 2, 2018.

Mayor Janakovic made a motion to replace Robert F. Johnson, Chief, with Renee Daly to serve as Acting Manager until January 2, 2018. Mrs. Mock seconded the motion.

Mrs. Mock explained that although Chief Johnson was qualified for the position, that his "plate is extremely full" as Chief of the Johnstown Police Department.

Ms. Benjamin clarified the resolution by noting that the appointment would be effective 12:01 a.m., Monday January 1, 2018, intended for a term and period not to exceed City Council's selection and execution of an employment agreement of another city manager or any such time as Council may choose to amend or change the designation and would continue until someone is hired or a change is made.

There was further discussion regarding the resolution. Ms. Daly stated she is not interested in the position of City Manager. Mayor Janakovic withdrew his motion to replace Chief Johnson with Renee Daly as Acting City Manager.

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The motion as read failed by the following vote:

Yeas: Mrs. Stanton (1).
Nays: Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mr. Vitovich (5).
Mr. Williams (1) abstained from voting on the motion.

Resolution No. 10014

A RESOLUTION OF THE CITY OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, EXTENDING THE APPOINTMENT OF THE BEARD LEGAL GROUP AS CITY SOLICITORS THRU AND INCLUDING JANUARY 2, 2018 AT WHICH TIME CITY COUNCIL WILL BE HOLDING THE MANDATED REORGANIZATION MEETING WITH FURTHER ACTION BY APPOINTING CITY SOLICITOR TO BE DETERMINED BY THE NEWLY ORGANIZED GOVERNING BODY.

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

Mr. Williams clarified that midnight December 31, 2017, there would be no legal representation until the January 2, 2018 reorganization meeting.

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).

Resolution No. 10015

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER AND CITY SOLICITOR TO EXECUTE THE ATTACHED SETTLEMENT AGREEMENT WITH GAPVAX, INC. TO RESOLVE A TAX ASSESSMENT APPEAL REGARDING PROPERTY LOCATED AT 575 INDUSTRIAL AVENUE, JOHNSTOWN, PA, 15902, AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE SAME.

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

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Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Stanton, Mr. Vitovich,
Mr. Vizza, Mr. Williams (6).
Nays: None (0).
Mrs. Mock (1) abstained from voting on the motion.

Resolution No. 10016

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE ALLOCATION OF 2017 FUNDS
FROM THE GENERAL MUNICIPAL PENSION SYSTEM STATE AID
PROGRAM.

Mr. Vitovich made a motion to approve. The motion was seconded by Mr. Vizza 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. 10017

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO TAKE
ANY AND ALL ACTIONS NECESSARY TO SUBMIT A GRANT
APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT FOR AN
INDUSTRIAL SITE REUSE PROGRAM GRANT IN THE AMOUNT OF
\$175,000.00 IN SUPPORT OF THE REMOVAL OF HAZARDOUS
MATERIALS LOCATED AT 303 FRANKLIN STREET.

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

Resolution No. 10018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, AUTHORIZING AND DIRECTING THE CITY MANAGER AND ECONOMIC DEVELOPMENT COORDINATOR TO TAKE ANY AND ALL ACTIONS NECESSARY TO SEEK AND OBTAIN PROPOSALS FOR THE PURPOSES OF THE SALE OF REAL PROPERTY AT 530 FRANKLIN STREET, JOHNSTOWN, PA, WHICH IS NOT NEEDED FOR PUBLIC USE BY THE CITY OF JOHNSTOWN.

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

Resolution No.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY SOLICITOR AND CITY MANAGER TO PREPARE AND EXECUTE RESPECTIVELY AN AGREEMENT FOR THE CITY TO PURCHASE PROPERTY LOCATED AT 717 PARK AVENUE, JOHNSTOWN, PENNSYLVANIA, FROM THE CAMBRIA COUNTY DEVELOPMENT CORPORATION FOR PURPOSES OF FACILITATING A CITY FUNDED DEMOLITION, USE AS A CONSTRUCTION LAYDOWN SITE AND TO ACCOMPLISH ADDITIONAL PURPOSES FOR THE BENEFIT AND WELFARE OF THE CITIZENS OF JOHNSTOWN.

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

Mrs. Stanton took exception earlier in the year with regard to the 717 Park Avenue property being placed on the demolition list. She commented that a motion was made to remove this property from the list until ownership could be determined. Mrs. Stanton further commented that the City should not be paying to demolish properties owned by the Redevelopment Authority.

The City Manager noted the Authority does not have the funds to demolish the property and that it is in a residential neighborhood and would make a good laydown site for the sewage project.

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Ms. Benjamin explained that the Cambria County Development Corporation is the name on the deed, and that the Redevelopment Authority of Cambria County was working with the City with regard to sale of the property.

She recommended that the resolution be amended to replace Redevelopment Authority of Cambria County with Cambria County Development Corporation.

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

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

Nays: Mayor Janakovic, Mr. Johncola, Mrs. Mock (3).

Resolution No. 10019

A RESOLUTION OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING RESOLUTION NO. 9995 TO CONFIRM A LACK OF OBJECTION FROM THE PUBLIC AND ELIMINATING REFERENCES TO A PLCB HEARING IN RELATION TO THE TRANSFER OF LIQUOR LICENSE NO. R-8203 INTO THE CITY OF JOHNSTOWN FROM PORTAGE BOROUGH.

Mr. Vitovich made a motion to approve. The motion was seconded by Mrs. Mock 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. 10020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY SOLICITOR AND CITY MANAGER TO DEVELOP AND EXECUTE RESPECTIVELY AN AGREEMENT FOR THE PURCHASE OF CERTAIN PROPERTY REFERENCED HEREIN AS 722 BARCLAY STREET FROM 1ST SUMMIT BANK IN AN AMOUNT NOT TO EXCEED \$6,000; AND FURTHER AUTHORIZING THE CITY MANAGER TO UTILIZE INNER CITY SEWER FUNDS FOR SAID PURCHASE AND TO EXECUTE ALL

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NECESSARY DOCUMENTS TO EFFECTUATE THE SAME
RESPECTIVELY.

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

Mrs. Stanton commented this is one of many vacant properties on Barclay Street and inquired why this bank was not contacted regarding the collection of a vacant property maintenance fee.

The motion passed by the following vote:

Yeas: Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mr. Vitovich, Mr. Vizza (6).
Nays: Mrs. Stanton (1).

Resolution No. 10021

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY
MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO
IMPLEMENT AMENDMENTS TO THE INVESTMENT MANAGEMENT
AND AGREEMENT OF TRUST BY AND BETWEEN THE CITY OF
JOHNSTOWN COMBINED PENSION PLAN AND THE STATE STREET
GLOBAL ADVISERS TRUST COMPANY TO IMPLEMENT AN
UPDATED FEE SCHEDULE AND CERTAIN OTHER TERMS AND
CONDITIONS SPECIFIED HEREIN.

Mr. Vitovich made a motion to approve. 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).

NEW BUSINESS

Mr. Vitovich made a motion to nominate Anthony Caputo to the vacant position on
the Greater Johnstown Water Authority Board. Mr. Vizza seconded the
motion.

Mr. Williams made a motion to nominate John DeBartola and Joseph Warhul.

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Mrs. Stanton made a motion to nominate Linda Yutzy.

Council voted as follows:

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

Linda Yutzy - Mrs. Stanton (1).

John DeBartola - Mr. Williams (1).

OLD BUSINESS

1. Motion to amend Resolution No. 10000 to delete the reference to October 7, 2017 as stated deadline for advertisement of the City Manager position.

Mr. Williams stated that amending a motion with a resolution was an improper action. Ms. Benjamin clarified the motion.

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

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

Nays: None (0).

Mrs. Stanton discussed an ordinance tabled last month to close Park Place. After further discussion, it was noted the ordinance would be placed on next month's meeting agenda.

PUBLIC COMMENT - NON-AGENDA ITEMS

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council regarding appointments to the Greater Johnstown Water Authority and the fact that "Council keeps appointing the same people with the same results." He commented that it was time for a "shakeup" and it was time that the Housing Authority, Redevelopment Authority and City Council work together to address issues, such as blight, poverty, crime and drugs. Mr. DeBartola noted that maybe there needs to be intervention by Senator Toomey and Congressman Rothfus.

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There was further discussion regarding a combined meeting with the JRA, City Council, and the Johnstown Housing Authority.

It was noted that Mr. Williams exited the meeting before adjournment.

After further discussion, Mrs. Mock made a motion to amend a previous resolution appointing the City Clerk to reflect an effective date of November 9, 2017 instead of October 10, 2017. 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 (1).

The next regular meeting is scheduled for December 13, 2017

There being no further business, the meeting was adjourned at 8:28 p.m.