

JOHNSTOWN CITY COUNCIL MINUTES  
Wednesday, November 9, 2016

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. Interim City Manager Melissa Komar offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic noted an Executive Session was held prior to the start of the meeting with regard to litigation and personnel issues.

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).

Interim City Manager Melissa Komar and Elizabeth Benjamin, Solicitor, were also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the Special Meeting Minutes of September 30, 2016. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: None (0).

Present: Mrs. Stanton and Mr. Williams (2).

Mr. Williams made a motion to approve the Regular Meeting Minutes of October 12, 2016. 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).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:

None.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

James Brown, 391 Piney Place, Johnstown, addressed Council with regard to Bill No. 40, which relates to the reduction of Council members from seven to five members to be voted on in May of 2017. He questioned the legality of the question being put on the ballot when the rules would be changed in the middle of the election. He called this unjust and unfair to either be a challenger or incumbent. Mr. Brown stated that voters have a right to know how many candidates they will be electing before the primary and not after. He referred to Council being run like "Banana Republic" that changes rules in the middle of the game. Mr. Brown urged Council to vote against Bill No. 40.

Mr. Williams commented that primary elections do not elect, but nominate candidates, that the general election elects.

Mayor Janakovic commented the matter has not yet been addressed. Attorney Benjamin explained that she, the County Solicitor and the Board of Elections are the three entities to review the matter. Council deliberation would not be appropriate until the matter is taken off table. Attorney Benjamin explained the matter is currently tabled, and if it were taken off the table, passed or voted down, she would not yet send anything to referendum. There was further discussion regarding the matter.

Mayor Janakovic compared the salaries of the County Commissioners to that of the City Council members. Further comments were provided by members.

REPORT BY CITY MANAGER

Melissa Komar, Interim City Manager, reported the Johnstown Business District Development Coalition submitted all documents necessary to the EDA with regard to the Conrad Building. She noted the EDA had additional questions and requirements before a final decision will be made.

Mrs. Komar announced the partnership between the City and Columbia Southern University and Waldorf University, which will locate in the business district to offer educational services to adult students.

She stated a Federal Safe Streets Grant will pay for some of the non-reimbursable overtime that will be generated on certain types of investigations. A quote has been received from Taser International with regard to the Police

Department's body worn camera project. Mrs. Komar noted that funds will be raised for the remainder not covered under the grant.

The Interim City Manager reported the Police Department received full ownership of equipment initially purchased by the Northcentral Highway Safety Network for the PA Aggressive Driving Enforcement Program.

Mrs. Komar noted the leaf vac and sweeper are running on schedule. All Christmas houses were placed in Central Park.

A letter was mailed to Continental Construction with regard to the sidewalks on Sell Street.

Damage was kept to a minimum at two recent fires, one at 657 Main Street and 363 William Penn Avenue.

The Department completed the air confined space training with Gautier Steel. Mrs. Komar noted the firefighters Coats for Kids Campaign was successful.

She stated the proposed budget was provided to Council and budget meetings have been scheduled.

Mrs. Stanton inquired whether an inspection had been completed of the Conrad Building. It was noted the City did not inspect the building since 2009, but that the property owner enlisted an architectural engineer to do an inspection on the collapsed wall. This information was presented to EDA for review.

Mr. Williams inquired if inspections were ever performed from the time the building was condemned in 2009. He questioned the access to a condemned building. It was noted the property owner has the key, but Mr. Williams noted that no one should be permitted in that building.

Mayor Janakovic noted the state is aware of the condition of the building and that grants and funds are forthcoming from the state to recondition the building.

#### REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on attending a press conference for Columbia Southern and Waldorf Universities with the Interim City Manager. He is very optimistic about their presence here offering adult education.

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Stated Meeting, continued

The Mayor reported on the work that continues on the train station as well as train routes.

Mr. Janakovic congratulated the Pasquerilla Family on 25 years of the Pasquerilla Performing Arts Center at UPJ.

Mayor Janakovic invited all Councilmembers to the Economic Summit, which will be held November 10, 2016, at 7:30 a.m. at the Conference Center.

#### REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, Esquire, City Solicitor, requested a motion authorizing the Interim City Manager to execute any and all documents necessary to enter into a stipulation and settlement in exchange for the discontinuance of Mandamus Action Civil No.2016-3199, in relation to action regarding compliance with Article X Financial Procedures.

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

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

Mrs. Stanton requested an update from Andy Fedorko, EADS Group, with regard to the flow monitoring report in the Roxbury section. Mr. Fedorko stated if there is not enough wet weather during a monitoring period, that period will be extended. Mrs. Stanton discussed the properties being sold, which are not pressure test compliant and in violation of the ordinance.

Mayor Janakovic suggested the ordinance be amended as there are only 40 contractors who cannot keep up with the work. Mrs. Mock noted ordinances should be amended to fit situations that are arising due to the volume of work being completed and the number of contractors.

Attorney Benjamin does not see a problem going back and amending the ordinance in order to account for a change in circumstances. She will need to review the language with regard to the consent order and agreement. Mrs. Komar noted another issue is multiple family homes and doubles where there may be only one lateral.

Mrs. Stanton commented further on the definition of phase completion as noted in the ordinance, which she read into the record. She indicated the phase period has ended for Roxbury and reiterated there is no flow monitoring report available.

Mr. Fedorko indicated a report has been submitted for every community that was monitored, including Hornerstown Phase I, Walnut Grove, and Oakhurst.

Mr. Fedorko will submit rainfall number reports as requested by Mrs. Stanton. He stated a report will be made after a good rainfall in that area to monitor the reaction of the system. He further stated to move ahead and not do anything else in that area, eventually flows will be exceeded at the plant, the plant will discharge the water to the Commonwealth, which will be reported to DEP. And finally, he noted there will be fines associated with those overflows.

Mayor Janakovic suggested a meeting with DEP, whether open or closed. Councilmembers had further comments.

#### REPORT ON PRIOR YEAR'S AUDIT FINDINGS

None.

#### COUNCIL COMMITTEE REPORTS/NEIGHBORHOOD REPORTS

Mr. Vitovich discussed the Johnstown Housing Authority's recent meeting with regard to recycling at the JHA communities.

Mr. Vizza noted the Johnstown School District and the Conemaugh Valley Veterans will host a free Veterans' Day breakfast and program at the Eastside Elementary School on November 10, 2016, at 9:00 a.m.

Mr. Williams - No Report.

Mr. Johncola - No Report.

Mrs. Mock reported the West End Improvement Group held a basket party on Sunday, November 6, 2016, at St. Therese Church to raise money for cameras and additional items. She noted over 200 people attended.

Mrs. Stanton discussed the PA Yellow Dot Program. She stated medical information is placed on the form and the yellow sticker is attached to the car window, so a first responder will check the glove box for pertinent medical information.

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Stated Meeting, continued

Mrs. Stanton noted her attendance at Trunk or Treat at Roxbury St. Paul's United Methodist Church. She has received complaints of a broken convex mirror at Franklin Street near Krise Place.

Mrs. Stanton received many complaints from residents on Barron Avenue with regard to a trailer on a lot being used as a sewer laydown site. She is concerned that there are code violations on the property.

She noted a vacant, condemned building on Fairfield Avenue now has inhabitants. She questioned how anyone could live there without electrical service.

Mrs. Stanton inquired about a rental property in the Eighth Ward that failed inspection by the City about a year ago. She noted tenants are still living there. There was an inquiry whether the property can be condemned since it is not in compliance with code.

Ms. Daly noted an argument that the rental property ordinance is noncompliant with the City's requirements and that warrants would need to be served to enter the property to complete an inspection. She stated that rental inspections have been stopped.

Attorney Benjamin explained amendment to the rental property ordinance would be required.

Mrs. Mock suggested a workshop be scheduled to discuss the code violations and rental inspections so these inspections can be continued. Mrs. Stanton suggested a Friday evening or Saturday morning workshop. After further discussion, Council members decided to wait until sometime around the first of the year to further discuss the matter.

Mayor Janakovic reminded all to attend the Veterans' Day Parade downtown at 4:00 p.m.

COUNCIL UPDATES:

Code Complaints: Charlene Stanton-6; Jack Williams-1 Joseph Warhul-1

ORDINANCES FOR FINAL READ:

BILL NO. 41 OF 2016, 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, 2017.

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

BILL NO. 42 OF 2016, 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, 2017.

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

Nays: None (0).

#### ORDINANCES FOR FIRST READ

BILL NO. 40 OF 2016, AN ORDINANCE BY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, PLACING ON THE MAY 17, 2017 PRIMARY ELECTION BALLOT FOR THE CITY OF JOHNSTOWN THE VOTER REFERENDUM QUESTION FOR CONSIDERATION BY THE CITY OF JOHNSTOWN ELECTORATE TO REDUCE THE NUMBER OF ELECTED COUNCILPERSONS FROM SIX (6) COUNCILPERSONS AND ONE (1) MAYOR TO FOUR (4) COUNCILPERSONS AND ONE (1) MAYOR EFFECTIVE JANUARY 1, 2018.

Mr. Vitovich made a motion to remain tabled. The motion was seconded by Mrs. Mock. No vote is required.

RESOLUTIONS

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA DIRECTING THE INTERIM 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 (Tabled October 12, 2016).

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

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

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

Resolution No. 9896

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE INTERIM CITY MANAGER WITH THE ASSISTANCE OF THE CITY SOLICITORS TO PROCEED WITH AND ADVERTISE FOR REQUEST FOR PROPOSALS FOR THE SALE OF CITY OWNED TIMBER AS IDENTIFIED IN THE TIMER INVENTORY/APPRaisal OF AUGUST 2015 PREPARED BY MICHAEL BARTON FORESTRY CONSULTING (With cover dated July 24, 2015) AND THE EADS GROUP. (Tabled October 26, 2016)

Mr. Williams made a motion to remove from table. The motion was seconded by Mrs. Stanton 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).

Mayor Janakovic stated Michael Barton would do an RFP.



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Stated Meeting, continued

Mrs. Mock made a motion to approve as read. The motion was seconded by Mr. Vizza. There was further discussion regarding the resolution.

The motion was 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. 9897

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO  
SIGN AN ADDENDUM TO THE CURRENT CONTRACT WITH  
TURNKEY TAXES, INC. IN ORDER TO COLLECT ALL COSTS  
ASSOCIATED WITH PAYMENTS OF DELINQUENT TAXPAYERS.

Mr. Vizza made a motion to approve. 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. 9898

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND  
DIRECTING THE INTERIM CITY MANAGER TO SIGN AN  
AGREEMENT WITH URBAN DESIGN VENTURES TO PROVIDE  
PLANNING AND CONSULTING SERVICES FOR THE DEPARTMENT  
OF COMMUNITY AND ECONOMIC DEVELOPMENT, HOUSING AND  
OTHER COMMUNITY DEVELOPMENT PROGRAMS AND ACTIVITIES  
FOR JOHNSTOWN BEGINNING OCTOBER 15, 2016 THROUGH  
OCTOBER 15, 2019. (If Council desires to review the RFP submittals, the  
DCED director will have them available at the November 9 meeting).

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

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

Resolution No. 9899

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN  
AUTHORIZING AND DIRECTING THE DIRECTOR OF COMMUNITY  
AND ECONOMIC DEVELOPMENT TO SEEK PROPOSALS FOR  
PROFESSIONAL SERVICES FOR THE CITY OF JOHNSTOWN  
BROWNFIELD ASSESSMENTS AND REVITALIZATION PROGRAM.

Mr. Vitovich made a motion to approve. 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).

Resolution No. 9900

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, APPROVING AND DIRECTING THAT A NO  
PARKING RESTRICTION BE PLACED ON MAPLE AVENUE/ROUTE  
217 NORTH ALONG THE FRONTAGE OF THE CAMTRAN PROPERTY  
AND AUTHORIZING THE INTERIM CITY MANAGER AND/OR  
DESIGNEE TO TAKE ANY AND ALL NECESSARY ACTIONS TO  
IMPLEMENT SAID RESTRICTION.

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

There was further discussion regarding the matter.

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).

Resolution No. 9901

A RESOLUTION APPROPRIATING REAL PROPERTY LOCATED IN THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, FOR CONDEMNATION AND AUTHORIZING THE CITY OF JOHNSTOWN TO INSTITUTE CONDEMNATION PROCEEDINGS FOR THE ACQUISITION THEREOF.

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

Attorney Benjamin explained the property owner is deceased.

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).

MOTIONS

None

NEW BUSINESS

Mr. Vitovich made a motion to nominate Deacon Jeffrey L. Wilson to the Board of Appeals, Code Hearing Board. The motion was seconded by Mrs. Mock.

It was noted an application was submitted. The applicant would be replacing Mr. Vitovich on the board.

The motion passed by the following vote:

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

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

OLD BUSINESS

Mrs. Mock reported on recently attending a seminar regarding the municipal consolidation. She suggested inviting Judge Krumenacker and representatives

from other municipalities to the informal workshop. There was further discussion regarding the matter.

PUBLIC COMMENT ON NONAGENDA ITEMS

Melissa Teeter, 402 1/2 Beatrice Avenue, Johnstown, addressed Council with regard to the area's overdose epidemic. Ms. Teeter started a Facebook page regarding the matter and noted there are currently 1,700 Johnstown residents on that Facebook page. She stated that from September 20 until November 6 there were 172 overdoses. Ms. Teeter noted residents are concerned about the epidemic and are asking what can be done to further address the issue.

Mayor Janakovic explained that there needs to be longer programs and funding to adequately deal with the overdose epidemic. He stated that 30 days "does not clean someone up".

Mrs. Mock asked Detective Owens to comment on the matter. He stated the police are well aware of the ongoing problem in Cambria County and everywhere and appropriate steps are being taken to resolve the issue with the creation of the drug coalition.

Mayor Janakovic suggested to lobby congressmen, representatives to keep pushing for longer and better services.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to the Council meetings. He stated Council, commissioners and all elected leaders are reaching a time "when there has to be a death of the old way of thinking and a new way has to come about." Mr. DeBartola stated the "City needs the current number of Councilmembers to do that, not less." He commented that leaders need to be transparent, open and honest. He noted his opposition to a reduction in Councilmembers.

The next regular meeting is scheduled for November 22, 2016, at 6:00 p.m.

There being no further business, the meeting was adjourned at 7:27 p.m.