

JOHNSTOWN CITY COUNCIL MINUTES
Wednesday, December 13, 2017

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 6:04 p.m.

Arch Liston, City Manager, recognized the first day of Hanukkah and offered the invocation. The Pledge of Allegiance was recited.

Mayor Janakovic stated an Executive Session was held at 5:00 p.m. relating to litigation prior to the commencement of the meeting. A public hearing was held at 5:30 p.m. relating to the 2018 Budget and Wage and Salary Ordinance. He also noted an Executive Session was held with regard to personnel on Monday, December 11, 2017.

The following members of Council were present for roll call:

Mayor Janakovic, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,
Mr. Williams (6).

Absent: Mr. Johncola (1) due to illness.

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

APPROVAL OF MINUTES

Mr. Williams made a motion to approve the October 30, 2017 Special Meeting Minutes and November 8, 2017 Regular Meeting Minutes.

Ms. Benjamin requested a motion to amend the Minutes of the November 8, 2017 Regular Meeting Minutes.

Mrs. Mock made a motion to amend the record to note that comments regarding the bill paying were made by Mr. Williams and not Ms. Benjamin. The motion was seconded by Mr. Vizza and passed by the following vote:

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

Nays: None (0).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

Mayor Janakovic presented a plaque to Mr. Vizza for his outstanding service to the City of Johnstown as a member of City Council from 2010 to 2017.

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Stated Meeting, continued

Mayor Janakovic presented a plaque to Mr. Johncola for his outstanding service to the City of Johnstown as a member of City Council from 2014 to 2017 and terms served previously in the past.

Mrs. Mock made the following statement for the record:

“Within the past two weeks or so, the City particularly Hornerstown, has experienced two teenage deaths, 18 and 13. Something needs done. Enough is enough.

There was a community gathering last evening, and it was humbling to me, not only by those in attendance that are so concerned and frustrated, but by the support of community leaders across the spectrum that are willing and able to pull things together and help.

For the past two years on Council, I have listened to hour-long arguments about high grass, bumpy roads, historically blighted buildings, garbage, cracked sidewalks, and why someone's mail was inadvertently opened. Yet not one dignified minute of serious discussion about how to combat crime, drugs, killings or anything else that is ultimately destroying our people and our community.

I'm saying this now, but I think it's safe to say that we've all had enough of this. To say that our priorities and efforts are skewed is an understatement of epic proportion. I understand and am cognizant of the fact that some on Council are extremely passionate about their presented concerns. I'm not here diminishing this, nor dismissing it. I get it. But we need to take a collective concerted statement to the community, especially those who have elected us, and that our priorities need to be reorganized at this time and to focus on the well-being and safety of our residents and property owners.

We need to figure this out and those in the community that have the tools and the ability to work with us to get it fixed. Next year the grass will be high again. There will be blighted buildings out there again. Garbage will be piled up again. But lives lost will not be here. Also lost will be the faith and safety in our community.

We need to put things in perspective and prioritize and work for fixing what is truly important in our community, the people.

I want to thank the Johnstown Police Department and other law enforcement members for their timeless efforts during this difficult time. I'm speaking for

myself but I'm sure the rest of Council is thankful and prayerful for your strength and safety.”

Mrs. Stanton noted she would be giving a statement during her report.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

None.

REPORT BY THE CITY MANAGER

Arch Liston, City Manager, commented on the agreement between the City of Johnstown and Johnstown Redevelopment Authority regarding the purchase of an excavator that will be used to raze blighted properties. He thanked Melissa Komar, Executive Director, JRA, for her help regarding the matter.

Mr. Liston stated an agreement would soon be finalized with the Humane Society of Cambria County regarding a contract for the Society to take over the process of picking up stray dogs and cats.

The City Manager stated it has been a pleasure to work for and serve the people of the City of Johnstown.

Mayor Janakovic, on behalf of Council, thanked Mr. Liston for his work with the City, working with Council, the budget and the community.

Mrs. Stanton requested an update on the proposed Moxham substation. Mr. Liston discussed an agreement with DCED regarding the matter and that the total cost of the project would be determined.

Mrs. Stanton requested an update regarding letters to nonprofits in connection with donations and contributions. Mr. Liston indicated a spreadsheet reflecting totals would be provided to Council, but he noted that \$10,000 has been received from the church and \$250,000 from the 1889 Foundation, Lee Initiatives, and the Community Foundation for the police department. Chief Johnson reported that the first two systems were recently received, but there were some programming matters to be resolved. He stated the matter is moving forward and the remainder of the systems would soon be ordered. Chief Johnson commented that there might be money from the grant to purchase two or three new vehicles. He stated 31 new tasers were purchased from monies received from AmeriServ. Chief Johnson further added that the

new purchases would enable the officers to spend more time patrolling neighborhoods and less time in the station. He commented that an LPR system would be purchased with any available monies.

Mrs. Stanton expressed her concern about the high levels of silica dust coming from the demolition of the Roxbury School and provided photographs of the area. There was further discussion regarding the City's responsibility in relation to the situation.

Ms. Benjamin discussed the need for additional information regarding the requirements and precautions in place to assess any liability the City might be facing should someone became ill from the dust.

Mrs. Stanton stated a dust control ordinance should be proposed to protect the health of the citizens. Mrs. Stanton addressed a complaint received from Wendy Penrose regarding a garbage complaint and the fine imposed to her as a tenant.

Mrs. Stanton made a motion to waive the fine imposed on Ms. Penrose. The motion was seconded by Mr. Williams.

Ms. Benjamin stated the matter was currently pending before the district magistrate. Mrs. Stanton commented the owner of the property was incarcerated. There was further discussion regarding the matter.

Ms. Benjamin further discussed whether the code enforcement officer acted appropriately, how the matter was processed, and whether the matter should be brought before Council.

Mayor Janakovic clarified the motion on the floor was to waive the charges against Ms. Penrose.

The motion failed by the following vote:

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

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

Mr. Williams stated Mr. Liston was sworn to enforce the regulations of the City, and that if code people were not doing their jobs, "they need to be fired." Mr. Liston explained that the magistrate settles violations concerning code issues.

Mrs. Stanton raised concerns from residents and business owners as regards a vacant unpaved lot being used by Bishop McCort High School for parking, which is against the City ordinance. She noted the code officer responded by stating

this parking lot was given a six-month extension. Mrs. Stanton questioned why a special consideration was given to Bishop McCort. There was further discussion.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on meeting with students at Greater Johnstown High School on November 30, 2017, to discuss and consider reinitiating a junior city council.

The Mayor attended and testified at a public DCED hearing on December 12, 2017, to obtain an \$83,000 grant to monetize the City's assets in the event the City and City Council opt to sell or lease any of its properties, including the golf course, City sewers, parking garage, the conference center, and other City-owned entities. He noted monies would be used to offset debt, liability, and pension plans.

Mr. Janakovic met with the Act 47 team to review the City Manager applications and schedule possible interviews.

He noted his attendance at the West End Christmas Tree Lightup and parade on December 4, 2017, sponsored by the West End Improvement Group. The Mayor also attended the Moxham Lightup on December 5, 2017, sponsored by UPJ and the Moxham Group. He also noted was a tree lighting ceremony held at Roxbury Park.

The Mayor noted a meeting with Toby Fauver, PennDOT Secretary, regarding multimodal funding and PennDOT assisting the City. He stated Mr. Fauver was very interested in providing funds, but the City will need to propose an action plan to move the City forward. Mr. Janakovic was hopeful that in excess of \$10 million would be obtained for projects, including the Inclined Plane, train station, and other projects pertaining to multimodal transportation.

Mr. Janakovic attended a forum at the Johnstown Middle School to address violence and the recent shooting in the City. Retired officer Reggie Floyd organized the event and Don Trotz narrated. Chief Johnson, Councilwoman Mock and Councilpersons-elect Sylvia King and Ricky Britt also attended.

He noted the receipt of a \$225,000 grant for Roxbury Park to redo the fields, address drainage problems, backstops, and parking lots. \$400,000 was received from DCED for the façade program in the Central Business District.

Mr. Williams referred to the annual bill for \$125,000 from the Pasquerilla Conference Center for carpeting and a new projector for the main ballroom. Mr. Liston stated it is listed as miscellaneous in the 2018 Capital Budget for \$115,000 based on previous numbers.

Mrs. Stanton indicated the repair of the roof was the main concern previously. Mr. Liston indicated the roof project had been completed. Ms. Benjamin explained that the Crown American can be contacted to renegotiate the lease but that does not guarantee a response.

Mrs. Stanton made a motion requesting that the City Solicitor contact Mike Barletta at Crown American Associates with regard to renegotiating the lease agreement with the City. Mr. Williams seconded the motion. There was further discussion.

Mrs. Stanton amended the motion requesting that the new City Manager contact Crown American Associates after being brought up to date with information to renegotiate the lease. The motion was withdrawn.

REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, City Solicitor, reported a request had been received to authorize entry of appearance at Civil Docket No. 2017-4381 (Everything Ice Properties, LLC., Appellant, vs. Cambria County Board of Assessment Appeals and City of Johnstown, et al.,) Cambria County Court of Common Pleas - Real Estate Tax Assessment Appeal.

Mrs. Mock made a motion to authorize entry of appearance at Civil Docket No. 2017-4381. The motion was seconded by Mr. Vitovich and passed by the following vote:

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

Nays: None (0).

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 stated the testing in the Hornerstown Area Phase II, Walnut Grove, and Oakhurst was extended as requested until March 31, 2018.

He noted punch list items were completed in the Morrellville and Cambria City area. Final steps were being taken to close out some of those contracts.

Eighth Ward project was nearly completed and the pipe installation was expected to be completed in mid-January and final restoration in the spring.

The Moxham Phase II project was shut down for the winter season and will resume on March 1, 2018, with the project to be completed by mid-summer.

Mr. Sewalk indicated approximately 41 percent of the population had completed pressure testing in the areas of the sewer line.

He noted a resolution on the agenda with regard to the Ohio Street project.

Old Conemaugh, Kernville, and Broad Street lateral projects were moving forward.

Mr. Sewalk referred to a graph in his report that reflected the regional results since 2010 relating to flow reporting records.

He noted plans were still in the works regarding the Conrad Building demolition. A contractor would soon commence removal of the overhangs and the parapet walls.

A grant was received for the Roxbury Park Project for \$225,000, along with a 15 percent match or \$30-some thousand.

Mrs. Stanton requested that the City's website be updated to indicate the extension granted until March 31, 2018, in the Hornerstown, Walnut Grove, and Oakhurst sections and that a new water/sewage bill will be forthcoming.

COUNCIL UPDATES

1. Planning Commission Minutes of November 1, 2017.
2. November 13, 2017 letter from Jack Williams re: CDBG Funding Permissible Salary and Wage Allocations.

3. December 4, 2017 letter from Jack Williams re: Seventh Amended Recovery Plan.
4. Code Complaints from C. Stanton and J. Williams -7; C. Stanton - 16.

Mrs. Stanton commented the code complaints focused on properties owned by the Cambria County Redevelopment Authority. She further discussed the properties. Mrs. Stanton noted a submission requesting a Citywide update on all vacant properties for the new Council in January 2018.

NEIGHBORHOOD LIAISONS

Mr. Vizza and Mrs. Mock attended a banquet on November 18, 2017, honoring Johnstown native, 1st Sergeant Marcus J. Jefferson, U.S. Army, who was critically wounded in action during Operation Iraqi Freedom.

Mrs. Mock discussed the possibility of starting a Small Business Expo in the City. She noted an initial meeting was held regarding the matter, and she will keep Council updated.

Mrs. Stanton noted her recent attendance at UPJ Lightup Night. She thanked Joseph Warhul for organizing a collection drive for food and stocking drive at the Park Avenue United Methodist Church. Mrs. Stanton also attended the Moxham Crime Watch Meeting with the guest speaker being the City's new code officer. She reported Davita Dialysis, a for-profit company, would be locating a 12-patient outpatient clinic in a portion of the Hite Company tentatively scheduled to open in March 2018.

Mrs. Stanton noted the receipt of many calls from residents concerning "what's going on and what's City Council doing" about the guns and violence in the City. Mrs. Stanton stated she believes "the police are doing all they can, out patrolling the streets, arresting people when there's crimes being committed." She stated the problem "lies within the community" and "the people that live here in the City need to step up and take some responsibility." Mrs. Stanton discussed distributing the "pusher" signs at different events throughout the City and commented that people are afraid to place the sign in their yards for fear of retaliation. She stated that until people step up and report drug and suspicious activity, "things are not going to change."

PETITIONS

None.

ORDINANCES FOR FINAL READ AND ADOPTION:

BILL NO. 29 OF 2017, AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 4392 PASSED FINALLY SEPTEMBER 10, 1986, AND KNOWN AS THE "TRAFFIC CONTROL ORDINANCE" TO REVISE AND FURTHER ESTABLISH SPECIFIC PROVISIONS TO ADDRESS TEMPORARY CLOSURE PROCEDURES AND THE DESIGNATION OF STREETS. (Tabled October 10, 2017.)

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

Yeas: Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic,
Mrs. Mock (5).
Nays: Mrs. Stanton (1).

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

Yeas: Mr. Vizza, Mayor Janakovic, Mrs. Mock, Mr. Vitovich (4).
Nays: Mr. Williams, Mrs. Stanton (2).

Ms. Benjamin explained that amending the ordinance would allow the City Manager to work with Public Works on street closures without having to contact Council. However, if 30 days were exceeded, they would have to come to Council.

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. (Tabled November 9, 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, Mrs. Mock, Mr. Vitovich, Mr. Vizza (4).

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

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

City Manager, Arch Liston, stated, after review of Act 47 and review by auditors, he was confident that this was a balanced budget.

Ms. Benjamin stated, with the documentation that was provided this evening, she agreed that the budget should be balanced when adopted. She noted Section 1005 of the Home Rule Charter states that the total revenues cannot be exceeded by the total expenditures. The language that was presented from the Pennsylvania Statute pertaining to Home Rule and Optional Plan Law was actually from the section addressing optional plans and not the Home Rule. Ms. Benjamin stated she could not state that it definitely does apply. To the extent it would apply, the provision that follows indicates that Council could ask the City Manager to come back with an amended budget or reopen the budget in January as it sees fit as long as the budget was adopted by February 15, 2018. She further stated, regardless, the Home Rule Charter does indicate that total revenues should not be exceeded by total expenditures in order to pass a balanced budget.

Mr. Williams stated in order for the City to petition the court for a continuance of the LST tax, the City must have a balanced budget. In addition, the tax anticipation loan was contingent on the City adopting a balanced budget.

Mr. Liston stated the budget presented on October 30, 2017, addressed a balanced budget as confirmed by Act 47 and auditor review. There was further discussion regarding the budget presented. Mr. Liston offered further clarification on the matter.

The motion passed by the following vote:

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

Nays: Mrs. Stanton (1).

Mr. Williams did not vote 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. (Tabled November 8, 2017.)

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

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,
Mayor Janakovic (5).
Nays: Mr. Williams (1).

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

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mayor Janakovic (4).
Nays: Mrs. Stanton, Mr. Williams (2).

ORDINANCES FOR FIRST READ

None.

RESOLUTIONS

Resolution No.

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 PURPOSE OF PERFORMING AND COMPLETING THE SERVICES INCLUDED BUT NOT LIMITED TO AN INDEPENDENT ANNUAL AUDIT OF THE CITY OF JOHNSTOWN ACCOUNTS BEGINNING JANUARY 1ST, 2018. (Tabled November 8, 2017.)

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

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Stated Meeting, continued

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mayor Janakovic,
Mrs. Mock (5).
Nays: Mr. Williams (1).

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

Yeas: Mr. Williams, Mrs. Stanton (2).
Nays: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mrs. Mock (4).

Resolution No.

A RESOLUTION OF THE 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. (Tabled November 8, 2017.)

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

Yeas: Mr. Vizza, Mayor Janakovic, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, (5).
Nays: None (0).
Mr. Williams exited the meeting and did not vote on the motion.

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

The motion failed by the following vote:

Yeas: Mrs. Stanton (1).
Nays: Mayor Janakovic, Mrs. Mock, Mr. Vitovich, Mr. Vizza (4).

Resolution No.

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. (Tabled November 8, 2017.)

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

Yeas: Mayor Janakovic, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Vizza (5).
Nays: None (0).

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

Yeas: Mrs. Stanton (1).
Nays: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mayor Janakovic (4).

Resolution No. 10021

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 CORP. FOR THE PURPOSES OF FACILITATING CITY FUNDED DEMOLITION, USE AS A CONSTRUCTION LAYDOWN SITE, AND TO ACCOMPLISH ADDITIONAL PURPOSES FOR THE BENEFIT AND WELFARE OF THE CITIZENS OF JOHNSTOWN. (Tabled November 8, 2017.)

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

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Stated Meeting, continued

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,
Mayor Janakovic (5).
Nays: None (0).

Ms. Benjamin explained the resolution was updated and referred Council members to the corrected resolution in the packet.

Mrs. Mock made a motion to approve and amend the resolution changing references to the Redevelopment Authority of Cambria County to Cambria County Development Corporation as reflected in the revised version of the resolution. Mr. Vitovich seconded the motion.

Mrs. Stanton commented that code complaints had not been remedied on the property and believes this was "just another free pass and special exception because of who owns it." She also had concerns with the property being used for a construction laydown site.

The motion passed by the following vote:

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING THE DESIGNATION OF _____ TO SERVE AS ACTING CITY MANAGER AS NEEDED IN ANY/ALL INSTANCES WHEN THE CURRENT CITY MANAGER IS ABSENT AND UNABLE TO PERFORM HIS DUTIES, EFFECTIVE NOVEMBER 30 OF 2017 (Tabled November 27, 2017.)

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

Yeas: Mayor Janakovic, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Vizza (5).
Nays: None (0).

There was no motion and no second to vote on the resolution as read.

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Stated Meeting, continued

The resolution failed by the following vote:

Yeas: None (0).

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

Mr. Williams re-entered the meeting.

Resolution No. 10022

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN A
CONTRACT FOR THE CONTINUATION OF POLICE SERVICES WITH
THE JOHNSTOWN HOUSING AUTHORITY FOR THE SOLOMON,
PROSPECT, COOPERSDALE AND OAKHURST COMMUNITIES UPON
REVIEW OF THE CITY SOLICITOR.

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

There was discussion regarding the resolution.

The motion passed by the following vote:

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

Nays: Mr. Williams (1).

Resolution No. 10023

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN A
CONTRACT FOR CONTINUATION OF POLICE SERVICES WITH THE
JOHNSTOWN HOUSING AUTHORITY FOR THE VINE STREET,
FULTON I. CONNOR AND TOWN HOUSE TOWERS UPON REVIEW OF
THE CITY SOLICITOR.

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

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Stated Meeting, continued

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mayor Janakovic,
Mrs. Mock (5).
Nays: Mr. Williams (1).

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

Yeas: Mr. Williams, Mrs. Mock, Mrs. Stanton (3).
Nays: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mrs. Mock (3).

WHEREUPON, COUNCIL TOOK A SHORT RECESS.

Resolution No. 10024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY
MANAGER TO SIGN ALL AGREEMENTS, MORTGAGES,
GUARANTEES AND ALL OTHER LOAN CLOSING DOCUMENTS FOR
JOHNSTOWN SAFETY SERVICES, LLC.

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

There was discussion regarding the resolution.

The motion passed by the following vote:

Yeas: Mr. Vizza, Mr. Williams, Mayor Janakovic, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich (6).
Nays: None (0).

Resolution No. 10025

A RESOLUTION OF THE CITY COUNCIL OF JOHNSTOWN, PENNSYLVANIA,
AUTHORIZING THE ISSUANCE OF A TAX AND REVENUE
ANTICIPATION NOTE; PROVIDING FOR THE INTEREST RATE,
MATURITY DATE AND REDEMPTION PROVISION IN RESPECT OF
THE NOTE; ACCEPTING THE PROPOSAL OF 1ST SUMMIT BANK FOR
THE PURCHASE OF THE NOTE; AUTHORIZING THE PROPER
OFFICERS TO EXECUTE ALL ACTS NECESSARY FOR ISSUANCE

AND SECURING THE NOTE; AUTHORIZING AND DIRECTING THE PREPARATION AND FILING OF ALL DOCUMENTS REQUIRED BY THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AND REPEALING INCONSISTENT RESOLUTIONS.

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

Mr. Williams referred Council members to Item D for further consideration.

The motion passed by the following vote:

Yeas: Mayor Janakovic, Mrs. Mock, Mr. Vitovich, Mr. Vizza (4).
Nays: Mr. Williams, Mrs. Stanton (2).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, PROHIBITING THE LOCATION OF A CATEGORY 4 LICENSED FACILITY WITHIN THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA.

Mr. Williams made a motion to approve the resolution. There was no second to the motion.

There was further discussion regarding the resolution.

The resolution failed for lack of a second.

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, SEEKING THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA'S DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT REQUESTING, PURSUANT TO THE ACT OF JULY 10, 1987 (P.L.256, NO. 47, KNOWN AS THE MUNICIPALITIES FINANCIAL RECOVERY ACT, TO RECOMMEND THE CITY OF JOHNSTOWN BE PLACED UNDER RECEIVERSHIP PURSUANT TO THE "ACT".

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Stated Meeting, continued

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

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

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

Resolution No.

A RESOLUTION OF THE JOHNSTOWN CITY COUNCIL ESTABLISHING THE TERMS AND CONDITIONS FOR THE APPOINTMENT OF THE PERSON TO THE POSITION AS CITY MANAGER, AND WHEREBY ARE TO BE INCLUDED AND STIPULATED IN ANY FULLY EXECUTED EMPLOYMENT AGREEMENT.

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

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

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

Resolution No. 10026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN ALL AGREEMENTS, MORTGAGES, GUARANTEES AND ALL OTHER LOAN CLOSING DOCUMENTS FOR DAN'S RECYCLED WORK UNIFORMS.

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

There was discussion regarding the resolution.

The motion passed by the following vote:

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

Nays: None (0).

Resolution No. 10027

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

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

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mrs. Mock (4).
Nays: Mr. Williams, Mrs. Stanton (2).

Resolution No. 10028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, RATIFYING THE APPOINTMENT OF THE CITY MANAGER SEARCH ADVISORY COMMITTEE ESTABLISHED NOVEMBER 27, 2017.

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

Ms. Benjamin explained that due to the significance of the issues at hand, this resolution was an extra precaution, as well as the two resolutions that follow.

The motion passed by the following vote:

Yeas: Mr. Vizza, Mayor Janakovic, Mrs. Mock, Mr. Vitovich (4).
Nays: Mr. Williams, Mrs. Stanton (2).

Resolution No. 10029

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, RATIFYING RESOLUTION NOS. 10020 SELECTING AND APPROVING THE APPROVAL ARTHUR J. GALLAGHER FOR RENEWAL OF THE CITY'S GENERAL LIABILITY AND WORKERS' COMPENSATION INSURANCE PLAN EFFECTIVE JANUARY 1, 2018, AT A COST OF \$609,988.09 (\$572,737.00 PLAN COST AND \$37,251.09 COMMISSION); AND FURTHER, HEREBY

AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL AGREEMENTS AND NOTICES NECESSARY TO EFFECTUATE SAME, MADE EFFECTIVE NOVEMBER 27, 2017.

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

Yeas: Mayor Janakovic, Mrs. Mock, Mr. Vitovich, Mr. Vizza (4).
Nays: Mr. Williams, Mrs. Stanton (2).

Resolution No. 10030

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, RATIFYING RESOLUTION NO. 10019 ADOPTED NOVEMBER 27, 2017, AND FURTHER AUTHORIZING ALL CONTENT CONTAINED THEREIN EFFECTIVE AS OF NOVEMBER 27, 2017 FOR PURPOSES OF FURTHER REITERATED HEREIN.

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

Yeas: Mayor Janakovic, Mrs. Mock, Mr. Vitovich, Mr. Vizza (4).
Nays: Mrs. Stanton, Mr. Williams (2).

Resolution No. 10031

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUCTION OFF THE FOLLOWING POLICE VEHICLES.

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

Chief Johnson explained that the motorcycles have not been an effective means of patrolling in comparison to sedans and SUVs. Mr. Liston commented that the way the City was, "it's just too much risk".

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,
Mr. Williams, Mayor Janakovic (6).
Nays: Nays (0).

Resolution No. 10032

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING _____ TO SERVE AS INTERIM CITY MANAGER FOR THE LIMITED PERIOD OF JANUARY 1, 2018 AND JANUARY 2, 2018, AND TO INCLUDE ATTENDANCE AT THE JANUARY 2ND, 2018 REORGANIZATION MEETING AT A PER DIEM RATE BASED ON THE CURRENT CITY MANAGER'S SALARY.

Mrs. Mock made a motion to nominate Curt Davis. Mr. Vitovich seconded the motion.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mayor Janakovic (4).
Nays: Mrs. Stanton, Mr. Williams (2).

Ms. Benjamin explained this was an interim city manager appointment for a period of two days. She noted options included rescheduling a special meeting to obtain five votes or presume that four would be satisfactory given the fact that the provision in the Home Rule Charter does not address an interim appointment for a period of two days. She offered further explanation of the provision.

Mrs. Stanton commented that to the best of her knowledge, Mr. Davis was a past employee of ACRP and it was unknown if he was currently an employee of ACRP. She stated it would be a conflict of interest for the Mayor to vote on the motion. Mayor Janakovic commented it was a personnel interest.

Mr. Williams commented that the provision in the Charter was clear.

Ms. Benjamin explained that details that are more specific would be more appropriate for discussion during Executive Session.

Mr. Williams reminded Council that Mr. Davis was City Manager during the forensic audit.

Resolution No. 10033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, EXPRESSING SUPPORT FOR AND URGING THE PENNSYLVANIA GAMING CONTROL BOARD TO

Wednesday, December 13, 2017 22 of 22
Stated Meeting, continued

**STRONGLY CONSIDER LOCATING A CATEGORY 4 MINI CASINO
WITHIN THE CITY OF JOHNSTOWN.**

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

Mrs. Mock made a motion to amend and approve as amended a resolution in which the referenced letter was removed. Mr. Vitovich seconded the motion. There was further discussion regarding the resolution.

The motion passed by the following vote:

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

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

NEW BUSINESS

None.

OLD BUSINESS

Motion to extend the term of all appointed Ethics Committee Members by adding one additional year to each member's term. (Johncola, 1 year; Musselman, 1 year; Ryan, 1 year; Reitcha, 2 years; Raslevish, 2 years; Floyd, 3 years; Neatrour, 3 years.

There was further discussion regarding the motion.

PUBLIC COMMENT - NON-AGENDA ITEMS

None.

RECESS/ADJOURNMENT

There being no further business, the meeting was adjourned at 8:12 p.m.

Next Scheduled Meeting - Reorganization Meeting, Tuesday, January 2, 2018, at 5:00 p.m.