

JOHNSTOWN CITY COUNCIL
SPECIAL MEETING MINUTES
Thursday, December 27, 2018

City Council met in a stated session for the general transaction of business.
Mayor Frank Janakovic called the meeting to order at 5:44 p.m.

Reverend Sylvia King offered the invocation. The Pledge of Allegiance was recited.

The following members of Council were present for roll call:

Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich,
Mr. Williams (6).
Absent: Mr. Britt (1). Mr. Britt was absent due to health reasons.

Robert Ritter, Finance Director, and Elizabeth Benjamin, Esquire, City Solicitor, were also present.

PUBLIC COMMENT - AGENDA ITEMS ONLY

None.

ORDINANCES FOR FINAL READ:

BILL NO. 32 OF 2018, AN ORDINANCE AMENDING ORDINANCE NO. 5245, PASSED FINALLY ON DECEMBER 13, 2017, AND REPEALING ORDINANCE NO. 5250, PASSED FINALLY ON MARCH 15, 2018; NO. 5253, PASSED FINALLY ON MAY 9, 2018; AND NO. 5257, PASSED FINALLY ON JULY 11, 2018, IN ORDER TO PROVIDE FOR THE PROPER ALLOCATION OF REVENUE AND EXPENSES IN THE CITY OF JOHNSTOWN'S GENERAL FUND (01), COMMUNITY DEVELOPMENT FUND (04), UDAG FUNDS (8), PARKING FUND (02), SEWER UPGRADE/MAINTENANCE REPAIR FUND (24), CAPITAL FUND (18), RECREATIONAL FUND (22), STATE GRANT FUND (13) AS AMENDED AND TABLED (12/12/18).

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

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

Nays: None (0).

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

Mr. Williams stated this bill was required due to the fact that earlier in 2018 three budget amendments were put through without the required 10-day public notice and public hearing, that this repeals those incorrect actions and makes the 2018 budget whole.

The motion passed by the following vote:

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

Nays: None (0).

BILL NO. 35 OF 2018, 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 1ST, 2019 (Tabled 12/12/18).

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

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

Nays: None (0).

Reverend King made a motion to approve the Bill as read. Mr. Vitovich seconded the motion.

Mrs. Stanton made a motion to amend and take \$300,000 of the UDAG fund for demolition of the Conrad Building, \$400,000 citywide demolitions and \$100,000 for the Public Safety Building repairs. Mr. Williams seconded the motion.

There was further discussion on the motion. Ms. Benjamin explained that amending bill would delay the adoption of a budget until January.

The motion to amend failed by the following vote:

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

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

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

Yeas: Mr. Williams, Reverend King, Mrs. Stanton (3).

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

Mr. Williams made a motion to divide the question. Mrs. Stanton seconded the motion.

Mr. Williams suggested the question be to divide the voting into 13 separate votes on 13 separate funds. There was further discussion regarding the matter. Ms. Benjamin advised, if such a vote were taken, it would effectively amend the ordinance if one fund were not approved. Mrs. Mock commented that the funds do not move independently, that they all move collectively.

The motion failed by the following vote:

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

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

Ms. Benjamin referred to Roberts Rules of Order for further clarification of whether a motion can be reintroduced.

Mr. Vitovich made a motion to approve Bill No. 35 as previously read.

After review of Roberts Rules of Order, Ms. Benjamin read into the record the following: The assembly cannot be required to vote again the same day on laying the question on the table, unless there is a change in the state of affairs as to make it a new question.

Mr. Williams moved that the motion be postponed indefinitely. The motion was second by Mrs. Stanton.

Ms. Benjamin stated that was a different motion.

The motion failed by the following vote:

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

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

Mr. Williams moved that the motion be referred to the Budget and Finance Committee. Mrs. Stanton seconded the motion.

The motion failed by the following vote:

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

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

Mr. Williams proposed that the motion be delayed until January 9, 2019. Mrs. Stanton seconded the motion.

Ms. Benjamin recommended that motion not be made without making amendments first. If the motion were postponed until January 9, 2019, Council would be delaying the opportunity to make any amendments tonight that could then be properly advertised and adopted January 9th, 2019.

The motion failed by the following vote:

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

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

Mr. Vitovich made a motion to approve Bill No. 35. Mrs. Mock seconded the motion.

Mr. Williams reiterated that the budget was not compliant with the Home Rule Charter and the Cambria County Court stipulation date is April 18, 2019. He referred Councilmembers to his notice of intent to file actions against Council if this budget was adopted. Mr. Williams noted for the record his communications from November of 2016 regarding budgets.

Mrs. Mock inquired whether the changes as proposed by Mr. Williams would have any effect on this budget. Mr. Ritter explained the overall budget would not be affected. The line items would be adjusted after the fact.

Mrs. Mock inquired if the budget was not passed, "will people not get paid?" Mr. Williams explained that if a budget was not passed by December 31st, 2018, the current year's budget carries over into next year with the same appropriations, that wages and salaries that are under contract negotiations are paid no matter what, and that utility bills and bond payments continue.

Ms. Benjamin explained that the amount appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items being prorated accordingly until a budget is adopted.

Mrs. Mock stated, since the changes would not be detrimental to the budget, nor affect salaries, and the City would be able to keep on running, as well as considering 2018, she suggested that the budget be made "squeaky clean" and then move on.

Ms. Benjamin explained that not confirming a budget might delay the TAN loan process. She further explained that the motion to table could be reintroduced at this point, because of the fact that Council was not making any clarification or getting additional information relative to implications of passing a budget, which had not been discussed as of yet. The Home Rule Charter anticipates the possibility that a budget might not be passed by December 31st and explains the rules if that is the case.

There was discussion regarding previous budgets.

Ms. Benjamin suggested that Council make a motion to implement the amendments so Mr. Ritter can make the adjustments before January 9, 2019. Mr. Williams suggested that the meeting be moved to make the ten days and the public hearing.

There was further discussion regarding amendments to the budget to be adopted.

Ms. Benjamin suggested a motion to find a separate line item for severance/ termination pay and adjust from salary allocations accordingly within the Police and Fire Departments, and then pursue a budget amendment later.

Mayor Janakovic pointed out that the management of the budget is "what counts" in the end.

Ms. Benjamin reiterated and made clear for the record that although the intent was to adopt a budget by December 31, 2018, that the City of Johnstown failing to adopt a budget by that time does not cause a lapse in appropriations, because the Home Rule Charter provides for those appropriations to continue.

After further discussion of the budget, Mr. Williams made a motion to table the Bill. Mrs. Stanton seconded the motion.

Mr. Williams withdrew the motion.

Mrs. Stanton made a motion to table. The motion died for lack of a second.

Ms. Benjamin read into the record the following excerpt from the Home Rule Charter, the section regarding Payment of Funds: No payment of funds shall be made

unless provided for in the budget, provided, however, that payroll and utility expenditures may be made at the direction of the City Manager where based on a prior ordinance or contract.

Mr. Williams made a motion to table the Bill. Mrs. Stanton seconded the motion.

Ms. Benjamin explained that no change was discussed, so a motion could not be made.

Reverend King made a motion to amend Bill No. 35 in order to remove the line item for demolition expenses currently appearing under Fringe Benefits, so that it now appears under Operating Expenses of DCED; to correct and appropriately reflect the amendment made December 12, 2018, and the adjusted 2019 budget amount per that amendment to reflect a subtotal of police department operating expenses as \$174,500, rather than \$199,500; to create and fund a separate line item account for severance/termination pay and adjust from salary allocations accordingly within all personnel departments. The OPEB issue would be addressed in the future. Mrs. Mock seconded the motion. The motion was discussed further.

The motion passed by the following vote:

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

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

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

Mrs. Mock made a motion to reschedule the January 9, 2019 Public Hearing until January 16, 2019, followed by the Regular Meeting at 6:00 p.m. The motion was seconded by Mrs. Stanton and passed by the following vote:

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

VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF
JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR
BEGINNING JANUARY 1, 2019 (Tabled 11/27/18).

Mr. Vitovich made a motion to remove the Bill from table. The motion was withdrawn. The bill remained tabled.

Resolution No. 10143

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE ISSUANCE OF A TAX AND REVENUE ANTICIPATION NOTE: PROVIDING FOR THE INTEREST RATE, MATURITY DATE AND REDEMPTION PROVISIONS 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. Williams made a motion to amend, which was withdrawn.

Mr. Vitovich made a motion to approve the resolution. Reverend King seconded the motion.

Ms. Benjamin stated the resolution did not need to be amended and could be approved.

The motion passed by the following vote:

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

Nays: None (0).

MOTIONS

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1. GREATER JOHNSTOWN WATER AUTHORITY (GJWA) APPOINTMENTS

REAPPOINT JOHN FOLLANSBEE, III, AS AT LARGE MEMBER
REAPPOINT ANTHONY PINIZZOTTO AS AT LARGE MEMBER.

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

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

RECESS/ADJOURNMENT

NEXT SCHEDULED MEETING

WEDNESDAY, JANUARY 16, 2019, 6:00 P.M.

There being no further business, the meeting adjourned at 7:01 p.m.