

JOHNSTOWN CITY COUNCIL MINUTES

Wednesday, February 10, 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. Reverend Sylvia King offered the invocation, and the Pledge of Allegiance was recited.

The following members of Council were present for roll call:

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

City Solicitor David Andrews and City Manager Melissa Komar were also present.

Charles Cypher was sworn in by Mayor Janakovic as the Johnstown Police Department's newest officer.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the January 4, 2016 reorganization meeting minutes. The motion was seconded by Mr. Vizza. Council discussed corrections to the minutes.

Mr. Williams made a motion to approve the Minutes as amended. The motion was seconded by Mr. Vizza 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).

COURTESY OF THE FLOOR

Mayor Janakovic reminded all speakers of the referendum providing for five to ten minutes to speak uninterrupted, but could also be called to order. He urged all parties to be courteous and respectful of all persons in attendance.

Michael Kane, 631 Diamond Boulevard, Johnstown, on behalf of Mike Artim, provided Council with an update regarding the Vision 2025 initiative. He described the circles of resilience that the Vision is comprised of, including a Vibrant and Open Local Economy, a Strong Sense of Community and Life-Sustaining Landscapes. He noted that the support of City staff is greatly appreciated. He further discussed the project teams. Mr. Kane referred Councilmembers to photocopies of further Vision 2025 information. Mr. Kane noted that a Capture 2025 team will be created in the spring, which will

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work with other teams with regard to grants for neighborhoods. He encouraged all to become involved. The website regarding the initiative is Johnstown25.com. The JARI office can also be contacted with regard to the project.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to a communication, which he noted was also part of Council's agenda.

He requested that the following letter be read into the record: Dear Johnstown City Mayor, Frank Janakovic, and City Council members: It's come to my attention that members of this great Council are slandering me. They are complaining that I bring up complaints of them, that I say things about them that they probably seem to find untrue, and yet their way of dealing with this is to attack me, slandering me, trying to make me appear small and not a citizen that's allowed to speak the truth. We are allowed to have free speech. I hope that this Council can deal with this matter and realize how unjust this is, how unfair this is. And if we do follow the Democratic process and believe in free speech, they will end this. They will make sure that this does not happen again. I am asking you to stop these complaints against me, they are ridiculous. I am asking this to be included and made part of the Minutes for the February 10th, 2016 meeting.

Mr. DeBartola questioned whether the Housing Authority is "right or wrong" and further discussed that entity.

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to the Housing Authority. Mr. Warhul discussed his attendance at a Housing Authority meeting at which time he stated he was not allowed to speak. He addressed attendance at PHADA meetings by JHA members and referred to it as a "waste of taxpayer dollars". Mr. Warhul had discussion with regard to security measures and current crime problems within JHA housing in the City.

Ms. Stanton noted she shares the same concerns as Mr. Warhul. Mr. Vitovich stated that a person can sign up a day before to speak at a JHA meeting.

Jeffrey Wilson, 170 Prospect Street, Johnstown, addressed Council regarding the Prospect Co-op Store and the JHA. Mr. Wilson stated there is crime in the Johnstown area that has nothing to do with the JHA. He noted that Chief Foust and the police department are doing an outstanding job and are working with the JHA to protect the citizens. Mr. Wilson stated that many residents in his neighborhood would like more information as to available funding for the sewer project.

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Ms. Stanton noted she is looking for more accountability by the JHA to make housing safer for those residents. She further requested a meeting with JRA regarding the PennVEST loan and whether there was any money available from that to help residents meet the sewage costs.

Mayor Janakovic noted the "leaders" are out there and stated over 350 people signed up for the Vision 2025 project.

Michael Kerr, 115 Puppy Path Lane, Ligonier, Pennsylvania, addressed Council with regard to lead contamination in water. Mr. Kerr noted that as of January 4, 2016, he is the new resident manager of the Greater Johnstown Water Authority. He explained that the Greater Johnstown Water Authority continues to follow an extensive testing program since 1974 when the Safe Water Drinking Act was adopted. Mr. Kerr noted that water from the Greater Johnstown Water Authority has a tested level of zero for lead and near zero for copper, which he indicated is some of the lowest levels in the region/country. He noted it is a priority of the GJWA to replace all lead services with new copper lines. Mr. Kerr indicated that per DEP, exposure to lead in PA is not due to drinking water, but to lead-based paints in older homes.

Mr. Kerr read the following DEP statement into the record: An analysis of public water systems in Pennsylvania cities with high lead exposure rates shows that drinking water is not the source of lead. Out of more than 150 public water systems reviewed by the Pennsylvania Department of Environmental Protection, none has exceeded the EPA standards for lead in drinking water. The water systems tested served more than six million people, nearly half of the state's population. Quote, we can definitively say that none of the 159 water systems have exceeded EPA's levels for lead. This eliminates one of the possible sources for the exposures, end quote, DEP Secretary, John Quigley, quote, DEP has regulations and programs in place to monitor lead levels in drinking water and they're working, end quote.

Mr. Kerr further indicated that the primary source of childhood lead poisoning in PA continues to be exposure to aging, deteriorating, lead-based paint chips and not drinking water. He stated that PA ranks third in the nation for having the most housing units identified as having been built before 1950 when lead was more prevalent and fourth in the nation for housing units identified as being built before 1978, per a 2014 Department of Health report. He explained that water needs to be sampled from houses containing lead pipes, lead solder or lead service lines. He referred residents to visit DEP's website for further information.

Stated Meeting, continued

REPORT BY THE CITY MANAGER

City Manager, Melissa Komar, reported that the City has met with Wessel with regard to the 2015 audit, tentatively scheduled for March 28 through April 29, 2016. She noted that it was decided that a Council workshop will be held on April 13, 2016, at 5:00 p.m. prior to the start of the normally scheduled meeting.

Ms. Komar indicated that a public official bond has been obtained on her in the amount of \$500,000, which covers the period from 12/22/15 through 12/22/16. Renewal of the public official bond was obtained for Bethany Perrachino, Finance Director, in the amount of \$1 million, which covers the period from 2/12/16 through 2/12/17.

She noted the police department application process will close Friday, February 12, 2016, at noon. Testing for all applicants will proceed. She stated an investigation has been commenced with regard to the West End arson situation.

Ms. Komar noted a "special thank you" to the Public Works Department, police and fire for keeping the public safe during the recent snowstorm. A reimbursement request will be submitted to the state for costs incurred during that state of emergency storm.

Public Works and Code Enforcement is working diligently to eliminate blighted structures. She noted 12 houses were secured; 12 tons of garbage was transported to the landfill, along with 25 televisions that were taken for recycling.

DCED met with Advanced Disposal as a result of citizen complaints with regard to pickup and procedure. Advanced Disposal will provide stickers to paid residents within the next month along with quarterly stickers.

Mr. Komar noted five more demolitions have been completed on Broad, Wood, Pine Streets and Central Avenue. The City Manager and Ms. Daly met with the Army Corps of Engineers with regard to river-wall rehab funding and the Western PA Conservancy with regard to a tree inventory project.

She noted that on Saturday, February 27, 2016, 10:00 a.m. to 4:00 p.m., groups will canvass the Hornerstown section distributing and installing smoke detectors in conjunction with the American Red Cross.

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Ms. Komar explained that Council will make a decision with regard to the handling of Communications. Mr. Williams noted that previously a Communication was listed on the agenda and provided to Council.

Attorney Andrews explained that Section 212 of the Administrative Code says that if an ordinance or resolution is placed on the agenda, a copy must be attached. It does not address Communications. He indicated that Council as a body has to decide the matter.

Mrs. Mock made a motion to have the agenda packet contain communications with regard to ordinances and resolutions and that all other communications be available at City Hall for review.

Mr. Williams further discussed the decision to include a Communication on the agenda. Attorney Andrews explained it is at the discretion of the City Manager. There was further discussion with regard to the matter.

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).

Mrs. Stanton had questions with regard to reviewing the residents' communications.

Mr. Williams noted, "It's coming down to censorship by five people" and called for the question.

Mr. Vizza made a motion to amend that motion to leave it up to the discretion of each individual Councilmember to determine whether to receive hard copies of Communications, emails or mailings.

Mr. Williams made a motion to repeal the first motion and implement the second motion. 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).

The City Manager noted that new fire equipment will soon be delivered. She stated three pieces of old equipment should either be placed up for auction or sold.

Stated Meeting, continued

Chief Kovacic indicated one vehicle is a '74, and the other two are a '94 and '04. There was further discussion regarding the matter.

Mrs. Stanton questioned the best way to communicate with the City Manager as inquiries to her have gone unanswered. Mrs. Stanton will re-send the emails. Mrs. Stanton had questions for Ms. Daly with regard to a vacant downtown property.

Mayor Janakovic commented on the workload the City Manager has assumed without the help of an assistant.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, noted his attendance at a recent Vision 2025 meeting. He also noted his attendance of a Roxbury Band Shell fundraiser at St. Francis Church Hall and congratulated Mary Borkow on doing a "great job".

The Mayor provided a presentation with the Gunter Leadership Group at Cambria Rowe in Richland. He also noted his attendance at the LifePoint presentation and ribbon cutting ceremony, which will create 130 jobs and the transfer of 53 which will be brought into the community over the next two to three years.

Mr. Janakovic noted his recent attendance at a roundtable session of community leaders facilitated by Congressman Rothfus regarding the increased usage of heroin within the City.

Mrs. Mock inquired as to the status of an addition to Conemaugh Hospital and also inquired regarding the status of the roller hockey rink at Roxbury Park. It was noted the rink has been dismantled.

REPORT BY THE CITY SOLICITOR

David Andrews, Esquire, Solicitor, reported that a pretrial conference will be held on Monday, February 15, 2016, with regard to the Duke LifePoint tax assessment matter.

Attorney Andrews noted that Resolution No. 3 on the agenda with regard to dissolution of the Housing Authority is not permissible by the Pennsylvania Housing Authority's Law. He explained it cannot be disbanded unless there are no debts or obligations and has to be regulated by the Department of State as well as DCED. He did note that Resolution No. 2, which is also with

Stated Meeting, continued

regard to the Housing Authority, is not prohibited by law and would be at the discretion of Council.

Mr. Williams stated it is his understanding there is no debt. Attorney Andrews stated the Pennsylvania Housing Authority Law is "really broad" with regard to debts and obligations. Mr. Williams requested further discussion regarding the matter with Attorney Andrews.

Mrs. Stanton inquired as to the status of a meeting with District Judges Musulin and Price. Attorney Andrews will arrange the meeting.

Mr. Williams noted the receipt of correspondence from the Cambria County Election Office on January 28, 2016, noting that the forensic audit referendum will be on the ballot November 8.

REPORT BY THE CITY ENGINEER

Dan Beyer referred Councilmembers to a copy of his written report while reviewing highlights of the sewer project. He noted mandatory lateral testing letters were sent out to Hornerstown residents with regard to Hornerstown Phase One. He further noted that letters have been sent to residents with regard to the Hornerstown/Walnut Grove Phase Two to connect existing laterals by March 1, 2016.

Roxbury Phase One will be addressed in the Spring of 2016 with regard to tie-ins on Franklin Street and Derby Street. Letters were sent to property owners who had signed waivers relating to a deadline of March 1, 2016, for connection of capped laterals.

He noted that Oakhurst Phase One remaining restoration and punch list items will be completed in the spring. Woodvale/Prospect is completed and punch list items will also be addressed in the spring.

Mr. Beyer noted that pipe installation by both contractors pertaining to the Moxham Phase One are 58 percent and 78 percent complete.

W.A. Petrakas and JRA are both working on the Woodvale/Oakhurst laterals, which is about 16 percent completed. He noted work will commence in April with regard to the Woodvale section.

Liberoni has completed approximately 4 percent of the pipe installation with regard to the Morrellville sanitary sewer project.

Stated Meeting, continued

A grant from PennVEST has been received for the Cambria City/Coopersdale/Minersville sanitary sewer project with work to begin end of March, beginning of April. The Horner Street part two permit has been submitted to the DEP. The Eighth Ward PennVEST application deadline is May 11, 2016.

Mr. Beyer stated that thus far this year 46 homes have passed the pressure testing and the total to date is 1,049.

Mr. Beyer stated DCED will announce application awards after the budget is passed with regard to the flood mitigation grants that were submitted last year. He stated grant applications were attached to letters sent to residents with regard to Hornerstown Phase One. He further stated that names of residents who have damage complaints will be added to a punch list which will be addressed at a later date.

REPORT ON PRIOR YEAR'S AUDIT FINDINGS

Bethany Peracchino noted that monthly reports are now attached to each packet. She stated that at a meeting with Wessel it was noted that the City has been "making progress". She reported on several department grants that have been documented for use by Wessel. Ms. Peracchino noted that since 2014 state money for bridge projects has been documented on a spreadsheet. Mrs. Mock requested that a quarterly spreadsheet be included with the packet. Mr. Williams noted that the ordinance indicates that a monthly report be given. Ms. Peracchino stated she will provide a monthly update.

Mr. Williams discussed an ordinance that passed in 2009 relating to the development of a purchasing policy manual.

COUNCIL COMMITTEE/NEIGHBORHOOD LIAISON REPORT

Mr. Vitovich noted a discussion with Mr. Kanuch with regard to scheduling a meeting between City Council and the Housing Authority. Ms. Komar indicated that Mr. Kanuch did contact her and requested a noon meeting. The group had a discussion with regard to a 4:00 workshop.

Attorney Andrews noted that Executive Session is appropriate with regard to discussions regarding litigations. He further noted that procedures are generally open session.

Stated Meeting, continued

Mr. Vitovich stated that the following comment was made by Mr. Suter: The Housing Authority has nothing to hide, Council just keeps harping on the Housing Authority which I don't know why. Mr. Vitovich requested the record to show that "he never made that comment".

Mr. Vitovich commended Public Works, the mechanics, Johnstown Police and Fire on a job well done during the recent snowstorm.

Mr. Vizza noted his attendance at a recent economic meeting of Vision 2025. He encouraged others to attend future meetings. Mayor Janakovic also encouraged everyone to get involved with the Vision 2025 project.

Mr. Williams discussed a rainspout issue on Mom's Diner in the West End, a recent code complaint. It was noted the Seven-Up sign pulling away from the West End Bar has been removed.

Mr. Johncola commended the Fire Chief and his department for installing smoke detectors in the Hornerstown area. He reminded members that the Point Stadium and Roxbury will be needing work done in the spring.

Mrs. Mock requested to meet with Mrs. Komar and Ms. Peracchino with regard to first quarter budget details. Mrs. Mock noted her attendance at the recent Hornerstown basket party/fundraiser to purchase cameras.

Mrs. Mock discussed the neighborhood leadership meetings and the John Gunter Leadership Group. A meeting will be scheduled in March with regard to neighborhood organizations.

Mrs. Stanton noted her attendance at the recent Seventh Ward Civic Association meeting which focused on playground drug deals among other things. She contacted Mr. Marrone from North American Hoganas who will hire Tercek Electric to install a lighting pole at the Wood Street Playground. Mrs. Stanton thanked both Mr. Marrone and North American Hoganas for their generosity.

Mayor Janakovic suggested sending Mr. Marrone a thank you letter signed by all Councilmembers. Mr. Williams suggested a proclamation with regard to the matter also.

Mayor Janakovic discussed summer camps for kids. Mrs. Komar noted she is currently working with the School District in that regard.

COMMUNICATIONS

1. Planning commission minutes of January 6, 2016.
2. January 17, 2016 letter from Jack Williams re: Ordinance N. 5045-Requirements/procedures for purchasing of materials and supplies.
3. Letter from Jack Williams re: his communication to Deborah Grass of Grass Roots Solutions.
4. January 21, 2016 letter from Jack Williams re: City's appointed RTK Open Record's Officer.
5. January 25, 2016 letter from Jack Williams re: Inner City Sewer Project.
6. January 25, 2016 letter from Jack Williams re: Questionable appointments to City's Boards, Authorities and Commissions.
7. January 26, 2016 letter from Jack Williams re: Resolution passed by Council requesting a meeting with DEP.
8. January 27, 2016 letter from Jack Williams re: Resolution Ordinance No. 5042 of 10/28/2009 and Bill No. 2 of 2016 concerning resolutions submitted not less than four city business days for placement on agenda.
9. February 1, 2016 letter from Jack Williams re: City's Economic Development loan programs.
10. February 2, 2016 communication from John A. DeBartola re: Administrative Code Violation submission.
11. February 10, 2016 letter from Jack Williams re: Inner City Sewer Project issues.
12. Code complaints from:
 - A. Charlene Stanton, January 29, 2016 re: 734 Yoder Street, 244-244 1/2 Union Street, 242 Union Street, 605-607 Franklin Street, Rear 186 Sell Street, Yoder Street (no address).
 - B. Dennis Callihan, February 3, 2016 re: 832 Napoleon Street.
 - C. Joseph Warhul, February 2, 2016, re: 5-7 Cleveland Street, 5-7 Clover Street, 30-32 Clover Street, 639-637 Clover Street, Rear 756-758 Coleman Avenue, 753 Coleman Avenue, Rear 631 Coleman Avenue, 563 Coleman Avenue, 700-702 Coleman Avenue.
 - D. Jack Williams, February 2, 2016 re: 190-192 Barron Avenue; February 3, 2016 re: corner of Chandler Avenue and Strayer Street (former Mom's Diner).
 - E. Charlene Stanton, February 3, 2016 re: 806-808 Railroad Street, red brick building adjacent to 806-808 Railroad Street (no visible address), yellow house with brown trim adjacent to 1033 Church Avenue (no visible address), 641 Railroad Street, 111 Adams Street (former King Furniture), brick building with blue and white trim, blue railing and blue doors on Main Street (no visible address), brick building with plastic orange fencing around the front

of the property on Main Street (no visible address), adjacent to 633 Napoleon Street (former grocery store, no visible address).

Mr. Williams further discussed the communications concerning Ms. Daly's appointment as the Right to Know Officer, requested accountability for monies with regard to inner city sewer project contracts signed by former City Manager Kristen Denne, and the status of the resolution with regard to a DEP meeting. Attorney Andrews explained that a confidential settlement agreement with DEP would not be an Executive Session matter. He noted it was clear from DEP's response they were not interested in a meeting. Mayor Janakovic noted that every effort was made to work with DEP in the past.

PETITIONS

Eleven (11) citizen complaints calling for termination of the EADS Group as the City of Johnstown Engineering Firm.

ORDINANCES FOR FINAL READ

BILL NO. 02 OF 2016, AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE OF THE CITY OF JOHNSTOWN, SECTIONS 212.A01 BY ADDING A NEW SUBSECTION 5 TO THAT SECTION WHICH SHALL STATE THAT ANY RESOLUTION MAY NOT BE VOTED UPON UNLESS THE PROPOSED RESOLUTION IS SUBMITTED TO THE CITY MANAGER OR CITY CLERK NOT LESS THAN FOUR (4) CITY BUSINESS DAYS PRIOR TO THE COUNCIL MEETING FOR PLACEMENT ON COUNCIL AGENDA.

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

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

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

BILL NO. 08 OF 2016, AN ORDINANCE AMENDING THE HEALTH AND SANITATION CODE OF THE CITY OF JOHNSTOWN ADOPTED BY ORDINANCE 3599 ON MARCH 17, 1964, BY ADDING THE FOLLOWING LANGUAGE TO SECTION 1810.04 TO STATE: IT SHALL NOT BE A VIOLATION OF THIS SECTION OF THE CODE FOR A

Stated Meeting, continued

PERSON TO PLACE FOOD ON HIS OR HER PRIVATE PROPERTY FOR THE SOLE PURPOSE OF CAPTURING FERAL, STRAY OR ABANDONED CATS IN ORDER THAT THESE CATS WILL BE SPAYED OR NEUTERED.

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

An unidentified speaker commended Councilmembers on their integrity, common sense and humanity with regard to this bill.

ORDINANCES FOR FIRST READ

BILL NO. 01 OF 2016, AN ORDINANCE VACATING PAPER STREET NAMED WIDMANN PLACE IN THE THIRD WARD OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE (Tabled 1/4/16).

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

Mr. Vizza noted the above proposed ordinance would impose an adverse effect to the property owner.

The motion failed by the following vote:

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

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

BILL NO. 07 OF 2016, AN ORDINANCE ESTABLISHING AND CREATING THE CITY OF JOHNSTOWN OWNER/OCCUPIED INNERCITY SEWER GRANT FUND SUBJECT TO AVAILABLE FUNDING (Tabled 1/20/16).

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

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

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

BILL NO. 09 OF 2016, AN ORDINANCE AMENDING ORDINANCE NO. 5090 PASSED JULY 13, 2011 AND ORDINANCE NO. 5102 PASSED MARCH 28, 2012, ESTABLISHING RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION REQUIREMENTS (Tabled 1/20/16).

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

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

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

BILL NO. 10 OF 2016, AN ORDINANCE AMENDING ORDINANCE NO. 4654 TITLED AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME RULE CHARTER APPROVED BY THE VOTERS ON MAY 18, 1993, AS AMENDED BY ORDINANCE NOS. 4693, 4731, 4880, 4894, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5055, 5058, 5069 AND ORDINANCE NO. 5177 ADOPTED BY MAY 19, 2015 VOTER REFERENDUM BY FURTHER AMENDING AND ADDING BONDING REQUIREMENTS FOR THE POSITIONS OF CITY MANAGER AND CITY DIRECTOR OF FINANCE.

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

Mayor Janakovic explained this is a bonding of the Finance Director and City Manager.

The motion passed by the following vote:

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

Nays: None (0).

BILL NO. 11 OF 2016, AN ORDINANCE DIRECTING THE CAMBRIA COUNTY BOARD OF ELECTIONS TO PLACE ON THE 2017 PRIMARY ELECTION BALLOT FOR THE CITY OF JOHNSTOWN THE BALLOT REFERENDUM QUESTION FOR CONSIDERATION BY THE REGISTERED VOTERS OF THE CITY OF JOHNSTOWN WHICH IF RECEIVING MAJORITY OF THE VOTES CAST ESTABLISHES A GOVERNMENTAL STUDY COMMISSION AND FURTHER, THE ELECTION OF SEVEN GOVERNMENTAL STUDY COMMISSIONERS PURSUANT TO THE COMMONWEALTH OF PENNSYLVANIA, 53 Pa. C.S. Chapters 29 (Home Rule) 30 (Optional Plans) and 31 (Optional Plans) Home Rule Charter and Optional Plans Law.

Mr. Williams made a motion to approve. 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,
Mr. Johncola (5).

RESOLUTIONS

Resolution No.

A RESOLUTION OF CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY SOLICITOR AND CITY MANAGER TO GIVE 30 DAYS' NOTICE TO THE EADS GROUP OF THE CITY OF JOHNSTOWN'S INTENT TO TERMINATE THE PROFESSIONAL SERVICE AGREEMENT EXECUTED ON APRIL 10, 2012 AND TO EXPIRE ON APRIL 10, 2017 UNDER PROVISIONS OF SAID AGREEMENT, ARTICLE 6, GENERAL CONSIDERATION; 605 SUSPENSION AND TERMINATION (B)(1) FOR CAUSE A.

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

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

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

Resolution No.

A RESOLUTION OF CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, INITIATE AN INQUIRY AND/OR INVESTIGATION INTO THE JOHNSTOWN HOUSING AUTHORITY INCLUDING THE DAILY ADMINISTRATION AND THE ACTIONS, DUTIES AND RESPONSIBILITIES OF THE APPOINTED BOARD OF HOUSING COMMISSIONERS PURSUANT TO THE CITY OF JOHNSTOWN'S HOME RULE CHARTER, ARTICLE 3, COUNCIL - POWERS, DUTIES AND LIMITATIONS AND LEGISLATION (11.3-301.POWERS),

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

Mr. Williams noted an objection to a vote by Mr. Vitovich with regard to this resolution.

Mayor Janakovic commented that a few years ago letters were sent to HUD with regard to some inquiries. He noted that this action prompted HUD to review the matter which resulted in an increase in vouchers.

The motion failed by the following vote:

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

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

Mr. Vitovich abstained from voting on the motion.

Resolution No.

A RESOLUTION OF CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING AND AUTHORIZING THE CITY SOLICITOR TO TAKE REQUIRED AND NECESSARY STATUTORY ACTIONS PURSUANT TO THE COMMONWEALTH OF PENNSYLVANIA'S HOUSING AUTHORITY LAW ACT OF MAY 28, 1937, P.L. 955 No. 265 AND WHERE APPLICABLE, THE PENNSYLVANIA MUNICIPALITY AUTHORITY'S ACT 53 Pa. C.S.A. FOR THE DISSOLUTION OF THE JOHNSTOWN HOUSING AUTHORITY AND RENDING SUCH TO THE COUNTY OF CAMBRIA.

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

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

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

Mr. Vitovich abstained from voting on the motion.

After an explanation by Attorney Andrews, Mr. Williams made a motion to approve the resolution as proposed. The motion was seconded by Mrs. Mock and failed by the following vote:

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

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

Mr. Vitovich abstained from voting on the motion

Resolution No. 9812

A RESOLUTION OF CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, REAFFIRMING THE DIRECTION AND PROVISIONS AS STIPULATED IN RESOLUTION NO. 9386, PASSED ON JANUARY 13, 2010, WHICH DIRECTED THE CITY MANAGER TO PLACE AN ADVERTISEMENT FOR PROPOSALS FROM INTERESTED PARTIES, FIRMS, BROKERS, AGENTS FOR THE PURCHASE OF THE CITY OF JOHNSTOWN'S PROPERTY LOCATED ON WASHINGTON STREET AND LOCUST STREET, FORMERLY THE SITE OF THE WASHINGTON STREET PARKING GARAGE, WITH THE STIPULATION THE PROPERTY WILL BE SOLD AND TRANSFERRED TO PARTIES, FIRMS AND INDIVIDUALS FOR COMMERCIAL USE AND WITH EXPECTATIONS THAT PROPERTY BE PLACED IN FULL PROPERTY TAXATION FOR CITY OF JOHNSTOWN, GREATER JOHNSTOWN SCHOOL DISTRICT AND CAMBRIA COUNTY PROPERTY TAX PURPOSES AND COLLECTION.

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

Attorney Andrews explained that Council has a fiduciary duty to get the best price, that if a proposal is substantially lower than the appraisal, he would advise Council not to proceed. It was noted that no responses were received from prior advertisement in 2010.

The motion passed by the following vote:

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

Nays: None (0).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, REAFFIRMING THE DIRECTION AND PROVISIONS STIPULATED IN RESOLUTION NO. 9384 PASSED ON JANUARY 13, 2010 WHICH DIRECTED THE REQUEST FOR PROPOSALS BE ADVERTISED AND BY REQUESTING THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR ASSISTANCE IN PREPARATION AND DEVELOPING SAID REQUEST FOR PROPOSALS FOR THE EXCLUSIVE RIGHTS FOR EVENTS, PROMOTIONS, SCHEDULING AND MANAGEMENT OF THE POINT STADIUM FACILITIES AND BY INCLUDING CONCESSION OPERATIONS AT POINT STADIUM AND ROXBURY PARK.

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

Mr. Johncola stated this is a "good thing" marketing the Point Stadium and Roxbury. Mr. Vitovich expressed concerns for damage to the AstroTurf at the Point. He noted that plywood would have to be placed down to prevent any damage. Mayor Janakovic noted that another obstacle is that the Point is an open stadium and weather would be a factor.

The motion failed by the following vote:

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

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

Resolution No. 9813

A RESOLUTION OF THE CITY COUNCIL, CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, REQUESTING THAT THE CITY SOLICITOR ISSUE A WRITTEN LEGAL OPINION REGARDING THE PROPERTY LOCATED AT 605-607 FRANKLIN STREET, JOHNSTOWN, PENNSYLVANIA, BELIEVED TO BE OWNED AND/OR UNDER THE CONTROL OF THE CAMBRIA COUNTY REDEVELOPMENT AUTHORITY AS TO THE RESPONSIBILITY OF MAINTAINING SAID PROPERTY IN COMPLIANCE WITH INTERNATIONAL BUILDING CODE STANDS AND/OR CITY OF JOHNSTOWN DULY ELECTED PROPERTY MAINTENANCE ORDINANCES FOR ASSURING THE HEALTH, SAFETY AND WELFARE OF ALL, AND TO SEEK

CORRECTIVE ACTIONS BE TAKEN WITHOUT FURTHER DELAY AS TO CODE VIOLATIONS EXISTING AT SAID PROPERTY.

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

Mrs. Stanton discussed the Harris Boyer property in the West End.

Attorney Andrews explained the above resolution relates to the ownership of the building. It was noted a letter has been sent with regard to the problem, but that if there is no response, Attorney Andrews will investigate available options.

Mr. Williams called for the question.

The motion 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. 9814

A RESOLUTION OF CITY COUNCIL, CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH SNYDER ENVIRONMENTAL SERVICES, INC. AWARDING CONTRACT 2016-05 FOR THE CONSTRUCTION OF THE CAMBRIA CITY/COOPERSDALE, MINERSVILLE SANITARY STORM SEWER SEPARATION PROJECT.

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

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

Resolution No. 9815

A RESOLUTION OF CITY COUNCIL, CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL

Stated Meeting, continued

DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH SIPPEL DEVELOPMENT COMPANY, INC. AWARDING CONTRACT NO. 2016-06 FOR THE CONSTRUCTION OF THE CAMBRIA CITY/COOPERSDALE/MINERSVILLE SANITARY STORM SEWER SEPARATION PROJECT.

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

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

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

Resolution No. 9816

A RESOLUTION OF CITY COUNCIL, CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH SIPPEL DEVELOPMENT COMPANY, INC. AWARDING CONTRACT NO. 2016-07 FOR THE CONSTRUCTION OF THE CAMBRIA CITY/COOPERSDALE/MINERSVILLE SANITARY STORM SEWER SEPARATION PROJECT.

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

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

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

NEW BUSINESS

Mrs. Stanton had discussion with regard to the requirement for landlords to register their rental properties with the City.

OLD BUSINESS

Mrs. Mock inquired of Attorney Andrews concerning the resolution last meeting with regard to the Harris Boyer building. Attorney Andrews will meet with administration on the issue.

Stated Meeting, continued

Mr. Vizza commented that the Chairman of the JHA, who was present at tonight's meeting, left prematurely in connection with the discussion of the JHA matter.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m.