

JOHNSTOWN CITY COUNCIL MINUTES  
Wednesday, June 13, 2018

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.

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

The following members of Council were present for roll call:

Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton,  
Mr. Vitovich, Mr. Williams (7).

Curt Davis, Interim City Manager, and Elizabeth Benjamin, Esquire, and Carl Beard, Esquire, City Solicitors, were also present.

OATH OF OFFICE

None

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the May 9, 2018 Regular Meeting Minutes. The motion was seconded by Mr. Britt and passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,  
Mrs. Stanton, Mr. Vitovich, Mr. Williams (7).  
Nays: None (0).

Mrs. Mock made a motion to approve the May 16, 2018 Special Meeting Minutes. Mr. Vitovich seconded the motion.

Mr. Williams requested that the minutes be amended to reflect that the request for the special meeting by Councilman Williams and Councilperson Stanton had been withdrawn. Council discussed amending the minutes.

Ms. Benjamin stated the information contained in the minutes was accurate and should remain. She stated an addition to the minutes could be that the City Manager later advertised the meeting, and Mr. Williams and Mrs. Stanton withdrew their meeting request.

Mr. Britt made a motion to approve the minutes with the amendment as requested by Mr. Williams. Mr. Vitovich seconded the motion.

The motion failed by the following vote:

Yeas: Mr. Britt (1).

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

Abstentions: Mrs. Stanton, Mr. Williams (2) due to their non-attendance at the meeting.

Ms. Benjamin reiterated that the minutes do not remain in error. The minutes reflect the discussion at that meeting.

Mr. Williams reiterated that their request for the May 16, 2018 meeting had been withdrawn.

Mayor Janakovic requested that these minutes specifically reflect the five Councilmembers that attended the May 16, 2018 meeting: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich (5).

Mayor Janakovic noted an Executive Session was conducted June 5, 2018, to address personnel and litigation matters. Ms. Benjamin identified the litigation as John Jack Williams and Charlene Stanton vs. The City of Johnstown, Councilwoman Marie Mock, Councilwoman Sylvia King, Councilman Richard Britt, Mayor Frank Janakovic, David Vitovich and the Beard Legal Group, Docket No. 2018-2244, the Petition for Written Mandamus, Respondents' Compliance with Home Rule Charter, Article XII.

#### PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

None.

#### PUBLIC COMMENT - AGENDA ITEMS ONLY

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to local government matters and the spending of taxpayer money to retain Attorney William Barbin to represent Councilmembers the named Respondents in a mandamus action filed against them in the Court of Common Pleas.

Mr. DeBartola also discussed Resolution 15 on the agenda concerning the hiring of a new City Manager. He suggested a public forum be held to provide the opportunity for residents to ask questions of the city manager candidates.

Mayor Janakovic commented that a city manager could not be hired for three to five years, so the maximum term can only be 1 and 1/2 years.

George Hayfield was introduced as the new City Manager effective July 1, 2018.

Catherine-Anne McCloskey addressed Council with regard to the renaming of stadiums and arenas, specifically with regard to the renaming of the Johnstown Point Stadium. She referred to the stadium as a community resource and should not be given to a private corporation.

Sue Lease, 1133 Club Drive, a realtor within the City of Johnstown and representative of the Cambria/Somerset Association of Realtors, addressed Council in support of Bill No. 18, which revises the sewage ordinance to only require pressure testing up to the foundation of a home and business. She discussed ways in which Southmont and Ferndale are dealing with the sewage upgrade. She noted her husband, Bill Lease, President of the Cambria/Somerset Association of Realtors, offered to attend a workshop regarding the matter.

Mayor Janakovic commented that JRA does offer a loan program for homeowners and businesses, which includes a cost of \$6 for every \$1,000 borrowed. As an example, he stated that a loan for \$5,000 would be a \$30 addition to the monthly bill and once completed there would be a reduction of \$10 or \$20 more for \$5,000 over the period of the loan. There was further discussion regarding the matter.

#### REPORT BY THE INTERIM CITY MANAGER

Curt Davis, Interim City Manager, read into the record a letter from DEP related to the request for a three-year extension to December 31, 2025, to eliminate the sewer overflows as required in the Consent Order and Agreement. He indicated that DEP stated Bill No. 18 would be in violation of the City's SSO Abatement Plan approved by DEP on August 31, 2015. DEP will not consider any request for time extension of the COA until the City assures its compliance with the SSO Abatement Plan and COA.

Mr. Williams commented on conflicts and that the City has been in violation since 2010 and continued to 2014.

Mrs. Stanton noted that the Consent Order and Agreement does not require testing inside the foundation. Ms. Benjamin noted a reference in the Abatement Plan, which is incorporated into the Consent Order and Agreement. She commented on DEP's approval of Westmont Borough's request to test and repair laterals up to the foundation.

Mr. Williams made a motion to direct the Solicitors to contact DEP for clarification on past noncompliance of consent orders and its current impact on the matter. Mrs. Stanton seconded the motion.

Mr. Davis stated the City would be fined \$1,000 a month. Mrs. Stanton referred to comments made by Mr. Davis that other municipalities "doing their work would cut down on the overflows in the City," and inquired as to determining an accurate flow monitoring. Council had further discussion regarding the matter.

Mr. Britt made a motion to call for the question. Mrs. Mock seconded the motion.

Mr. Beard advised the residents and the taxpayers to completely comply with all the mandates with the sewer upgrades. He noted his biggest concern is, "There's no bigger impact to the taxpayers and residents like myself taking a picture of the alleyway where weeds are growing and turning it into the borough and say, hey, maybe you ought to come fine me because the weeds are high." Mr. Beard respected the position of the entirety of the City Council, but just wanted to confirm that, "If we're sent on a fishing expedition, that somewhere along the line when the taxpayers and residents get hit, that they clearly understand it's a result of this motion." He further stated he does not find that to be funny, but finds it "interesting to go through these exercises that then cost the taxpayers more money."

The motion passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt,  
Mayor Janakovic, Reverend King (7).

Nays: None (0).

Ms. Benjamin clarified that the motion was directing the Solicitor to contact DEP to seek clarification on their decline and forced the agreement against the City's past noncompliance, but now choose to enforce the agreement against this issue as reflected in the letter of May 29, 2018.

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

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Yeas: Mrs. Stanton, Mr. Williams (2).  
Nays: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King,  
Mrs. Mock (5).

The City Manager noted the Bridge Street matter was being addressed.

Mr. Davis sought the advice of Council with regard to a resident whose house is outside the City's border, but her line is in the City. She pays sewage bills to the City, but was denied a \$1,000 grant and told she does not live in the City. Council had further discussion on the matter. Mrs. Mock noted that the Community Foundation might be of assistance in the matter.

The City Manager noted that five new City of Johnstown police officers would start on June 18, 2018.

He noted that Wessel requested a special meeting with Council on June 26 or June 28, 2018, to review audit numbers and present financial information. Council members agreed to review their schedules and agree upon a date.

Mrs. Stanton discussed a vacant property at 426 Napoleon Street owned by the Cambria County Redevelopment Authority. She commented that code complaints had been filed, but nothing further had been done.

She noted 20 code complaints filed by Mrs. Yutzy had not been addressed.  
Mr. Davis agreed to check the status of those complaints

Mrs. Stanton inquired as to the status of flood channel wall repairs in the Eighth Ward owned by Bishop McCort and First Commonwealth Bank.

Mrs. Stanton made a motion directing the City Manager urge Bishop McCort and First Commonwealth Bank to make the necessary repairs to the walls. Mr. Williams seconded the motion.

City Manager Davis stated a letter would be sent to Bishop McCort and First Commonwealth Bank, but the Ebensburg representatives of the Department of Environmental Protection would also need to be contacted regarding the matter.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic,  
Reverend King, Mrs. Mock, Mrs. Stanton (7).  
Nays: None (0).

Mr. Williams requested a hard copy of the Budget adopted December 13, 2018, and Ordinance No. 5245. Mrs. Stanton also requested the same.

Mr. Williams inquired as to the status of the four loans referred to the Solicitor. Mr. Davis noted the initiation of court actions.

Mrs. Stanton received complaints regarding a crumbling wall, hours of operation and open gates at the construction laydown site on Cypress Avenue. She stated the water was coming out of the wall and flowing into residents' yards and garages. Mr. Davis stated the matter was addressed the day after it was reported and would address the matter again if necessary.

#### REPORT BY THE MAYOR

Frank Janakovic, Mayor, discussed grants received from the U.S. Department of Housing and Urban Development for Fiscal Year 2018. He stated the City received \$1,248,615 through the Community Development Block Grant; for the Home Improvement Partnership, \$250,582; and for the Housing Opportunities for Persons, Emergency Solutions or Housing Trust Fund, \$0.

The Mayor noted his attendance at the 28th Annual Showcase for Commerce recently held where he had the opportunity to speak with Senator Casey and Governor Wolf to discuss many issues facing the City, including pension funds, the state's contribution to the pension funds, federal initiatives, unfunded mandates, and the sewage project.

He congratulated the Convention and Visitor's Bureau and St. Mary's Byzantine for another successful Polka Fest recently held in Cambria City. Discover Downtown was also congratulated for its very successful Taste and Tour.

Mayor Janakovic noted thousands of dollars were allocated for the different nonprofits from the recent Walk for a Healthy Community sponsored by Highmark.

He noted a "very good turnout" for the recent Downtown Beautification Day, including attendance by members of Discover Downtown, Johnstown High School, Bishop McCort, organizations, and businesses.

The Mayor noted his membership with the Regional Partnership and JARI Growth Fund, which offers funds for local business startup.

He noted his attendance at the Military Spouse Appreciation Day where he presented proclamations honoring the spouses across all branches of the military. He also noted his attendance at the recent 24th Annual Community Prayer Breakfast hosted by New Day, Inc., the grant presentations at the United Way at UPJ, and Lee Foundation at the Holiday Inn. The Mayor noted the Fire Department received a \$10,000 grant.

Mr. Janakovic congratulated Randy Clark and wished him well on his recent purchase of the Coney Island. Mr. Clark also owns Miller Clothing, which has been a downtown business for over a hundred years.

#### REPORT BY THE CITY SOLICITOR

Elizabeth Benjamin, Solicitor, noted a correction to the Civil Action identified previously. She stated the matter should read Docket No. 2018-2294 and will correct the resolution later on in the meeting.

Ms. Benjamin noted the Ethics Board organizational meeting would be held July 17, 2018.

Mrs. Stanton inquired whether it is common practice for City Solicitors to give orders to police departments. Ms. Benjamin explained for the record that when individuals are present that have no right to be present, like if a citizen came into an Executive Session, we would ask for them to be removed.

Mr. Beard explained for the record, "You accused the City Solicitor of calling the police". He stated that Mr. Davis could confirm who called the police. "I know this has been twisted around to say that we threw you out. We didn't throw you out. We were just trying to adjourn to another room to have a discussion over litigation." When the City Manager was asked to clarify if the Solicitor called the police, Mr. Beard commented, "I believe Mr. Davis confirmed that he asked the police to come over."

Mrs. Stanton noted for the record that per a video she has in her possession, Detective Britton states he was asked by the City Solicitor "to come up and keep you (Mrs. Stanton) out."

Mr. Williams made a motion to recess so Councilmembers could view the video.

Mr. Davis stated that he was the person who called the police department, that Executive Session was going on, "They moved to another room and you would not leave, you wanted to go in with them." Mr. Davis indicated he

called the police to please send somebody up, it is an Executive Session for litigation, and the person is not to be in there. Mr. Davis stated again he was the one who made the phone call. There was further discussion regarding the matter. Mrs. Stanton noted she had no further comment but would pursue further action.

Mr. Williams again made a motion to recess to view the video. Mrs. Stanton seconded the motion.

In response, Ms. Benjamin stated she did not know why there was any dispute about who spoke to the detective. She stated the City Manager did speak to him and that she had spoken to him as well, that it was not disputed what he said on the video.

The motion failed by the following vote:

Yeas: Mr. Williams, Mrs. Stanton (2).  
Nays: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,  
Mr. Vitovich. (5).

Mrs. Mock noted the recorded 911 nonemergency recording would satisfy the matter.

#### COUNCIL UPDATES

1. May 13 letter from J. Williams & C. Stanton re: Solicitors.
2. May 17 letter from J. Williams.
3. May 23 letter from Kathy Aust.
4. June 1 letter from C. Stanton & J. Williams re: Construction laydown site - Cypress Avenue.
5. Code complaints from J. Williams and C. Stanton - 7.
6. Code complaints from C. Stanton - 48.

Mr. Williams referred to Mrs. Mock's previous comment regarding the sewer funds and possible use of general fund. Mrs. Mock denied the comment.

Mr. Williams made a motion to get a written opinion from the Solicitors stating that sewer revenues could not be used for general funds. There was further discussion regarding the matter.

Ms. Benjamin explained that the Charter provides that the majority vote of Council or the City Manager can request a written legal opinion.



The motion was seconded by Mrs. Stanton and failed by the following vote:

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

Nays: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,  
Mr. Vitovich. (5).

Mrs. Mock commented, "The whole thing was taken out of context."

Mrs. Stanton requested Mr. Davis contact the codes department with regard to obtaining answers to her code complaint requests. There was further discussion regarding the matter. Mrs. Stanton requested to review each of the complaints individually.

Mrs. Mock made a motion to move on. Mr. Vitovich seconded the motion.

Mayor Janakovic suggested a meeting be held with the City Manager for further discussion of the complaints.

#### NEIGHBORHOOD LIAISONS

Mrs. Mock reported the West End Improvement Group had planted the gardens. Donations were received for the purchase of cameras.

A block party was scheduled for June 16, 2018, at the former Johnstown Middle School. A similar party held at the Solomon Homes was well attended.

Councilwoman Mock noted a Coopersdale cleanup to be scheduled in the future.

The hockey rink at Roxbury Park was moving forward. She indicated a donation was received and grants will be sought.

Coal Tubin relocated to 416 Main Street due to the sewage work in the Moxham area. The business was excited about bussing people back and forth.

Reverend King reported the Juneteenth Celebration would be held in Central Park and various locations throughout the City this week.

She reminded everyone that summer programs for children would be held at various sites throughout the City from 9:00 to 3:00 Monday through

Wednesday at the Middle School and one at Christ Centered Church on Somerset Street.

Reverend King noted "take one or leave one" boxes are being placed around the downtown area.

She reported that residents voiced new ideas at a recent meeting held in Kernville. Mr. Johncola, former Councilmember, was also involved in the matter.

Mr. Britt reported that the Greater Johnstown United Neighborhood Association would be reorganizing and sponsoring activities at the Middle School on June 27, 2018.

Mr. Britt noted his attendance at the Solomon Homes block party and stated, "It was a wonderful thing to see the kids playing and were safe."

Two residents of Old Conemaugh Borough regarding a sinkhole near the Am-Slo Club playground contacted Councilman Britt. He asked that the matter be investigated as soon as possible.

Mr. Britt stated the President of the Ministries of Johnstown, Redeemers of God, reported that Ronnie White was the scheduled speaker at a banquet to be held scheduled for July 28, 2018.

Mayor Janakovic noted the Johnstown Symphony Orchestra would be in concert at the Point Stadium on July 4, 2018, with fireworks following the festivities. He commented that in reference to Reverend King's neighborhood report, that other organizations as well will be holding youth programs and services throughout the City.

Mr. Janakovic also reported on his site visit of the former Rosedale Plant and noted that 15 acres of the location were leased by JRA to bring businesses to Johnstown.

Mr. Vitovich reported that the Public Works Department has been picking up yard waste, patching holes, cleaning inlets, and fixing some of the City-owned sidewalks.

Mrs. Stanton volunteered at the recent Johnstown Walk of Hope and noted that all monies raised will stay local in support of the UPMC and Conemaugh cancer centers, the Joyce Murtha Breast Care Center and the Children Are Precious

fund and patient needs. Mrs. Stanton volunteered at the 21st Annual National Cancer Survivor's Day celebration recently held at the Masonic Temple.

Councilwoman Stanton has been walking with the Moxham community-walking group to pick up trash in the neighborhood and has participated in cleanup at the James Mayer Trail.

Summer concerts are being held monthly outside the Moxham Lutheran Church.

Mrs. Stanton noted her attendance at the Moxham Crime Watch meeting where many concerns were voiced about blight and code violations.

She noted this month's One Year Anniversary of the Little Free Library on Barron Avenue in the City's West End.

Illegal dumping was noted at the Roxbury Recycling Center.

Mrs. Stanton attended the Seventh Ward Civic Association meeting and stated plans were discussed to host the Annual Night Out. She expressed her sympathy to the family of a teenager who was killed because of a shooting on Oak Street in Hornerstown. Councilwoman Stanton visited and talked to residents in the area regarding this matter and also blight and weed overgrowth in the area. She asked that the City Manager contact the codes department and Public Works to address these issues.

Mrs. Mock commented, "Several other people have been in Hornerstown for years doing stuff, and we have never seen you there - never."

Mrs. Stanton stated that Mrs. Mock was "violating her code of conduct and is out of order."

Mayor Janakovic stated that both Councilwomen were out of order.

Reverend King noted that the Johnstown Police Department would be present at the meeting on June 27, 2018. Mr. Britt commented, "Hornerstown is no worse than the rest of the City" with regard to crime.

#### ORDINANCES FOR FINAL READ

BILL NO. 18 OF 2018, AN ORDINANCE AMENDING ORDINANCE NO 5166  
PASSED FINALLY ON JANUARY 28, 2016 AMENDING ORDINANCE

NO. 5152 PASSED FINALLY AUGUST 13, 2014 AMENDING  
ORDINANCE NO. 5103 PASSED FINALLY MARCH 28, 2012 (AND  
REPEALED) ALL RELATING TO AN ENACTING LATERAL TESTING  
BY MUNICIPALITY AND AS ENACTED BY SECTION (4) OF  
ORDINANCE NO. 5166, NO. 5152, AND 5103. (Tabled April 11, 2018.)

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

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

Nays: None (0).

Mr. Williams did not vote on the motion.

Mrs. Stanton made a motion to approve Bill No. 18 as read. There was no second to the motion. The motion failed for lack of a second.

BILL NO. 20 OF 2018, AN ORDINANCE SPECIFICALLY AMENDING  
ORDINANCE NO. 4159 PASSED FINALLY IN COUNCIL THE 24TH  
DAY OF OCTOBER 1979, THE SHORT TITLE OF WHICH IS "THE  
ZONING ORDINANCE OF THE CITY OF JOHNSTOWN," BY  
REZONING CERTAIN BLOCKS OF LAND LOCATED IN THE 21ST  
WARD OF THE CITY OF JOHNSTOWN.

Mr. Vitovich made a motion to approve the ordinance. There was no second to the motion.

Ms. Benjamin recommended that Bill No. 20 be tabled as it would need to be advertised and a public hearing held before it could be adopted. She noted the public hearing would need to be scheduled and then advertised no later than 10 days prior to the July 2018 meeting.

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

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Britt, Mayor Janakovic,  
Reverend King (5).

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

BILLS FOR FIRST READ

BILL NO. 3 OF 2018 AN ORDINANCE DIRECTING THE CAMBRIA COUNTY BOARD OF ELECTIONS TO PLACE ON THE NOVEMBER 2018 GENERAL 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 A MAJORITY OF THE VOTES CAST ESTABLISHES A GOVERNMENTAL STUDY COMMISSION, AND FURTHER THE ELECTION OF SEVEN (7) GOVERNMENTAL STUDY COMMISSIONERS DURING THE NOVEMBER 2018 GENERAL ELECTION, PURSUANT TO THE COMMONWEALTH OF PENNSYLVANIA 53 Pa.C.S. CHAPTER 29 (HOME RULE), 30 (OPTIONAL PLANS) & 31 (OPTIONAL PLANS) HOME RULE CHARTER AND OPTIONAL PLANS LAW (Tabled 1-2-18).

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. Williams (2).

Nays: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock (5).

Ms. Benjamin explained that Bill No. 3 remains on the table and Bill No. 18 failed for lack of a second.

BILL NO. 4 OF 2018, AN ORDINANCE AMENDING ORDINANCE 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, PASSED FINALLY ON OCTOBER 27, 1993 AND AS AMENDED BY ORDINANCE NOS. 4654, 4693, 4731, 4894, 4880, 4902, 4908, 4991, 5015, 5024, 5034, 5042, 5055, 5058, 5069, 5177, 5194, ~~AND 5199~~ AND 5210 BY FURTHER AMENDING CERTAIN SECTIONS OF ARTICLE II - ELECTED OFFICIALS - COUNCIL ORGANIZATION AND PROCEDURES AND ARTICLE IV - CITY MANAGER TO PROVIDE UPDATED PROCEDURES AND IMPROVE EFFICIENCY IN CONDUCTING CITY BUSINESS. Tabled May 9, 2018.)

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

Yeas: Mr. Vitovich, Mr. Williams, Mr. Britt, Mayor Janakovic,  
Reverend King, Mrs. Mock (6).  
Nays: Mrs. Stanton (1).

Mr. Britt made a motion to approve the ordinance. The motion was seconded by Mrs. Mock.

Mr. Williams referred to the original Administrative Code 4654, which indicates Article I, Section 102, definitions. He noted that the language in Ms. Benjamin's letter would need to become a part of the ordinance. Ms. Benjamin explained that the letter gave options for consideration, that there was never any suggestion that the letter would become a part of an ordinance.

The motion passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,  
Mr. Vitovich (5).  
Nays: Mr. Williams, Mrs. Stanton (2).

**BILL NO. 21 OF 2018, AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 5152 PASSED FINALLY ON AUGUST 13, 2014 TITLED AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ADOPTING A SEWER USE ORDINANCE REQUIRING THE ELIMINATION OF OVERFLOWS AND FURTHER REQUIRING TELEVISED AND/OR PRESSURE TESTING OF ALL REAL PROPERTY WITHIN THE STRUCTURE LOCATED THEREON AND REMEDIATION OF ALL PRIVATE SIDE LATERAL LINES FAILING TO PASS SAID TESTS IN THE EVENT SANITARY FLOWS EXCEED DEP-SPECIFIED DESIGN CRITERIA FOLLOWING PHASE COMPLETION OF CITY SEWER CONSTRUCTION, TO NOW FURTHER AMEND TO DELETE SECTION 2 TITLED UNLAWFUL CONNECTIONS; AND SECTION 15 TITLED PENALTIES DUE TO LACK OF ENFORCEMENT AND/OR SELECTIVE ENFORCEMENT AS WAS THE PURPOSE AND INTENT OF ORDINANCE NO. 5152 WHEN PASSED FINALLY ON AUGUST 13, 2014.**

Mr. Williams made a motion to approve the ordinance. The motion was seconded by Mr. Britt.

Ms. Benjamin explained this is a bill submitted by Councilman Williams at the last meeting proposing to delete penalty sections from the ordinances pertaining to

the lateral testing. She further explained that Ordinance 5152 was codified at Section 1047.07, and that language indicates the penalty was up to \$600.

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

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,  
Mr. Vitovich (5).

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

BILL NO. 22 OF 2018, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5245 PASSED FINALLY ON DECEMBER 13, 2017, AS AMENDED BY ORDINANCE 5250 PASSED FINALLY ON MARCH 15, 2018, AND ORDINANCE 5253 PASSED FINALLY ON MAY 9, 2018, CITY OF JOHNSTOWN BUDGET TO AMEND THE 2018 BUDGET TO PROPERLY ALLOCATE REIMBURSEMENT FUNDS IN 2018 UDAG BUDGET.

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

Ms. Benjamin explained her recommendation that an amendment be made to the title.

Mrs. Mock made a motion to approve the amendments to Bill No. 22. Mr. Vitovich seconded the motion.

Mr. Williams commented that money from the sewer project was being allocated into revenue that bills are paid out of expenses rather than revenue line items. He noted that the sewer money could be placed into the general fund for reimbursement of sewer-related expenses. He suggested that the bill be tabled and the finance director contacted regarding the matter.

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

After further discussion, the motion to table and second were withdrawn.

Ms. Benjamin explained that a motion would amend the title to strike out the words AMENDING ORDINANCE 5250 and would be changed to say AS AMENDED BY ORDINANCE 5250.

Mrs. Mock made a motion to approve.

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Ms. Benjamin further explained that the motion would also strike out the words  
AMENDING ORDINANCE 5253 to say AND ORDINANCE 5253.

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

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich,  
Mr. Britt (5).

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

## RESOLUTIONS

### Resolution No. 10088

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, DIRECTING THAT THE "REQUEST FOR  
PROPOSALS" BE PREPARED/DEVELOPED AND ADVERTISED  
SEEKING SUBMISSIONS FOR THE EXCLUSIVE A) RIGHTS FOR  
EVENT PROMOTIONS; B) SCHEDULING; C) STADIUM  
MANAGEMENT OPERATIONS; AND D) CONCESSION OPERATIONS  
AT THE POINT STADIUM; E) INCLUDING WITH AN OPTION BEING  
AWARDED "NAMING RIGHTS" TO THE FACILITY (POINT STADIUM).  
(Tabled 4-11-18.)

Mr. Williams made a motion to remove from 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, Mr. Britt, Mayor Janakovic (7).

Nays: None (0).

Mayor Janakovic made a motion to amend the resolution by deleting the words  
naming rights. Mrs. Mock seconded the motion.

Mr. Davis explained the differences between the two resolutions regarding the matter.  
He has received calls from persons who have expressed an interest.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt,  
Mayor Janakovic, Reverend King (7).

Nays: None (0).



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

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

Nays: Mrs. Stanton (1).

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A SALES AGREEMENT FOR THE PURCHASE OF CERTAIN PROPERTY REFERENCED HEREIN AS 722 BARCLAY STREET FROM 1ST SUMMIT BANK IN AN AMOUNT NOT TO EXCEED \$6,000.00. (Tabled 5-9-18).

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

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

Nays: Mrs. Stanton (1).

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

After further discussion, the matter was withdrawn.

Resolution No. 10089

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A SALES AGREEMENT FOR THE PURCHASE OF CERTAIN PROPERTY REFERENCED HEREIN AS 722 BARCLAY STREET FROM 1ST SUMMIT BANK IN AN AMOUNT NOT TO EXCEED \$6,000.00. (Includes contingency of title search results.)

It was noted that this resolution would replace the previous one regarding the same matter.

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

Yeas: Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Britt,  
Mayor Janakovic, (5).  
Nays: Mrs. Stanton, Mr. Williams (2).

Resolution No. 10090

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO AUCTION OFF THE FOLLOWING PUBLIC WORKS VEHICLE AND TRUCK BED.

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

The motion passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt,  
Mayor Janakovic, Reverend King (7).  
Nays: None (0).

Resolution No. 10091

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS FROM SALE OF PROPERTY AND SUPPLIES ACCOUNT OF SCRAP METAL SALVAGE FROM THE PW HIGHWAY DEPT. TO BE TRANSFERRED INTO THE PUBLIC WORKS HIGHWAY VEHICLE MAINTENANCE/REPAIR ACCOUNT DETAILED BELOW.

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

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Britt, Mayor Janakovic,  
Reverend King, Mrs. Mock (6).  
Nays: None (0).  
Abstentions: Mr. Williams (1).

Mr. Williams noted that the pending investigation by the District Attorney's Office of the adoption of the 2018 Budget was the reason for his abstention.

Resolution No. 10092

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE RETENTION OF AND HEREBY RETAINING WILLIAM G. BARBIN, ESQUIRE, TO REPRESENT ALL NAMED RESPONDENTS OTHER THAN THE CITY SOLICITOR'S OFFICE IN THE MANDAMUS ACTION FILED IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA, CIVIL ACTION NO. 2018-2294, AND FURTHER AUTHORIZING THE CITY MANAGER, MAYOR AND ATTORNEY BARBIN TO TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE THE LEGAL DEFENSE OF SUCH RESPONDENTS DURING ANY PERIOD IN WHICH A DETERMINATION OF INSURANCE COVERAGE FOR THE CITY REMAINS PENDING, AND FOR ANY ADDITIONAL PERIOD OF TIME DEEMED APPROPRIATE BY THE CITY AND/OR ITS INSURANCE CARRIER THEREAFTER.

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

Ms. Benjamin explained the Docket Number was misstated and requested a motion to amend the reference to say Civil Action No. 2018-2294 and correct all docket numbers appearing within the resolution to reflect the same number.

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

Yeas: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King,  
Mrs. Mock (5).

Nays: None (0).

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

Mr. Williams and Mrs. Stanton stated the reason for their abstentions was due their involvement in the mandamus action filed.

Resolution No. 10093

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER AND CITY SOLICITOR TO EXECUTE THE ATTACHED SETTLEMENT AGREEMENT WITH EVERYTHING ICE PROPERTIES, INC. TO RESOLVE A TAX ASSESSMENT APPEAL REGARDING PROPERTY LOCATED AT 850 HORNER STREET, JOHNSTOWN, PA, 15902, AND TO TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE SAME.

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

Ms. Benjamin explained this matter is in settlement of a tax assessment appeal in an amount authorized by Council.

The motion passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,  
Mrs. Stanton, Mr. Vitovich (6).  
Nays: Mr. Williams (1).

Resolution No. 10094

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ACCEPTING THE PROPOSAL OF SARGENT'S GROUP, INC. FOR THE NAMING RIGHTS FOR THE POINT STADIUM AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY SOLICITOR TO DEVELOP A FORMAL NAMING RIGHTS AGREEMENT IN FURTHERANCE OF SAME.

Mrs. Mock made a motion to approve the resolution. Reverend King seconded the motion.

Mr. Davis explained that the company agreed to just having the outside monument, outside naming rights and scoreboard. He noted it was a five-year agreement with the option for an extension and that monies would be allocated to the Point Stadium.

The motion passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,  
Mrs. Stanton, Mr. Vitovich (6).  
Nays: Mr. Williams (1).

Resolution No. 10095

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING,  
EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE  
GOVERNING BOARD TO APPOINT A LIAISON BETWEEN IT AND  
BERKHEIMER, THE DULY APPOINTED COLLECTOR OF LOCAL  
TAXES FOR THE DISTRICT, FOR THE EXPRESS PURPOSE OF  
SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT  
FOR OFFICIAL PURPOSES.

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

Mr. Davis explained that Berkheimer has requested the names of people in the City's finance office who would have access to their confidential information.

The motion passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mrs. Stanton,  
Mr. Vitovich, Mr. Williams, Mr. Britt (7).  
Nays: None (0).

Resolution No. 10096

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,  
PENNSYLVANIA, APPROVING FY 2018 ANNUAL ACTION PLAN FOR  
THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND  
HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS  
APPLICATIONS.

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

Yeas: Reverend King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Britt,  
Mayor Janakovic (6).  
Nays: Mr. Williams (1).

Resolution No. 10097

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND CHIEF OF POLICE TO SIGN AN AGREEMENT AND MEMORANDUM OF UNDERSTANDING, RESPECTIVELY WITH THE CAMBRIA COUNTY SPECIAL EMERGENCY RESPONSE TEAM ("CAMBRIA COUNTY SERT") FOR THE CITY OF JOHNSTOWN TO ACT AS A PARTICIPATING AGENCY FURNISHING LAW ENFORCEMENT MEMBERS FOR SERT TEAM ASSISTANCE TO LOCAL POLICE AND TO RECEIVE SPECIALIZED SERT TRAINING.

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

Mr. Davis noted the City has two SERT officers.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt,  
Mayor Janakovic, Reverend King (7).  
Nays: None (0).

Resolution No. 10098

A RESOLUTION OF THE CITY COUNCIL FO THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING THE AMENDMENTS TO THE FY 2015 AND FY 2017 CDBG PROGRAMS.

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. Britt, Mayor Janakovic, Reverend King,  
Mrs. Mock (5).  
Nays: Mrs. Stanton, Mr. Williams (2).

Council discussed the allocation of the funding.

Resolution No. 10099

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE SOUTHERN ALLEGHENIES PLANNING AND DEVELOPMENT COMMISSION (SAPDC) FOR DESIGN AND ENGINEERING SERVICES FOR THE PROPOSED INCLINED PLANE PARK IN THE AMOUNT OF \$30,000.

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

There was discussion regarding the matter.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Britt, Mayor Janakovic, Reverend King,  
Mrs. Mock, Mrs. Stanton (6).  
Nays: Mr. Williams (1).

Resolution No. 10100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CURTIS DAVIS FOR CONSULTING SERVICES FROM JULY 1, 2018 THROUGH SEPTEMBER 30, 2018 AT A RATE OF \$50.00 PER HOUR WITH A TOTAL FEE NOT TO EXCEED \$5,000.

Mr. Britt made a motion to approve the resolution. Mrs. Stanton seconded the motion.

Mr. Williams suggested the resolution be clarified to state, the Mayor to execute an agreement on behalf of City Council.

The motion passed by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Reverend King, Mrs. Mock,  
Mr. Vitovich (5).  
Nays: Mr. Williams, Mrs. Stanton (2).

Resolution No. 10101

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND GEORGE HAYFIELD FOR A TERM COMMENCING JULY 1, 2018 AND CONTINUING THROUGH THE FIRST MONDAY IN JANUARY 2020 AT A YEARLY SALARY OF \$85,000.00 AS PER AND CONTINGENT UPON THE TERMS OF THE AGREEMENT BETWEEN THE PARTIES.

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

There was a discussion regarding conducting a background search. Ms. Benjamin suggested the motion should be made contingent upon the receipt of satisfactory results from the background check.

Mrs. Mock made a motion to approve the resolution contingent upon the results of the background check. The motion was seconded by Mr. Vitovich and passed by the following vote:

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

Nays: Mr. Williams (1).

George Hayfield received a round of applause as the new City Manager. He expressed his excitement to work in the City of Johnstown.

NEW BUSINESS

Mrs. Stanton inquired as to the status of the storm water management plan for the City and municipalities. She commented that basements, properties and streets are flooding when it rains and manhole covers are flying off. Mrs. Stanton requested additional information on the plan.

Mr. Davis stated there was a plan, but it was not sufficient. Mr. Vitovich gave an example of a location where water comes down from another municipality into the City and does blow the manholes off. There was further discussion regarding the matter.



Reverend King asked Mr. Davis to find out how much of the Kernville playground was owned by the City.

### OLD BUSINESS

None.

### PUBLIC COMMENT - NONAGENDA ITEMS

Anthony Banks, 529 Vine Street, Apartment 417, Johnstown, was present on behalf of Flood City Lodge 371, known as the Elks Club. He explained that the lodge was a business that defaulted in a loan due to past administration and that Councilman Britt had nothing to do with the loan. Mr. Banks suggested that he be contacted with regard to any problems concerning the loan.

Mr. Banks stated that the lodge distributed 250 fully supplied book bags to kids in Greater Johnstown and Ferndale at the beginning of the school year.

Catherine-Anne McCloskey asked to be involved with next year's Peace March. She discussed an incident that occurred at the Transit Center during the evening hours and asked for police presence in the area during that time of day.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council regarding the "total chaos" he witnessed the past three and a half hours. Mr. DeBartola has been advocating for a joint meeting with the Johnstown Housing Authority, Johnstown Redevelopment Authority, and the City to discuss crimes, poverty, drugs, and blight. He threatened legal action if the parties did not comply.

Mayor Janakovic took offense to the statements by Mr. DeBartola. He had further comments for Mr. DeBartola.

Mr. DeBartola noted that his term expires on the loan review committee as of tonight and did not want to be reappointed.

Aaron Hocker, 711 Kennedy Avenue, Johnstown, was present to file a complaint against Mrs. Stanton who he was told has sent the codes enforcement officer to his jobs to see if he was insured, licensed, and permitted to conduct work in the City. He noted he was one of the few contractors that does comply with the rules and called this harassment.

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Mrs. Stanton expressed her concern for the residents whenever she comes across a property with codes violations in a neighborhood. She commented that she "has no authority to order anybody to do anything." Mr. Davis will review the report that was submitted for 406 Hickory Street.

Mayor Janakovic thanked Mr. Davis for acting as the Interim City Manager for the past six months.

### ADJOURNMENT

There being no further business, the meeting was adjourned at 9:16 p.m.

The next regular meeting is scheduled for Wednesday, July 11, 2018 at 6:00 p.m.