

JOHNSTOWN CITY COUNCIL MINUTES
Thursday, July 28, 2016
Scheduled Special Meeting

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 4:03 p.m. City Manager Melissa Komar 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 Elizabeth Benjamin and City Manager Melissa Komar were also present.

Mr. Williams noted for the record his submission of a special meeting request dated July 15, 2016, signed by Ms. Stanton and himself for the specific purpose of amending the budget.

Mayor Janakovic explained for the record that he called this special meeting for Tuesday at 12:00 noon. Since a workshop had already been scheduled for this date with JRA, it made common sense to combine the two special meetings into one, instead of wasting advertising monies. The Mayor noted that Ms. Grass also requested a meeting.

Ms. Benjamin explained she was consulted on the matter, and there is no language in the charter that prohibited the two meetings from being combined. Ms. Benjamin indicated the wording in the advertisement was acceptable and did consult with Ms. Komar regarding advertising the meeting in the paper.

Mrs. Mock stated, "We are here to have a meeting" and that "the City has more issues to deal with whether than who called what meeting first." She stated, "Can we just conduct business, for God's sake, come on."

Mrs. Stanton noted for the record that she "finds Mrs. Mock's comments taking the Lord's name in vane very offensive".

Mayor Janakovic noted for the record that he takes even more seriously Mr. Williams' "profanity" after the last meeting.

Ms. Benjamin had no comment on the matter.

Mr. Vitovich noted that Mr. Williams was carrying a firearm. He stated, "I don't think a Councilman should be sitting at the Council table with a firearm strapped to his chest." He asked Mr. Williams "if he feels that threatened that he has to have a firearm?" It was noted that Mr. Williams does have a permit to carry the weapon.

COURTESY OF THE FLOOR ON AGENDA ITEMS ONLY

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to Ordinance No. 1. He read Ordinance No. 1 into the record and requested that Council explain the ordinance. Mr. DeBartola referred to a recent article in the Tribune-Democrat regarding the Convention Center and funding in the amount of \$115,000 for carpet replacement.

Mr. Williams referred to a November 24, 2015 letter addressed to Mr. Gunby with regard to the 2016 operating and capital budget of the Pasquerilla Conference Center. Mr. Williams then referred to a July 8, 2016 letter addressed to Ms. Komar with regard to the 2016 operating and capital budget of the Pasquerilla Conference Center wherein it indicates approval shall be deemed granted if the City does not indicate approval within 20 days. Mr. Williams stated that today is the 20th day. He noted the requests from 2012, 2013, 2014 and 2015 were ignored, but "if it's in the agreement, the City should pay it."

Mrs. Stanton noted that Council should have acted on the matter back in 2012, 2013, 2014, and 2015 when there was more money in the budget.

Mayor Janakovic stated that when the contract was first signed, it should have been scrutinized a lot more at that time. Mr. Williams reminded Council members that the original resolution was for an appraisal for the possible sale of the Convention Center.

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to Ordinance No. 1. He suggested "that a roll of duct tape be sent to the Convention Center to make do like everybody else has to." Mr. Warhul stated that \$115,000 for carpet is "insane". He also stated that Council should be outraged that the Convention Center for 13 years has not paid "one dime" in rent.

Mrs. Stanton does not believe there is any language in the contract that prohibits the City from selling the Convention Center. She noted, "As long as the City is stuck with this lease, it's going to be a drain on the City."

Mayor Janakovic stated the City is "stuck with this because our predecessors signed almost an ironclad contract, which should be renegotiated in good faith."

Mrs. Mock requested to see what was actually spent in capital improvements at the Convention Center. She further noted her appreciation for the fact that they paid bills incurred at the Center.

Ms. Benjamin explained the City can attempt to renegotiate the agreement, but that does not alter the conditions of the current agreement.

ORDINANCES FOR FIRST READ

BILL NO. 28 OF 2016 AMENDING ORDINANCE NO. 5201 PASSED FINALLY ON JUNE 28, 2016, TITLED: 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 OF THE VARIOUS FUNDS, BUREAUS AND DEPARTMENTS, AND THE PAYMENT OF DEBT SERVICE AND PENSION FUND OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2016, INCLUDING THE FOLLOWING CITY OF JOHNSTOWN FUND SECTIONS AND THE RESPECTIVE FUNDS "BUDGET EXHIBIT A DETAILS" TO CORRECT ERRORS AND OMISSIONS WITH THE AMENDING AND FINAL PASSAGE OF ORDINANCE NO. 5192 ON DECEMBER 22ND, 2015 BY FURTHER AMENDING BUDGET EXHIBIT "A" TITLED: CAPITAL PROJECT FUND TO COMPLY WITH EXECUTED AGREEMENTS WITH CROWN CONVENTION CENTERS COMPANY (CROWN) AND MARK E. PASQUERILLA FOR THE CONVENTION CENTER AND CITY OF JOHNSTOWN LEASE AGREEMENT FOR FUNDING OF CAPITAL IMPROVEMENTS IN THE AMOUNT OF \$115,000 FOR SUBMITTED CARPET REPLACEMENT.

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

Mr. Johncola suggested that Mr. Pasquerilla be given the opportunity to sit down with Council for further discussion on the lease agreement.

Ms. Komar suggested that Council request three bids be submitted for the carpeting, which Council can then negotiate with Crown.

The motion failed by the following vote:

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

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

Mayor Janakovic made a motion requesting three estimates for the carpeting at the Convention Center and that Counsel work out the details for the estimates.

Ms. Benjamin explained there is language in the lease agreement that references the City being able at its discretion to redact items out of the budget submitted by Crown. The issue arises in this instance with a letter that indicates if there is no response, the matter is considered approved. There is the ability to line item cross things out and then the item would not be submitted in the budget. There is a timing issue with respect to when the request is made. Ms. Benjamin further explained that nothing in the lease agreement prohibits the parties from trying to work out an issue and addressing the same in an addendum to the agreement.

Mrs. Mock stated this whole discussion "could have been handled very professionally and businesslike" and "not the three-ring circus that it has become."

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)

Mr. Williams requested the Solicitor determine Council's legal obligations under the capital expenditures and also keep in mind in the agreement the capital reserve account that the City is supposed to maintain.

BILL NO. 24 OF 2016, AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, AMENDING THE CITY OF JOHNSTOWN'S SIXTH AMENDED RECOVERY PLAN ADOPTED ON OCTOBER 28, 2013 BY UPDATING THE ACT 133 COMPENSATION AND BENEFIT LIMITATIONS THROUGH 2018. (Tabled July 13, 2016).

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

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Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mayor Janakovic,
Mr. Johncola. (5)
Nays: None (0).
Present: Mrs. Stanton, Mr. Williams. (2)

Mr. Williams noted he has still not received hard copies of the Act 47 Sixth Amended Recovery Plan as requested.

BILL NO. 24 OF 2016, AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, AMENDING THE CITY OF JOHNSTOWN'S SIXTH AMENDED RECOVERY PLAN ADOPTED ON OCTOBER 28, 2013 BY UPDATING THE ACT 133 COMPENSATION AND BENEFIT LIMITATIONS THROUGH 2018.

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

Mrs. Stanton noted she has not received a hard copy of the Act 47 Sixth Amended Recovery Plan requested in a March letter.

Ms. Grass, Act 47 coordinator, stated that Eckert Seamans was the recovery coordinator at the time and she did the financial analysis. She noted the plan was provided to Council at the time and currently is available in PDF format. Ms. Komar will print a copy of the plan for Mr. Williams and Mrs. Stanton.

The motion was passed by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola,
Mrs. Mock . (5)
Nays: None (0)
Present: Mrs. Stanton, Mr. Williams . (2)

RESOLUTIONS

Resolution No. 9867

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPLY FOR FUNDING ASSISTANCE FROM THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY IN THE AMOUNT OF \$10,900,000 TO BE USED TOWARDS IMPROVEMENTS TO THE INNER CITY SEWER

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SYSTEM IN THE MOXHAM PHASE II AREA OF THE CITY OF
JOHNSTOWN.

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

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

Nays: None (0).

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

Resolution No. 9868

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO
SIGN ALL DOCUMENTS NECESSARY TO EXECUTE FACILITY
ENCROACHMENT AGREEMENTS: CSX818603; CSX819883;
CSX819884; CSX 819885; CSX 819886; CSX 819887; CSX 819888; AND
CSX 819889; AND SUPPLEMENT AMENDMENT AGREEMENT
BOL38479 WITH CSX TRANSPORTATION, INCORPORATED, FOR A
PROPERTY LOCATED IN JOHNSTOWN, CAMBRIA COUNTY,
PENNSYLVANIA.

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

Ms. Komar explained these are different locations of the railway with regard to the
joint project with JRA Horner Street Interceptor Project.

The motion passed by the following vote:

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

Nays: None (0).

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

PUBLIC COMMENT ON NONAGENDA ITEMS

None.

There being no further business, the meeting was adjourned at 4:52 p.m.