

**CITY OF JOHNSTOWN, PENNSYLVANIA
ORDINANCE NO. 5205**

**INTRODUCED IN COUNCIL
SEPTEMBER 14, 2016**

BILL NO. 31 of 2016

AN ORDINANCE AMENDING ORDINANCE 4856, PASSED FINALLY ON MAY 10, 2000 AND AMENDING CHAPTER 832 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN AS ESTABLISHED BY ORDINANCE 4321, PASSED FINALLY IN COUNCIL NOVEMBER 22, 1983 AND FURTHER AMENDED BY ORDINANCE 4782 AND 4832, REGULATING THE CONSTRUCTION AND MAINTENANCE OF PARKING LOTS, TO PROVIDE A LIMITED EXCEPTION FOR THE WASHINGTON STREET PARKING LOT IN LIGHT OF ITS PENDENCY FOR SALE AND/OR PARTIAL REDEVELOPMENT, AND TO AVOID UNNECESSARY EXPENSE OF CITY RESOURCES.

WHEREAS, it has come to the attention of City Council that portions of the Washington Street Parking Lot may require significant paving and other improvements in order to comply with the current City Ordinance 4856; and

WHEREAS, the City recently passed Resolution No. 9856, providing for the advertisement of the property for sale for a period of approximately six (6) months, and further authorizing the construction of a parklet for green space and a donor memorial on the parking lot property in the event the lot is not sold; and

WHEREAS, the improvements required by current Ordinance 4856 would impose significant cost upon the City; and

WHEREAS, providing limited exception to the Parking Lot from the requirements of Ordinance 4856 has been deemed justified by Council due to by the foregoing circumstances, particularly because it avoids an unnecessary waste of limited resources and allows the lot to continue to generate rental income and provide parking for city service vehicles while its status remains pending;

NOW, THEREFORE, Ordinance No. 4856, setting forth requirements for certain construction and maintenance of parking lots is hereby amended as follows:

Section 1. Amendment to Ordinance 4856

ADD:

3) A limited exception from the requirements of this Ordinance is hereby granted for the Washington Street Parking Lot, unpaved portions of which are and have been utilized for City service vehicles and City employees. The Washington Street lot and/or relevant portions thereof shall be exempt from any penalties and fines

to be imposed as a result of non-compliance with this ordinance, unless/until the Washington Street lot and/or any non-compliant portions thereof are either sold and/or re-purposed.

Section 2.

This Ordinance shall become effective immediately upon final passage.

Section 3.

Any/all ordinances, parts of ordinances, resolutions, and parts of resolutions not in accord with this Ordinance are hereby repealed insofar as and to the extent that they conflict with this Ordinance.

Section 4

Any/all other provisions of Ordinance 4856 that are not referenced herein remain in full force and effect.

ORDAINED and ENACTED by the City Council of the City of Johnstown, County of Cambria, the Commonwealth of Pennsylvania on this 12th day of October, 2016.

PASSED FINALLY IN COUNCIL:
by the following vote:

October 12, 2016

Yeas: Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich. (5)
Nays: Mr. Williams, Mrs. Stanton. (2)
Abstention:

Frank Janakovic, Mayor

Pete Vizza, Deputy Mayor

ATTEST: Melissa Komar, Interim City Manager

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5205**, as the same was adopted by the City Council and signed by the Mayor and/or Deputy Mayor of the City of Johnstown, Pennsylvania.

Melissa Komar, Interim City Manager

AN ORDINANCE ADOPTING AND RATIFYING AN INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF JOHNSTOWN AND THE BOROUGH OF DALE PROVIDING FOR THE CITY OF JOHNSTOWN TO PROVIDE POLICE SERVICES TO AND WITHIN THE BOROUGH OF DALE, RELATIVE TO ENFORCEMENT OF ALL STATUTES AND LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, AND ORDINANCES OF THE BOROUGH (INCLUDING BUT NOT LIMITED TO THE PENNSYLVANIA MOTOR VEHICLE (75 P.S. 101 ET SEQ.), MUNICIPAL ORDINANCES, AND PENNSYLVANIA CRIMES CODE (18 PA.C.S.A. 101 ET SEQ.)).

WHEREAS, Cities and Boroughs are authorized to enter into any joint agreements as may be deemed appropriate in the exercise or in the performance of their respective governmental functions, powers or responsibilities in accordance with the Pennsylvania Intergovernmental Cooperation Law, (53 Pa. C. S. § 2301 et seq.).

BE IT ENACTED AND ORDAINED, by the City of Johnstown, Cambria County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. There is hereby adopted and ratified an agreement for intergovernmental cooperation known as the "BOROUGH OF DALE -CITY OF JOHNSTOWN POLICE SERVICES AGREEMENT", hereinafter referred to as the "AGREEMENT". (A copy of the BOROUGH OF DALE - CITY OF JOHNSTOWN POLICE SERVICES AGREEMENT is attached hereto and incorporated herein by reference as Exhibit "A").

Section 2. This AGREEMENT is entered into pursuant to the provisions of the City of Johnstown Home Rule Charter, [§11.1-110], and the Borough Code [8 Pa. C.S.A. §§1122; 1202(24)] (regarding contracts to secure police service] and the Pennsylvania Intergovernmental Cooperation Law, [53 Pa. C. S. § 2301 et seq.].

Section 3. The purposes and objectives of the AGREEMENT are as follows:

(a) To enter into all police services conduct, as referenced herein, and as authorized by the City of Johnstown Home Rule Charter, [§11.1-

110], the Borough Code [8 Pa. C.S.A. §§1122; 1202(24)], and the Pennsylvania Intergovernmental Cooperation Law, [53 Pa. C. S. § 2301 et seq.];

(b) To enter into all conduct identified in the attached Intergovernmental Cooperation Agreement by and between the City of Johnstown and the Borough of Dale providing for the City of Johnstown to provide Police Services to and within the Borough of Dale, relative to enforcement of all statutes and laws of the Commonwealth of Pennsylvania, and Ordinances of the Borough (including but not limited to the Pennsylvania Motor Vehicle (75 P.s. 101 et Seq.), Municipal Ordinances, and Pennsylvania Crimes Code (18 Pa. C.S.A. 101 et Seq.)).

Section 4. The AGREEMENT shall be subject to all conditions and terms identified in the Intergovernmental Cooperation Law and the Borough Code.

Section 5. The duration of this Agreement shall be indefinite, subject to termination by either party as provided in the Agreement. The Municipality is authorized to renegotiate a similar Agreement for police services, under similar terms and conditions, on a yearly or multi-year basis, in the future.

Section 6. It is the intent of the Municipality that the provisions of this Ordinance are severable and the invalidity of any Section, subsection, clause or provision of this Ordinance shall not affect or impair the validity of any other part of this Ordinance which can be given effect without the invalid part or parts.

SECTION 7. The Interim City Manager and any/all other proper Officers of the City, as applicable, are authorized and directed to execute, to attest, to acknowledge and to deliver all documents, on behalf of the City, in the form so approved. Proper officers of the Borough are authorized and directed to execute any and all documents and to do any and all other acts that may be necessary and proper to carry out this Ordinance and the undertakings of this City.

Section 8. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as same affects this Ordinance.

Section 9. This Ordinance shall become effective immediately, or as soon as legally permissible and shall remain in effect unless and until subsequently repealed or amended.

ORDAINED and ENACTED at a duly assembled public meeting by the City of Johnstown, Cambria County, Pennsylvania this 12th day of October , 2016.

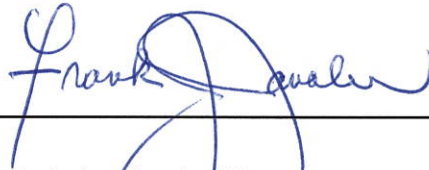
PASSED FINALLY IN COUNCIL:

October 12, 2016

By the following vote:

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

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

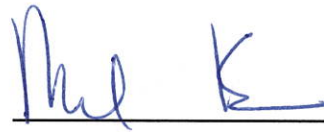


Frank J. Janakovic, Mayor

Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5206** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar, Interim City Manager

City of Johnstown, Pennsylvania
Ordinance No. 5207

Bill No. 33 of 2016

Introduced in Council

September 14, 2016

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN AMENDING ORDINANCE NO. 5201 OF 2016, AS AMENDED BY ORDINANCE NO. 5203 PASSED FINALLY ON AUGUST 11, 2016 SETTING FORTH THE 2016 CITY OF JOHNSTOWN BUDGET EXHIBIT A, TO INCLUDE GENERAL FUND REVENUE AND EXPENSES FOR THE POLICE GRANTS, AND TO AMEND THE MAIN STREET EAST CAPITAL BUDGET FUND, AND THE PARKING FUND AS PER THE 2015 INDEPENDENT AUDIT OF WESSEL & CO. RECOMMENDATIONS.

BUDGET AMENDMENTS

Account Number	Account Description	Adopted	Amended	Net Change
18-354-25-102-00	State Main St East Garage Proj	\$1,155,000.00	\$0.00	(\$1,155,000.00)
02-392-53-000-00	Trf from Capital Proj	\$0.00	\$495,000.00	\$495,000.00
02-351-34-102-00	State MSE Grant	\$0.00	\$1,155,000.00	\$1,155,000.00
01-351-23-354-00	Fed-Pol Consolidated Grt Rev	\$5,000.00	\$14,323.96	\$9,323.96
	Total Operating Revenue:	\$1,160,000.00	\$1,664,323.96	\$504,323.96
18-444-28-473-00	Main St East Gar Cap Proj Exp	\$1,650,000.00	\$0.00	(\$1,650,000.00)
18-492-30-000-00	Trf to Parking Fund	\$0.00	\$495,000.00	\$495,000.00
02-445-37-110-00	Main St Park Bldg Rep/Maint	\$5,000.00	\$1,655,000.00	\$1,650,000.00
01-410-29-475-00	Pol Consolidated Grt Exp	\$5,000.00	\$14,323.96	\$9,323.96
	Total Operating Expenses:	\$1,660,000.00	\$2,164,323.96	\$504,323.96

PASSED FINALLY IN COUNCIL:


October 12, 2016

By the following vote~

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,

Mr. Williams. (7)

Nays: None (0)



Frank J. Janakovic, Mayor

Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5207** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar,
Interim City Manager

City of Johnstown

Cambria, County, Pennsylvania

ORDINANCE NO. 5208

Bill No. 35 of 2016
As Amended

Introduced in Council
September 30, 2016

AN ORDINANCE INCREASING THE INDEBTEDNESS OF
THE CITY OF JOHNSTOWN, CAMBRIA COUNTY,
PENNSYLVANIA, BY THE ISSUE OF A GENERAL OBLIGATION NOTE
IN THE AMOUNT OF \$ 6,000,000.00 FOR REFINANCING OF EXISTING OBLIGATIONS
ELIGIBLE TO BE REFINANCED AND TO PROVIDE THE NECESSARY FUNDS TO
MEET EXPECTED YEAR-END OBLIGATIONS ;
FIXING THE FORM, NUMBER, DATE, INTEREST, AND MATURITY
THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT
SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED
DOCUMENT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND
DEPOSITORY FOR THE NOTE; AND AUTHORIZING EXECUTION, SALE
AND DELIVERY THEREOF

WHEREAS, it is necessary that the indebtedness of the City of Johnstown, Cambria
County, Pennsylvania be increased for the following purpose:
Refinancing of existing obligations eligible to be refinanced and to provide the necessary funds
to meet expected year-end obligations; and

WHEREAS, the local government unit has received preliminary realistic cost
estimates from professional consultants indicating the sum of \$6,000,000.00 will be needed to
complete the refinancing of the existing obligations and meet year-end obligations; and

WHEREAS, the proposed increase of debt, together with its nonelectoral indebtedness
and its lease rental indebtedness presently outstanding, will not cause the limitations of the local

government unit debt incurring power, pursuant to constitutional and statutory authority to be exceeded;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Johnstown, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. That the aggregate principal amount of the Note of the City of Johnstown, Cambria County, Pennsylvania, proposed to be issued is \$ 6,000,000.00, same to be issued for the foregoing purposes and same to be incurred as nonelectoral debt.

SECTION 2. The period of useful life of the improvements for which this obligation is to be issued is estimated to be more than ten (10) years.

SECTION 3. Said indebtedness shall be evidenced by one general obligation Note, in fully registered form, in the sum of \$6,000,000.00 dated and bearing interest from the earliest date of possible issue of said Note under the statutory time requirements as set forth in the Act of the General Assembly of the Commonwealth of Pennsylvania approved the 28th day of April, 1978, being Act 52 of 1978 Session and known as the Local Government Unit Debt Act, at the rate of interest of 2.65% per annum, payable on the unpaid balance of said Note on November 15, 2026 during the term of said Note, together with interest on overdue principal, and to the extent permitted by law, on overdue interest, at the rate of 2.65% per annum (computed on the basis of 365 days to the year) until paid, which Note shall mature in installments on the annual anniversary date of said Note attached in Exhibit A.

The local government unit reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payments dates thereof, without notice or penalty.

The principal and interest of said Note shall be payable at the office of the sinking fund depository selected for the Note as hereinafter provided.

SECTION 4. The said Note is hereby declared to be a general obligation of the City of Johnstown, Cambria, County Pennsylvania. The local government unit hereby covenants that it shall include the amount of debt service on the Note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts to the payment of such debt

service; and shall duly and punctually pay or cause to be paid the principal of the Note and the interest thereon at the dates and places and in the manner stated in the Note according to the true intent and meaning thereof, and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the City of Johnstown is hereby irrevocably pledged.

The amounts which the local government unit hereby covenants to pay in each of the following fiscal years on the basis of the current overall debt is presented in Exhibit B.

SECTION 5. The form of said Note shall be substantially as set forth in the attached Exhibit C.

SECTION 6. The said Note shall be executed in the name and under the corporate seal of the local government unit by the Mayor and Interim City Manager and attested to by the Secretary. The Treasurer is hereby authorized and directed to deliver said Note to the purchaser, and receive payment therefor on behalf of the local government unit. The Interim City Manager and Secretary of the local government unit are authorized and directed to prepare, verify and file the debt statement required by Section 8110 of the Act and to take other necessary action, including, if necessary or desirable, any statements required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 7. First Summit Bank is hereby designated as the Sinking Fund Depository for the obligation herein authorized, and there is hereby created and established a Sinking Fund, to be known as "Sinking Fund 2016 General Obligation Note" for the payment of the principal and interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Treasurer shall deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment of principal and interest on the obligation no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, as and when said payments are due, without further action by the local government unit, withdraw available monies in the Sinking Fund and apply said monies to payment of principal and interest on the obligation.

SECTION 8. The Interim City Manager of the Local Government Unit is hereby authorized to contract with First Summit Bank for its services as sinking fund depository for the note and paying agent for the same, and both the Mayor and the Interim City Manager are hereby authorized to execute said note as required by Section 6 above.

SECTION 9. In compliance with Section 8161 of the Act, the members of the governing body have determined that a private sale by negotiation rather than public sale is in the best financial interest of the local government unit. Therefore, the general obligation Note in the amount of \$6,000,000.00, herein authorized to be issued and sold is hereby awarded and sold to First Summit Bank in accordance with its proposal to purchase the said Note at par; provided the said Note is dated the delivery thereof to the First Summit Bank; and further provided that the proceedings have been approved by the Department of Community and Economic Development if such approval is required under the provisions of the Act and the Court of Common Pleas of Cambria County.

SECTION 10. The action of the proper officers and the advertising of a summary of this Ordinance is required by law in the Johnstown Tribune Democrat, a newspaper of general circulation. The advertisement in said paper of the enactment of the ordinance is hereby directed to occur within fifteen (15) days following the day of final enactment.

SECTION 11. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED THIS 12th day of October, 2016.

ATTEST:

City of Johnstown

BY: Melissa Komar
Melissa Komar, Interim City Manager

BY: Nancy J. Cushing
Nancy J. Cushing, Executive Secretary

Approved this 12th day of October, 2016.

By the following vote:

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

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

Frank J. Janakovic
Frank J. Janakovic, Mayor
Peter Vizza, Deputy Mayor

ATTEST: I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5208
As the same adopted by the City Council of the City of Johnstown, Pennsylvania.

Melissa Komar
Melissa Komar, Interim City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5209

BILL NO. 36 OF 2016

Introduced in Council
September 30, 2016

AN AMENDMENT TO ORDINANCE #5193 PASSED FINALLY ON DECEMBER 22, 2015 FIXING THE SALARIES AND WAGES TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN AND AS AMENDED BY ORDINANCE # 5204 PASSED FINALLY ON SEPTEMBER 14, 2016 FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2016.

DELETE:

Police Department:	Required Appropriation Total:	\$1,910,623.00
Captain	1.00	\$58,869.00

ADD:

Police Department:	Required Appropriation Total:	\$1,969,492.00
Captain	2.00	\$58,869.00

This Ordinance shall become effective October 16, 2016.

PASSED FINALLY IN COUNCIL:

October 12, 2016

By the following vote:

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

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



Frank J. Janakovic, Mayor
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5209** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar, Interim City Manager