

JOHNSTOWN CITY COUNCIL MINUTES

Wednesday, January 20, 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. City Manager Melissa Komar offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic announced that an Executive Session was held prior to the start of the meeting with regard to personnel issues.

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.

APPROVAL OF MINUTES

Mrs. Mock made a motion to approve the December 22, 2015 public hearing and special meeting minutes. 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: None (0).

Mrs. Stanton and Mr. Williams were present.

COURTESY OF THE FLOOR

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to City government and electing ethical, honest individuals. He noted that creating confusion "will keep the community separated from making it a successful community." Mr. DeBartola asked everyone to work together and listen to various viewpoints before making decisions that are best for the community. He stated, "We don't want to hear from anyone that does not agree with us."

Mr. DeBartola commented that the City of Johnstown has already had three City Managers in two years, an aspect he noted is "slowing the growth of the City down." He stated this constant turnover is not helping the City. Mr. DeBartola referred to the "new Councilmembers attacking an individual for

Stated Meeting, continued

the size of his wood pile." Mrs. Stanton objected to his inference that she and Mr. Williams are attacking somebody.

Mayor Janakovic noted responses would be welcomed at the conclusion of Courtesy of the Floor.

Mr. DeBartola discussed the "power of Council". He asked to be allowed to speak without interruption during Courtesy of the Floor. He asked for an end to hate crimes and asked Council to introduce and pass the hate crimes bills for the City of Johnstown.

Mrs. Stanton noted she will be filing an Administrative Code violation against Mr. DeBartola and read into the record Section 209, Public Participation, as follows: Any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks or becomes boisterous or makes threats against any person or against public order and security while in Council Chambers shall be forthwith barred by the presiding officer from further audience at the meeting unless permission to continue be granted by the majority vote of the Councilmembers present.

Attorney Andrews explained that in the event there are particular statements that would be threatening or slanderous, then they should be stopped. But he was not sure whether that was the case by the comments made tonight.

Mrs. Stanton noted for the record that she found Mr. DeBartola's statements insulting. With regard to the hate crimes, she stated that within the last five years there have been non hate crimes committed.

Mrs. Mock stated that for two years she considered some statements made to be offensive and nasty but sat there and "took it" as an elected official. There was further discussion regarding past discussions between Mrs. Stanton and Council.

Mayor Janakovic noted he has also considered many comments to be offensive, but he also respects the First Amendment and the right to speak. Mr. Williams noted that he has "ignored Mr. DeBartola's comments" and will not respond to Mr. DeBartola's "windbag philosophy".

William Polacek, JWF Industries, 84 Iron Street, Johnstown, updated Council on Vision 2025. He welcomed Mrs. Stanton and Mr. Williams as Councilmembers. Mr. Polacek commented that the Vision plan is "by the people and for the people" with over 250 people currently signed up. He discussed the "focus" on Hockeyville and the Christmas Tree in Central Park.

Councilwoman Charlene Stanton

ADMINISTRATIVE CODE VIOLATION SUBMISSION

It is hereby submitted as a written OBJECTION, as to comments made by

John DeBartola on this date 1/20/2016 as to being

indecorous language or reference to personalities, pursuant to CITY OF JOHNSTOWN'S ADMINISTRATIVE CODE Ordinance No. 4655, as amended

SECTION 209. Public Participation

(d) Any person making offensive, insulting, threatening, insolent, slanderous, or obscene remarks or who becomes boisterous or who makes threats against any person or against public order and security while in the Council Chamber, shall be forthwith barred by the presiding officer from further audience at the meeting unless permission to continue be granted by the majority vote of the Council members present.

SECTION 207. Rules of Procedure.

(a) The Mayor, or in his absence, the deputy mayor, shall be responsible for the orderly conduct of business at each Council meeting and shall preserve order and decorum at such meeting.

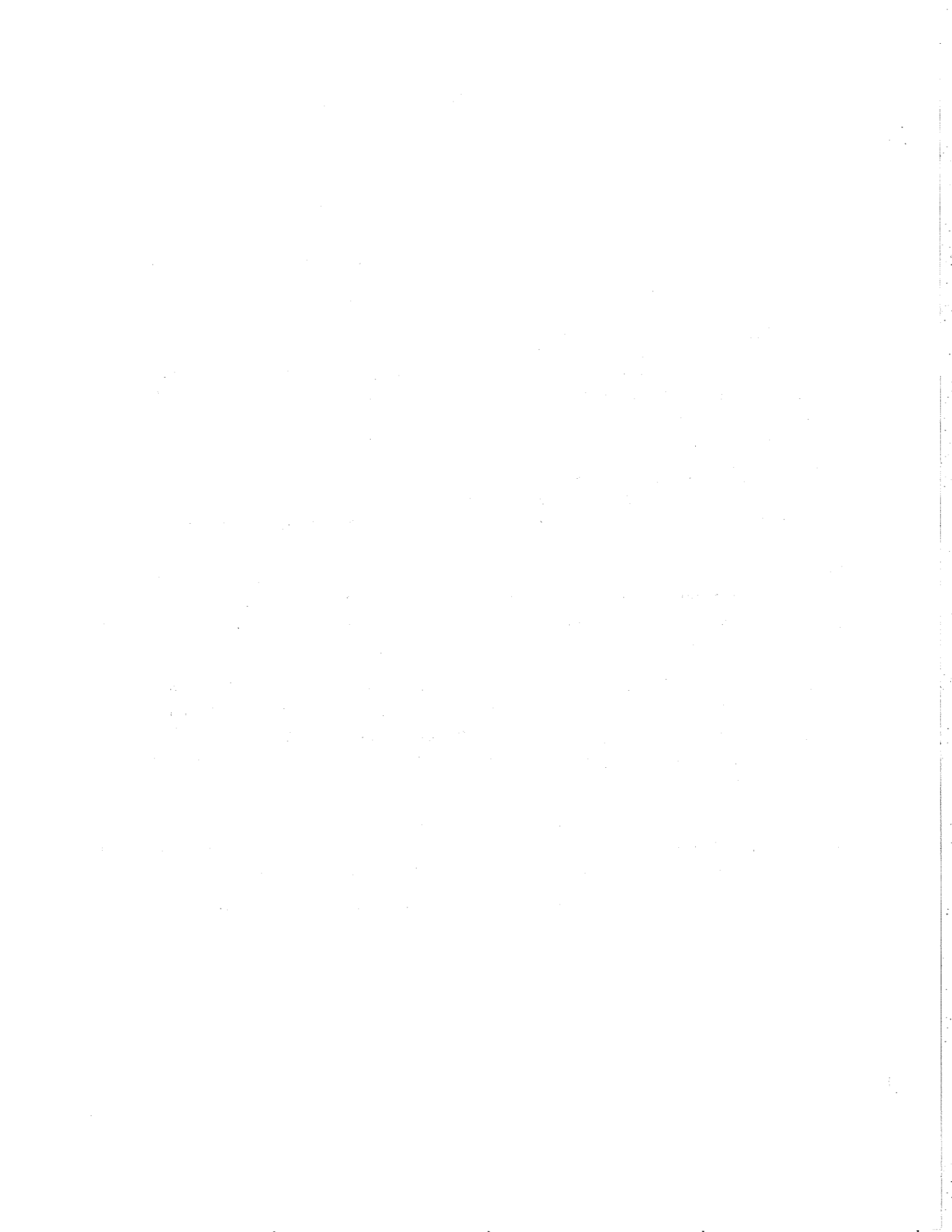
(b) The Council at its organizational meeting shall adopt rules governing its procedures. The presiding officer shall announce all decisions of the Council and shall decide all questions of order without debate, subject, however, to an appeal by any council member. Any ruling by the presiding officer may be overruled by a majority of the members present.

(c) Every member of the Council desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine remarks to the question under debate, avoiding all indecorous language or reference to personalities. A member of the Council, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such person to order.

If a member of the Council, while speaking, is called to order, that person shall cease speaking until the question of order is determined. When two or more members request the floor at the same time, the presiding officer shall name the one entitled to the floor.

To be included and made part of the minutes of this Meeting.

Charlene Stanton



Mr. Polacek encouraged all present to begin working together to create a future.

Mayor Janakovic will distribute a list of the Vision 2025 meeting dates.

Deacon Jeffrey Wilson, 170 Prospect Street, Johnstown, addressed Council. He thanked members who supported the Greater Prospect co-op store, which he indicated was a vision of neighborhood churches to revitalize Prospect. He discussed the history of the Prospect neighborhood.

Deacon Wilson referred to the Greater Prospect Store as one of the truly green buildings in Johnstown consisting of solar panels on the roof that provides heat and water. He referred to the "signature fish sandwich" that is sold at the store along with a wide variety of other foods. Deacon Wilson stated that stamps can be purchased and packages can be mailed at the store. He thanked the City Manager for her help with the lighting on the bridge. He urged citizens of Johnstown as well as Councilmembers to visit the store to see what it has to offer.

Mayor Janakovic commended Deacon Wilson and those who supported the Greater Prospect Store.

Joseph Taranto, 426 Park Avenue, Johnstown, addressed Council regarding code violation issues and perceived special privileges afforded to certain Councilmembers. He reiterated events of concern from the last meeting. He filed another Right to Know request on January 6, 2016, and was again sent a letter that the request was being held for 30 days for review. He asked for clarification with regard to his request.

Mr. Taranto commended Mrs. Stanton and Mr. Williams for their efforts in establishing enforcement of the vacant property ordinance. He provided a court document filed by Codes Officer Leroy Palov, who has filed charges against another property owner for a vacant property fee. Mr. Taranto commented that this property owner was a supporter of the Stanton/Williams campaign who left taxpayers "on the hook" for \$15,000 in back taxes.

Mr. Taranto supported Ms. Komar's one-year appointment as City Manager. He believes the intent of Council is to accept resumes for that position. He asked Council to vote no with regard to Resolutions Five and Six and to vote yes on Resolutions Eight and Nine.

Stated Meeting, continued

Mrs. Stanton responded by stating the Right to Know request that she filed "had nothing to do with your property." She asked Mr. Taranto to provide proof that she is making online slanderous accusations.

Mr. Williams clarified that he filed two code violations against his property.

Mr. Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to the investigation that Council was supposed to conduct relating to Mr. Palov removing plumbing and heating fixtures from 5 and 7 Clover Street. He noted a condemnation sign was posted on January 14, 2016, by Ms. Daly stating all persons are notified to keep out as long as the notice remains posted and further noted the definition of "all" includes codes officers, too. Mr. Warhul provided a history of events leading up to the present with regard to the Clover Street property. He discussed a cease and desist letter received from Mr. Palov's lawyer. He asked how he can report a wrong by a City official if he has to be "super-threatened" for it. He asked Council to show him proof that Mr. Palov had the City's permission to remove the fixtures.

Mr. Warhul asked that the next cease and desist order should be sent to him on "Charmin toilet paper". He stated that's why people do not come forward with complaints noting they will be attacked, threatened and sued.

Ms. Komar stated Mr. Palov provided documentation from the owner that was passed on to the Solicitor. Ms. Komar noted there is no contract for the razing of 5 and 7 Clover Street.

Attorney Andrews noted recent receipt of the information. The matter will be reviewed further. Mr. Andrews noted the letter that was sent to Mr. Warhul was from a private attorney, not affiliated with the City of Johnstown. There will be further discussion during Executive Session.

Representative Bryan Barbin, 300 Luzerne Street, Johnstown, addressed Council with regard to a PennVEST loan received by Southmont in the amount of approximately \$9 million of which \$1.6 million is a grant to be used for laterals. He noted a second PennVEST loan for the Hornerstown interceptors in the amount of \$18.5 million and payable to the Redevelopment Authority. Representative Barbin requested that Council do everything it can to make sure sewer monies are also used to help those people who are living under the poverty level obtain financial help to complete their sewer project. He urged Council to meet with JRA for further information regarding this. Representative Barbin explained the State grants are made available so that the region may serve as a model for other parts of the state.

Representative Barbin suggested that Council start each meeting with a prayer whereby individual members are asked if they would like to offer the prayer or invocation. He also suggested that if an individual feels personally "attacked" at a meeting, that that person says, I rise on a point of personal privilege. And then it's up to the Chairman to decide whether that point of personal privilege is valid or not. Representative Barbin commented that "you don't want there to be disorder because when you have disorder you just can't get your job done."

Mayor Janakovic inquired as to whether grant funds may be used for administrative costs to set up the loans. Representative Barbin responded that JRA should reach out to PennVEST for the money and only allow those "who absolutely have to have it" participate. He noted that income guidelines would have to be obeyed.

Mayor Janakovic stated that JRA backed off due to the paperwork and red tape involved. Mr. Barbin stated the situation in the City is different than the outlying areas, which makes it more important to encourage the JRA to review the matter further.

Stephen Hoover, 1167 Shaffer Street, Johnstown, addressed Council with regard to proposing an amendment with regard to trapping feral cats in the City, which he added would help the City's sanitation issue. He thanked Council for considering the matter. He also thanked Attorney Andrews for his efforts in drafting the amendment.

REPORT BY THE CITY MANAGER

City Manager, Melissa Komar, reported that Community and Economic Development has completed ten demolitions over the last month and a half and has eight more to complete over the next two months.

Chief Kovacic will provide an updated emergency plan at the next Council meeting in February, and she urged all Councilmembers to visit the emergency operation center.

Ms. Komar noted that 2015 COPS funds have been received in the amount of \$86,615. She reported that 2015 uncollected taxes were provided to the County's Tax Claim Bureau.

An advertising packet for the Point Stadium and Roxbury Park has been generated to offset operating costs.

The City Manager reported that the Planning Commission has approved the final design of the Market Street and Vine Street location. She noted a follow-up meeting will be held on February 9, 2016, at 5:30 p.m. at the Bottleworks regarding Phase Two of the Cambria City Planning Project. She stated Renee Daly may be contacted for further information.

Mr. Williams inquired who would be taking Mr. Sprincz's position. Ms. Komar stated that Michael Calpin is currently Acting Director of Public Works.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, congratulated Melissa Radavonic, Jeff and Wendy Konicky and the entire Discover Downtown committee and volunteers for the Christmas Tree in Central Park. He noted it is an \$80,000-plus venture that "cost the taxpayers zero dollars." Mayor Janakovic observed thousands of people during the holiday enjoying the Christmas Tree and the downtown area.

Mayor Janakovic reported a tremendous turnout at the Vision 2025 community meeting. He invited everyone to get involved by attending the vibrant and local economy meeting, which will be held at 5:30 p.m. January 21, 2016, at the Feeder Canal Building, and life sustaining landscapes, which will be held at 5:30 at the JAHA Heritage Center.

Mr. Janakovic reported on attending the Chamber of Commerce Board meetings. He will present a proclamation at the 30th Annual Interfaith Remembrance Program, the Life and Dreams of Dr. Martin Luther King this Sunday, January 24, 2016. He noted that Lieutenant Daniel Wilson, a Johnstown High School graduate, was also honored.

The Mayor continues to attend Regional Partnership meetings with regard to federal and state grants. There will be a special announcement on Friday, January 22, 2016, that is of importance to our area.

Mayor Janakovic reported on attending the celebration for the last night of the Christmas Tree in Central Park. Sheetz and other vendors provided beverages and snacks.

The Mayor offered special thanks to Attorney William Barbin, JRA and Chairman Balta for helping to resolve the Dollar General contaminated soil problem on Main Street by allowing that soil to be buried at the Rosedale site.

The Mayor reported that Deb Grass of Grass Roots Solutions has been selected by DCED as the City's Recovery Plan Coordinator.

Mr. Vitovich noted that during his recent holiday visits to the downtown area, only two restaurants were open. He expressed his desire to see additional vendors around the park next year.

Mayor Janakovic noted there has been further discussion with regard to plans for next year.

REPORT BY THE CITY SOLICITOR

David Andrews, Esquire, Solicitor, reported that Judge Creany has scheduled a pretrial for February 15, 2016, with regard to Duke LifePoint.

Attorney Andrews noted that there is an ordinance for first read, Bill No. 08, on the agenda relating to Mr. Hoover's concern regarding feral cats.

Mr. Williams discussed the qualifications of the City Manager as stipulated in the Home Rule Charter and Administrative Code.

Mayor Janakovic objected to a statement made by Mr. Williams, who stated that "Council is going to go ahead and as far as I'm concerned ignore the Charter." Mayor Janakovic responded that Council will vote on the resolution. Mr. Williams discussed the ordinances passed relating to the mandatory sewage upgrade and the LST tax. Mr. Williams commented further on other issues.

REPORT BY THE CITY ENGINEER

Steve Sewalk referred Councilmembers to a copy of his written report while reviewing highlights of the sewer project. Mr. Sewalk is awaiting final inspection by DEP with regard to Hornerstown Phase One. He noted letters were sent out to residents to have lateral or pressure testing completed. He noted that tie-ins continue in the Hornerstown/Walnut Grove area to be completed by March 2016.

Mr. Sewalk noted that construction has been completed in the Roxbury area except for some tie-ins on Franklin Street. Downspout violations continue in that area also.

He noted that Oakhurst Phase One is nearly completed for all construction.

Woodvale/Prospect is near completion. Letters will be sent out with regard to those homes with capped laterals indicating a deadline of November 2016.

Mr. Sewalk noted that one project is about 58 percent complete and the other is about 78 percent complete with regard to the Moxham Phase One.

Petrakas is working on the Woodvale/Oakhurst laterals, which is roughly ten percent completed. Mr. Sewalk indicated the Morrellville Project is underway.

The City Engineer indicated that bids have come in for the Cambria City/Coopersdale/Minersville Project. The interceptor project on Horner Street will soon be submitted to PennVEST. He stated design on the Eighth Ward sanitary sewer project has started with submission to PennVEST in May.

Mr. Sewalk stated that about 1,000 residences have been pressured tested to date and downspout violations are also being addressed.

Work continues on the parking garage design for bid in the spring. He noted the two flood mitigation grants will be announced when the State Budget is passed. Mr. Sewalk asked Council to review the schedule attached to his report. He suggested holding a workshop to review further information.

Mr. Williams and Mrs. Stanton questioned Mr. Sewalk regarding the sewer project.

REPORT ON PRIOR YEAR'S AUDIT FINDINGS

1. January 20, 2016 communication regarding the prior year's audit (CDBG fund).
2. January 20, 2016 communication from Councilman Williams regarding the innercity sewer project.

Mr. Williams suggested review of the Home Rule Charter regarding the prior year's audit requirements. Mayor Janakovic responded by noting that when Mr. Williams left office previously the City was on the "brink of bankruptcy" and further noted the City has come "a long way" since that time. He added that the City is "working in the right direction." Mr. Williams noted that unfortunately taxes were raised ten mills, furloughed four policemen, assistant city manager, and a tax compliance officer. Mayor Janakovic responded it is not always about "the bottom line" but about safety, quality and rebuilding the City and moving the City forward.

Mr. Johncola commented that what is needed are ideas and cooperation to move the City forward.

Mrs. Stanton suggested selling the site of the former Washington Street Garage to get it back into taxation and also making use of the Point Stadium. Mayor Janakovic requested that Mrs. Stanton come up with a plan. Mrs. Stanton suggested the City Manager advertise the Washington Street site and obtain outside management with regard to the Point Stadium. It was noted that there are resolutions in place with regard to both.

Mr. Williams noted there is a 2010 resolution regarding the Point Stadium, which he noted the former City Manager ignored.

Mayor Janakovic explained that \$6.2 million that was previously investigated came down to an actual \$420,000 amount allocated from the Point Stadium. He further explained that taxes were not raised when necessary.

COUNCIL COMMITTEE/NEIGHBORHOOD LIAISON REPORT

Mrs. Stanton asked to be informed when committee meetings are scheduled. Ms. Stanton referenced code complaints that she previously submitted. She asked civic groups/organizations to forward to City Hall the dates and times of their particular meetings so she can attend same.

Mrs. Mock had no report.

Mr. Johncola provided positive comments with regard to the post office/co-op store and the bridge lights.

Mr. Williams had no report. He did submit budget amendments regarding the \$6.2 million and asked the City Manager to provide copies to Councilmembers. Mr. Williams noted he is concerned with all 21 wards in the City and noted his number is in the phonebook if anyone wishes to contact him.

Mr. Vizza reported on attending a program at Pleasant Hill Church on January 18, 2016, with regard to Dr. King's anniversary.

Mr. Vitovich and Mr. Sewalk visited the Cypress School area in Moxham with regard to the sewer project. He noted that Samuel Street, Beatty and Meyer Avenues in the West End are near completion. Dorothy Avenue Extension and Cook Streets are completed. Mr. Vitovich stated that about 75 Barron Avenue residents replied to knocks on the door by engineers who needed access to run

cameras through their sewer systems. He further stated that the old Harris Boyer lot will be used for staging by the contractor. Mr. Vitovich noted that the beam and pillar at the Lincoln Street Garage have been replaced.

With regard to Public Works, Mr. Vitovich stated that salt usage and overtime is down due to the mild winter thus far. The City streets are being cleaned, catch basins are being repaired, and dilapidated houses are being boarded up and cleaned up. He stated that all Christmas decorations have been removed from Central Park. Mr. Vitovich commented that a large volume of garbage has been removed from a house at a cost of \$240 in landfill fees.

Mr. Williams had discussion with regard to the \$500 vacant property fee. The City Manager will investigate the matter further.

Mr. Vizza asked residents to notify 9-1-1 of any suspicious properties or happenings. Mrs. Komar noted that Codes has collected over \$22,000 in vacant property fees thus far. She also noted that with 151 complaints at a cost of \$68,148 in magistrate fees, \$13,500 has been collected.

COMMUNICATIONS

1. Code Complaints of December 21, 2015 from Charlene Stanton:
 - a. 1480 Franklin Street
 - b. 1100 Boyd Avenue
 - c. Across from 1092 Boyd Avenue
 - d. Red brick structure up Skelly Street from Franklin Street at top of hill.
2. January 12, 2016 request from JoAnn Tomb to amend Code 3599 Re: Abandoned cats.
3. January 13, 2016 from Councilman Williams Re: ITSI Bioscience Loan
4. January 14, 2016 from Councilman Williams Re: Inner City Sewer Project
5. January 20, 2016 from Councilwoman Stanton and Councilman Williams Re: Proposed amendment to 2016 Wage and Salary Ordinance
6. January 20, 2016 from Councilwoman Stanton and Councilman Williams Re: Resolution City Manager Search
7. January 12, 2016 request from Sandy Pettibone of Nardecchia Spay and Neuter Fund to amend Code 3599 Re: Abandoned cats.
8. January 13, 2016 request from Dawn Kinsey Re: Abandoned cats
9. January 13, 2016 request from Cindy Plochanski Re: Abandoned cats

Mr. Williams noted after a meeting with Ms. Daly in 2012 the ITSI loan was to be reinstated. He noted the loan was not reinstated until May or June of 2015 or 84 months without making a \$3,900 monthly payment or late fees, which were

not collected. It was noted that in June the Solicitor negotiated a plan whereby ITSI would pay \$500 a month until the end of 2015 along with submission of financials, which has not been done. Mr. Williams asked for an update with regard to the loan. Attorney Andrews explained that legal action can be taken.

Mr. Williams made a motion to take legal action to fully recover the provisions of the contract with ITSI. The motion was seconded by Mr. Vizza.

Ms. Daly provided a further explanation with regard to the loan. The motion was passed by the following vote:

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

Nays: None (0).

Mrs. Stanton discussed code compliance issues and enforcement actions. She suggested that a combined meeting be held with Councilmembers, the Solicitor, City Manager, Director of DCED and the Codes Officer, Magistrates Price and Musulin.

PETITIONS

None

ORDINANCES FOR FINAL READ

BILL NO. 03 OF 2016, AMENDING ORDINANCE NO. 5102, PASSED 3/28/12 AND/OR ANY AND ALL SUBSEQUENT AMENDMENTS, AND THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN; CHAPTER 1484 TITLED: RESIDENTIAL RENTAL PROPERTY REGISTRATION AND MORE SPECIFICALLY, SUBSECTION 1484.05, REGISTRATION AND LICENSING OF RESIDENTIAL RENTAL PROPERTIES BY ADDING SUBSECTION.

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).

BILL NO. 04 OF 2016 ESTABLISHING "THE ETHICS CODE OF THE CITY OF JOHNSTOWN, PENNSYLVANIA" FOR ALL ELECTED AND APPOINTED OFFICIALS AND APPOINTEES TO AGENCIES BY JOHNSTOWN CITY COUNCIL BY ESTABLISHING STANDARDS OF CONDUCT FOR ALL ELECTED OFFICIALS, MEMBERS OF BOARDS, AUTHORITIES AND COMMISSIONS OF THE CITY OF JOHNSTOWN, THE CITY MANAGER, ASSISTANT CITY MANAGER AND DEPARTMENT HEADS AND ESTABLISHING "THE ETHICS BOARD" AND FURTHER BY AMENDING ORDINANCE NO. 4654, AS AMENDED BY ORDINANCE NOS. 4693, 4731, 4894, 4902, TITLED: 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 BY ADDING A NEW SECTION 1200 TITLED ETHNICS CODE. (Tabled 1/4/16).

Attorney Andrews explained the above Bill No. 04 is not an Ordinance for Final Read but a First Read since it was tabled previously.

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

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

Nays: Mr. Vitovich, Mr. Williams (2).

Mr. Vizza made a motion to approve for First Read. The motion was seconded by Mr. Vitovich and failed by the following vote:

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

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

BILL NO. 05 OF 2016 CREATING A LOAN REVIEW COMMITTEE, AND ESTABLISHING PROCEDURES FOR THE APPROVAL OF ALL ECONOMIC DEVELOPMENT LOANS ADMINSTRATED BY THE CITY'S DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AND POLICIES FOR WRITING-OFF OF LOANS DEEMED TO BE UNCOLLECTABLE AND ESTABLISHING A LOAN REVIEW COMMITTEE BOARD CONSISTING OF SEVEN (7) MEMBERS

AS RECOMMENDED BY THE CITY MANAGER AND CONFIRMED BY CITY COUNCIL FOR TERMS OF THREE (3) YEARS; AND FURTHER BY ESTABLISHING CHAPTER 295 LOAN REVIEW COMMITTEE UNDER TITLE EIGHT; BOARDS, AUTHORITIES AND COMMISSIONS OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN. (Tabled 1/4/16).

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

Yeas: Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock
Mrs. Stanton, Mr. Vitovich (6).
Nays: Mr. Vizza (1).

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

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

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 Mr. Vizza 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. 02 OF 2016, AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE OF THE CITY OF JOHNSTOWN, SECTION 212.A01, BY ADDING A NEW SUBSECTION FIVE TO THAT SECTION WHICH SHALL STATE THAT "ANY RESOLUTION MAY BE VOTED ON 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 THE
COUNCIL AGENDA" (Tabled 1/4/16).

Mrs. Mock made a motion to remove from table. The motion was seconded by Mr. Johncola 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. Johncola made a motion to approve. The motion was seconded by Mrs. Mock.

There was discussion with regard to the motion.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mr. Vizza, Mayor Janakovic, Mr. Johncola (4).

Nays: Mrs. Stanton, Mr. Vitovich, Mr. Williams (3).

BILL NO. 04 OF 2016, ESTABLISHING "THE ETHICS CODE OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, " FOR ALL ELECTED AND APPOINTED OFFICIALS AND APPOINTEES TO AGENCIES BY JOHNSTOWN CITY COUNCIL BY ESTABLISHING STANDARDS OF CONDUCT FOR ALL ELECTED OFFICIALS, MEMBERS OF BOARDS, AUTHORITIES AND COMMISSION OF THE CITY OF JOHNSTOWN, THE CITY MANAGER, ASSISTANT CITY MANAGER AND DEPARTMENT HEADS AND ESTABLISHING "THE ETHICS BOARD" AND FURTHER BY AMENDING ORDINANCES NO. 4654 AS AMENDED BY ORDINANCE NOS. 4693, 4731, 4894, 4902 TITLED: 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, BY ADDING A NEW SECTION 1200 TITLED: ETHNICS CODE (Tabled 1/4/16). See Ordinances for Final Read.

BILL NO. 06, AN ORDINANCE AMENDING ORDINANCE NO. 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 FOR CALENDAR YEAR BEGINNING JANUARY 1, 2016.

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

It was noted this ordinance would eliminate the Assistant City Manager position and add a fourth part-time Codes officer. Mrs. Komar noted that from this point forward a Codes report will be provided at all meetings. There was further discussion with regard to the Codes officer position.

The motion failed by the following vote:

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

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

BILL NO. 07, AN ORDINANCE ESTABLISHING AND CREATING THE CITY
OF JOHNSTOWN OWNER/OCCUPIED INNERCITY SEWER GRANT
FUND SUBJECT TO AVAILABLE FUNDING.

Mrs. Mock made a motion to table. 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: Mr. Williams, Mrs. Stanton (2).

BILL NO. 08, 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 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. Vitovich made a motion to approve. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: None (0).

BILL NO. 09, 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.

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

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

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

RESOLUTIONS

Resolution No. 9805

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO APPROVE A TEMPORARY RIGHT OF ENTRY AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY FOR A PROPERTY LOCATED AT MILE POST PT-275.00.

Mr. Vitovich made a motion to approve. 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).

Resolution No. 9806

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN A GRANT AGREEMENT FOR PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT INDUSTRIAL SITES ENVIRONMENTAL ASSESSMENT FUND GRANT OF FIFTY-SIX THOUSAND, TWO HUNDRED FIFTY DOLLARS (\$56,250) TO BE IN THE ENVIRONMENTAL ASSESSMENT OF 641 MAIN STREET AS CONTRACT NO. C000062175.

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

It was noted this is a grant with regard to the Dollar General Store, which can reimburse the developer up to 75 percent of the total cost.

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).

Resolution No. 9807

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, REQUESTING THE CITY SOLICITOR TO PROVIDE A WRITTEN LEGAL OPINION REGARDING THE PROPERTY LOCATED IN THE CITY'S 18TH WARD WITH BOUNDARIES BETWEEN FAIRFIELD AVENUE AND BARRON AVENUE AND FORMERLY THE SITE OF HARRIS BOYER BAKERY OPERATIONS, AND MORE SPECIFICALLY, DETAILS AND RECORDS OF THE GRANTING, "PERMANENT STRUCTURE" STATUS TO WHAT CAN ONLY BE DESCRIBED AS MOTOR VEHICLE TRUCK FRAME MOUNTED BOX STORAGE AND HAULING CONTAINER.

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

Mr. Williams submitted background from Rights to Know for the Solicitor's review.

Resolution

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DESIGNATING MELISSA KOMAR OF THE CITY OF JOHNSTOWN AS THE CITY'S OPEN RECORDS OFFICER UNDER THE PROVISIONS AND MANDATES OF THE COMMONWEALTH OF PENNSYLVANIA'S RIGHT TO KNOW LAW, SENATE BILL 1 OF 2007 EFFECTIVE JANUARY 20, 2016.

Stated Meeting, continued

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

There was discussion with regard to a Right to Know officer position. Attorney Andrews explained that someone can be appointed to that position.

Mayor Janakovic made a motion to appoint Renee Daly to the Right to Know position. Mr. Williams noted a resolution is necessary first. Mrs. Stanton noted the resolution will need to be proposed four days before the next Council meeting.

Attorney Andrews explained that an oral motion can be made tonight to appoint Renee Daly as the Right to Know officer.

Mr. Williams made a motion to rescind the previous action removing Melissa Komar and inserting Renee Daly. The motion was seconded by Mrs. Mock 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).

Amended Resolution No. 9808

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DESIGNATING RENEE DALY OF THE CITY OF JOHNSTOWN AS THE CITY'S OPEN RECORDS OFFICER UNDER THE PROVISIONS AND MANDATES OF THE COMMONWEALTH OF PENNSYLVANIA'S RIGHT TO KNOW LAW, SENATE BILL 1 OF 2007 EFFECTIVE JANUARY 20, 2016

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

Resolution

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, REPEALING RESOLUTION NO. 9791, PASSED ON DECEMBER 9, 2015, APPOINTING MELISSA KOMAR AS CITY MANAGER FOR A TERM OF ONE (1) YEAR EFFECTIVE UPON PASSAGE OF THE SAID RESOLUTION.

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

Resolution

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING MELISSA KOMAR AS INTERIM CITY MANAGER

The motion was withdrawn.

Resolution

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE CITY SOLICITOR AND CITY MANAGER TO GIVE THIRTY (30) DAYS NOTICE TO THE EADS GROUP OF THE CITY OF JOHNSTOWN 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 SIX; GENERAL CONSIDERATION, 605 SUSPENSION AND TERMINATION (B)(1) FOR CAUSE (a).

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

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, DIRECTING THE OFFICE OF THE CITY MANAGER AND/OR THE DIRECTOR OF FINANCE TO PLACE THE PUBLIC NOTICES/ADVERTISEMENTS AS TO THE CITY OF JOHNSTOWN SEEKING AND ACCEPTING RESUMES AND/OR LETTERS OF APPLICATION FOR THE POSITION OF CITY MANAGER.

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

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

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

Resolution No. 9809

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND MELISSA KOMAR FOR A ONE-YEAR TERM AT A SALARY OF \$75,000.

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

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

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

Resolution No. 9810

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, TO DEVELOP TRAINING PROCEDURES AND GUIDELINES FOR ETHICS, STANDARDS AND PROCEDURES.

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

Attorney Andrews explained that Council can contact the State Ethics Commission with regard to the matter.

The motion was passed by the following vote:

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

Resolution No. 9811

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, TO
DEVELOP REPORTING PROCEDURES AND GUIDELINES FOR THE
LOAN PROGRAMS ADMINISTERED THROUGH THE CITY OF
JOHNSTOWN DEPARTMENT OF COMMUNITY AND ECONOMIC
DEVELOPMENT.

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

Attorney Andrews explained this is a resolution for the City to develop reporting procedures and guidelines for loan programs. Ms. Daly explained that six local banks, JARI and the Johnstown Redevelopment Authority appoint members from their staff who have loan funding background. There was further discussion regarding the matter.

The motion was passed by the following vote:

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

NEW BUSINESS

Mr. Williams made a motion to require the Housing Authority to schedule a meeting with Council, and failure to do so will result in investigative proceedings. The motion was seconded by Mr. Vizza.

Mayor Janakovic made a motion to invite JHA to the next meeting. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vizza,
Mr. Williams. Mayor Janakovic (6)
Nays: None (0).
Mr. Vitovich abstained from voting on the motion.

Wednesday, January 20, 2016
Stated Meeting, continued

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OLD BUSINESS

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:56 p.m.