

JOHNSTOWN CITY COUNCIL MINUTES

Thursday, December 29, 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. Interim City Manager Melissa Komar offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic noted an Executive Session and Public Hearings with regard to the 2017 Budget and Wage and Salary Ordinance Chapter 874 and Earned Income Tax were held prior to the start of the Regular Meeting.

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).

Interim City Manager Melissa Komar and Carl Beard, Esquire, Solicitor, were also present.

Mr. Williams made a motion to amend the agenda to add Bill Nos. 50 and 51 to Ordinances for First Read. The motion was seconded by Mrs. Stanton 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).

APPROVAL OF MINUTES

Mrs. Mock made a motion to approve the December 7, 2016 Planning Commission Minutes. The motion was seconded by Mr. Johncola and passed by the following vote:

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

Nays: None (0).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION

None.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Mr. Layman was informed prior to his public comments that he could not discuss other applicants and their credentials. David Layman, Johnstown Environmental Management Corporation, 68 Walnut Street and Cambria Industrial Development, 100 Iron Street, addressed Council with regard to the city manager selection. He noted that as Council he was appointed to serve as the City business representative to that committee along with two citizen representatives. He called the interview process "very productive and constructive" and "conducted in a cooperative and professional manner."

Mr. Layman noted disappointment that certain Council members chose not participate at all in one of the most important decisions affecting the City in 2017 and beyond which he called a "disservice" to the citizens. Mr. Layman commented this is the type of behavior that has chased the existing manager to another job.

Mr. Layman urged all Council members to work for the betterment and improvement of the City. He commended Melissa Komar for being an "advocate rather than an adversary" and wished her well in her new role as Executive Director of the JRA.

Liz White, 506 South Street, Johnstown, also addressed Council with regard to the city manager selection. She thanked Council for the opportunity to be involved in the process. She also was disappointed that two Council members chose not to participate. Ms. White extended best wishes to Mrs. Komar in her new position with JRA.

Mrs. Stanton commented that matters discussed during the manager selection committee are confidential and could not be publicly disclosed. She stated the people will just have to "wonder why not all attended".

Mr. Williams was advised by the Solicitor that if what transpired was open for discussion without him violating his oath of office he would be more than happy to discuss the matter.

Mr. Beard explained that the resumes, credentials, questions and other matters in the confidentiality statement are confidential. The attendance during the interviews was not a confidential issue. Questions asked of the candidates and their responses was not confidential. He further explained non-attendance is not a confidential matter, but the statements signed by these three individuals were confidential.

Mr. Williams commented that Mr. Beard was contacted by telephone during the Executive Session. Mayor Janakovic noted Mr. Williams violated the confidentiality by disclosing what was done during the Executive Session.

Mr. Beard explained that he was asked to draft a confidentiality statement that was not there at the time everybody arrived, which was done.

Michelle Beblar, 517 Duwell Street, Johnstown, addressed Council with regard to the City Manager selection. She thanked Council for the opportunity to be on the committee. Ms. Beblar was disappointed that the two members did not attend the three sessions. When Council entered into Executive Session, Ms. Beblar commented she "did not feel welcome at that point." She asked Council to work together to move the City forward.

Ms. Stanton inquired if Ms. Beblar's public comments had anything to do with the city manager selection. Mr. Beard explained he will not interrupt this presentation and that this still is related to the topic that she brought to the forefront.

Mr. Beblar stated she has not broken the confidentiality agreement she signed and was very happy to sign it. She wished the new City Manager the best of luck and wished Interim City Manager Melissa Komar all the best.

Justin Maser, 318 Cord Street and 216 Franklin Street, Ameriserv Bank. Mr. Maser discussed the Greater Johnstown United Neighborhoods Initiatives, an organization comprised of neighborhood groups. He stated the Initiatives group is a place where these groups can discuss neighborhood challenges as well as "the good things going on". He commented that in 2017 the group will conduct a survey of area residents with regard to challenges. He noted that a public forum will be held in March where members of Council will be invited to participate.

Mr. Maser noted the group is a capture team of Vision 2025. He noted that representation is needed from Old Conemaugh Borough and a few other areas but a large majority of the City's neighborhoods are represented.

Mrs. Mock commented on participating in the Initiatives group since the beginning and was glad to see residents participating and offering input at meetings.

Mr. Vitovich commented that he, along with Mrs. Mock and Mrs. Stanton, attended the group's first meeting and commended the group's initiative to ask city and county officials to attend and offer comments.

REPORT BY CITY MANAGER

Melissa Komar, Interim City Manager, reported that this Council meeting was her final meeting as the Interim City Manager, and therefore, she offered her final manager's report.

She noted mixed feelings as she left her role which had been a challenging and rewarding experience. She was hopeful she left the City in a better place than a year ago with a new Finance Director, a Public Works Director, police captains, and restructured numerous departments.

Mrs. Komar indicated that \$13 million in grant money had been received in the past year for sewer rehab, \$450,000 in lead base paint abatement, \$400,000 in environmental studies for brownfield sites, the housing project in the Roxbury community.

Also, she reported the acceptance of credit card payments for invoices. Phases IV, V and VI of the sanitary sewer work were completed with Phases VII and VIII underway. An electrical upgrade was completed in Central Park, which brought the park up to code.

Thirty-two (32) blighted buildings were demolished and gained two new construction sites within the Central Business District. Mrs. Komar noted these successful accomplishments encouraged her and the City's staff to work hard every day to keep moving forward to make this a beautiful City.

Mrs. Komar had worked for the City of Johnstown for 13 years and enjoyed every minute as GIS specialist, land management coordinator, and assistant city manager. She had endured public persecution in the media, social media, and face-to-face disrespectful confrontations. Mrs. Komar commented that she had a "front row seat" to the debate over her credentials and watched as everyone "laid in" on her college education and degree, which she described as useful in every aspect of the world from urban planning, building construction, and a \$110 million sanitary sewer upgrade project.

Mrs. Komar commented that from December 2015 until today, what you had was "someone who was real", someone who chose to stay, and a committed employee "who did not complain, worked hard, and never missed an opportunity to allow our City to excel." She stated that she always had the City's best interest at heart.

She stated that Municipal government employment that she endured requires strength and courage, support from department directors, coworkers, friends

and family. She stated this support will always be one of her fondest memories of her time at City Hall. She wished Arch, the staff and Council continued success.

Mrs. Komar commented it had been her privilege to serve the community, Council and the staff of the City and thanked everyone for the opportunity.

Mayor Janakovic thanked Mrs. Komar for her hard work and dedication to the City of Johnstown, attesting personally to the early morning texts, late night phone calls, and occasional knocks on the door.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, congratulated Mike Artim on being selected as President of the Chamber of Commerce.

The Mayor reported that Vision 2025 recently held its annual meeting at Ace's, and noted that currently 800-some people are active in the group to improve the City.

Discover Downtown was working on planning sessions. Mayor Janakovic invited all to attend the the New Year's Eve celebration downtown.

Mr. Janakovic indicated that JARI recently held a press conference at the Holiday Inn downtown to introduce the formation of the JARI Growth Fund. Six loans to small businesses throughout the City had been distributed.

Mayor Janakovic asked Council to support discussions with regard to the Moxham Police Substation consisting of police and Public Works. He invited the Moxham Renaissance Group and the Community Foundation to a workshop, which will be held prior the next Council meeting on January 11, 2017.

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

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

Nays: None (0).

Mayor Janakovic reiterated that the 2017 budget was balanced and there will be no property or other tax increases for 2017. He commended Council, the Finance Department, and other departments.

He discussed the Duke LifePoint settlement. Any funds that may have to be drawn with regard to the matter was within the balance of the 2017 budget.

Mr. Williams noted for the record that budget talks, despite differences, went smoothly "without the assistance of a recovery team," which was not present at any of the budget meetings.

Mrs. Mock noted the team had not been very helpful through the process.

The Mayor reiterated that the Council members did work together, and he would like that cooperation to move forward into 2017.

Mayor Janakovic discussed with Michael Foreman and Deb Grass the regional goal planning.

Mr. Williams hoped all Council members would attend the last Recovery Team meeting to ask questions and offer comments regarding the future plans.

Mayor Janakovic commented that being in Act 47 the City needs to have a plan going forward.

Mayor Janakovic received a notice of Police Chief Craig Foust's retirement effective December 31st, 2017. He thanked Chief Foust for his 31 years of service to the City of Johnstown.

Mr. Johncola also thanked the Chief for his service to the City.

REPORT BY THE CITY SOLICITOR

Carl Beard, Esquire, City Solicitor, discussed DEP correspondence. He noted Attorney Benjamin per Council's request did, in fact, contact DEP on December 19, 2016, regarding the proposed amendments to the ordinance addressing lateral testing upon sale and transfer and the issues the current language had created with respect to enforcement. Mr. Beard indicated that to date no response had been received, but he stated a DEP representative verbally notified EADS that there was no objection to the proposed amendments which are part of Bill No. 48. Mr. Beard indicated that copies of

letters are available. A proposed motion for amendment to that ordinance with regard to timeframes and days would be addressed later.

Mr. Williams inquired as to any response to a request for a meeting with DEP. Mr. Beard noted that Attorney Benjamin had not received a formal response to that request. Mr. Beard indicated that if a response was not received from DEP prior to the next Council meeting, Attorney Benjamin would inquire further regarding the matter.

Mr. Beard asked for a motion under New Business to approve a proposed settlement agreement with regard to the Duke LifePoint tax assessment appeals.

Mr. Williams suggested the matter be presently addressed.

Mr. Williams made a motion to approve the stipulation of a joint motion for the agreed order settling and resolving the tax assessment appeal filed by Duke LifePoint Memorial Medical Center relative to the Conemaugh Memorial Medical Center Main Campus at Civil Action No. 2015-2969 on terms provided within the Proposed Order reflecting the agreement among the parties.

Mr. Beard noted a few revisions to accommodate a numerical calculation was presented and sent to the Interim City Manager and to the incoming City Manager as well.

The motion was seconded by Mrs. Mock and passed by the following vote:

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

Nays: None (0).

Mrs. Stanton abstained from voting on the motion (1) noting a conflict of interest.

Mr. Williams made a motion to approve the stipulation of a joint motion for the agreed order settling and resolving the tax assessment appeal filed by Duke LifePoint Memorial Medical Center relative to the Conemaugh Memorial Medical Center Lee Campus at Civil Action No. 2015-2970 on terms provided within the Proposed Order reflecting the agreement among the parties.

The motion was seconded by Mr. Johncola and passed by the following vote:

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

Nays: None (0).

Mrs. Stanton abstained from voting on the motion (1) noting a conflict of interest.

Mr. Beard discussed a proposed ordinance that Councilman Williams submitted concerning vacant structures. Per Council's prior directive, Mr. Beard explained his office had been working with the City on an ongoing basis to develop a new proposed vacant structure ordinance. He noted the proposal was not listed on the agenda, and Councilman Williams and Councilwoman Stanton had agreed to allow the new City Manager the opportunity to review the proposal along with the provisions and then bring it back at a future Council meeting.

Mr. Williams and Mrs. Stanton agreed to withdraw the proposal until a future time.

Mrs. Stanton requested a copy of an accurate tax assessment on the Washington Street parking lot.

REPORT BY THE CITY ENGINEER

No Report.

COUNCIL UPDATES:

Code Complaints: Charlene Stanton-6; Jack Williams-2.

COUNCIL COMMITTEE REPORTS/NEIGHBORHOOD REPORTS

Mr. Vitovich and Mr. Vizza extended their best wishes to Mrs. Komar.

Mr. Williams made a motion directing the City Solicitor to file Code complaints for the existing conditions of that building, at least until the falling portions are removed.

Mrs. Mock asked for a status report on that building. Mayor Janakovic noted there is approval of over \$2.9 million currently being negotiated at the state level.

The motion was seconded by Mrs. Mock.

Mr. Beard suggested discussing the matter further with Ms. Daly and then within the parameters at the City's disposal based on all the laws and ordinances to enforce the falling bricks situation.

Ms. Daly noted the owner is 303 Franklin, LP.

Mr. Beard suggested an update be obtained on the matter, including number of complaints and photographs, and he would draft a letter.

Mr. Johncola thanked Mrs. Komar for all she had done for the City and the Prospect residents.

Mrs. Mock reported the West End Improvement Group held a residential Christmas Decorating Contest and stated there were five winners who each received a photograph of their home as a prize. She thanked the judges, Interim Chief Janciga, Captain Miller, [Sue Kondolinka, 2025](#); Lisa Caccicia, Visit Johnstown; Jim Buday, ACRP; and Chief Kovacic. She noted donations were received from Bantly Hardware, Blaine Boring's, anonymous donations, Linda Yutzey.

Mrs. Mock noted Celebration Johnstown would be held downtown on Saturday, December 31, 2016, consisting of programs held at downtown churches and carriage rides. Ameriserv Bank would be open to view displays from former downtown department stores. An adult event and ball dropping and animated countdown would be held.

Mrs. Mock reading off of a prepared statement, welcomed the new manager and wished him the best of luck and hope his time with the City would be successful, because this is "really what we all want." Mrs. Mock stated that Arch Liston is not a miracle worker, though having Mrs. Komar here was "pretty close to that."

Mrs. Mock commented that the new manager will do just fine, but we need to make sure that the goals that are met and standards that are set contribute to positive ideas and are realistic and obtainable expectations. She asked everyone to be patient and hoped that Mr. Liston was not overwhelmed.

Mrs. Mock stated that Melissa Komar was "the hardest working individual" she had ever met, weathering the storm of critics and nasty personal attacks and battled more nonsense than anyone should have to endure which she did "with more grace, professionalism and poise than anyone I have ever seen."

Mrs. Mock further stated that "yes, you may have lost the battle, but I guarantee you will win the war and Melissa Komar is not finished".

Mayor Janakovic commented on a radio report stated that the Mayor would be jumping from the Christmas Tree at midnight with or without a net. He just wanted to note that is not true.

Mrs. Stanton thanked North American Hoganas for the invite to take a tour of the plant.

Mrs. Stanton made a motion to issue a proclamation to Mr. Gore, CEO, North American Hoganas extending Council's thanks and appreciation for their generous donations and the many things they had done for the City. The motion was seconded by Mr. Williams 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).

Mrs. Stanton discussed code complaints with regard to Conemaugh Borough. She referred to an area on Steel Street that was littered with garbage, trash bags and tires and vacant structures that are collapsing. She expressed safety concerns for the people walking in the area.

Mrs. Stanton reported that water was coming down from Northwood Avenue creating a hazard on Derby Street. Mr. Calpin explained that a crew vacuumed everything out. He stated debris comes down from the hillside and blocks the pipes. Mr. Calpin believes a spring may also be responsible. Mr. Calpin will contact Upper Yoder regarding the matter.

PETITIONS

1. Petitioners committee Administrative Code Amendment Section 203.
Organization of Council.
2. Petitioners committee Home Rule Charter Amendment reducing the number of elected Council members.

Mr. Williams made a motion to accept the petitions. The motion was seconded by Mrs. Stanton and passed by the following vote:

Yeas: Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich, Mr. Vizza (7).
Nays: None (0).

ORDINANCES FOR FINAL READ AND ADOPTION:

Mr. Williams made a motion to remove Bill Nos, 41, 42 and 43 from table. 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).

BILL NO. 41 OF 2016, 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 FOR THE VARIOUS BUREAUS, DEPARTMENTS AND THE PAYMENT OF DEBT SERVICE OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY, 1, 2017 (Tabled December 14, 2016).

Mr. Williams made a motion to approve as amended on December 14, 2016. The motion was seconded by Mrs. Stanton and passed by the following vote:

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza,
Mr. Williams, Mayor Janakovic (7).
Nays: None (0).

BILL NO. 42 OF 2016, AN ORDINANCE FIXING THE SALARIES AND WAGES TO BE PAID ALL ELECTED OFFICIALS AND EMPLOYEES OF THE VARIOUS DEPARTMENTS AND BUREAUS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2017 (Tabled December 14, 2016).

Mr. Williams made a motion to approve as amended on December 14, 2016. The motion was seconded by Mr. Johncola and passed by the following vote:

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Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams,
Mayor Janakovic, Mr. Johncola (7).
Nays: None (0).

**BILL NO. 43 OF 2016, AN ORDINANCE AMENDING CODIFIED ORDINANCE
CHAPTER 874 TITLED EARNED INCOME TAX, SUBSECTION 874.02;
IMPOSITION; RATE AND FURTHER BY REPEALING (Tabled December
14, 2016).**

Mr. Williams made a motion to approve as amended on December 14, 2016. The motion was seconded by Mr. Johncola and passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams,
Mayor Janakovic, Mr. Johncola, Mrs. Mock (7).
Nays: None (0).

**BILL NO. 44 OF 2016, AN ORDINANCE AMENDING CODIFIED ORDINANCE
CHAPTER 482 TITLED PARKING GENERALLY, SUBSECTION 482.197
TITLED: PARKING GARAGES, MONTHLY PERMITS, RATES,
SUBSECTION F, PASSED FINALLY BY ORDINANCE 4790, PASSED
11/12/97 BY FURTHER AMENDING TO ADJUST AND ESTABLISH
MONTHLY PARKING RATES.**

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

Yeas: Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic,
Mr. Johncola, Mrs. Mock, Mrs. Stanton (7).
Nays: None (0).

**BILL NO. 45 OF 2016, AN ORDINANCE AMENDING CODIFIED ORDINANCES
OF THE CITY OF JOHNSTOWN, CHAPTER 482, TITLED PARKING
GENERALLY, SUBSECTION 482.195 TITLED: IMMOBILIZATION OF
MOTOR VEHICLES (F) BOOTING FEES AS PASSED FINALLY AND IS
AMENDED BY (ORDINANCE 4713 PASSED 2/2/95; ORDINANCE 5048
PASSED 12/18/09.**

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

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Yeas: Mr. Vizza, Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich (7).
Nays: None (0).

BILL NO. 46, AN ORDINANCE AMENDING ORDINANCE NO. 5060 PASSED FINALLY MARCH 10, 2010 AND CODIFIED CHAPTER 422 TITLED: ENFORCEMENT AND PENALTY, SUBSECTION 422.02 REMOVAL AND IMPOUNDING OF VEHICLES (K) TOWING AND IMPOUNDING CHARGES BY INCREASING THE ADMINISTRATIVE CHARGE DUE THE CITY OF JOHNSTOWN.

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

Yeas: Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mrs. Stanton, Mr. Vitovich, Mr. Vizza (7).
Nays: None (0).

BILL NO. 47 OF 2016, AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, AMENDING ORDINANCE NO. 5192 OF 2015 AS AMENDED BY ORDINANCE NO. 5210 PASSED FINALLY ON JUNE 28, 2016 AND ORDINANCE NO. 5203 PASSED FINALLY ON AUGUST 11, 2016, AND ORDINANCE NO. 5207 PASSED FINALLY ON OCTOBER 12, 2016 SETTING FORTH THE 2016 CITY OF JOHNSTOWN BUDGET EXHIBIT A TO INCLUDE BOTH DEBT SERVICE AND GENERAL FUND REVENUE AND EXPENSES FOR THE \$6,000,000 UNFUNDED DEBT LOAN TO BE RECEIVED YEAR END IN 2016.

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

Mayor Janakovic thanked the banks and all others involved for working with the City.

The motion passed by the following vote:

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

ORDINANCES FOR FIRST READ

BILL NO. 48 OF 2016, AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 5166 PASSED FINALLY JANUARY 28, 2015 AND AS AMENDED IN ORDINANCE 5179 PASSED FINALLY AUGUST 12, 2015 AND KNOWN AS THE LATERAL RESALE ORDINANCE TO REVISE AND FURTHER ESTABLISH VALIDITY PERIODS FOR THE TEMPORARY CERTIFICATES OF COMPLIANCE ISSUED AND TO ADDRESS ADDITIONAL MATTERS PERTAINING TO SAID TIME PERIODS. (Tabled December 14, 2016)

Mr. Williams made a motion to have the bill remain tabled. The motion was seconded by Mrs. Mock.

Mr. Beard clarified, when the matter was first addressed, if it would not be tabled, it would then have to be amended to a motion to address what Council wanted to plug in as it relates to Subsection (d), which addresses the amount of days to address certain things.

Mayor Janakovic noted the bill will remain tabled.

Mrs. Stanton inquired whether any enforcement action would be taken regarding the properties that had certificates of compliance expiring on December 31. Mr. Williams noted it was agreed to at the last meeting that whatever was in place would be enforced.

Mrs. Stanton discussed 63 contractors listed on the City's website. Ms. Daly stated the contractors are putting bids out for 2017 and offered a further explanation of the matter. There was no further discussion as it was noted the matter was tabled and would be discussed at a future meeting.

BILL NO. 49 OF 2016, AN ORDINANCE TITLED: AN ORDINANCE AMENDING ORDINANCE NO. 4719 PASSED FINALLY APRIL 12, 1995 AND AS AMENDED BY ORDINANCE 5062 PASSED FINALLY MARCH 24, 2010 TITLED: AN ORDINANCE ESTABLISHING A PERSONNEL POLICY FOR ALL CITY OF JOHNSTOWN EMPLOYEES BY FURTHER ESTABLISHING PROCEDURES AND POLICIES FOR THE EMPLOYEES OF THE CITY OF JOHNSTOWN BY FURTHER AMENDING CERTAIN SECTIONS TO PROVIDE UPDATED PROCEDURES AND POLICIES FOR THE EMPLOYEES OF THE CITY OF JOHNSTOWN. (Tabled December 14, 2016).

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Mrs. Mock made a motion to have the bill remain tabled.

Mr. Beard thanked Mrs. Komar and wished her well with her future endeavors.

Mr. Beard praised Mr. Williams for codifying ordinances in the past, noting the ordinances are very difficult to track.

BILL NO. 50 OF 2016, AMENDING ORDINANCE NO. 4654 AS AMENDED BY ORDINANCE NO. 4693, 4731, 4880, 4894, 4902, 4908, 4991, 5015, 5024, 5034, 5052, 5055, 5058, 5069, 5177, 5194, 5196, 5199 AND BILL NO. 29 OF 2016 PASSED FINALLY OCTOBER 12, 2016 ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS OF DUTIES OF COUNCIL, 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 FURTHER AMENDING ARTICLE II, ELECTED OFFICIALS, COUNCIL ORGANIZATIONS AND PROCEDURES, SECTION 203, ORGANIZATION OF COUNCIL.

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

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

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

BILL NO. 51 OF 2016, AN ORDINANCE BY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, PLACING ON THE MAY 16, 2017 PRIMARY ELECTION BALLOT OF THE CITY OF JOHNSTOWN THE VOTER REFERENDUM QUESTION FOR CONSIDERATION BY THE CITY OF JOHNSTOWN ELECTORATE TO AMEND THE HOME RULE CHARTER TO REDUCE THE NUMBER OF ELECTED COUNCILMEMBERS FROM SIX COUNCIL PERSONS AND ONE MAYOR TO FOUR COUNCIL PERSONS AND ONE MAYOR EFFECTIVE JANUARY 1, 2018.

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

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

RESOLUTIONS

Resolution No. 9914

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE ISSUANCE OF A TAX AND REVENUE ANTICIPATION NOTE; PROVIDING FOR THE INTEREST RATE, MATURITY DATE AND REDEMPTION PROVISIONS IN RESPECT OF THE NOTE; ACCEPTING THE PROPOSAL OF 1ST SUMMIT BANK FOR THE PURCHASE OF THE NO. 1E AUTHORIZING THE PROPER OFFICERS TO EXECUTE ALL ACTS NECESSARY FOR ISSUANCE AND SECURING THE NOTE; AUTHORIZING AND DIRECTING THE PREPARATION AND FILING OF ALL DOCUMENTS REQUIRED BY THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

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

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SEEK GRANT FUNDING FOR FOUR (4) ADDITIONAL FIREFIGHTERS UNDER 2016 SAFERS.

Mr. Vitovich made a motion to 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).

Resolution No. 9915

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPROVING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND ARCH LISTON FOR A ONE-YEAR TERM AT A SALARY OF \$80,000 PER THE TERMS OF THE AGREEMENT BETWEEN THE PARTIES.

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

There was a discussion regarding vehicle and personal telephone expenses for Mr. Liston. It was noted there would be no healthcare costs associated with his employment.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic, Mr. Johncola (7).
Nays: None (0).

Mayor Janakovic welcomed Mr. Liston to Johnstown.

Mr. Williams made a motion to reimburse Mr. Liston for travel and lodging expenses as well as per diem for his time. The motion was seconded by Mrs. Stanton and passed by the following vote:

Yeas: Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock (7).
Nays: None (0).

Resolution No. 9916

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, APPROVING SCOTT HAYMAKER'S REQUEST TO PURCHASE FIVE YEARS OF MILITARY SERVICE COMPLETED PRIOR TO EMPLOYMENT WITH THE CITY OF JOHNSTOWN TO INCREASE HIS LENGTH OF SERVICE TO THE CITY FOR POLICE PENSION CALCULATIONS.

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

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Mr. Beard explained that Council was required by law to approve the request.

Attorney Vizza thanked Mr. Haymaker for his service to the military and police department.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic,
Mr. Johncola, Mrs. Mock, Mrs. Stanton (7).
Nays: None (0).

Chief Kovacic discussed changes to the SAFER grant.

MOTIONS

None.

NEW BUSINESS

None

OLD BUSINESS

None.

PUBLIC COMMENT-NON-AGENDA ITEMS

Ken Szczur, 183 Spring Street, Johnstown, addressed Council regarding the Discover Downtown partnership. He thanked Melissa Radavonic for her hard work with the organization. Mr. Szczur stated Discover Downtown had been involved with the spring cleanups, Taste and Tour, Fall Fun Days, Easter Egg Hunt, scarecrows, and the Christmas Tree in Central Park. He commended Melissa Komar for being present at every single event.

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to the Conrad Building. He stated the building was condemned in 2009 "with not one citation since 2009, and it's time to get to the courtroom."

Mr. Warhul commented that Bill Nos. 50 and 51 were concerning two petitions signed by hundreds of registered voting residents, which he stated were tabled, because "you didn't want to hear them tonight."

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council. He thanked Melissa Komar for her service. He thanked Mr. Vitovich for placing hate crime and nondiscrimination bills on the next agenda at the January 11, 2017 meeting. He had comments regarding Chief Foust's resignation and asked that Council "break their silence and make a statement" with regard to the matter. Mr. DeBartola referred to the arrest of the former City Manager as one of this past year's "major scandals".

Mr. Beard explained that the DA was in the review process of the officer, which still had not been finalized. He stated no further updates had been received, other than the DA had clearly indicated the Chief had not engaged in any wrongdoing as it related to that particular incident and no criminal charges would be pursued against the Chief. With regard to other internal operating procedures within the police department, the new City Manager himself was a former chief of police and had a considerable amount of experience and would be looking at the standard operating procedures of the police department. Mr. Beard further stated that it would not be prudent for the City to ask to pay consultants to do something when this gentleman had considerable more experience than some of the consultants that would be brought in to look at that issue. He noted the City was not hiding anything. The Chief submitted his retirement notice on December 27, 2016, effective December 31, 2016, and that the Interim City Manager in kind wrote back confirming and thanking the Chief for his service.

There was further discussion regarding the matter.

The next regular meeting is scheduled for January 11, 2017.

There being no further business, the meeting was adjourned at 7:35 p.m.