

JOHNSTOWN CITY COUNCIL MINUTES
Wednesday, December 9, 2015

City Council met in a stated session for the general transaction of business. Mayor Frank Janakovic called the meeting to order at 6:10 p.m. Assistant City Manager Melissa Komar offered the invocation, and the Pledge of Allegiance was recited.

Mayor Janakovic announced that Executive Sessions were held on December 1, 2015, December 4, 2015 and December 9, 2015, with regard to personnel issues.

The following members of Council were present for roll call:

Mr. Gentile, Mayor Janakovic, Mr. Johncola, Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza (7).

City Solicitor David Andrews and Interim City Manager Melissa Komar were also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the Minutes of the two October 30, 2015 special meetings, the November 10, 2015 regular meeting, and the November 12, 2015 special meeting. The motion was seconded by Mrs. Mock and passed by the following vote:

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

Mayor Janakovic read the following comment into the record: As a result of our Executive Session, we wish to inform everyone that Council will consider a motion to turn over all information regarding Carlos Gunby to the law enforcement authorities, including the District Attorney of Cambria County. He noted a resolution will follow with regard to that motion.

COURTESY OF THE FLOOR

Joseph DeBartola, 1197 Bedford Street, Johnstown, addressed Council concerning local government. He discussed Council bringing the City into the future by "dealing with nepotism". He suggested using the language in Senator Wozniak's state bill with regard to the City's policy on nepotism. He suggested the City recruit the help of others to "build a new Johnstown" and bring about change. Mr. DeBartola further expressed the importance of

promoting the public's involvement in "building" Johnstown, not for their own self-interest but for the betterment of Johnstown itself. He suggested that Council meet with the Johnstown Redevelopment Authority to let them know that Council will not tolerate corruption in any form.

Mr. DeBartola stated he looks forward to hearing the ideas that Mr. Williams and Ms. Stanton have to move the City forward.

Jack Williams, 360 Corinne Street, Johnstown, spoke to Council with regard to Bill No. 29 on the agenda. He had previously inquired if this bill in any way would affect Mr. Gentile's property on Cooper Avenue. Mr. Williams asked Attorney Andrews to insure the Coopersdale citizens that this does not in any way circumvent the progress in Coopersdale right now.

Attorney Andrews deferred the question to Ms. Daly who noted the current zoning with regard to that property will remain the same.

Mr. Williams referred to the Special Topics section of the agenda, noting the Administrative Code had not been amended to specify the Special Topics. He expressed the opinion that Council circumvented the Courtesy of the Floor, which he will discuss further at another time. Mr. Williams referred to Bill No. 31 on the agenda, which amends the Administrative Code regarding ordinances and resolutions. He stated that Council added this Special Topics section with no authority. He asked Council to follow the rules and regulations.

Attorney Andrews explained he had a conversation with Mr. Williams with regard to the matter. Attorney Andrews stated it is not the intent of Council to circumvent any issue of public comment. Mr. Williams can raise the issue in January with regard to amending the Administrative Code. Attorney Andrews explained that Council has the right to invite individuals who may have something meaningful to present to the City, even though they may not be residents, at the invitation of Council. Amending the Administrative Code is currently a topic of discussion among Council members.

Joseph Warhul, 44 Clover Street, Johnstown, addressed the issue of corruption and how "the City seems to work". Mr. Warhul stated he was at City Hall on November 20, 2015, to purchase statements of financial interest and further stated that within two hours, what he did and who he met with was on the internet. He stated that he finds it appalling that two city officials commented that he was "stealing", naming Mrs. Mock as one of the two individuals.

Mr. Warhul commented with regard to the EADS Group contributing \$1,800 in campaign funds. He called it the same EADS Group that "gave gifts to Mr. Repak". Mr. Warhul commented that now we have a city manager "in disgrace" at this point. Mr. Warhul suggested placing Mr. Gunby on administrative leave without pay until the matter is resolved. He further suggested that Mr. Gunby "should have been fired and not given the opportunity to resign."

Mayor Janakovic added that Mr. Gunby's resignation has not been officially accepted.

Donald McLean, 771 Central Avenue, Johnstown, addressed Council with regard to nearby homes with bricks falling down from deteriorating chimneys onto his properties. He noted rats have become a problem. Mr. McLean stated the City codes employee "will not do nothing about this." He provided photographs of his properties for Council to review. Mr. McLean noted the tree matter that he addressed at previous Council meetings has been resolved, but the house "is just sitting there rotting."

Mr. Janakovic requested that Interim City Manager Melissa Komar investigate the matter further and provide Council with a report on same.

Mr. Mickel asked Ms. Daly to address the issue since the matter had been brought up a few months ago.

Charlene Stanton, 184 Sell Street, Johnstown, addressed Council with regard to the City's current dilemma. She referred to issues such as Mr. Gunby's resignation and the missing City funds, murders, drugs, free passes, special privileges, the sewage fiasco, gift certificates from EADS to Council members, Council refusing to let a retired Johnstown police officer speak at Council meetings, Council flagrantly violating the Administrative Code by permitting Special Topics as an agenda item, hundreds of thousands of dollars in loans given to businesses, which were written off or are currently delinquent, as well as Council's \$10,000 giveaway for the Vision 2025 study. She also made reference to Councilwoman Mock's treatment of residents at Council meetings. Mr. Vitovich noted for the record that he has never received a gift certificate from the EADS Group. Mayor Janakovic added that "many of us haven't." He noted that Ms. Stanton "can help Council address all these issues come January."

Reverend Richard Williams, 752 Menoher Boulevard, Johnstown, addressed Council with regard to vacant lots being taken by ACRP. Mayor Janakovic stated that, as President and CEO of ACRP, he will be glad to meet with Mr. Williams at 131 Market Street for further discussion. Reverend Williams inquired if the

City of Johnstown had anything to do with tearing the houses down, clearing the lot and then giving it to ACRP. He noted that if this is happening, he "wants to put a stop to it." Reverend Williams spoke about the Christmas tree in the West End, noting that it was "put up" by Public Works. Mrs. Mock stated the West End Improvement Group paid Public Works for their time and offered to show Reverend Williams the cancelled check.

Mayor Janakovic responded to Referend Williams' comments by stating that over 250 families have been given housing, as well as help with doors, windows and food. He stated that "if that's a bad thing, Mr. Williams, I'm guilty," and the property has not been given to ACRP despite his comments.

SPECIAL TOPICS

Ed Sheehan, President and CEO Concurrent Technologies, Corporation, 100 CTC Drive, Johnstown, updated Council with regard to the work of the Vision 2025. He provided a brief history of the Vision Group and the specific categories which would be focused on, including government, economy, environment, and society. Mr. Sheehan stated that over 175 persons attended the last meeting held on November 16, 2015, at the Lutheran Church downtown. He noted that since that time, meeting dates have been set for the next meetings in January, and a marketing and a communications committee has been formed. Information will be sent to the Tribune-Democrat over the holidays to inform visitors of the status and focus of Vision 2025. Mr. Sheehan thanked Council for its support of Vision 2025.

On behalf of City Council, Mayor Janakovic thanked Mr. Sheehan and those involved with Vision 2025 for their support in moving the City forward.

Ron Shawley, 172 Albaugh Park Road, Johnstown, representing Laurel Highlands Historical Village, presented Council with a Certificate of Recognition. He noted the Honan Avenue project has received national recognition and commended the local businesses which volunteered manpower and equipment for the project.

Mr. Mickel made a motion to turn over findings with regard to Carlos Gunby to the proper authorities. The motion was seconded by Mrs. Mock.

Mayor Janakovic clarified the motion to mean proper law enforcement authorities.

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

Nays: None (0).

REPORT BY THE CITY MANAGER

Melissa Komar, Interim City Manager, thanked the City, County and State emergency services for their coordinating efforts during the funeral service for Officer Reed of St. Clair Township.

Ms. Komar thanked the Moxham Renaissance Group and the University of Pittsburgh at Johnstown for coordinating the Light-Up Night at the Park Avenue Playground. She also thanked Discover Downtown Johnstown partnership for the tree lighting and all involved in the Christmas Parade. Ms. Komar further thanked the West End Improvement Group for their Christmas Parade and the Veterans Day Parade.

She recognized the Vision 2025 Group as a true example of many citizens coming together in the best interest of the community.

Ms. Komar noted the Haynes Street, Dellwood Street, and Prospect Viaduct projects have all been completed.

Ms. Komar congratulated the Johnstown High Football Team for becoming the District 6 AAA championship football team.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on attending the Pennsylvania/West Virginia Roundtable at the Holiday Inn with regard to energy and controls, mining and coal usage. He thanked everyone who participated.

Mayor Janakovic reported on recently attending the Veterans Day Parade. He reported on his meeting with Cambria County Commissioner Thomas Chernisky and Commissioner Elect B.J. Smith with regard to further discussion and coordination of City/County projects.

Mayor Janakovic noted a special meeting will be held on December 14, 2015, with regard to the LST (Local Service Tax). He is requesting that the state and Act 47 offer other alternatives "to deal with our citizens and how we tax them and not be mandated one way or the other."

The Mayor reported on meeting with students throughout the area as well as the previous City Manager and Representative Barbin with regard to their ideas for the future. Mayor Janakovic thanked the Tribune-Democrat for reporting

on the ideas. He also reported on an impressive Vision 2025 visit recently held at Johnstown High School.

COMMUNICATIONS

1. Planning Commission Minutes of November 4, 2015

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

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

Nays: None (0).

2. Citizen Code complaints
3. Letter from Jack Williams

PETITIONS

None

ORDINANCES FOR FINAL READING

BILL NO. 24 OF 2015, AN ORDINANCE VACATING UNOPENED ALLEY BETWEEN WESS STREET AND UNNAMED ALLEY AND BIRD ALLEY AND KNIPPLE AVENUE IN THE SEVENTEENTH WARD OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.

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

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

Nays: None (0).

BILL NO. 25 OF 2015, AS AMENDED, AN ORDINANCE ESTIMATING THE AMOUNT OF REVENUES TO BE RECEIVED BY THE CITY OF JOHNSTOWN FROM VARIOUS SOURCES AND APPROPRIATING

SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES FOR THE OPERATIONS OF THE VARIOUS FUNDS, BUREAUS, DEPARTMENTS, THE PAYMENT OF DEBT SERVICE AND THE PENSION FUND OBLIGATIONS OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2016, INCLUDING THE FOLLOWING CITY OF JOHNSTOWN FUND SECTIONS, AND THE RESPECTIVE FUNDS "BUDGET EXHIBIT A DETAILS".

Attorney Andrews stated this bill will be placed back on the agenda for the December 22, 2015, meeting following the 10-day advertisement of a public hearing.

BILL NO. 26, 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 FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2016.

Attorney Andrews stated this bill also will be placed back on the agenda for the December 22, 2015 meeting.

BILL NO. 27 OF 2015, AN ORDINANCE AUTHORIZING THE CITY MANAGER AND SOLICITOR TO EXECUTE ALL DOCUMENTS NECESSARY TO REFINANCE THE 2009 SERIES GENERAL OBLIGATION BOND THROUGH CONVERSION TO A GENERAL OBLIGATION NOTE WITH FIRST NATIONAL BANK OF PENNSYLVANIA AT A RATE OF 2.08 PERCENT, AND TO AWARD THE NOTE NOT IN EXCESS OF \$2,740,000.

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

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

Nays: None (0).

BILL NO. 28 OF 2015, AN ORDINANCE AMENDING ORDINANCE NO 4810 PASSED SEPTEMBER 9, 1998; ORDINANCE 4855, PASSED MAY 10, 2000; ORDINANCE 5987 PASSED APRIL 12, 2006; ORDINANCE 5083 PASSED APRIL 27, 2011 AS "CHAPTER 1480 VACANT STRUCTURE"

TO REVISE THE GENERAL REQUIREMENTS FOR A VACANT
STRUCTURE.

Ms. Daly explained this ordinance will allow the City to use the \$500 vacant property fee towards the cost of demolition.

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

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

Nays: None (0).

BILL NO. 29 OF 2015, AN ORDINANCE AMENDING ORDINANCE NO. 4964 PASSED APRIL 13, 2005; ORDINANCE 5086, PASSED JUNE 22, 2001; AND ORDINANCE 5119, PASSED JANUARY 23, 2013 AS "CITY OF JOHNSTOWN'S ZONING ORDINANCE" TO REVISE THE ZONING REQUIREMENTS IN THE CITY OF JOHNSTOWN.

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

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

Nays: None (0).

ORDINANCES FOR FIRST READING

BILL NO. 30 OF 2015, AN ORDINANCE VACATING PAPER STREET NAMED WIDMANN PLACE IN THE THIRD WARD OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.

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

There was discussion with regard to the exact location of Widmann Place.

The motion was passed by the following vote:

Yeas: Mayor Janakovic (1).

Nays: Mr. Gentile, Mr. Johncola, Mr. Mickel, Mrs. Mock,
Mr. Vitovich, Mr. Vizza (6).

BILL NO. 31 OF 2015, AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE OF THE CITY OF JOHNSTOWN TO PROVIDE THAT ANY RESOLUTION OR ORDINANCE MAY NOT BE VOTED UPON AT A MEETING OF CITY COUNCIL UNLESS THE PROPOSED RESOLUTION OR ORDINANCE IS LISTED ON THE PROPOSED AGENDA PRIOR TO THE MEETING BY FRIDAY AT NOON BEFORE THE NEXT SCHEDULED MEETING.

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

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

RESOLUTIONS

Resolution

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, TO ACCEPT THE RESIGNATION OF CARLOS GUNBY FROM THE POSITION OF CITY MANAGER AND APPOINT ASSISTANT CITY MANAGER, MELISSA KOMAR, TO INTERIM CITY MANAGER.

Mr. Mickel made a motion to amend the resolution to state that Melissa Komar be appointed to a one-year term as City Manager at a salary to be negotiated between the Mayor and Ms. Komar. The motion was seconded by Mr. Gentile.

Attorney Andrews explained that Council is voting on Mr. Mickel's amended resolution, which would read as follows:

Resolution No. 9791

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, TO ACCEPT THE RESIGNATION OF CARLOS GUNBY FROM THE POSITION OF CITY MANAGER AND APPOINT

ASSISTANT CITY MANAGER MELISSA KOMAR TO THE POSITION OF CITY MANAGER FOR A TERM OF ONE YEAR WITH A SALARY TO BE NEGOTIATED BY THE MAYOR AND MS. KOMAR.

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

Nays: None (0).

Resolution No. 9792

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH JAMES EXCAVATION, INC., AWARDED CONTRACT 2015-06 FOR THE CONSTRUCTION OF THE CLEAN FILL DISPOSAL SITE PROJECT.

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

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

Nays: None (0).

Resolution No. 9793

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN A CONTRACT WITH WITMER PUBLIC SAFETY GROUP, INC. THE FIRESTORE, 430 WEST KING STREET, ABBOTTSTOWN, PENNSYLVANIA, 17301, TO PROVIDE AND DELIVER TO THE CITY TURNOUT GEAR FOR THE JOHNSTOWN FIRE DEPARTMENT.

Mr. Mickel made a motion to amend the resolution to eliminate the term interim since the City Manager was just elected to a one-year term. The motion was seconded by Mr. Gentile and passed by the following vote:

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

Nays: None (0).

Resolution No. 9794

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN
ESTABLISHING THE SCHEDULE OF CITY COUNCIL MEETINGS FOR
THE YEAR 2016.

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

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

Nays: None (0).

Resolution No. 9795

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, APPROVING THE CITY OF
JOHNSTOWN TO HIRE YOUNG, OAKS, BROWN AND COMPANY
ACCOUNTING FIRM FOR AN AGREED UPON PROCEDURES
ENGAGEMENT IN AN AMOUNT NOT TO EXCEED \$20,000.

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

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

Nays: None (0).

Resolution No. 9796

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY
MANAGER TO SUBMIT AN EPA BROWNFIELD ASSESSMENT
GRANT ON BEHALF OF THE CITY OF JOHNSTOWN, DEPARTMENT
OF COMMUNITY AND ECONOMIC DEVELOPMENT, IN THE
AMOUNT OF \$400,000.

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

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

Resolution No. 9797

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, TO APPROVE RETAINING VALBRIDGE PROPERTY
ADVISORS TO PERFORM APPRAISALS ON THE DUKE LIFEPOINT
PROPERTIES IN CONNECTION WITH THE TAX ASSESSMENT
LITIGATION.

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

Attorney Andrews explained the School District and the County will split the cost of
the appraisals not to exceed the amount of \$30,000.

The motion passed by the following vote:

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

OLD BUSINESS

Being this is Mr. Mickel's last scheduled meeting, he offered his opinions on the
following matters: He stated that Council should work with JHA to help them
improve their methods of managing properties under their control. He stated
he is hopeful that Council can find a way to establish a separate sewer
authority and move all sewage-related issues to that authority. He further
stated he hopes that returning Counsel in January will "turn over a new leaf" in
his approach to politics by doing things that will help the taxpayers of
Johnstown.

Mr. Williams objected noting point of order, personal attack. Mr. Mickel stated he
did not consider this an attack.

Mr. Mickel noted he is also hopeful that there is cooperation among Council members
to move the City forward. Mr. Mickel then thanked his fellow Council

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Stated Meeting, continued

Mayor Janakovic on behalf of Council and the Solicitor presented certificates of recognition to both Mr. Mickel and Mr. Gentile for their service to the City of Johnstown.

NEW BUSINESS

None.

There being no further business, the meeting was adjourned at 7:20 p.m.