

JOHNSTOWN CITY COUNCIL MINUTES
Wednesday, April 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.

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

Mr. Vitovich made a motion to approve the March 23, 2016 regular meeting and March 24, 2016 special meeting minutes.

Mr. Williams discussed a correction to the March 23, 2016 meeting minutes with regard to the resignation letter of Ms. Peracchino. He noted that letters of resignation do not come from Council. The minutes were amended to reflect that there is no requirement that City employees submit resignations to Council for approval.

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).

COURTESY OF THE FLOOR

Ron Shawley, Johnstown, reminded members of Council that Johnstown was named the All American City in 1972, an award given to cities that rebuild communities. He would like to see the title brought back to the City again. Mr. Shawley commented he has spoken to Senator Wozniak, the County Commissioners, Representative Barbin, Jesse Ventura, and others with regard to working together for the betterment of Johnstown.

John DeBartola, 1197 Bedford Street, Johnstown, addressed Council with regard to his role as a community activist and concerned citizen. He stated he is

saddened that Mr. Williams and Mrs. Stanton are "trying to divide this community, rather than unifying it." Mr. DeBartola commented that the majority of the City does not want Mrs. Komar removed from her position and that Mr. Williams and Mrs. Stanton "are ripping her to shreds." Mr. DeBartola stated the qualifications should be amended to read, a master's level or the appropriate experience, which he noted that in his opinion Mrs. Komar does have the experience. He noted the lawsuit has created "chaos and destruction." Mr. DeBartola asked that Mrs. Stanton and Mr. Williams resign.

Deacon Jeffrey Wilson, Johnstown, offered several reasons why Mrs. Komar should be retained as the City Manager. He also noted how Altoona has begun to grow due to cooperation. He stated the outlying areas would not want to be drawn to consolidation with the City of Johnstown when there is dysfunction among City government. Deacon Wilson suggested rather than wasting time on trivial things, work together on a master plan to bring Johnstown "back on its feet." He stated the City's senior citizens and middle class people and people less fortunate "are counting on us."

Mr. Williams responded by noting that on May 18, 1992, the voters of the City of Johnstown, adopted the City Charter with regard to qualifications for the governments of the state. He suggested that if someone wants to change qualifications with regard to a City government position, that it should be placed on the ballot for a vote as required by state statute.

Mrs. Stanton responded that when she took her oath of office as a member of council, it was an oath to uphold the law which she totally supports.

Mark Pasquerilla, 945 Menoher Boulevard and 1 Pasquerilla Plaza, Johnstown, addressed Council by indicating he is a "disgruntled City taxpayer". He is ashamed that Mr. Williams and Mrs. Stanton continue to bring "dysfunction" to our City with their Right to Know requests, lawsuits and "psychological torture of our City administrators." He discussed both of their "no votes" against the \$10 million PennVEST grant, which made the City the "laughing stock of Pennsylvania government".

Joseph Warhul, 44 Clover Street, Johnstown, addressed Council with regard to three emails he had sent to the City Solicitor and Interim City Manager and other Council members, which he requested to be added to the agenda Communications item. Mr. Warhul read into the record the First Amendment. He talked about how Chief Foust escorted him out the door after the last meeting, noting he was not charged with disorderly conduct, nor was he called out of order at any point. Mr. Warhul cited Section 210.13 (b) of the Home Rule Charter which states that only the Mayor can direct him to be removed

from Council chambers. He indicated that Mrs. Komar violated Section 210.13 (b) of the Administrative Code when she had Mr. Warhul removed from Council chambers on March 23.

He questioned why police action was taken against him and "what crime did I commit." He further questioned why Mayor Janakovic did not "call him out of order." Mayor Janakovic responded that at the time, someone else was speaking to him with profanity and did not know he was being escorted out. Attorney Andrews will review the matter further.

Mr. Warhul further reiterated a question he had asked concerning Vision 2025. He asked that Council not restrict his right to ask questions.

Mr. Warhul discussed the properties not being properly zoned.

Mrs. Stanton noted that she did receive Mr. Warhul's email communication but wondered how many emails from other people are not being forwarded. She discussed Mr. Warhul's email regarding Vision 2025. Mrs. Stanton noted that she also was not aware that Mr. Warhul was escorted out of the meeting.

Mayor Janakovic explained that the Vision 2025 money was used towards a study and that the matter with Facebook should be taken up with Vision 2025. He suggested that Mr. Warhul attend the next Vision 2025 meeting to address any questions he might have. He invited Council members to also become involved with Vision 2025. There was further discussion with regard to the matter.

Bill Fisher, 1025 Hill Place, Johnstown, addressed Council with regard to the road condition of Hill Place. Mr. Fisher noted his fire insurance must have risk insurance due to the condition of the street. He thanked Chief Kovacic for his assistance with regard to a claim. Mr. Williams addressed the road condition and other matters with Mr. Fisher.

Attorney Andrews addressed the forum for Courtesy of the Floor speakers as follows: Public participation provisions call for 10 minutes on agenda items at the beginning of the meeting and 5 minutes on general issues not on the agenda following the legislative matters being voted upon. He noted that starting Council's next meeting the provisions of initiative referendum will be followed.

Mr. Williams noted that 1,915 voted "yes" and 400 voted "no" with regard to the ballot referendum.

Paul Rinker, 420 Vine Street, Apartment 2308, Johnstown, addressed Council with regard to the qualifications of Mrs. Komar as City Manager. He stated that Mr. Williams will "bully Council," and it seems that the only people that both he and Mrs. Stanton represent are Jack Williams and Charlene Stanton. He referred to a special April meeting that both had called for as being in violation of the Code.

Mrs. Stanton clarified that two members can call for a special meeting of Council, so it was not in violation. She stated the Mayor can call for a special meeting and also that two members of Council can call for a special meeting.

Mr. Rinker noted that Council is moving backwards instead of forwards.

James Brown, 391 Piney Place, Johnstown, addressed Council with regard to Resolution Number Seven on the agenda regarding the appointment of Mrs. Komar as Interim City Manager. He noted his support of Mrs. Komar as City Manager. Mr. Brown also referred to Resolution Number Eleven, which concerns the appointment of Mrs. Komar effective March 20, 2016. He encouraged Council to vote no with regard to Resolution Twelve. Mr. Brown also suggested amending Bill No. 15 with regard to qualifications.

Doug Puchko, President of Puchko Financial, Main Street, Johnstown, addressed Council in support of Mrs. Komar as City Manager. He thanked Mrs. Komar for her assistance in getting a water problem eliminated in the alley near his building. Mr. Puchko indicated that although he does not live in the City, his business is there and he is "invested in the City," and that he takes offense to Mr. Williams' comment with regard to "those guys going home at five o'clock." He asked that Mr. Williams and Mrs. Stanton stop being "sticks in the spoke" and move forward with the rest of the City.

Reverend Sylvia King, Christ Centered Community Church, 531 Somerset Street, Johnstown, addressed Council with regard to the Second Annual Peace March scheduled for May 6, 2016. She encouraged Council members to "set the tone of how the City is supposed to go" and to stop the "tug of war." She noted her support of Mrs. Komar.

Reverend King offered suggestions, including that Council members should "hold hands and pray together" before each meeting and further, to "get up and hug each other" after the meeting.

Cathy Sabo, 302 Laurel Avenue, Johnstown, addressed Council in support of Mrs. Komar. She discussed her leadership, positive attitude, vision, problem solving skills and the ability to move the City forward. Ms. Sabo noted that

another candidate with a master's degree, but without knowledge of the City will push the City backwards. Ms. Sabo supports amending the qualifications for the City Manager position.

Homer Mattes, 760 Milford Street, Johnstown, addressed Council regarding changes to the qualifications of a City Manager. He suggested calling a special meeting to amend the qualifications and then the posting of the job in the newspaper, so that Mrs. Komar and others may apply for the position. Mr. Mattes commented that the qualifications should stand the way they are.

Mark Fisher, 375 Corrine Avenue, Johnstown, addressed Council with regard to the lack of cooperation in City government. He discussed success at his current job as being based on experience and not a degree and also suggested amending the Charter. Mr. Fisher spoke further in support of Mrs. Komar.

Daniel Stonerook, 1334 Franklin Street, Johnstown, addressed Council regarding moving the six tables at Roxbury Park into one general location for checker/chess players. He discussed the idea of a fundraiser to purchase additional tables.

Reverend Richard Williams, Johnstown resident, addressed Council with regard to the fighting and arguing amongst Council members, as well as crime, overdoses, and the loss of jobs. He asked why a quorum was not present at a recent Council meeting. Reverend Williams discussed the City Manager qualifications and asked that rules and regulations be followed. He also discussed a property in Kernville that was given to ACRP.

It was noted that since public comment has not concluded, Representative Barbin may speak.

Representative Bryan Barbin, serving the 71st Legislative District, announced a \$3 million PennVEST grant for the Hornerstown project. He explained that the Johnstown Redevelopment Authority received an \$18 million loan to install the main sewer connector from Hornerstown down to St. Vincent De Paul's facility in the downtown area. He noted this PennVEST grant allows the City's laterals off of the main to be completed so the road is only torn up just once. Representative Barbin stated this \$23 million project will provide jobs.

Representative Barbin noted that he prays that Council members try find a compromise. Mr. Barbin explained that his grandfather became a supervisor at Airco with a sixth grade education and noted that a master's degree or even a high school degree is needed to know how to do a job. He agreed that the Charter needs to be changed and stated that if Johnstown does not come out of

Act 47 in 2018, it affects everybody he represents. Representative Barbin encouraged cooperation among members.

REPORT BY THE CITY MANAGER

Melissa Komar, City Manager, reported that the credit line and online payment training will be held on Thursday, April 21, 2016, so the finance department can start accepting credit cards. State Police will assist Parking with regard to reviewing outstanding parking tickets and collecting income otherwise not received. Property taxes are being received daily.

Mrs. Komar noted that 15 people completed all phases of Police testing process and a list of new hires will be compiled. She further noted the sergeant's written test is completed and in the final stages of the process as well. K-9 Officer Bo Gardner and Thor recently received certification from the Eastern Police Canine Association.

The City Manager indicated that turnout gear has been received and distributed, which was awarded through a federal grant. Also, City Manager Komar noted that 1,800 feet of fire hose was awarded through the 2015 PA Fire Commissioners Grant, which will be distributed. She noted a \$5,000 donation has been received from North American Hoganas with regard to this equipment.

The Cambria City Playground was rehabbed by volunteers on April 16, 2016. The Department of Community and Economic Development (DCED) will partner with the Department of Health to apply for funding through HUD in the amount of \$450,000 to remove lead-based paint in city homes.

Mrs. Komar indicated the downtown Farmers' Market will commence May 6, 2016, from 9:00 to 2:00 along Central Park and will continue throughout the summer months.

Mrs. Komar noted Public Works has removed and secured blighted structures and removed trees and limbs damaged over the winter months.

Mr. Williams discussed a communication he distributed prior to the start of the meeting with regard to demolition funds. He noted that the fund currently has a balance of \$313,000.

Mrs. Komar clarified that funds were reallocated from last year's budget. There was further discussion with regard to the fund.

REPORT BY THE MAYOR

Frank Janakovic, Mayor, reported on attending the Chamber Hall of Fame Dinner on April 15, 2016, which honored Jeanne Gleason, Joseph Mangarella, Frank Quitoni, and Gary and Rose Poborsky.

The Mayor noted Senator Casey visited Johnstown on March 24, 2016, and spoke to the senior citizens regarding senior fraud and was presented recognition from the City.

He noted that April is Child Abuse Prevention Month and Autism Month. The Mayor attended and spoke at the future soldier swear-in ceremony at the Armory. He indicated that 30 people throughout the area have enlisted in the Army.

Mr. Janakovic reported that Lift Johnstown recently had a volunteer project at the Pasquerilla Conference Center. The Mayor continues to be involved in Chamber board meetings, the Discover Downtown group, and the visioning committee.

Mayor Janakovic discussed his privilege of introducing former President Bill Clinton at an event held at UPJ today. He encouraged everyone to get out and vote. Mr. Vitovich was also in attendance.

REPORT BY THE CITY SOLICITOR

David Andrews, Esquire, City Solicitor, reported on an upcoming pretrial conference with regard to Duke LifePoint. He will update Council members on the matter at its next meeting.

Mrs. Komar said that there is currently \$1.5 million in escrow with regard to the Duke LifePoint account.

Mrs. Stanton requested an update as to the property on Franklin Street owned by the County Redevelopment Authority. Attorney Andrews stated a County agency still has the responsibility of complying with City codes. If there is no response, legal action may be necessary.

Mrs. Stanton requested an update on the box trailer on the Harris Boyer property in the West End. She noted the receipt of numerous complaints from nearby residents.

Mrs. Stanton inquired if a meeting with JHA and JRA has been scheduled to discuss the monetary assistance for sewage projects. There was further discussion regarding the matter.

Mrs. Stanton suggested that the City be "proactive" with regard to property owners who own multiple rental properties and are collecting rent and are not in compliance with the Code ordinances. She noted there needs to be enforcement of the ordinance that stipulates if the property is in noncompliance, that the City can revoke all rental registrations for all of their properties.

Attorney Andrews explained that the Judge discussed the problem with nonresident owners is notification, that letters come back as addressee unknown. He noted that action can be taken with the local landlords.

REPORT BY CITY ENGINEER

Dan Beyer referred Council members to a copy of his written report. He indicated the contractors continue the line tie-ins and the sanitary sewer laterals in the Hornerstown and Roxbury neighborhood. The contractors continue with punch list items for the Prospect area. Concrete restoration and paving restoration is underway in the Moxham Phase One area. The sanitary sewer project has begun in the Cambria City/Coopersdale/Minersville area.

Mr. Beyer noted the City received a \$3 million grant with regard to the Horner Street sanitary sewer project. JRA is requesting that the City allow the contractor to conduct construction 24/7 from Levergood to Baumer Streets.

He reported the PennVEST application deadline is May 11, 2016, with regard to the Eighth Ward sanitary sewer project. And also, bids will open on April 26, 2016, for the Horrocks Street project in Old Conemaugh Boro. Mr. Beyer further reported that DCED will be awarding allocations in May for the flood mitigation grants submitted by the City.

Mr. Williams inquired what is the City's policy or EADS' policy with notifying regional authority that those people are no longer required to pay the extra \$10. He inquired as to how a resident can obtain a refund or credit from the sewer authority. Mrs. Komar will provide assistance on the matter.

Mrs. Stanton noted there are complaints from Barron Avenue residents regarding the condition of the sidewalks on that street. Mr. Beyer indicated

the contractor will return to perform lawn restoration between the curb and the sidewalk.

Mrs. Stanton referred to a resident on Sell Street whose water, sewage and gas lines were broken during the sewage project in that area and then repaired. She inquired whether a certificate can be given indicating that the residence is in compliance. Mr. Beyer explained he would be responsible for finishing a small section of pipe on his property per an agreement between the resident and the contractor.

Mrs. Stanton inquired who should be contacted with regard to the sidewalks damaged by JRA on Sell Street. Mr. Beyer asked that addresses be provided in order to investigate the matter further.

Mr. Vitovich stated inspectors have talked to residents on Barron Avenue with regard to any sidewalk issues.

REPORT ON PRIOR YEAR'S AUDIT FINDINGS

Melissa Komar, City Manager, indicated that Wessel is currently working on this year's audit.

COUNCIL COMMITTEE/NEIGHBORHOOD LIAISON REPORT

Mr. Vitovich had no report.

Mr. Vizza reported that the congregation of the Trinity Lutheran Church in Hornerstown is very appreciative that the garbage behind the church has been removed.

Mr. Williams had no report.

Mr. Johncola thanked Mrs. Mock for her assistance in recruiting inmates from the Somerset State Prison who assisted with cleaning up Prospect.

Mrs. Mock noted that the prison will be contacted again to help with cleanup in the Woodvale area.

Mrs. Mock reported that this past Saturday, students from Mount Aloysius helped get the community garden on Laurel Avenue ready for planting. Mrs.

Mock noted a grant was received from the Community Foundation to plant vegetables.

She noted funds were raised at the recent Trash to Treasure sale to purchase additional cameras for the Harold Avenue Playground.

Mrs. Mock talked with members of the Hornerstown group and noted they are in the process of making contacts to obtain money for cameras in their area.

Mrs. Mock reported on her contact with Roxbury Bandshell members and stated that the County will soon be installing the roller rink boards at Roxbury Park.

Mrs. Stanton reported on her participation in a community prayer circle in Hornerstown at the Wood Street Playground. She thanked Hogan as for the installation of the light pole at the playground.

Mrs. Stanton attended the Seventh Ward Civic Group meeting this past Monday where she listened to comments from residents in that area concerned about crime in that area. Residents requested that the police department patrol the area before and after the meeting and also on Thursdays for bingo night.

Mrs. Stanton reported that Hogan as will install a handicapped-accessible swing on the Park Avenue Playground.

Mrs. Stanton noted that children are vandalizing the old Roxbury School. She noted it is her understanding the property owner has paid the \$500 vacant property fee. It was noted the property owner gave the City approval to board up the windows. Mrs. Komar noted a letter was just received from PHFA requesting final comments before renewal.

Mrs. Stanton noted that local residents have concerns with regard to two leaning trees located at Roxbury Avenue and Sell Street. A City representative will be sent to investigate the matter.

COMMUNICATIONS

1. March 21 letter from Turnkey Taxes, LLC.
2. April 6 letter from Secretary of Transportation, Leslie S. Richards.
3. March 29 letter from Jack Williams re: Bill 12 of 2016, Sewer Rental Charge Increase.

4. September 11, 2014 letter from Jack Williams re: improper use of sewer rental funds for paving purposes.
5. April 1 letter from Jack Williams re: Bethany Peracchino's resignation letter.
6. April 4 letter from Jack Williams re: Improper Action 2016 City Budget.
7. Jack Williams, code complaints submitted March 17, 2016
8. Wendy Penrose, code complaints submitted March 29, 2016.
9. Charlene Stanton, code complaints submitted March 15 and 29, 2016
10. Communication from Solicitor Andrews of April 13, 2016 re: Code Complaints on Agenda.

Mr. Williams brought to Council's attention an improper action taken with regard to amendments when the 2015 budget was adopted. Attorney Andrews will review the matter further.

Mr. Williams referred to the communication with regard to the improper use of sewer rental charges.

PETITIONS

Citizen Petitions to terminate EADS Group.

ORDINANCE FOR FINAL READ

BILL NO. 13, AN ORDINANCE AMENDING ORDINANCE NO. 4390 PASSED SEPTEMBER 10, 1986; ORDINANCE 4670 PASSED JULY 13, 1994; ORDINANCE 4698 PASSED DECEMBER 21, 1994; ORDINANCE 4937 PASSED APRIL 28, 2004; AND ORDINANCE 5148 PASSED MAY 14, 2014 AS "CHAPTER 834 PEDDLERS AND SOLICITORS TO REVISE AND UPDATE THE REQUIREMENTS IN THE CITY OF JOHNSTOWN.

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

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

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).

There was no motion, the bill remained tabled.

BILL NO. 15 OF 2016, AN ORDINANCE AMENDING ORDINANCE 4654, THE ADMINISTRATIVE CODE OF THE CITY OF JOHNSTOWN, BY AMENDING SECTION 402 AS SHOWN BELOW.

THE CITY MANAGER SHALL BE HIRED ON THE BASIS OF DEMONSTRATED PROFESSIONAL COMPETENCY AND EDUCATION IN PUBLIC MANAGEMENT WHICH SHALL INCLUDE BUT NOT BE LIMITED TO A BACHELOR'S DEGREE FROM AN INSTITUTION OF HIGHER LEARNING (MASTER'S DEGREE PREFERRED) AND FIVE YEARS OF PROGRESSIVE RESPONSIBLE EXPERIENCE IN LOCAL GOVERNMENT, MANAGEMENT AND ADMINISTRATION.

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

Mayor Janakovic noted for the record that there was consultation with Michael Foreman, DCED, and Deb Grass, Act 47, and the ordinance itself that has been submitted tonight.

Mayor Janakovic referred to an advertisement that Mr. Williams wrote on August 31, 2009, Resolution 9349, and voted yes along with himself and Mr. Johncola stating, "Allowing advertising for a bachelor's degree in business administration, public administration, master's degree preferred for City Manager." The Mayor stated that Mr. Williams was in favor in 2009 of reducing or limiting the requirement for master which is contrary to what he talked about this evening.

The motion 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. 16 OF 2016, AN ORDINANCE AMENDING ORDINANCE NO. 5102 PASSED 3/8/12 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.

Mr. Williams noted this is the same ordinance that was submitted on January 4, 2016, and was tabled when Mrs. Mock questioned the legality of posting someone's property and it was referred to the Solicitor. The next meeting the Solicitor submitted Bill No. 9. He noted the bill was tabled by Council and was tabled for numerous meetings and defeated. Mr. Williams noted this is a resubmission of that ordinance.

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. 17 OF 2016 REPEALING BILL 12 OF 2016, ORDINANCE NO. 5197 PASSED FINALLY ON MARCH 23, 2016, TITLED: AN ORDINANCE AMENDING SPECIFIC PROVISIONS OF ORDINANCES NO. 5070, 5079 AND 5108 AMENDING CHAPTER 1048 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED: INNER CITY SEWER SYSTEM BY AMENDING SECTION 1048.03 AS AMENDED BY ORDINANCES 4646, 4921, 5033; TO CONFORM TO ACTUAL BILLING RATES, COLLECTION PROCEDURES AND INCREASE SEWER RATES; AND TO BE IN COMPLIANCE WITH THE IMPOSITION OF SEWER RENTAL CHARGES AND THE PERMISSIBLE AND SPECIFIC USES OF SUCH SEWER RENTAL REVENUES PURSUANT TO COMMONWEALTH OF PENNSYLVANIA 53 P.S. §2232.

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

Mr. Williams commented the City is "trying to use sewer rental revenues to do curb to curb paving and noted the Pennsylvania Sewer Rental Act is specific as to what it can be used for."

Mayor Janakovic commented, "It was all right to use those sewer funds to balance the budget," when Mr. Williams was on Council previously.

Mayor Janakovic and Mr. Williams had further dialog with regard to the matter.

The Solicitor clarified the matter by stating he does not believe it is illegal to be using these funds. He stated that Section 2232 states, these monies can be used, may be but shall not be limited to. Attorney Andrews opined that it is not illegal to be using these funds in this manner for the curb to curb paving.

Mrs. Stanton, Mr. Williams and Mayor Janakovic further discussed the matter.

The motion failed by the following vote:

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

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

Mayor Janakovic requested a motion to change the order of the resolutions to start with Resolution No. 7 first. Mr. Johncola made a motion to approve. The motion was seconded by Mrs. Mock. The motion was questioned by Mr. Williams.

Attorney Andrews clarified that a resolution is not being added to the agenda, but the order on the voting of the resolution is being changed.

The motion passed by the following vote:

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

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

RESOLUTIONS

Resolution No. 9835

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

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

Mr. Williams made a motion for an effective date of March 30, 2016. The motion was seconded by Mrs. Stanton.

Attorney Andrews clarified the resolution as proposed was to have Melissa Komar appointed as interim city manager with an effective date of December 9, 2015. He explained the amendment proposed by Mr. Williams and seconded by Mrs. Stanton is to amend that motion and change the effective date from December 9, 2015 to March 30, 2016. Mr. Williams stated that date coincides with the Judge's order.

The motion failed by the following vote:

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

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

THEREFORE, BE IT RESOLVED, THAT MELISSA KOMAR IS APPOINTED AS INTERIM CITY MANAGER WITH AN EFFECTIVE DATE OF DECEMBER 9TH, 2015, WITH A SALARY AND AUTOMOBILE ALLOWANCE AS PROVIDED IN THE ACT OF CITY COUNCIL DECEMBER 9TH, 2015 SHALL REMAIN IN EFFECT.

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, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (5).

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

ROUND OF APPLAUSE

Mayor Janakovic asked for a motion to amend Resolution Nos. 2, 3, 4, 5 and 14 to change the person authorized to sign the resolution from Mayor or his designee to interim city manager.

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

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, ESTABLISHING AND APPROVING FEES FOR CERTAIN RECREATIONAL FACILITIES WITHIN THE CITY OF JOHNSTOWN EFFECTIVE APRIL 1, 2016 . (Tabled 3/23/2016).

There was no motion, the resolution remained tabled.

Resolution No. 9836

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO APPLY AND SUBMIT AS A SUBGRANTEE OF THE LEAD-BASED PAINT HAZARD CONTROL AND HEALTHY HOMES GRANT; TO THE PENNSYLVANIA DEPARTMENT OF HEALTH FOR THE AMOUNT OF (UP TO AND INCLUDING) FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000). THE PENNSYLVANIA DEPARTMENT OF HEALTH WILL APPLY TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THESE FUNDS.

Mr. Johncola made a motion to approve. 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, Mr. Johncola (7).

Nays: None (0).

Resolution No. 9837

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT WITH E.J. USA, INCORPORATED, AWARDED CONTRACT 2016-11 FOR THE PROCUREMENT OF VIEWPORT FRAME AND COVER ASSEMBLIES REQUIRED FOR THE TRANSFER OF PROPERTIES WITHIN THE CITY OF JOHNSTOWN.

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

Yeas: Mrs. Stanton, Mr. Vizza, Mr. Williams (3).

Nays: Mr. Vitovich, Mayor Janakovic, Mr. Johncola, Mrs. Mock (4).

Mr. Williams cited the Administrative Code with regard to the timeframe to submit resolutions.

Mrs. Komar read the bid from E.J. USA into the record quoting the amount of \$105 per viewport frame and cover; initial purchase of 80 viewports for a total of \$8,400.

Mr. Williams noted the bid was supposed to be attached to the resolution. Attorney Andrews recommended that the bids be attached to future resolutions.

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

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

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

Resolution No. 9838

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN,
PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO
SIGN ALL DOCUMENTS NECESSARY TO EXECUTE AN AGREEMENT
WITH ALLEGHENY RESTORATION, INC. AWARDING CONTRACT
2016-09 FOR THE CONSTRUCTION OF THE MAIN STREET EAST
PARKING GARAGE REHABILITATION PHASE II PROJECT 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, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mr. Vitovich (5)

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

Resolution No. 9839

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO SIGN, ON BEHALF OF THE CITY, AN AGREEMENT WITH THE EADS GROUP, INC. TO PROVIDE COMMUNITY PLANNING, ARCHITECTURAL AND ENGINEERING SERVICES AS REQUIRED AND ASSIGNED BY THE CITY OF JOHNSTOWN, TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED) BEGINNING MAY 1, 2016, ENDING ON MAY 1, 2018.

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, Mrs. Mock, Mr. Vitovich,
Mr. Vizza (5).

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

Resolution No. 9840

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, TO APPEAL THE DECISION OF THE COURT OF COMMON PLEAS IN THE CASE OF JOHN JACK WILLIAMS AND CHARLENE STANTON V. THE CITY OF JOHNSTOWN, ET AL., CASE NO. 2016-0332.

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

Attorney Andrews explained that the appeal would be in the Commonwealth Court of Pennsylvania. He stated the key point is that it can always be withdrawn at some later time but given the fact that the court's decision rendered the potential for prior actions of the City Manager we do not want to take the risk of any matters involving the City from December 9th to the time of the court's decision as being declared void.

The motion passed by the following vote:

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

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

Resolution No. 9841

A RESOLUTION OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, IN
SUPPORT OF SENATE BILL 535 AND HOUSE BILL 71.

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

Mayor Janakovic explained this resolution will allow the police to use radar within
the city and city limits.

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

A RESOLUTION OF THE 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
6: GENERAL CONSIDERATION; 605 SUSPENSION AND
TERMINATION (B)(1) FOR CAUSE (a).

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).

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND
DIRECTING THE CITY MANAGER AND DIRECTOR OF FINANCE TO
ADVERTISE AND SEEK "REQUEST FOR PROPOSALS" FOR ALL

INSURANCE COVERAGES FOR ALL CITY OF JOHNSTOWN FUNDS, DEPARTMENTS, PROPERTIES AND FACILITIES. FURTHER, TO SEEK "REQUEST FOR PROPOSALS" FOR ALL HEALTHCARE COVERAGES FOR CITY EMPLOYEES SUBJECT TO PROVISIONS AND AGREEMENTS BY COLLECTIVE BARGAINING AGREEMENTS WITH POLICE, FIRE AND NONUNIFORMED UNION PERSONNEL.

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

It was noted the matter would be reviewed further. Attorney Andrews recommended that health insurance quotes be obtained. He also noted the FOP has been very cooperative in the past

The motion failed by the following vote:

Yeas: Mrs. Stanton, Mr. Vizza, Mr. Williams (3).

Nays: Mr. Vitovich, Mayor Janakovic, Mr. Johncola, Mrs. Mock (4).

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, APPOINTING MELISSA KOMAR AS THE INTERIM CITY MANAGER EFFECTIVE MARCH 30TH, 2016.

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

Resolution

A RESOLUTION OF THE 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 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.

Mayor Janakovic indicated that the advertisements that he saw 1/20; 2/24; 3/9 to 3/23 all advertised for bachelor's level and that Mr. Williams and Mrs. Stanton voted bachelor level again but then sued the City because it was not in compliance with a master's level.

Mr. Williams indicated that was an error. It was indicated that this resolution has been corrected to the master's level. Mr. Williams stated it is the same language as in the existing Administrative Code.

The motion 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 THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, REAFFIRMING THE DIRECTION AND PROVISIONS STIPULATED IN RESOLUTION NO. 9384 PASSED ON JANUARY 13, 2010, WHICH DIRECTED THAT "REQUEST FOR PROPOSALS" BE ADVERTISED BY REQUESTING THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED) FOR ASSISTANCE IN PREPARATION AND DEVELOPING SAID "REQUEST FOR PROPOSALS" FOR THE EXCLUSIVE RIGHTS TO EVENT PROMOTION, SCHEDULING AND MANAGEMENT OF THE POINT STADIUM FACILITIES AND BY INCLUDING CONCESSIONS OPERATIONS AT POINT STADIUM AND ROXBURY PARK.

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

Information was distributed with regard to seeking management proposals. The group discussed the material and also advertisement procedure. Mr. Williams asked if Council would be receptive to a resolution giving authority for the interim city manager to seek proposals for management and promotion of the Point Stadium effective January 1, 2017. It was noted the matter would be discussed further at the next meeting.

The resolution was withdrawn.

Resolution 9842

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE TASK ORDER NO. 33 TO THE EADS GROUP, INC. FOR THE ENGINEERING SERVICES RELATED TO PREPARATION OF CONTRACT DOCUMENTS TO BID AND INSPECT THE CENTRAL PARK ELECTRICAL UPGRADES PROJECT.

Mr. Vitovich made a motion to approve. 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: Mrs. Stanton, Mr. Williams (2).

NEW BUSINESS

Mrs. Stanton discussed a mound of dirt containing snakes on the Somerset Street Playground. Mrs. Komar noted there are wildflowers planted at that site at the recommendation of DCNR.

Mrs. Stanton discussed the large trucks descending Frankstown Road. It was noted that PennDOT would be addressing the issue.

Mayor Janakovic made a motion to present the following proclamations for Council approval: West End Lions, Mr. Ed Cernic; the Hibernian Group's 100th anniversary; National Prayer Day; Greater Johnstown Read Like a Lion; Military Spouse Appreciation Day.

The motion was seconded by Mr. Williams 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).

OLD BUSINESS

None.

Wednesday, April 20, 2016
Stated Meeting, continued

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There being no further business, the meeting was adjourned at 9:09 p.m.