

The Town Council of the Town of Johnstown met on Monday, May 21, 2018 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor James led the Pledge of Allegiance.

Roll Call:

Those present were: Councilmembers Lebsack, Lemasters, Mellon, Tallent and Young

Those absent were: Councilmember Molinar Jr.

Also present: Avi Rocklin, Town Attorney, Roy Lauricello, Town Manager, John Franklin, Town Planner, Brian Phillips, Police Chief and Diana Seele, Town Clerk/Treasurer

Agenda Approval

Councilmember Lebsack made a motion seconded by Councilmember Mellon to approve the Agenda as submitted. Motion carried with a unanimous vote.

Consent Agenda

Councilmember Tallent made a motion seconded by Councilmember Young to approve the Consent Agenda with the following items included for approval:

- May 7, 2018 Council Meeting Minutes
- Payment of Bills
- April Financial Statements

Motion carried with a unanimous vote.

New Business

A. Public Hearing – Johnstown Village (Massey) Preliminary Plat – The applicant Johnstown Village, LLC submitted a request for approval of Johnstown Village (Massey) Preliminary Plat for a 120 acre parcel of land. The zoning for the property is Planned Unit Development-Mixed Use. There are 263 single family lots, in addition 13.82 acres single family attached and 12.97 acres multi-family residential being proposed on the property.

Mayor James opened the public hearing at 7:04 p.m. The applicant, Mr. Bob Quinette, and his representatives spoke to the council and provided additional information and answered council's questions. The following individuals were in favor of the preliminary plat, Mr. David Moore of Alliance Consulting and Mr. Eric Keto, neighboring property owner. After receiving no further comments Mayor James closed the Public Hearing at 7:36 p.m.

Councilmember Lebsack made a motion seconded by Councilmember Lemasters to approve the Johnstown Village Preliminary Plat subject to the Planning and Zoning conditions being met. Motion carried with a unanimous vote.

B. Public Hearing - Johnstown Village (Massey) Preliminary Development Plan – The Preliminary Development Plan identifies development issues, and to determine means to resolve these issues, ahead of the major effort and expense of final platting and engineering.

Mayor James opened the Public Hearing at 7:37 p.m. and having no public comment closed the hearing at 7:39 p.m.

Councilmember Mellon made a motion seconded by Councilmember Tallent to approve the Johnstown Preliminary Plan. Motion carried with a unanimous vote.

C. Public Hearing – Resolution No. 2018-07, Approving the Consolidated Service Plan for Johnstown Village Metropolitan District Nos. 1-5 – This is an application for approval of a Consolidated Service Plan and according to state law, the Town Council must approve the Service Plan before the Districts are formed and entitled to operate. The Service Plan for Johnstown Village Metropolitan Districts Nos. 1-5, is mostly consistent with the Model Service Plan adopted by Town Council, with the exception that, if the Districts undertake construction of the offsite improvements – the “Regional Improvements” the maximum debt mill levy is increased from 40 mills to 50 mills. Also, the Developer is requesting the Town Council approve a revision to the Model Service Plan to permit the Districts to exercise their statutory power of eminent domain to condemn the property associated with the offsite public improvements if the property owners do not agree to provide easements.

Mayor James opened the Public Hearing at 7:40 p.m. The Developer’s representatives, presented the information for Council’s consideration. The neighboring property owners Eric Keto and Scott Lewis expressed concerns in reference to the eminent domain and requested council remove this portion from the Service Plan. After having no further public comments the public hearing closed at 8:39 p.m. Councilmember Lebsack made a motion seconded by Councilmember Lemasters to reopen the Public Hearing to hear additional information from the applicant’s attorney. The hearing closed at 8:48 p.m.

Councilmember Mellon made a motion seconded by Councilmember Tallent to approve Resolution No. 2018-07, a Resolution Approving the Consolidated Service Plan for Johnstown Metropolitan Districts Nos. 1-5, on the condition that the Resolution be modified to contain a new Section 4(f) providing as follows:

(f) Section V.A.21 of the Service Plan, entitled Eminent Domain Limitation, shall be revised to read as follows: “Absent the prior written approval of the Town, the Districts shall not exercise their statutory power of eminent domain or dominant eminent domain for the purpose of condemning property outside of the Service Area. Additional approval from the Town shall not be required prior to the Districts’ exercise of their statutory power of eminent domain or dominant eminent domain with respect to property within the Service Area. In no event shall the Districts exercise their statutory power of eminent domain to condemn property owned by the Town, whether within or outside of the Service Area.” The same change shall be made to

Section 21 of the form IGA in Exhibit D to the Service Plan, and the easement maps shall be removed from Exhibit E-1 to the Service Plan. Such changes shall be made prior to the Town Clerk's provision of a certified copy of this resolution to the proponents." and direct the Town Attorney to revise the Service Plan accordingly. Motion carried with a unanimous vote.

D. Public Hearing – Johnstown Plaza Liquors, LLC – New Liquor Store License – This is a public hearing to receive comments regarding the proposed new Liquor Store License for Johnstown Plaza Liquors, LLC located at 4915 and 4919 Thompson Parkway #A-6 and A-7.

Mayor James opened the Public Hearing at 9:03 p.m. The applicant Mr. Sharel Sawaqed and Mr. Mallory Smith along with their attorney, Ms. Hoeltgen presented their information. After hearing input from "parties in interest" Mayor James closed the public hearing at 10:51 p.m.

Councilmember Mellon made a motion seconded by Councilmember Lebsack to approve the Retail Liquor Store License Application for Johnstown Plaza Liquors, LLC. The motion passed with 5 votes in favor, Councilmember Lemasters voted no.

There being no further business to come before the Council the meeting adjourned at 11:04 p.m.

Mayor

Town Clerk/Treasurer