

JOHNSTOWN CITY COUNCIL
REGULAR MEETING MINUTES
WEDNESDAY, MAY 12, 2021

City Council met in a stated session for the general transaction of business. Mayor Janakovic called the meeting to order at 5:58 p.m.

Reverend King offered the invocation. The Pledge of Allegiance was recited.

The following members of Council were present for roll call:

Mr. Arnone, Mr. Britt, Mr. Capriotti, Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich (7).

Daniel Penatzer, Interim City Manager; Robert Ritter, Finance Director; Richard Pritchard, Police Chief; Bruce Graham, Gibson-Thomas Engineering; Jared Campagna, Public Works Director; Robert Statler, Fire Chief; John Dubnansky, Economic Development Director; and Elizabeth Benjamin, Esquire, City Solicitor, were also present.

APPROVAL OF MINUTES

Mr. Vitovich made a motion to approve the Regular Meeting Minutes of April 15, 2021. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mr. Arnone, Mr. Britt, Mr. Capriotti, Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich (7).

Nays: None (0).

PROCLAMATIONS, AWARDS, HONORS, RESOLUTIONS OF RECOGNITION:

Mayor Janakovic noted that proclamations were presented to Alicia Rudnik at the Cambria County War Memorial for Military Spouse Appreciation Day, May 7, 2021 and to Rosalie Danchanko at Senior Life, for Highlands Health Clinic Day, May 7, 2021.

PRESENTATIONS:

Mike Tedesco and William Polacek presented before Council regarding Vision Together 2025.

Mr. Polacek, CEO/President, JWF Industries and Chair of Vision Together 2025, commended Council on having an opening prayer before each meeting and also for working together to move the community in the right direction. He thanked Council for its support of Vision Together 2025.

Mr. Tedesco noted he's new to Johnstown, formerly of Spokane, Washington, and Arizona, and was excited about all the opportunities available here. He discussed some of the goals of Vision Together, with the ultimate goal to transform Johnstown into a 21st Century community.

Mayor Janakovic commented that projects have been unified under the guidance of the Vision Together 2025 team.

PUBLIC COMMENT-AGENDA ITEMS ONLY

None

REPORTS:

CITY MANAGER:

No report.

Mayor Janakovic commended Mr. Penatzer for providing a paragraph description of each ordinance and/or resolution on today's agenda to provide a better understanding for Council and the general public.

MAYOR:

Mayor Frank Janakovic reported he had the opportunity to present the two proclamations as previously noted.

He noted his attendance at a press conference by Duncan Kirkwood at Greater Johnstown High School wherein books were distributed to students on how to deal with resiliency. The event was sponsored by Mr. John Coyle through the McDonald Foundation.

Mr. Janakovic noted Senator Casey and PA's Acting Secretary of Health, along with some Council members, recently visited the Oakhurst Home Center to observe vaccinations.

The Mayor reported that he and some Council members attended two half-day Vision Together 2025 Greater Johnstown informational innovative sessions.

Mayor Janakovic reported his attendance at the grand opening and ribbon cutting for Studio 32 across from the train station on Walnut Street.

He noted his attendance at the JARI Growth Fund and Vision Together 2025 Board Meetings.

CITY SOLICITOR

Elizabeth Benjamin, Esquire, City Solicitor, reported a public meeting was held at 5:45 p.m. prior to the commencement of tonight's regular meeting with regard to Bill No. 4 of 2021 that appears on the agenda.

Ms. Benjamin also echoed the Mayor's comments on the improvements to the agenda by the City Manager.

CITY ENGINEER

Bruce Graham, Gibson-Thomas Engineering, reported the ADA and handicapped ramps in the Central Business District is being finalized and will be submitted to PennDOT for review in about a week. He noted Spring of 2022 as the startup time for the project.

Mr. Graham reported the clean-fill dump site costs, currently at \$72,576, is within the range that was discussed previously. He noted a resolution is on today's agenda regarding the matter. Mr. Vitovich commented he has seen the site and noted that whoever did that work did a "fantastic job".

NEIGHBORHOOD LIAISONS

Reverend King reported she continues to work with the COVID task force to encourage everyone to get vaccinated.

She met with the residents of Minersville at a recent community meeting there. Police dog Archie was also in attendance.

Reverend King participated in a two-day event at PNG Park.

Mrs. Mock reported that the community garden is getting underway and flower boxes will be distributed this Saturday with planting at the end of May.

She noted grants received from the Community Foundation, one for an irrigation system for the garden and one for the garden near the railroad tracks by the Giant Eagle in the West End.

The next meeting for the Moxham community will be held May 20, 2021 and a cleanup will be held there on May 22, 2021.

Roxbury residents did a cleanup on Franklin Street and are preparing the flower beds for planting. Mrs. Mock commended Mr. Campagna for coordinating efforts to get the tennis and racket ball courts ready.

Mr. Dubnansky noted the hockey rink is making progress.

Mr. Vitovich reported that Public Works has started cutting grass at the City lots and vacant lots and playgrounds. The box homes continue to be demolished in Prospect. Sewer lines continue to be cleaned in the West End. Potholes are being patched. And Public Works is also prepping Roxbury Park and Sargent's Stadium at the Point for the baseball season. He commended Mr. Campagna for his efforts.

Mayor Janakovic introduced Richard Pritchard, Chief of Johnstown Police. Chief Pritchard noted that Acting U.S. Attorney General Stephen R. Kaufman presented Officer Charles Cypher, resource officer at the Greater Johnstown Middle School, an award for his community service in the schools. Officer Cypher presents bicycles to children as part of the school's support program.

Mr. Arnone, as Council's representative to the Johnstown Housing Authority, provided an update on statistic information related to the population of the public housing communities located within the City of Johnstown. He stated that as of April 30, 2021, the total population of the public housing communities as 2,651, Section Eight voucher holders totaling 852 for a total of 3,503. The Authority currently assists 46 percent of people living in poverty within the City of Johnstown.

A vaccination clinic offering the Moderna vaccine is scheduled for Friday, May 7, 2021, in Oakhurst. Senator Casey and Pennsylvania's Physician General, Dr. Denise Johnson are scheduled to visit the clinic. Mr. Arnone noted the vaccines are being provided by the Richland Family Health Care in partner with the 1889 Foundation -Jefferson Center for Population Health. Volunteer staff from the Pitt-Johnstown School of Nursing and registered nurses from Conemaugh Hospital volunteered to administer the vaccine. Vaccination clinics offering the Johnson and Johnson vaccine have also been done at the Town House Towers, Connor Towers, Garden Terrace, Coopersdale, Martha and Mary House and Oakhurst.

Mr. Arnone as representative of the GJWA reported that the replacement of sewer collection systems has commenced in the Central Business District currently underway in the area of Main and Walnut Streets. The GJWA and contractors will impact businesses and residences as little as possible during construction. Anyone with questions can contact the GJWA office at

814-533-4300.

Mr. Arnone reported that 39 pressure tests were completed in April, and 16 have been completed to date. Progress on inflows has been substantial, but three meters installed in the Roxbury basin reported flows over the amount limits. Roxbury has 68 percent that have been pressured tested and the remaining 32 percent that have not pressure tested and are the source of the storm water infiltration.

The cleaning of the dump site will be completed by May 17 and will be used in the foreseeable future.

Mr. Arnone reported that the GJWA received commitment for the North Fork Reservoir Dam permit in April which was submitted in December of 2018 and will begin construction as soon as possible.

Reverend King noted a dangerous situation on Sheridan Street where boulders were left on that street. Mr. Arnone will discuss the matter with the appropriate party.

Mr. Britt thanked all those involved with the vaccination clinics. He commended Mr. Campagna for all his efforts as well as Chief Pritchard for being present in the public and making himself available to talk with the residents downtown.

Mr. Britt asked Chief Pritchard to inform Officer Cypher that he has access to some bicycles for his school program.

Mayor Janakovic commended the City department heads who attended the presentation for Rosalie Danchanko.

Mr. Capriotti reported that he assisted Ms. Danchanko and the others at the vaccination clinics. He welcomed Chief Pritchard and commended the department's efforts to make the "safe zone" near the Public Safety Building.

Mr. Capriotti reported a handful of working fires for the month.

Mr. Capriotti noted his attendance at the Transformational Initiatives 2-day meetings for Vision and commended all who attended to discuss ways to move the City forward.

COUNCIL UPDATES

1. Planning Commission Minutes of April 7, 2021.

PETITIONS:

None.

ORDINANCE FOR FINAL READ:

BILL NO. 3 OF 2021, AN ORDINANCE AUTHORIZING EXEMPTIONS, DEDUCTIONS, ABATEMENTS AND CREDITS FOR REAL PROPERTY, EARNED INCOME TAX, NET PROFITS, MERCANTILE AND BUSINESS PRIVILEGE TAXES WITHIN A SPECIFIC GEOGRAPHIC AREA IN THE CITY OF JOHNSTOWN DESIGNATED AS A PROPOSED KEYSTONE OPPORTUNITY ZONE (KOZ) IN ORDER TO FOSTER ECONOMIC OPPORTUNITIES, STIMULATE INDUSTRIAL, COMMERCIAL AND RESIDENTIAL IMPROVEMENTS AND PREVENT PHYSICAL AND INFRASTRUCTURE DETERIORATION WITHIN AREAS OF CAMBRIA COUNTY, CITY OF JOHNSTOWN AND GREATER JOHNSTOWN SCHOOL DISTRICT JURISDICTION, COMMONWEALTH OF PENNSYLVANIA, UPON CERTAIN TERMS AND CONDITIONS.
(Tabled 4/14/21).

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

The motion passed by the following vote:

Yeas: Mr. Britt, Mr. Capriotti, Mayor Janakovic, Reverend King,
Mrs. Mock, Mr. Vitovich, Mr. Arnone (7).
Nays: None (0).

Mr. Arnone made a motion to approve as read. The motion was seconded by Mr. Vitovich.

Dave Paulosky, Market CFO, Conemaugh Health System, presented before Council for discussion of two projects, including an \$80 million state-of-the-art building being built on the main campus including improvement of patient rooms and talked about plans for the Locust Street building and Lee Campus. Council members asked questions of Mr. Paulosky.

Mr. Paulosky stated a Conemaugh career fair would be held on Wednesday, June 2, 2021 from 12:00 to 6:00 p.m.

The motion passed by the following vote:

Yeas: Mr. Capriotti, Mayor Janakovic, Reverend King, Mrs. Mock,
Mr. Vitovich, Mr. Arnone, Mr. Britt (7).
Nays: None (0).

BILL NO. 4 OF 2021, AN ORDINANCE AMENDING ORDINANCE 5305 PASSED FINALLY ON NOVEMBER 18, 2020, AMENDED BY ORDINANCE 5311 PASSED ON MARCH 10, 2021 AS THE CITY OF JOHNSTOWN ANNUAL BUDGET TO REFLECT ADDITIONAL EXPENDITURES FROM THE CAPITAL FUND FOR REFURBISHING OF CITY HALL THAT WAS APPROVED IN THE 2020 BUDGET BUT WILL BE EXPENDED IN 2021 FOLLOWING PUBLIC NOTICE AND A PUBLIC HEARING.

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

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich,
Mr. Arnone, Mr. Britt, Mr. Capriotti (7).
Nays: None (0).

ORDINANCES FOR FIRST READ

BILL NO. 5 OF 2021, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE CITY OF JOHNSTOWN, ORDINANCE NO. 4964, ADOPTED APRIL 13, 2005 AND AMENDED BY ORDINANCE NO. 5086 PASSED JUNE 22, 2011; ORDINANCE NO. 5119 PASSED JANUARY 23, 2013; ORDINANCE NO. 5139 PASSED NOVEMBER 27, 2013 AND ORDINANCE NO. 5191 PASSED DECEMBER 2015 BY REZONING CERTAIN PARCELS OF LAND LOCATED IN THE 15TH WARD OF THE CITY OF JOHNSTOWN.

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

Yeas: Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Arnone,
Mr. Britt, Mr. Capriotti, Mayor Janakovic (7).
Nays: None (0).

RESOLUTIONS

Resolution No. 10424

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEES TO SIGN ANY/ALL DOCUMENTS AND TAKE ANY AND ALL OTHER ACTIONS NECESSARY TO ENTER INTO A CONTRACT WITH FIELD TURF TO REPLACE THE TURF AT SARGENT'S STADIUM AT THE POINT.

Mr. Arnone made a motion to approve. The motion was seconded by Mr. Britt.

Mr. Dubnansky noted that six bids were received and samples were provided. He stated that upon further inspection Field Turf was the best choice. There was further discussion regarding the matter.

Ms. Benjamin explained that as reflected on the agenda the motion for this resolution also includes a motion to reject all the bids originally received for the turf project as the City went through the CoStars program.

Reverend King made a motion to reject all bids and approve the resolution as proposed. The motion was seconded by Mr. Vitovich.

The motion passed by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Arnone, Mr. Britt,
Mr. Capriotti, Mayor Janakovic, Reverend King (7).
Nays: None (0).

Resolution No. 10425

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEES TO SIGN AND TAKE AND/ALL ACTION NECESSARY TO EFFECTUATE A LOAN SUBORDINATION AGREEMENT FOR INTRIGNIA, INC., d/b/a BALANCE RESTAURANT, CONTINGENT UPON THE FOLLOWING CONFIRMATION OF SOLICITOR REVIEW AND APPROVAL.

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

There was further discussion regarding the matter.

The motion passed by the following vote:

Yeas: Mr. Vitovich, Mr. Arnone, Mr. Britt, Mr. Capriotti,
Mayor Janakovic, Reverend King, Mrs. Mock (7).
Nays: None (0).

Resolution No. 10426

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEES TO ENTER INTO A CONTRACT IN THE AMOUNT OF FIFTEEN THOUSAND (\$15,000.00) DOLLARS WITH DUKE LIFEPOINT CONEMAUGH FOR THE PURCHASE OF A VACANT 100' x 100' PARCEL (83.002.113.000) SITUATED ALONG WALNUT STREET.

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

Mr. Dubnansky noted the parcel is located almost directly across from the train station off of Walnut Street.

The motion passed by the following vote:

Yeas: Mr. Arnone, Mr. Britt, Mr. Capriotti, Mayor Janakovic,
Reverend King, Mrs. Mock, Mr. Vitovich (7).
Nays: None (0).

Resolution No. 10427

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEES TO EXECUTE AND TAKE ANY/ALL ACTIONS NECESSARY TO EFFECTUATE AN APPLICATION FOR FUNDING ASSISTANCE FROM THE PENNSYLVANIA COMMONWEALTH FINANCING AUTHORITY IN THE AMOUNT OF ONE HUNDRED AND SIXTY-SIX THOUSAND (\$166,000.00) DOLLARS THROUGH THE GREENWAYS, TRAILS AND RECREATION PROGRAM TO BE USED TOWARDS IMPROVEMENTS WITHIN ROXBURY PARK LOCATED IN THE CITY OF JOHNSTOWN.

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

Yeas: Mr. Britt, Mr. Capriotti, Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Arnone (7).

Nays: None (0).

Resolution No. 10428

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE INTERIM CITY MANAGER AND/OR HIS DESIGNEES TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE THE RESPECTIVE 2021 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES AND MORE SPECIFICALLY, BUDGET EXHIBIT AS DETAILED BELOW.

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

Yeas: Mr. Capriotti, Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Arnone, Mr. Britt (7).

Nays: None (0).

Resolution No. 10429

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER AND/OR ANY OF HIS DESIGNEES TO SIGN ALL DOCUMENTS AND TAKE ANY/ALL OTHER ACTIONS NECESSARY TO ENTER INTO A CONTRACT WITH ERICKSON EQUIPMENT, INC. TO MAINTAIN THE CITY DUMP SITE FOR EIGHT MONTHS BEGINNING JUNE 1, 2021.

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

There was further discussion regarding the matter. Mr. Graham stated May 19, 2021 is when Erickson Equipment will begin maintenance at the City dump site.

Ms. Benjamin explained the resolution would need to be amended to replace the effective date of June 1, 2021 with the date of May 19, 2021, following approval of the resolution as amended.

Mr. Arnone made a motion to amend the effective date from June 1, 2021 to May 19, 2021. The motion was seconded by Mr. Vitovich.

There was further discussion. Mr. Penatzer, as a point of order, asked everyone to speak one at a time for the court reporter's benefit.

The motion passed by the following vote:

Yeas: Mayor Janakovic, Reverend King, Mrs. Mock, Mr. Vitovich,
Mr. Arnone, Mr. Britt, Mr. Capriotti (7).
Nays: None (0).

Resolution No. 10430

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR HIS DESIGNEES TO TAKE ANY/ALL ACTIONS NECESSARY TO AWARD A CONTRACT TO SPORTS AND RECREATION ASSOCIATES, INC. FOR THE PURCHASE AND INSTALLATION OF OVERHEAD SHADE SCREENS AT SARGENT'S STADIUM.

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

Mrs. Mock noted this was a grant provided by the Community Foundation which will also cover the future purchase of picnic tables, umbrellas and the construction of a new press box at the stadium.

The motion passed by the following vote:

Yeas: Reverend King, Mrs. Mock, Mr. Vitovich, Mr. Arnone,
Mr. Britt, Mr. Capriotti, Mayor Janakovic (7).
Nays: None (0).

NEW BUSINESS

1. Mr. Vitovich made a motion to approve the property subdivision at 1157 Ringling Avenue. The motion was seconded by Mrs. Mock and passed by the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Arnone, Mr. Britt,
Mr. Capriotti, Mayor Janakovic, Reverend King (7).
Nays: None (0).

2. Mr. Vitovich made a motion to approve the property merger at 607 Russell Avenue. The motion was seconded by Mr. Arnone and passed by the following vote:

Yeas: Mr. Vitovich, Mr. Arnone, Mr. Britt, Mr. Capriotti,
Mayor Janakovic, Reverend King, Mrs. Mock (7).
Nays: None (0).

3. Mr. Arnone made a motion to waive parking fees for Thunder in the Valley. The motion was seconded by Mr. Vitovich and passed by the following vote:

Yeas: Mr. Arnone, Mr. Britt, Mr. Capriotti, Mayor Janakovic,
Reverend King, Mrs. Mock, Mr. Vitovich (7).
Nays: None (0).

4. Ms. Benjamin noted for the record that the Johnstown Fire Department has received \$15,000 from Lee Initiatives to improve its Quick Response Service and that new medical equipment will now be available on seven fire vehicles rather than three.

5. Mrs. Mock made a motion to approve a PILOT agreement for the KOZ zone. The motion was seconded by Mr. Vitovich.

Mr. Dubnansky explained this is regarding the hospital properties

The motion passed by the following vote:

Yeas: Mr. Britt, Mr. Capriotti, Mayor Janakovic, Reverend King,
Mrs. Mock, Mr. Vitovich, Mr. Arnone (7).
Nays: None (0).

6. City Charter Amendments

Mr. Penatzer explained that most of the proposed amendments are intended to clarify when ordinances, resolutions and simple motions are required to transact business. He stated the staff and Council members spend a lot of unnecessary time in the drafting and approval of resolutions and ordinances when a simple motion is an option. Further explanation of charter amendments was provided. The matter would be discussed further at the June meeting.

Mrs. Mock noted Magistrate Price was in attendance at a recent Moxham neighborhood meeting where there was confusion about whether the code issues should be going to the magistrate. Mrs. Mock suggested a meeting with the magistrate for clarification of the matter. Mr. Dubnansky will also follow up.

Mrs. Mock inquired about the grant with regard to the water retention dam at Stackhouse. It was noted JRA would be contacted regarding the matter.

Mr. Campagna will make a recommendation for the new recreation director position and provide it to the City Manager by the end of the week.

~~The~~ Mr. Janakovic noted he was contacted by the Westmont Mayor regarding the City's role in the matter.

OLD BUSINESS

1. City Personnel Manual

Ms. Benjamin noted the new manual is being reviewed and will be presented to Council in June.

2. Parking Complaints

She indicated there was follow up regarding the parking complaints, and that there is no known regulation that would prohibit parking in a yard if someone parks in their own driveway and pulls their vehicle into the grass which is not a violation but there are ordinances that prohibit driving over curbs or sidewalks.

3. Amusement Tax

Ms. Benjamin noted that she and the City Manager would be following up on questions regarding the amusement tax at the last meeting and will be providing Council with an update in June.

Mr. Janakovic inquired further regarding parking. Mr. Penatzer explained that if there is a regulation regarding that, it would have to be a zoning ordinance.

Mr. Penatzer explained that most of the proposed amendments are intended to clarify when ordinances, resolutions and simple motions are required to transact business. He stated the staff and Council members spend a lot of unnecessary time in the drafting and approval of resolutions and ordinances when a simple motion is an option. Further explanation of charter amendments was provided. The matter would be discussed further at the June meeting.

Mrs. Mock noted Magistrate Price was in attendance at a recent Moxham neighborhood meeting where there was confusion about whether the code issues should be going to the magistrate. Mrs. Mock suggested a meeting with the magistrate for clarification of the matter. Mr. Dubnansky will also follow up.

Mrs. Mock inquired about the grant with regard to the water retention dam at Stackhouse. It was noted JRA would be contacted regarding the matter.

Mr. Campagna will make a recommendation for the new recreation director position and provide it to the City Manager by the end of the week.

Mr. Janakovic noted he was contacted by the Westmont Mayor regarding the City's role in the matter.

OLD BUSINESS

1. City Personnel Manual

Ms. Benjamin noted the new manual is being reviewed and will be presented to Council in June.

2. Parking Complaints

She indicated there was follow up regarding the parking complaints, and that there is no known regulation that would prohibit parking in a yard if someone parks in their own driveway and pulls their vehicle into the grass which is not a violation but there are ordinances that prohibit driving over curbs or sidewalks.

3. Amusement Tax

Ms. Benjamin noted that she and the City Manager would be following up on questions regarding the amusement tax at the last meeting and will be providing Council with an update in June.

Mr. Janakovic inquired further regarding parking. Mr. Penatzer explained that if there is a regulation regarding that, it would have to be a zoning ordinance.

There was further discussion regarding the parking enforcement. Ms. Benjamin will review the matter further.

PUBLIC COMMENT - NONAGENDA ITEMS

Janice Forosisky, 553 Grove Avenue, Johnstown, addressed Council regarding the proposed sale of alcohol at the Moxham Sheetz store. She provided a brief narrative of Moxham's past history, including visions by notables such as Thomas Johnson, Arthur Moxham, the Dupont Family and Lewis VonLunen who helped to build up that area of the City.

Ms. Forosisky spoke about deed restrictions placed on all tracts of land in that area at that time. She read the restriction into the record as follows: Under and subject nevertheless to the following conditions and restrictions, that no spirituous or intoxicating liquors or malt liquors shall at any time be sold or kept for sale on the above mentioned premises upon a breach of which condition the premises shall revert to the present grantor, his accessors and assignees.

She noted deed restrictions as a result of doing a search on the property where the Sheetz is located and stated the property owner would be in "legal jeopardy" if plans move forward with plans to sell beer and wine. Ms. Forosisky asked that Council honor the deed restrictions and the historic significance of Moxham.

Ms. Benjamin and Mr. Penatzer both explained that both Sheetz and the PLCB have been notified of this issue and are reviewing the matter at this time. There was further discussion.

Lahtifya Taylor, 602 Millcreek Road, Johnstown, addressed Council regarding her dog who was the victim of a hit and run on Millcreek Road. Ms. Taylor stated that she had reported the matter to the City police who requested that she go to the Public Safety Building to file a report which she did. Ms. Taylor was told this was more of a civil matter than criminal and that no charges could be filed.

Ms. Taylor is requesting the vehicle owner's name so she could file criminal charges and that appropriate signs be placed or a speed bump be installed on that road. Chief Pritchard will look into the matter and then contact Ms. Taylor.

Sue Konvolinka, 3987 Menoher Boulevard, could not offer public comment as she is not a City resident but could send a letter to City Hall regarding her comments.

RECESS/ADJOURNMENT

There being no further business, the meeting adjourned at 8:05 p.m.

Wednesday, May 12, 2021
Stated Meeting, continued

15 of 15

EXECUTIVE SESSION

An Executive Session was held following the meeting.

The next meeting is scheduled for June 9, 2021