



Regular Council Meeting
Tuesday, August 17, 2021 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation - Mayor Dutcher
4. Pledge of Allegiance
5. Executive Session: For the purpose of discussing pending court action with legal counsel
6. Action on Minutes
 - a. August 3, 2021
7. Citizen comments on matters not on the agenda
8. Council Committee reports
 - a. **Planning & Zoning:** Met 8/10/21; Next 8/24/21 @ 6:30 pm Council Chambers
 - b. **Safety & Service:** Met 8/3/21 draft minutes attached; Next 9/7/21 @ 5:00 pm Council Chambers
 - c. **Finance:** 8/17/21; Next 9/21/2021 @ 5:00 pm Council Chambers
 - d. **Economic Development:** Met 8/5/21; Next 9/2/21 @ 10:00 am Admin conference room
 - e. **Park & Rec:** Next moved to 8/19/21 @ 10:00 am Admin Conference room
 - f. **Tree Commission:** Met 7/27/21 draft minutes attached; Next 8/24/21 @ 5:00 pm Council Chambers
 - g. **Events Committee:** Met 8/4/21; Next TBD
9. Director Reports
 - a. Police Chief
 - b. Finance Director
10. Tabled Legislation
 - a. **ORDINANCE 07-2021** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE VILLAGE OF JOHNSTOWN
 - b. **RESOLUTION 2021-28** A RESOLUTION TO APPROVE AN UPDATE TO THE EMPLOYEE HANDBOOK

- c. **RESOLUTION 2021-29** A RESOLUTION TO ADOPT A POLICE DEPARTMENT AGREEMENT MANUAL

11. Public Hearings of Legislation

- a. **ORDINANCE 32-2021** AN ORDINANCE AMENDING CHAPTER 1195 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES
- b. **ORDINANCE 33-2021** AN ORDINANCE AMENDING CHAPTERS 1133, 1137, 1181 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES
- c. **ORDINANCE 35-2021** AN ORDINANCE AMENDING CHAPTER 1187 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES
- d. **ORDINANCE 36-2021** AN ORDINANCE AMENDING ORDINANCE 34-20, THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS
- e. **RESOLUTION 2021-33** AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT

12. Introduction of Legislation

- a. **ORDINANCE 34-2021** AN ORDINANCE AMENDING CHAPTER 1183 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES
- b. **ORDINANCE 37-2021** AN ORDINANCE DESIGNATING A REVITALIZATION DISTRICT WITHIN THE VILLAGE OF JOHNSTOWN IN ACCORDANCE WITH ORC 4301.81

13. Other Business

14. Adjourn

Next Council Meeting September 7, 2021



Regular Council
Tuesday, August 3, 2021 - 6:30 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the Village of Johnstown Regular Council Meeting for August 3, 2021 at 6:38 PM.

2. Roll Call

Present - Mayor Chip Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Benjamin Lee, Sharon Hendren, Carol Van Deest

Absent - None

Staff present - Jim Lenner - Village Manager, Jack Liggett - Assistant Village Manager, Abe Haroon - Chief of Police, Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - Mary Queen Cool

3. Invocation - Mr. Lee

4. Pledge of Allegiance

5. Action on Minutes

a. July 20, 2021

ACTION: Cheryl Robertson moved to Approve; Carol Van Deest seconded and the vote was as follows:

AYES: Doug Lehner, Marvin Block, Ben Lee, Cheryl Robertson, Mayor Dutcher, Sharon Hendren, Carol Van Deest

NOES: None

ABSTAIN: None

Passed 7 - 0

6. Citizen comments on matters not on the agenda

No comments by the public

7. Council Committee reports

a. **Planning & Zoning:** Met 7/27/21; Next 8/10/21 @ 6:30 pm Council Chambers

Two Ordinances sent to Council for introduction tonight; Ordinance amending Chapter

1195 of the Village of Johnston Codified Ordinances to include trash cans, also Ordinance amending Chapters 1133, 1137 and 1181 which will require a sign notification to the public on hearings. Resumed work on the Zoning Ordinance update, Sections 30.08 and 31 Accessory Structures, Lot Coverage and Additional Lot Standards.

- b. **Safety & Service:** 8/3/21; Next 9/7/21 @ 5:00 pm Council Chambers
Discussed trash can Ordinance on for this evening. Talked about the Sidewalk Replacement Program. Discussion on the interchange at Sportsmans Club and US 62, Jim Lenner shared engineer proposals for design and anticipated cost; committee voted 3-0 in favor of recommendation to Council on final design.

Mr. Lenner updated full Council on the two design options for Sportsmans Club Road; a third option would be signal only.

ACTION:	Benjamin Lee moved to Approve engineering for the in-line roundabout design; Carol Van Deest seconded and the vote was as follows:
AYES:	Ben Lee, Marvin Block, Cheryl Robertson, Mayor Dutcher, Sharon Hendren, Carol Van Deest, Doug Lehner
NOES:	None
ABSTAIN:	None

Passed 7 - 0

- c. **Finance:** Met 7/20/21 draft minutes attached; Next 8/17/2021 @ 5:00 pm Council Chambers
- d. **Economic Development:** Next 8/5/21 @ 10:00 am Amin Conference Room
Last meeting was canceled; the new Economic Development Director for GROW Licking County will join for next meeting.
- e. **Park & Rec:** Met 7/8/21 updated last time; Next 8/12/21 @ 10:00 am Admin Conference Room

Joint Recreation District Board: Organizational meeting 8/12/21 @ 5pm Council Chambers
Agenda preparation in progress for the Joint Recreation District Board organizational meeting; the village has provided email accounts for board members as in-kind contribution.
- f. **Personnel Board of Review:** Next TBD for review of Employee Handbook and Police Dept. Manual

- g. **Events Committee:** Updated previously; Next 8/4/21 @ 5pm Council Chambers
Next meeting will be a hindsight discussion on the fireworks event for feedback on what went well and what could be improved going into next year.

8. Director Reports

a. Service: Water, Wastewater, Street

Jack Liggett reviewed Director report for Street; added that the department has begun to advertise for the new position, highlighted the CPR/AED trauma training received by some staff and desire to schedule for all employees as well as outfitting city vehicles with AED and trauma kits, add to Finance Committee agenda. Review of Water and Sewer Department reports and statistics; regarding sewer specifically and higher loads received from egg farm, Mr. Lee asked if we feel like what we are receiving financially is still set up to provide a good ROI on the service we are providing. Mr. Liggett said we are still doing very well and we are able to handle, not experiencing any violations at this time. As more homes are built and the industrial park comes online, we could get up toward the maximum flow the plant can handle and higher strengths could become a problem, but hoping to have the upgraded facility to handle by that time. Mr. Liggett noted that per our contract, New Day wastewater should be delivering five million gallons per year to us; to date, they have delivered four million nine hundred thousand gallons so the target goal is being met and will well exceed goals. Mr. Lee asked about the stress on the machinery, Mr. Liggett said we are OK.

b. Village Manager

Jim Lenner noted that the village was mentioned in Drive Ohio's press release today for the Nation's First Systems Engineering Guidebook for Connected and Automated Vehicles; good recognition for the Mobility Hub.

Review of Manager report, shared overview of the meeting on the water line extension to the Village of Croton/Hartford Fairgrounds, he said it was made clear that the village is not spending any of its funds on the extension if it goes forward, Mr. Lenner said he has not committed the village to anything other than further conversation. Noted two primary concerns by the Village of Hartford, annexation and mandatory hook-ups; Mr. Lenner said we are not annexing, that is private property prerogative and we cannot force anybody to tap on; noted some potential for grant money on tap fees. Conversation progressing; asked Council if this is still of interest to the village; Ms. Robertson expressed her concerns with the proposal, does not envision many tapping on and maybe only a few users, the fairgrounds only using water two weeks of the year and the village would be responsible for the lines forever and sending our employees to Hartford to work on them; also thinks the egg farm is a deterrent to development; does not see the potential. Jack Liggett said if Hartford can get the grant money for tap fees he thinks they would all hook on; he also thinks the ground out there will develop one way or another at some time, if we can have the infrastructure in place and we own and control it and don't have to pay a penny to put it in the ground, he thinks the maintenance on it over the next fifty years will be minimal and it will be easy to pay for the expense with what is being sold. Ms. Robertson asked if we would need a new water tower, Mr. Liggett said that was figured into the price that the county would pay and added that if we do not supply the water, Delco will. Some

discussion on water providers and boundaries, corridor protection, the number of addresses in Croton/Hartford and potential for water tap in numbers; desire expressed to extend along SR 37 toward County Line.

Ms. Van Deest asked if we ever got a definitive answer on the aquifer; Mr. Liggett said the answer was that we do have the second million for the water plant expansion and are already starting studies to look for the third million to see if it is underground.

Mr. Lee said he thinks we should continue to engage in the conversation and meetings on Hartford water line extension because he wants the village to have a seat at the table, he has some agreement that if somebody else is paying to put water lines in the ground it is hard to say no. His questions come down to ROI and cost for running the water, operation and maintenance costs and whether the two hundred and fifty million dollars can be accessed for tap fees; he is fine continuing conversation but not ready to commit one way or the other. Ms. Robertson asked when the money would be available, said she would not want to sign on to this before she knew if Hartford had grant money available for tap ins; Mr. Lenner gave an overview of the application process. Mayor Dutcher said until there is a firm commitment from the Commissioners this is not going anywhere.

Ms. Van Deest said a "pro" "con" sheet from staff would be helpful to her making her decision; Mayor Dutcher said they would all want that; Mr. Lenner said absolutely.

Continued review of report; Ms. Robertson asked when ODOT would give us a plan for US 62 intersection; Mr. Lenner said they should be discussing at the meeting next week. Ms. Robertson asked when we would notify Pulte of the layout so they can get back to us with what they are going to do with the light they are supposed to put in, she still has fear that they won't. Mr. Lenner he understands the fear but said they will put it in and the plans will be given to Pulte right after the meeting with ODOT. Some discussion on traffic light, round-a-bout options, costs, project options.

9. Introduction - Revitalization District; cover letter/application

Mayor Dutcher provided a letter introducing the concept and application for a Revitalization District in the downtown area, the process could result in additional liquor licenses for the village to encourage independent businesses. Ms. Klimchak stated we could get five or six more. There is public notice going in the paper (Newark Advocate) and there will be an Ordinance at next meeting.

10. Tabled Legislation

- a. **ORDINANCE 07-2021** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE VILLAGE OF JOHNSTOWN
Legislation remains tabled.

- b. **RESOLUTION 2021-28** A RESOLUTION TO APPROVE AN UPDATE TO THE EMPLOYEE HANDBOOK
Legislation remains tabled.
- c. **RESOLUTION 2021-29** A RESOLUTION TO ADOPT A POLICE DEPARTMENT AGREEMENT MANUAL
Legislation remains tabled.

11. Public Hearings of Legislation

- a. **ORDINANCE 30-2021** AN ORDINANCE AMENDING ORDINANCE 34-20, THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

Introduced July 20th; this appropriates funds for legal fees to pay outstanding invoices.

Ms. Robertson moved to approve. Mr. Lee said Finance Director stated this would take care of invoices she has currently, but it would be prudent to increase this to \$30,000 for future invoices. Council discussion ended in favor of increasing now and avoiding future legislation to appropriate more funds.

Public Hearing: There were no comments by the public either for or against.

ACTION:	Cheryl Robertson moved to Amend the dollar amount from \$16,000 to \$30,000; Benjamin Lee seconded and the vote was as follows:
AYES:	Marvin Block, Ben Lee, Cheryl Robertson, Mayor Dutcher, Sharon Hendren, Carol Van Deest , Doug Lehner
NOES:	None
ABSTAIN:	None

Passed 7 - 0

- b. **RESOLUTION 2021-30** A RESOLUTION AUTHORIZING THE MANAGER OF THE VILLAGE OF JOHNSTOWN TO ACCEPT THE DONATION OF REAL PROPERTY

The Village has an easement on a property that holds a village owned lift station; the property was split and the owner has offered to donate the lift station parcel to the village. This would authorize the Village Manager to accept deed to the parcel.

Public Hearing: There were no comments by the public either for or against.

ACTION:	Carol Van Deest moved to Approve; Benjamin Lee seconded and the vote was as follows:
AYES:	Cheryl Robertson, Mayor Dutcher, Sharon Hendren, Carol Van

Deest, Doug Lehner, Marvin Block, Ben Lee
NOES: None
ABSTAIN: None

Passed 7 - 0

c. **RESOLUTION 2021-31** A RESOLUTION ADOPTING RULES FOR THE JOHNSTOWN DOG PARK

The Village of Johnstown will be constructing a dog park at the Trailhead Park, scheduled to begin August 16th, the dog park needs rules for visitors and their pets to create a safe environment. These rules have been provided by the Licking Park District and are currently in use. Ms. Klimchak said if approved she would be ordering rule signs to install on the fence.

Mayor Dutcher said this is really a happy occasion, this dog park has been under discussion for a number of years, dog parks are big and dog owners are passionate; we have done this with the help of the Licking Park District, can't thank them enough for their expertise and experience and they have helped pay for it. Ms. Van Deest said when Lewie Main was on the Parks and Rec committee, he was always pushing the dog park and he wanted it at the trailhead so if you see him, tell him.

Public Hearing: There were no comments from the public either for or against the legislation

Prior to his vote, Mr. Block asked if we would be able to enforce no dog or human treats allowed, a lot of people control their animals with treats. Mayor Dutcher said these came from the park district.

ACTION: Carol Van Deest moved to Approve; Mayor Dutcher seconded and the vote was as follows:
AYES: Sharon Hendren, Carol Van Deest, Doug Lehner, Marvin Block, Ben Lee, Cheryl Robertson, Mayor Dutcher
NOES: None
ABSTAIN: None

Passed 7 - 0

d. **RESOLUTION 2021-32** A RESOLUTION COMMITTING FUNDS TO THE DUNCAN PLAINS ROAD IMPROVEMENT PROJECT

Jim Lenner said he committed \$50,000 to this \$400,000 project; this will improve Duncan Plains Road, widening berms and roadway from US 62 to the Enterprise Center entrance. \$200,000 was approved by the State Controlling Board, \$100,000 through Jobs and Commerce, \$50,000 from the Village and \$50,000 from the County Engineer, the County Engineer will be running the project so we will just cut a check. Mr. Lenner asks for a formal commitment from Council by way of this resolution.

Ms. Robertson asked if this is passed when it would start. Mr. Liggett said we would want to get the water line in before the project starts. Mr. Lenner said he assumes it would be next year; Mr. Lee said this could be a 2022 disbursement, Mr. Lenner thought so but said he reserves the right to change that answer based on the County Engineer plan. Mr. Lenner said Representative Fraizer helped Rick Platt out a great deal with this application so if we see him, thank him.

Public Hearing: There were no comments from the public either for or against the legislation

ACTION:	Marvin Block moved to Approve; Sharon Hendren seconded and the vote was as follows:
AYES:	Sharon Hendren, Carol Van Deest, Doug Lehner, Marvin Block, Ben Lee, Cheryl Robertson, Mayor Dutcher
NOES:	None
ABSTAIN:	None

Passed 7 - 0

12. Introduction of Legislation

a. **ORDINANCE 32-2021** AN ORDINANCE AMENDING CHAPTER 1195 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

This amends Chapter 1195 of the Johnstown Codified Ordinances and will require property owners to remove their trash cans from their front yard and the public sidewalk by the day following trash pickup; also requires that cans are not placed out for pickup until the day before. This was forwarded to Council by Planning and Zoning. **Public Hearing August 17, 2021.**

Mr. Lee said the hope that comments on the ordinance made in Safety Service committee and some language within would filter to staff for further consideration so there may be an updated ordinance in two weeks to address those concerns; other comments of Council should also be forwarded for a robust conversation in two weeks.

b. **ORDINANCE 33-2021** AN ORDINANCE AMENDING CHAPTERS 1133, 1137, 1181 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

Vision Statement: The Village of Johnstown is dedicated to providing a secure community environment that fosters cultural, recreational, educational and economic opportunities while preserving our unique historical character

Amendments to these chapters will require applicants to post yard signs on their properties alerting the public of hearings for Variances, Amendments and Non-Conforming Use applications; this came out of Planning and Zoning and discussion on how members of the public hear about public hearings that might concern them or their properties or properties close to them. **Public Hearing August 17, 2021.**

Discussion on sign requirements and design for uniformity.

c. **ORDINANCE 35-2021** AN ORDINANCE AMENDING CHAPTER 1187 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

This will amend the chapter requiring yard signs for COA's and design plans, Ms. Klimchak said this is included in a separate Ordinance because she needed to make some clarification on required meeting times for the Design Review Board, changing to as needed. **Public Hearing August 17, 2021**

d. **ORDINANCE 36-2021** AN ORDINANCE AMENDING ORDINANCE 34-20, THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

This will add revenue coming in from municipal income tax to the General Fund, those receipts are trending higher than originally anticipated, it also appropriates the tree trimming, Oliver Bigelow's headstone at the veteran's cemetery, additional cost for the street maintenance employee hire, includes the \$267,000 American Rescue Plan funds received and transfers thirty percent to Capital Improvements for the Trailhead Park parking lot paving. **Public Hearing August 17, 2021**

Mr. Lee said original conversation in Finance Committee was to increase by \$100,000; because of expending from CIP payment for the parking lot paving the increase was bumped to \$150,000; still very conservative for what is expect at the end of the year.

13. Other Business

1. Arborist is coming August 24-26 to do the Main Street tree trimming, Ms. Klimchak working with the police to get some traffic control.
2. Notice for Design Review Board interest is posted on website, Ms. Van Deest asked if a Council person could apply, Ms. Klimchak said she did not see why not.
3. Jim Lenner said it has been busy and asked Council for reminders if there is something they wanted and haven't seen done.
4. Doug Lehner would like employees, committee/commission members etc. to sign up for Ohio ethics commission training by the middle of October.
7. Doug Lehner said when we receive city designation, we should change out village signage. Mayor Dutcher said a lot of that has been in process. Inventory of what is left and cost can be looked at.
8. Flag contest entries still need to be reviewed (Parks and Rec).
9. Doug Lehner wants PZ to look at construction standards, specifically lot sizes. Bailey

said they have been and are working on that currently in Planning and Zoning. Discussion progressed to aspects of PUD zoning.

14. Adjourn

ACTION: Carol Van Deest moved to Adjourn; Mayor Dutcher seconded and all were in favor.

AYES: Chip Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Benjamin Lee, Sharon Hendren, Carol Van Deest

NOES: None

ABSTAIN: None

Passed 7 - 0

Meeting adjourned at 8:52 pm

Next Council Meeting August 17, 2021



Safety & Service Committee
Tuesday, August 3, 2021 - 5:00 PM
MINUTES

1. Call to Order

Committee Chair Benjamin Lee called the Safety and Service Committee meeting for August 3, 2021 to order at 5:04 pm

Members Present - Ben Lee, Marvin Block, Doug Lehner
Absent - None

Staff present - Jim Lenner, Jack Liggett, Chief Haroon, Bailey Klimchak, Mayor Dutcher, Teresa Monroe.

Public present – None

2. Action on Minutes

a. July 6, 2021

ACTION: Marvin Block moved to Approve; Doug Lehner seconded and all were in favor.
AYES: Benjamin Lee, Marvin Block, Doug Lehner
NOES: None
ABSTAIN: None

Passed 3 - 0

3. Construction Project Updates - Jim/Jack

1. Jim Lenner said funds have been expended to evaluate the round-a-bout option for Sportmans Club Road and US 62; shared the concept designs. Option one with traffic signal cost is \$1 million plus acquisition cost; Option two Round-a-bout offset option cost \$2.033 million plus acquisition; Option three Round-a-bout inline option cost \$1.8 million,

2021 Committee Goals

1. Update security in water plant, sewer plant and service departments - In progress
2. Investigate window security and replacement for admin and council chambers - Improvements made with the remodel; revisit window replacement in 2022
3. Install street lights where needed to improve visibility - Moved to Finance Committee
4. Conduct crime mapping - In progress/Police Chief
5. Sidewalk program
6. Create dangerous street tree removal policy - Moved to Tree Commission

traffic control plus cost of property purchase is unknown. Thirty percent contingency costs are included. Engineering cost, inspection and contract administration estimate is \$191,000. Discussion on preference for design options and reasoning.

ACTION: Marvin Block moved to recommend round-a-bout inline option at \$1.8 million and move forward with design; Benjamin Lee seconded and all were in favor.

AYES: Benjamin Lee, Marvin Block, Doug Lehner

NOES: None

ABSTAIN: None

Passed 3 - 0

2. Water tower; base is poured, everything moving along fine. Tentative completion date is August/September 2022.

3. S. Oregon Street; service lines going in, working on section between Douglas and Jersey Street, project moving slower than anticipated. Mr. Lee suggested that Chief reach out to the school to understand their traffic plan for the start of school with regard to losing the staging space down Oregon and Williams Streets.

4. US 62 Sanitary Sewer; all pipe is in the ground on US 62 for phase one, tests need to be completed, topsoil and seed will be put down in the fall. Phase two, Mink Street relief sewer from Anna Way to the sewer plant will start Monday.

5. Duncan Plains water line from US 62 to Enterprise Center; have received the agreements, will review and sign by the end of the week to start the design, looking at \$17,000 for design. Jim Lenner said the State Controlling Board approved our \$200,000 yesterday for the roadway improvements.

6. Westview Drive; Jack asked contractor for a reduction of \$3,000 on the project for the grass not growing, not agreed to yet. Plan to use the money to reseed it ourselves.

7. Croton Road; getting project ready to close, needs final walkthrough.

7. Had preliminary meetings for both water and wastewater plant expansion; both projects beginning to move.

8. North end road paving (Edwards, Upham etc.) out to bid; working on paving time frame relative to year end weather.

9. Mr. Lee noted disappointment in road cuts on Mink; Mr. Liggett said there was no choice, gas company had to move the gas line out of the way of the sewer.

10. E. Jersey utility poles are in the process of being moved.

11. Mayor Dutcher asked about markings on N. Oregon between Coshocton and Maple, some by the firehouse; Mr. Liggett said to the best of his knowledge there has been no ROW permit requested for any work.

12. Mr. Lee asked if the plan on N. Oregon was to do the no-seam paving again, Jack said yes, any road under twenty-four feet we want to do the no seam paving.

4. Ordinance 32-2021; Review

a. **ORDINANCE 32-2021** AN ORDINANCE AMENDING CHAPTER 1195 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

Review and discussion on legislation for Council tonight that would restrict when trash cans can be left at the roadway; cans cannot be taken down earlier than the day before trash pickup and must be removed no later than the day after trash pickup, Ordinance also states that containers are not to be stored on public sidewalks, in the right-of-way or in front yards. Ms. Klimchak said this is being done for public safety and aesthetics.

Marvin Block asked when this became a major problem in Johnstown and if there were more than ten or twenty people that do this. Ms. Klimchak said she is not sure of the number but there are people who leave them down by the road all the time and never take them in; the residents have been contacted multiple times; this legislation would give authority to enforce. Mr. Block said he just can't see every time a little problem comes up why we must pass a law and get the town all upset, he thinks there are other ways to handle.

Ben Lee said this has been a discussion as part of the zoning ordinance draft, there are several instances where there are folks who don't pull their cans in and there is no recourse for the village because there is nothing on the books about it, this would give some "teeth" to enforce what is being asked. He said he also looks at it as a safety issue, pulling trash cans up from the street to ensure they don't get blown into the street; there are three of seven days they can be down at the curb. Added that we are not hiring a trash inspector to enforce, it is just to have something as a baseline where there needs to be correction, right now there is no recourse.

Doug Lehner said we should follow up communication requests with certified letters; Ms. Klimchak said she does not have anything to back a certified letter with, because it is not a law, they cannot be taken to court etc. Mr. Lehner said he would also like to know the true number of violators. Could check on the numbers with Zoning Inspector.

Mayor Dutcher said this just gives a tool to go after those who leave their cans out all week long and never move them.

Ms. Klimchak emphasized this is just for repeat offenders who leave their trash cans out all

the time, every week, all the time; not for the one-off person who leaves for vacation and puts their can out early. Discussion on consistency of procedure for violations.

Mr. Lee said assuming this passes, it would be day one for everyone, no past history would count; Ms. Klimchak said yes.

Chief Haroon noted some language in the ordinance that needed to be defined better for legal enforcement.

Feedback given tonight will be considered for edits prior to second reading and public hearing.

5. Sidewalk Replacement Program 2022

Mr. Lee noted the TAP grant not received and asked Mr. Lehner if he would like to continue discussing in Safety and Service. Mr. Lehner said he is not budging on the fact that we are to provide a safe environment for people and trying to move forward on having more accessibility for walking. Discussion continued on how best to implement; will be added to committee agenda for September.

6. Other Business

No further business

7. Adjourn

ACTION: Benjamin Lee moved to Adjourn; Doug Lehner seconded and all were in favor

AYES: Benjamin Lee, Marvin Block, Doug Lehner

NOES: None

ABSTAIN: None

Passed 3 - 0

Meeting adjourned at 6:29 pm



Tree Commission
Tuesday, July 27, 2021 - 5:00 PM
MINUTES

1 Call to Order

Committee Chair Marvin Block Called the Tree Commission meetig to order for July 27, 2021 at 5:10 p.m.

Members present: Chairman Block, Andy Bruney, Charlie Campbell, Donald Barnard, Leah Argyle

Staff present: Bailey Klimchak, Teresa Monroe

Public present: None

2 Action on Minutes

a June 22, 2021

ACTION: Andy Bruney moved to Approve the minutes of the previous meeting; Marvin Block seconded and all were in favor.

AYES: Marvin Block, Andy Bruney, Leah Argyle, Charlie Campbell

NOES: None

ABSTAIN: None

Passed 4 - 0

Marvin Block addressed the Silk Lilac trees the village planted on US 62 saying we have lost about ten of them, he will be replacing them, they are on order and will be in September or October. Will add a tag on resident doors to help water them.

3 Donated trees for Trailhead parking lot and Memorial Tree Fund

Will be planting five trees at the Trailhead Park; donated by Council members Chip Dutcher, Carol Van Deest, Cheryl Robertson, Doug Lehner and Sharon Hendren; have not discussed variety yet, they will be planted on the property line of the new parking lot.

Commission discussion on what variety trees to add, considerations for height, shade, root system, maintenance etc. Decision to go with two Ginkgo Biloba and three Tri-Color Beech trees.

A Memorial Tree is being donated by Village Manager Jim Lenner, it was requested that it be an Oak tree. In addition to planting a tree at the school for Arbor Day, planting a tree at the village offices was also discussed, Ms. Klimchak asked if committee wanted to use the donated memorial tree; committee was in favor. A plaque with all Memorial Tree donor

names will be ordered for Council Chambers.

4 Tree Preservation Ordinance

a **ORDINANCE 34-2021** AN ORDINANCE AMENDING CHAPTER 1183 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

Bailey Klimchak presented an Ordinance draft that would amend Chapter 1183 to include a section on Preservation of Trees and Wooded Areas. When developers or new business want to come to Johnstown and build a new structure, they will have some tree preservation rules to follow. Commission discussion on the draft and "major" tree replacement requirements; edits to the draft noted by Ms. Klimchak; Commissioners said they do not need to see the ordinance again.

ACTION:	Andy Bruney moved to Approve the Tree Preservation Ordinance and the amendments made today and forward to Planning and Zoning; Charlie Campbell seconded and all were in favor.
AYES:	Marvin Block, Andy Bruney, Leah Argyle, Charlie Campbell, Donald Barnard
NOES:	None
ABSTAIN:	None

Passed 5 - 0

5 Arbor Day planning

Ms. Klimchak talked with the school and they would love to participate, they have a list of desired trees and locations where they would like to plant those trees. Location shown, they have chosen a Swamp White Oak, pricing is \$395, if in favor, the Tree Commission would donate the funds and the school would take care of ordering the tree to the location, Ms. Klimchak would work with them to get the event set up. Commission in favor 5-0 of donating the money and letting them order the tree that fits in their plan. Ms. Klimchak said she would work with them on getting a date and the event set up. Will provide updates next meeting.

6 Other Business

1. Bailey Klimchak updated the Commission on the arborist's assessment of Main Street trees, has identified some problem trees and gave prices. The Safety and Service Committee and Village Council were generous enough to say the village would pay for pruning and trimming those trees to get them healthy; staff working on a schedule. The arborist will also schedule to trim the oak at the trailhead; cabling to be done next year.

2. Mr. Block said there are two crappy looking trees on Main Street but they are in front of a Councilman's house, asked if it were possible to get those taken down within the

price given by the arborist for tree trimming, would that be ok with the Commission. Mr. Block said they are rotted down in. There was no objection if it can be done within the price quoted.

3. Next meeting August 24th at 5:00 pm. September is the 28th, October is the 26th.

7 Adjourn

No further business, all were in favor of adjournment.

Meeting ended at 6:04 pm



1813

JOHNSTOWN POLICE DEPARTMENT



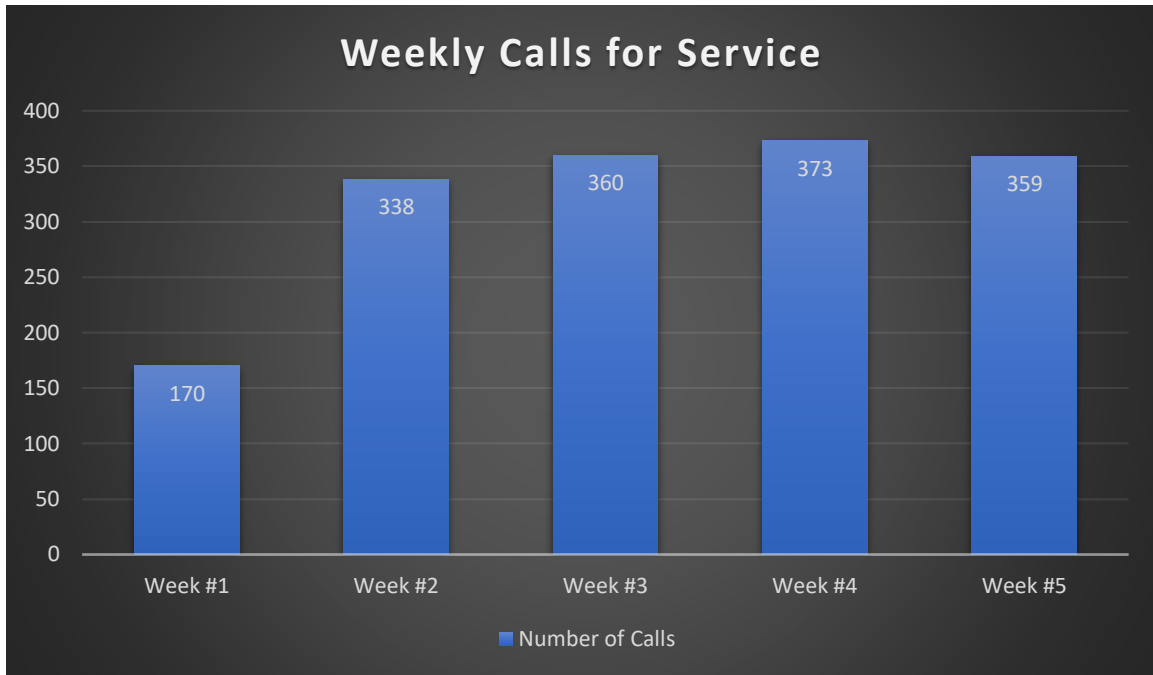
REPORT

CHIEF'S

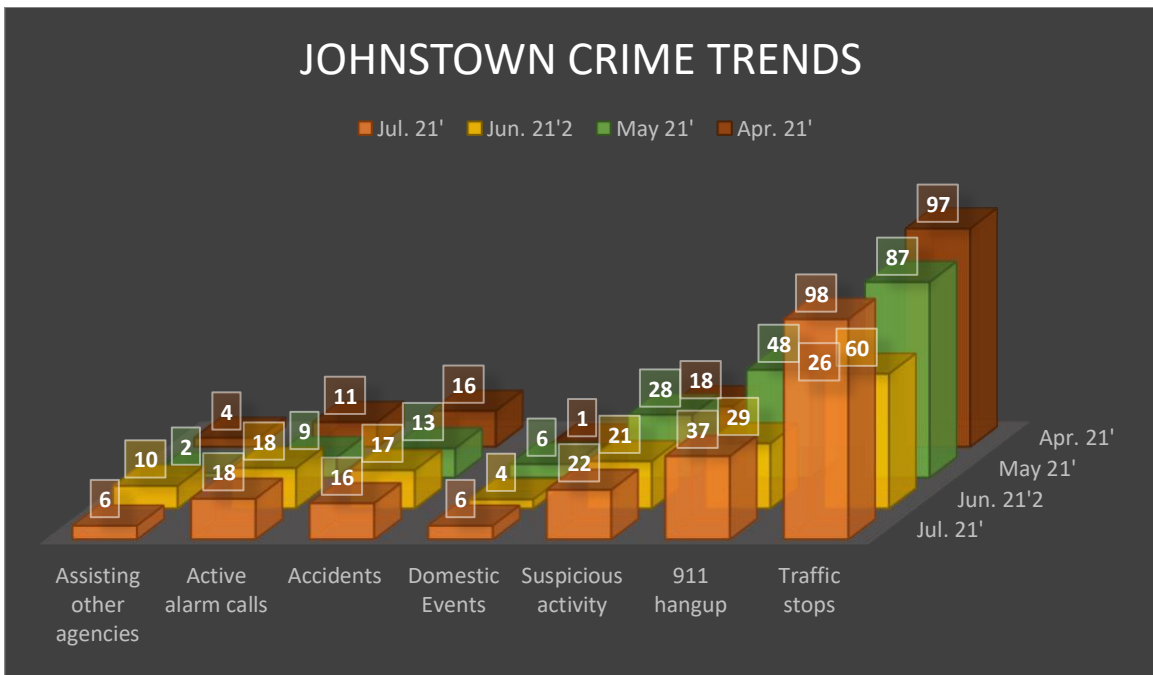
WELCOMES YOU
Established 1813

JULY 2021

CRIME STATISTICS



- 1,600 CALLS FOR SERVICE (**INCREASE OF 37% OVER JUNE 21'**)
- 998 ACTIVE HOURS ON SERVICE CALLS
- 37 MINUTES AVERAGE PER EVENT (2021 MEAN AVERAGE 37-MINUTES)
- 744 TOTAL HOURS IN THE MONTH OF JULY



JOHNSTOWN

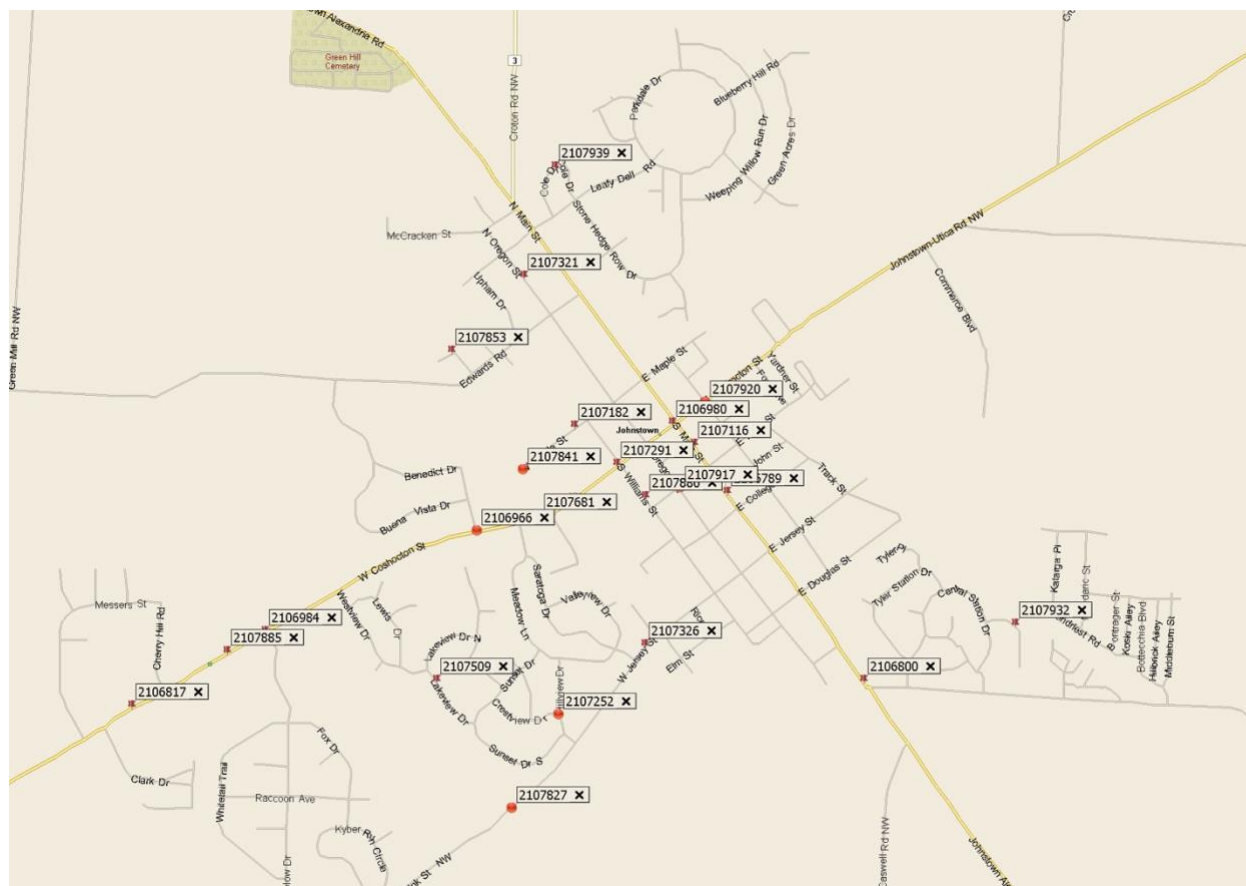
Calls for Service: 07/01/2021 Through 07/31/2021

10-ASSIST OTHER UNIT	6
12B-BURGLARY ALARM	18
15-WARRANT	1
2-NON INJURY ACCIDENT	15
20-DOMESTIC	1
20V-VERBAL DOMESTIC	5
4-INJURY ACCIDENT	2
60-SUSPICIOUS PERSON	11
60A-SUSPICIOUS VEHICLE	10
70-DRUGS	1
91-911 HANGUP	11
91A-911 MISDIAL	26
TRAFFIC STOP	98
Total	205

CRIME MAP (JULY 2021)

The below map shows where officers took written reports in Johnstown. To protect the reporting parties, only pins with the corresponding report numbers are displayed on the map.

Officers took thirty-two (32) reports in July 2021. There is an average completion of one (1) hour and twenty (20) minutes (including investigative follow-up). Officers spent roughly forty-two and a half (42.5) hours completing reports.



ALLOCATED TIME OFFICERS SPEND DOING THEIR JOBS IN JOHNSTOWN, OHIO

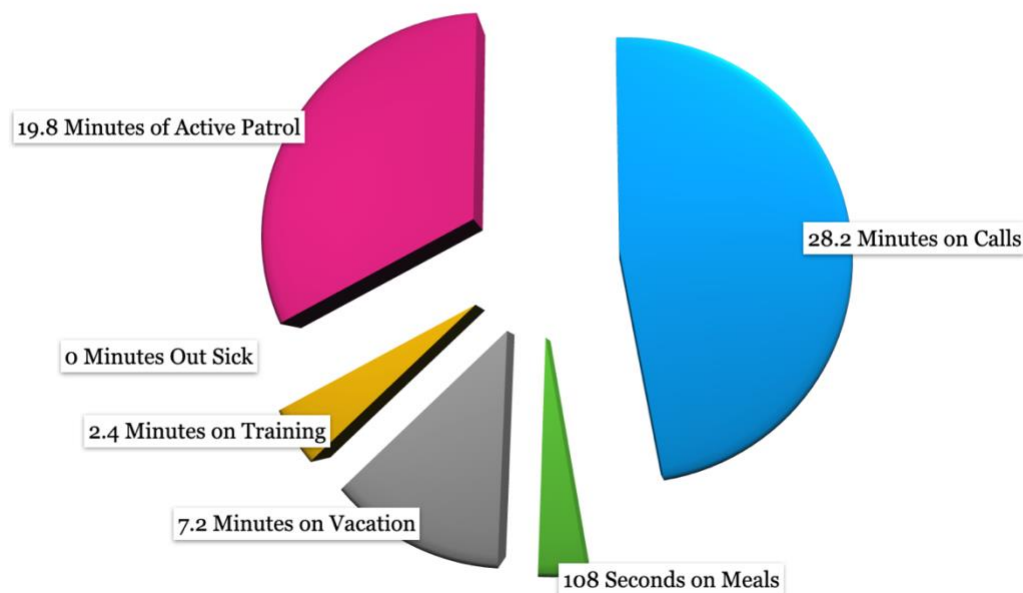
With Computer-Aided Dispatching (CAD) data, Chief Haroon can do a deeper dive into tasks that officers perform daily. The pie chart below looks condenses the entire month into a one (1) hour snapshot. From here, Council can see how that time is spent doing tasks.

In July 2021, within a 24-hour block, an officer will spend ruffly eight (8) hours patrolling our community. An officer will spend the remainder of the sixteen (16) hours doing other tasks. The graph below highlights where the time is spent.

The data is obtained from July 2021 (30-days)

● On Calls ● Meals ● Vacation ● Training ● Sick Time ● Patrol Time

Of One (1) Hour Officers Spend:



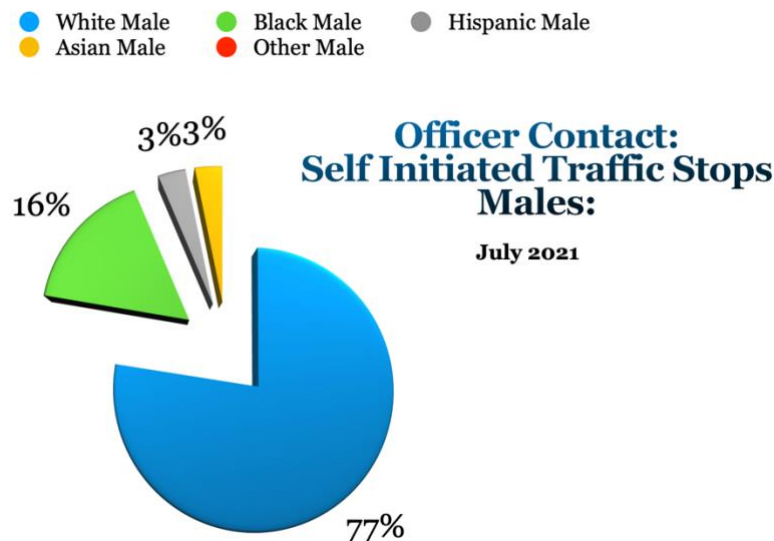
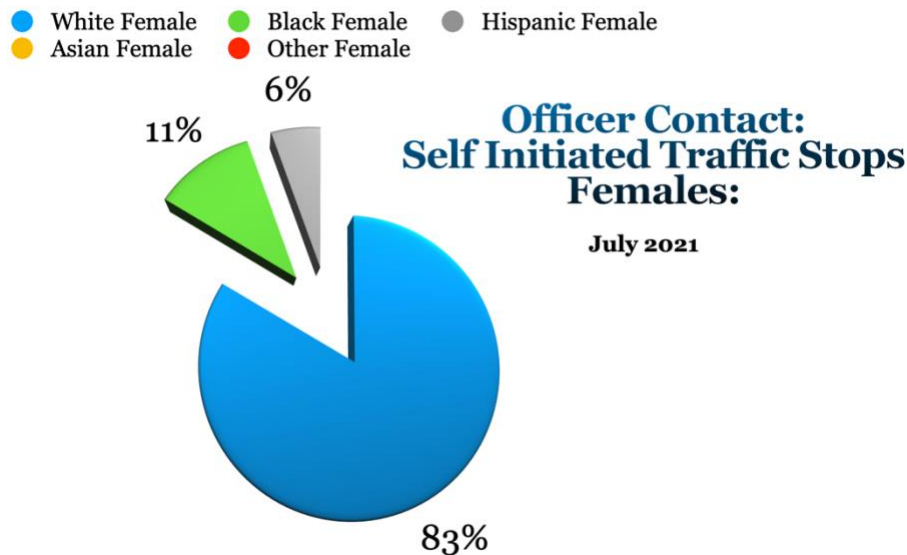
TRAFFIC STOPS

The State of Ohio recommends that police departments monitor the demographics of who is getting stopped by officers within their prospective jurisdictions. The data is also required to meet the guidelines set by the Ohio Collaborative Community-Police Advisory Board. The outcome is to provide police legitimacy through transparency.

The following pie-graphs outline the race and gender of who is being stopped by officers in Johnstown, Ohio. Moreover, the numbers remain consistent with:

- A. Our demographical makeup.
- B. Individuals are commuting within the area.
- C. Individuals that are working in and around Johnstown.

Chief Haroon saw no signs of concerns.



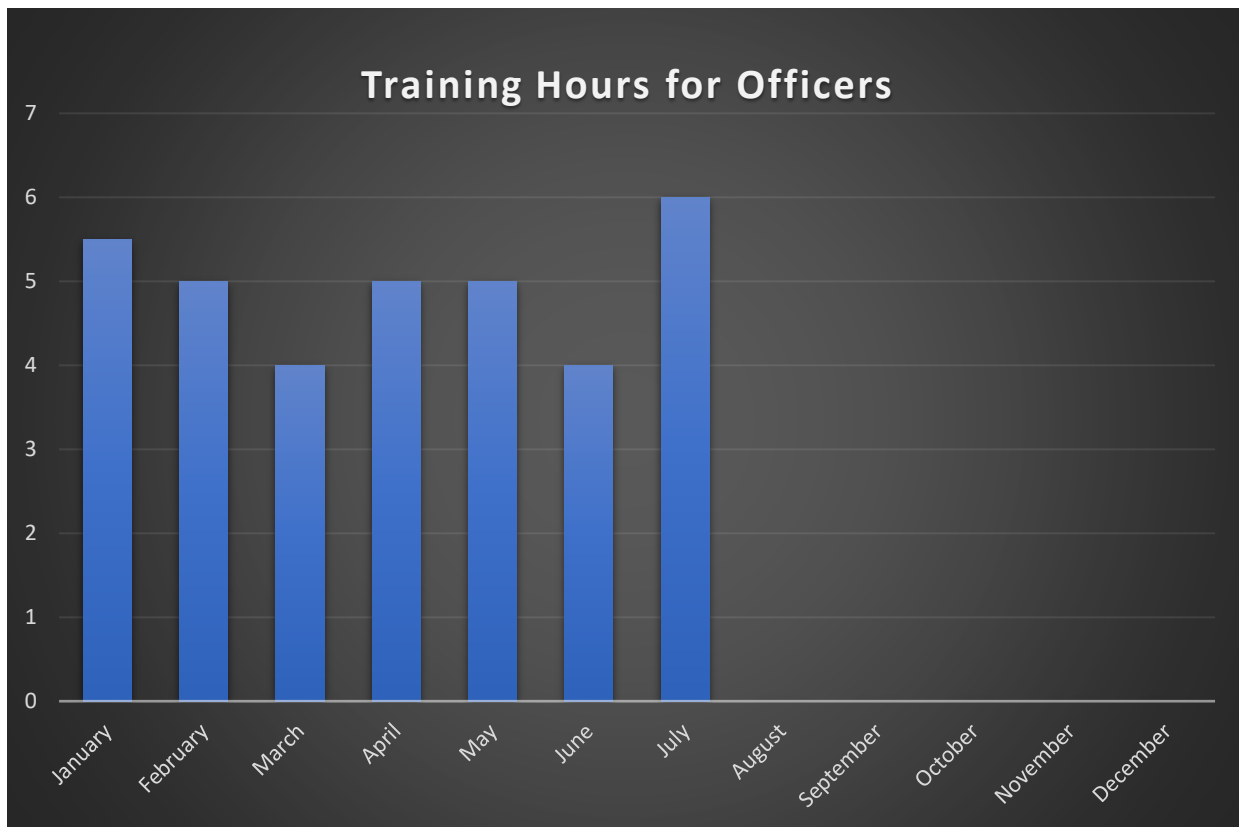
TRAINING

All officers received a four (4) hour training block on CPR/AED/First Aid. CPR/AED/First Aid was the first training that we incorporated other divisions into our training. HazMatOhio performed the training. Todd McKee of HazMatOhio, provided the training, certificates, and material free of charge. Additionally, he donated first-aid kits and decontamination spray.



Officer Pacha became a shotgun firearms instructor. JPD now has three (3) pistol instructors, two (2) patrol rifle/carbine instructors, and one (1) shotgun instructor. 2022's goal is to add one (1) patrol rifle/carbine, one (1) shotgun instructor, one (1) select-fire instructor, and one (1) revolver instructor. The following instructors will allow for JPD to operate independently on the annual firearms qualifications.

In addition, officers completed one (1) one-hour training block in sexual harassment (PoliceOne Academy). All staff members of the Police Department also completed Ohio Ethics Training as proposed by Councilperson Lehner. Total officers received five (5) hours of training individually in July 2021 and one (1) hour of Ethics Training.



STAFF

Officer Hargraves and Officer Rodriguez were seen on social media in our community.



Officer Hargraves regularly pays for items like Freeze Pops and glow sticks out of his pocket to build trust with the young members of our community. He has been quoted as saying: “I want kids to trust and run to patrol cars. If I take these actions now, youth will trust us tomorrow.”

Sergeant Hatfield was accepted to The Ohio State University, John Glenn College of Public Affairs, Public Safety Leadership Academy (PSLA). Sergeant Hatfield will attend this prestigious leadership academy in Spring 2022. Sergeant Hatfield will be the 9th graduating class.



MEDIA / SOCIAL MEDIA

Facebook (July 14, 2021 – August 10, 2021)

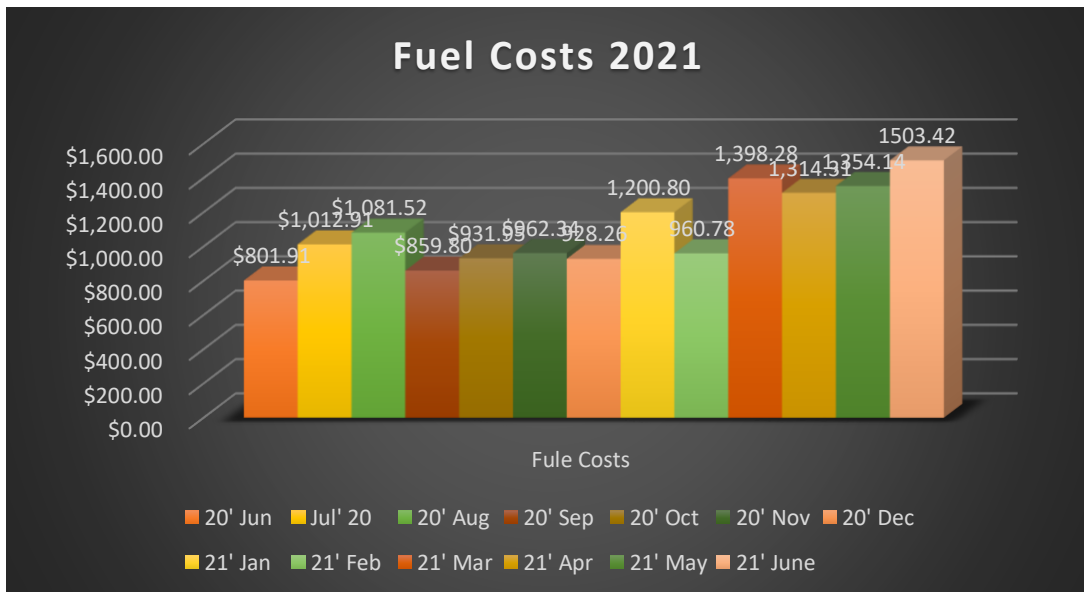
People reached: 6,681	DOWN	67% from June 2021
Post engagements: 2,169	DOWN	70% from June 2021
Page likes: 112	UP	84% from June 2021
Page Followers: 112	UP	87% from June 2021
Page Views: 404	DOWN	40% from June 2021

FLEET

The Johnstown Police Department used 529.75 gallons of gasoline in June 2021, 56.79 gallons more when compared to May 2021. Council should note that fuel costs have ascended 88% from June 2020.

Officers drove a total of 6,442 miles (excluding administrators) within Johnstown in July 2021. As a comparison, approximately 2,671 miles would be driven if one were to drive from coast to coast.

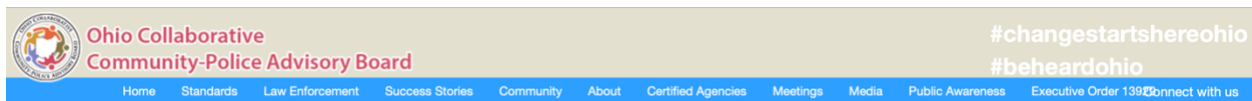
FUEL COST



The Johnstown Police Department was above the monthly mean average (\$1,031) in fuel costs. In June 2021, the cost of the Police Department's fuel usage was 529.75 gallons, at an average of \$2.84 us/gal (tax-deferred). The three previous months reflected an average of \$1,355.58. During the same time in 2020, the same monthly average was \$815.85. This is a difference of \$540.73 monthly.

OTHER NEWS

The Johnstown Police Department is now listed as a Certified Law Enforcement Agency through the Ohio Collaborative Community-Police Advisory Board (OCLEAC). We have provisionally passed our group two (2) criteria and will start to work towards group three (3.) OCLEAC consists of five (5) groups. The Johnstown Police Department anticipates certification across all five groups, becoming a gold standard agency.



Certified Law Enforcement Agencies

Statewide	Erie County	Lake County	Preble County
Allen County	Fairfield County	Licking County	Putnam County
Ashland County	Fayette County	Denison University Police Department	Richland County
Ashtabula County	Franklin County	Granville Police Department	Ross County
Athens County	Fulton County	Hebron Police Department	Sandusky County
Auglaize County	Gallia County	Johnstown Police Department	Scioto County
Belmont County	Geauga County	Licking County Sheriff's Office	Seneca County
Brown County	Greene County	Newark Division of Police	Shelby County
Butler County	Guernsey County	Logan County	Stark County
Carroll County	Hamilton County	Lorain County	Summit County
Champaign County	Hancock County	Lucas County	Trumbull County
Clark County	Hardin County	Madison County	Tuscarawas County
Clermont County	Harrison County	Mahoning County	Union County

JPD added a community bulletin board to our lobby to showcase the community's support.



Chief Haroon would like to thank Council for approving the new badges in 2021. Recently, Chief Haroon's badge backing came dislodged from an old repair. If JPD did not order new badges, Chief Haroon would not have had a replacement badge to place into service. The broken badge was returned to the manufacture for repair and refinishing. This repair will be free of charge. Chief Haroon is also requesting that the State's seal be replaced with a new one. The replacement seal will come at a small cost. Chief Haroon's badge has been in service since 1998.

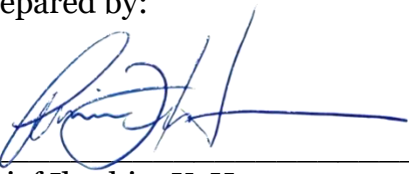


JPD added an animal microchip reader. Staff members will be able to scan animals that have embedded chips and obtain their information. Additionally, the staff at the JPD is now able to access information on dog tag numbers.



End of Report-

Prepared by:



Chief Ibrahim Y. Haroon, MBA CLEE



Finance Director's Report to Council
August 17th, 2021

1. Tax Revenue. Total Income Tax revenue collected through July 2021 was \$1,645,883. This represents 72.5% of 2021 Budgeted Income Tax revenue of \$2,270,400, and a 41.5% increase from 2020 collections for the same period. At this time I am projecting 2021 total annual income tax revenue to reach \$2.58M (\$309K more than budget).

The largest source of the Village's income tax revenue, withholding taxes derived from individuals working in Johnstown, increased 25.8%, individual returns increased 41.0%, and business net profits increased 269.2% as compared to the same period in 2020.

The table below illustrates the Village's July YTD income tax revenue from 2017 through 2021:

	2017	2018	2019	2020	2021
Withholding	\$ 544,242	\$ 602,873	\$ 664,635	\$ 661,488	\$ 832,389
Individual	\$ 442,867	\$ 544,534	\$ 620,458	\$ 455,048	\$ 641,403
Net Profit	\$ 150,676	\$ 112,839	\$ 107,171	\$ 46,616	\$ 172,090
Total	\$ 1,137,785	\$ 1,260,246	\$ 1,392,264	\$ 1,163,151	\$ 1,645,883

Withholding taxes have increased every year from 2015-2021 (with 2020 as an exception); this can be attributed to an increase in the number of jobs and increased pay rates in Johnstown.

Individual income tax collections for July YTD have surpassed 2019 YTD collections, pre-pandemic.

The **2021 Net Profit** revenue is at its highest. Key businesses driving this increase include Atrium, Washington Auto Parts, CRC Metal Products, and Bleckmann.

2. Revenues and Expenditures. See attached spreadsheets for 2021 year-to-date revenue collections and expenditures.

Notes on Revenue:

General Fund – Real Estate Tax – The second half distribution will be received from Licking County in October. Based on the first half collection, I expect to receive about \$67k more than the amount budgeted.

General Fund, Shared Taxes – Local Government distributions were \$7,100 in July. My current expectation for total receipts is \$104,052, surpassing the \$85,000 budgeted amount.

General Fund, Permits, Fines & Licenses –Zoning permits collected YTD are \$50,669 (\$30,000 budgeted for the year) due to the many New Build zoning fees collected thus far, as well as a \$19,100 preliminary plot application for Concord Rd area (received in March).

General Fund, Interest – Year-to-date interest revenue is low due to losses in Q1.

General Fund, Misc – \$15,000 was donated in June for the Mobility hub concept. \$18,000 was received for goods sold on online auction throughout the year.

Street Construction / State Highway Funds – Both are slightly lower than budget due to the loss of revenues for the Gasoline tax as a result of COVID-19 and its impacts on travel. In 2020 we budgeted \$300,000 and received \$267,454, a shortfall of \$32,546. The 2021 budgeted amount is also \$300,000. At this time, we are projecting a shortfall of \$32,000 in 2021 for the Gasoline Excise Tax. Motor Vehicle Registration revenue was budgeted at \$96,750 in 2021. Currently we are projecting a surplus of \$23,000. With community growth, new homes & residents, we will likely see this line continue to increase in the future. Note that the General Fund will be supplementing Fund 2011 with \$90,000 to help pay salaries and other expenses this year.

Right-of-Way Fund should begin to see revenues from our utility providers in Q3.

5101 Water Operating YTD collections include a \$60,000 contract payment from New Day Farms. Without this payment, our collections are 70.1% of budget. Water rents have been higher than normal in July, which is likely due to new residents moving into the newly-built homes and lawn watering.

5201 Sewer Operating same comment as above referring to higher than normal usage.

Water/Sewer Improvements Funds have each collected >100% of their respective budgets due to ninety-two (92) new homes & one (1) new commercial building permitted YTD. Each new build home brings in \$7,400 into the Water Improvements Fund, and \$7,400 into the Sewer Improvements Fund. New Day Farms has also paid \$180,844 in bulk sewer hauling YTD.

Enterprise Deposit Fund has collected >100% of its annual budget due to the high number of new homes permitted this year.

Notes on Expense:

General Fund, Economic Development has \$30,000 remaining for the CIC contributions (2020 & 2021). The IRS has not granted the CIC tax exempt status yet. They are still considering granting the status provided that the CIC pass a resolution to modify its Articles of Incorporation, and respond to a second request for more detailed information regarding the types of economic development activities in which the CIC plans to engage, along with projections of future revenues and expenses.

General Fund, Legislative Activities is 80% spent as a result of legal fees.

General Fund, Land & Buildings is 83% spent primarily due to the annual payment on the annual property & casualty insurance premium.

Budget Stabilization Fund – \$19,946 was spent YTD, detailed below.

All of these expenditures can/will be reclassified or reimbursed, thereby reimbursing the BS Fund. I would suggest that the \$5,000 spent on legal fees for the Miles Estate attorney be reimbursed from the General Fund.

Expense Description		Amount
Miles Estate Attorney	<i>No appropriation was made for this</i>	\$ 5,000.00
New Cruiser outfitting	<i>to be reclassified to Cruiser PO once established</i>	\$ 3,326.89
RAISE grant	<i>to be reclassified to ARP Funds</i>	\$ 8,857.50
Dague Tree (cemetery)	<i>to be reimbursed from Insurance</i>	\$ 517.00
Project Mastodon	<i>Will be recouped from SIB loan</i>	\$ 2,245.00
Total 2021 spend in Budget Stabilization Fund		\$ 19,946.39

Debt Service Fund – Mid-year payments of debt principal have been made to OPWC in May. The majority of these payments will occur in November-December 2021.

Water Debt & Sewer Debt – Mid-year payments of principal & interest have been sent to the OWDA and OPWC in May. The payments that are due in December will exhaust these encumbrances.

3. American Rescue Plan Act – See below for *recommendations* on expenditures from the ARP Funds, first tranche payment of \$267,010.45 (note these may change based on Finance Committee discussion outcome):

American Rescue Plan	
RAISE Grant	\$ 8,857.50
Time Clock scanners	\$ 1,500.00
Mobility Hub Concept	\$ 35,000.00
Dry Restroom at Hannah's Park	\$ 50,000.00
Scanning of Zoning documents	\$ 20,000.00
New chairs for Council Chambers and conference room	\$ 6,000.00
Revenue Replacement <i>gasoline taxes, 2020</i>	\$ 33,000.00
New Financial & utility billing Software	\$ 100,000.00
Total	\$ 254,357.50

Guidance from the US Treasury provide that ARP funds may be used:

- a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d) To make necessary investments in water, sewer, or broadband infrastructure.

4. 2022 Budget. The timeline has been established for the preparation of the 2022 budget. First deliverable is scheduled for August 27.

Respectfully Submitted,



Dana Steffan, CPA
Finance & Human Resources Director

VILLAGE OF JOHNSTOWN



RESOLUTION 2021-28

A RESOLUTION TO APPROVE AN UPDATE TO THE EMPLOYEE HANDBOOK

WHEREAS, Johnstown Village Council has the authority to adopt personnel rules and regulations concerning personnel matters, including but not limited to: probationary periods, vacation and sick leave regulations, compensation, health insurance, professional conduct, performance evaluations, work schedules, and other personnel matters; and

WHEREAS, the Village Council has determined that it is desirable and in the public interest to adopt an amended employee handbook to address employment and personnel matters to apply to Village employees.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Johnstown, Licking County, Ohio as follows:

Section One: Johnstown Village Council hereby adopts the Johnstown Employee Handbook, dated July 8, 2021, a copy of which is attached hereto and incorporated by reference herein.

Section Two: The attached Johnstown Employee Handbook shall supersede the Employee Handbook that was adopted in 2013.

Section Three: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter of the VILLAGE OF JOHNSTOWN.

Date of Introduction: July 20, 2021 TABLED

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

VILLAGE OF JOHNSTOWN



RESOLUTION 2021-29

A RESOLUTION TO ADOPT A POLICE DEPARTMENT AGREEMENT MANUAL

WHEREAS, Johnstown Village Council has the authority to adopt personnel rules and regulations concerning personnel matters specific to a certain department, and

WHEREAS, the Village Council has determined that it is desirable and in the public interest to adopt an employee agreement specific to the Police Department to address employment and personnel matters to Village Police employees, and

WHEREAS, where the Johnstown Police Department Agreement Manual conflicts with the Johnstown Employee Handbook, the Agreement Manual will prevail for JPD employees.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Johnstown, Licking County, Ohio as follows:

Section One: Johnstown Village Council hereby adopts the Johnstown Police Department Employee Agreement, dated July 15, 2021, a copy of which is attached hereto and incorporated by reference herein.

Section Two: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter of the VILLAGE OF JOHNSTOWN.

Date of Introduction/Public Hearing/Vote: July 20, 2021 TABLED

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

VILLAGE OF JOHNSTOWN



ORDINANCE 32-2021

AN ORDINANCE AMENDING CHAPTER 1195 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapter 1195 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs General Requirements in the Village of Johnstown; and

WHEREAS, Section 1195.05 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs Garbage, junk, litter and rubbish in the Village of Johnstown; and

WHEREAS, By a 5-0 vote at the July 27, 2021 meeting, the Planning & Zoning Commission voted in favor of forwarding this Ordinance for Council consideration; and

WHEREAS, the Council of the Village of Johnstown desires to amend Codified Ordinance Section 1195.05 to govern trash and recycle containers.

NOW THEREFORE, be it ordained by the Council of the VILLAGE OF JOHNSTOWN, Licking County, Ohio as follows:

Section 1. That Section 1195.05 is amended; deletions are ~~struck~~; additions are *italicized*

1195.05 GARBAGE, JUNK, LITTER AND RUBBISH.

(a) Accumulation of Garbage, Junk, Litter and Rubbish. All exterior property and premises, and the interior of every building, dwelling and structure, shall be kept free from any accumulation of rubbish or garbage.

(b) Disposal of Garbage, Junk, Litter and Rubbish. Every owner of a building, dwelling or structure shall dispose of all garbage, junk, litter and rubbish in a clean and sanitary manner by placing such materials in approved containers, and shall require all occupants of said building, dwelling or structure to do the same. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(c) Disposal Facilities. The owner of every occupied building, dwelling, structure or premises shall supply approved, covered containers for the disposal of garbage, junk, litter and rubbish, and the owner of the premises shall be responsible for the removal of the same.

(d) Garbage facilities. The owner of every dwelling shall supply at least one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, tightly-covered, outside garbage container.

(e) Containers. The owner of every business establishment shall provide, and at all times shall cause the business operator to utilize, approved, leak-proof containers provided with close-fitting covers for the storage of waste materials resulting from said business until removed from the premises for disposal.

(f) All residential containers must be removed from the Right of Way (ROW) the day following collection. Containers must be placed curbside no sooner than the day before the scheduled pickup day. Containers are not to be stored on public sidewalks, in the right-of-way, or in front yards. Failure to remove containers following pickup could lead to citations.

Section 3. It is found and determined that all formal actions of this Village Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this Village Council and that meetings resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

Date of Introduction: August 3, 2021

Public Hearing/Vote: August 17, 2021

Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

AGENDA REPORT

VILLAGE COUNCIL
AUGUST 3, 2021



AGENDA ITEM

Ordinance 32-2021, Amending Chapter 1195

PREPARER(S)

Bailey Klimchak, Village Planner

RECOMMENDED ACTION

Approve

HISTORY

The proposed amendment to Chapter 1195 requires property owners to remove their trash cans from the front yard and public sidewalks by the day following trash pickup. It also requires that trash cans are not placed out for pickup until the day before. The amendment will make enforcement of trash cans easier for Village staff and increase road safety in the Village.

SUMMARY

Authority: Village charter, Chapter 4

Urgency: Low

Relation to Other Actions: None

FISCAL IMPACT

None

ADDITIONAL MATERIAL

None

ATTACHMENTS

None

VILLAGE OF JOHNSTOWN



ORDINANCE 33-2021

AN ORDINANCE AMENDING CHAPTERS 1133, 1137, 1181 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapters 1133, 1137, and 1181 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs the rules and procedures for Variances, Amendments, and Non-Conforming Uses in the Village of Johnstown; and

WHEREAS, Newspapers are not as popular with the public and there are no local newspapers of general circulation, making it hard to advertise public hearings and notify the public; and

WHEREAS, The proposed amendment to Chapters 1133, 1137, and 1181 will require the applicant to place yard signs on the property in question advertising the date and time of the hearing; and

WHEREAS, By a 5-0 vote at the July 27, 2021 meeting, the Planning & Zoning Commission voted in favor of forwarding this Ordinance for Council consideration; and

WHEREAS, the Council of the Village of Johnstown desires to amend Codified Ordinance Sections 1133.03, 1137.05, and 1181.09 to govern the procedures of notifying the public for public hearings for variances, amendments, and non-conforming uses.

NOW THEREFORE, be it ordained by the Council of the VILLAGE OF JOHNSTOWN, Licking County, Ohio as follows:

Section 1. That Section 1133.03 is amended; deletions are ~~struck~~; additions are *italicized*

1133.03 PROCEDURE FOR APPROVAL.

- a) Before approving or denying the application before it, the Planning and Zoning Commission shall hold at least one public hearing on such application within forty-five days after the receipt of an application for a variance.
- b) Before holding a public hearing required in subsection (a) hereof, notice of such hearing shall be given in one or more newspapers of general circulation in the Village by two publications which shall be at least fourteen days before the date of such hearing and at least seven days before the date of such hearing, respectively. The notice to be published shall set forth the time and place of public hearing and the nature of proposed variance.
- c) Before holding the public hearing required in subsection (a) hereof, written notice of such hearing shall be mailed by the chairperson of the Planning and Zoning Commission, by certified mail to all owners of property identified in Section 1133.02(e). The notifications shall contain the same information as required of notices published in the newspaper as specified in subsection (b) hereof.

- d) Before holding the public hearing required in subsection (a) hereof, written notice of such hearing shall be posted in a conspicuous location at the Village offices. Such notice shall be posted at least fourteen days before the date of such hearing.
- e) *The applicant shall post one sign per public street frontage of the subject property within fifteen (15) feet of the curb indicating the subject, date, and time for the hearing. The sign(s) shall be posted at least ten (10) days prior to the hearing. The sign(s) should measure no less than three (3) feet by two (2) feet.*
- f) Within forty-five days after the public hearing required in subsection (a) hereof the Commission shall either approve, approve with supplementary conditions as specified in Section [1133.04](#) or disapprove the request for a variance. The Commission shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.
- g) The following factors shall be considered and weighed in the review and the public hearing of an application for variance.
 - 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
 - 2. Whether the variance is substantial;
 - 3. Whether the character of the neighborhood would be adversely affected or whether adjoining properties would suffer an adverse impact as a result of the variance;
 - 4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
 - 5. Whether the property owner purchased the property with knowledge of the zoning restriction;
 - 6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
 - 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 - 8. No single factor shall be considered a determinative factor, and the factors shall be weighed and balanced in determining whether a variance is warranted. The applicant shall bear the burden of proof that the criteria for a variance have been met and that application of the zoning requirement to the applicant's property would be inequitable.

Section 2. That Section 1137.05 is amended; deletions are ~~struck~~; additions are *italicized*

1137.05 REVIEW PROCEDURE.

- a) The Planning and Zoning Commission shall schedule at least one public hearing after the adoption of a resolution, transmittal of a resolution from Council or the filing of an application for zoning amendment. Such hearing shall be not less than twenty days from the date of receipt of such motion, transmittal of such resolution, or the filing of such application. At such public hearing the applicant shall:
 - 1. Have the affirmative duty of presenting such evidence as will prove by a preponderance of the evidence that such amendment should be adopted;

2. Provide a stenographer at applicant's expense who, shall record the proceedings of such public hearing, transcribe such recording into written form and provide the Commission with a copy thereof.
- b) Before holding the public hearing provided in subsection (a) hereof, notice of such hearing shall be given by the Commission by at least one publication in one or more newspapers in general circulation of the Village at least seven days before the date of such hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment as stated on the application and a statement that within thirty days after the conclusion of such public hearing a recommendation will be made by the Commission to Council.
- c) Written notice of the proposed amendment may be mailed by the Commission, by certified mail return receipt requested at least ten days before the date of the public hearing by the Commission, to all owners of property within, contiguous to and directly across the street from such area affected by the proposed amendment. The notice shall contain the same information as required of notices published in newspapers as specified in subsection (b) hereof.
- d) *The applicant shall post one sign per public street frontage of the subject property indicating the date and time for the hearing. The sign(s) shall be posted at least ten (10) days prior to the hearing. The sign(s) should measure no less than three (3) feet by two (2) feet.*
- e) Within thirty days after the public hearing provided in subsection (a) hereof, the Commission shall recommend to Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted. The Commission chairperson shall transmit such recommendation to Council.
- f) Upon receipt of the recommendation from the Commission, the Council Secretary shall schedule the amendment as an item of new business at a general Council meeting to be held within forty days but not less than twenty days from receipt of the recommendation.
- g) At least thirty days notice shall be given prior to Council hearing on the zoning amendment. Notice shall be given in the newspaper in accordance with subsection (b) hereof, and to all property owners in accordance with subsection (c) hereof.
- h) At the next regularly scheduled Council meeting after the public hearing required in subsection (f) hereof Council shall either adopt or deny the recommendation of the Commission or adopt some modification thereof.
- i) Such amendment adopted by Council shall become effective thirty days after the adoption.

Section 3. That Section 1181.09 is amended; deletions are ~~struck~~; additions are *italicized*

1181.09 NOTICE.

At least seven days notice shall be given prior to the public hearing and be published in one or more newspapers of general circulation in Johnstown. Property owners as listed under the application shall be notified at least seven days prior to the hearing by registered mail. Such notice shall include the date, place, time and nature of the nonconforming use applied for.

The applicant shall post one sign per public street frontage of the subject property indicating the date and time for the hearing. The sign(s) shall be posted at least ten (10) days prior to the hearing. The sign(s) should measure no less than three (3) feet by two (2) feet.

Section 3. It is found and determined that all formal actions of this Village Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this Village Council and that meetings resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

Date of Introduction: August 3, 2021
Public Hearing/Vote: August 17, 2021
Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

PUBLIC NOTICE

A public hearing concerning this property for

Subject of Hearing (COA, Variance, etc)

will be held on

Date of Hearing

in the Johnstown Council Chambers at 6:30 pm.

Additional information is available at
johnstownohio.org.

AGENDA REPORT

VILLAGE COUNCIL
AUGUST 3, 2021



AGENDA ITEM

Ordinance 33-2021, Amending Chapters 1133, 1137, 1181

PREPARER(S)

Bailey Klimchak, Village Planner

RECOMMENDED ACTION

Approve

HISTORY

The proposed amendment to Chapter 1133, 1137, and 1181 requires applicants to post yard signs on their property alerting the public of hearings for variances, amendments, and non-conforming use applications. Newspapers are not as popular with the public and there are no local newspapers of general circulation, making it hard to advertise public hearings and notify the public. The Planning and Zoning Commission believe that yard signs will make it easier to notify residents of important public hearings in the Village. The proposed amendments require the yard signs to be a minimum of 3 feet by 2 feet. One sign per public street frontage is required to be posted 10 days before the public hearing.

SUMMARY

Authority: Village charter, Chapter 4

Urgency: Medium

Relation to Other Actions: Ordinance 35-2021 requires a yard sign for Design Review hearings

FISCAL IMPACT

None

ADDITIONAL MATERIAL

None

ATTACHMENTS

A sign template has been created and attached.

VILLAGE OF JOHNSTOWN



ORDINANCE 35-2021

AN ORDINANCE AMENDING CHAPTER 1187 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapter 1187 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs the rules and procedures for Design Review Administration and Regulations

WHEREAS, Newspapers are not as popular with the public and there are no local newspapers of general circulation, making it hard to advertise public hearings and notify the public; and

WHEREAS, The proposed amendment to Chapter 1187 will require the applicant to place yard signs on the property in question advertising the date and time of the hearing; and

WHEREAS, the proposed amendment to Chapter 1187 will also update the member and meeting requirements for the Design Review Board, removing the weekly or bi-weekly requirement as well as the requirement that members live in Johnstown; and

WHEREAS, the Council of the Village of Johnstown desires to amend Codified Ordinance Chapter 1187 to govern the procedures of notifying the public for public hearings and the meeting requirements for the Design Review Board.

NOW THEREFORE, be it ordained by the Council of the VILLAGE OF JOHNSTOWN, Licking County, Ohio as follows:

Section 1. That Section 1187.05 is amended; deletions are ~~struck~~; additions are *italicized*

1187.05 REVIEW AND APPROVAL AUTHORITY.

The Design Review Board is hereby established to carry out the duties and functions of TITLE NINE. The Design Review Board shall consist of five members. All five members shall be appointed by City Council. ~~each being residents of the City~~. All members shall be appointed by Council for terms of four years. Initial term lengths shall be staggered so as to provide continuity of membership on the Board. Terms shall begin thirty (30) days after enactment of this legislation. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his/her predecessor was appointed shall hold office for the remainder of the term.

(a) Duties and Responsibilities. The Design Review Board shall review Certificate of Appropriateness and Design Plan applications in accordance with this section. The Design Review Board shall also perform any other duties outlined in this code. It shall also be the duty of the Design Review Board:

- (1) To protect property rights and values;

(2) To enhance the built environment, make reports, hold public meetings/hearings and perform all other duties as may be prescribed by Licking County, the Ohio Revised Code (ORC) and this code;

(3) To review development proposals as required by this code; and

(4) To provide recommendations to the City Council on issues that the Council may refer to the Commission.

(b) Rules of Procedure. The following Rules of Procedure shall be followed:

(1) Quorum Requirement. A quorum of three (3) members, which may include one or more of the “standing alternates”, is required to render any decision. A majority of those voting shall prevail.

(2) Conduct of Meetings. To implement the purpose of the DRB, certain procedures shall be adopted to include, but not be limited to, a regularly scheduled ~~weekly or biweekly~~ meeting attended by members of the DRB. Written meeting reviews setting forth decision and findings shall be made. These records shall be preserved as part of the official proceedings for each development proposal. Lastly, the DRB shall generally follow “Robert’s Rules of Order” and may prepare and adopt supplemental procedural rules, subject to the approval of the City Council, that will ensure the accomplishment of the stated purpose and promote the efficiency and effectiveness of the design review process.

Section 2. That Section 1187.07 is amended; deletions are ~~struck~~; additions are *italicized*

1187.07 PROCEDURE FOR OBTAINING A CERTIFICATE OF APPROPRIATENESS OR DESIGN PLAN APPROVAL.

(a) Applications for the approval of the Certificate of Appropriateness or Design Plan:

(1) Shall be filed with the City on forms provided by the City;

(2) Shall include all required supplemental information, including such plans, drawings, specifications and other materials as may be needed by staff or the Design Review Board to make a determination;

(3) Shall be submitted by the application deadline as established by the City;

(4) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

(b) Design Plan Materials for Submission. The materials that may be required for submission as part of the Design Plan include but are not limited to:

(1) A dimensioned site plan showing existing conditions including all structures, pavement, curb-cut locations, natural features such as tree masses and riparian corridors, and rights-of-way.

(2) A dimensioned site plan showing the proposed site change including structures, pavement, revised curb-cut locations and landscaping.

(3) Illustration of all existing building elevations to scale.

(4) Illustrations of all proposed building elevations to scale.

(5) Samples of proposed building materials.

(6) Color samples for proposed roof, siding, etc.

(7) Illustrations of all existing site signage including wall and ground.

(8) Illustrations of proposed signage to scale.

(9) A dimensioned site plan showing location of existing ground mounted signs.

(10) A dimensioned site plan showing the proposed location of ground mounted signs.

- (11) Samples of proposed sign materials.
- (12) Color samples of proposed sign(s).
- (13) Proposed lighting plan for sign(s).
- (14) *The applicant shall post one sign per public street frontage of the subject property within fifteen (15) feet of the curb indicating the subject, date, and time for a public hearing. The sign(s) shall be posted at least ten (10) days prior to the scheduled hearing. The sign(s) should measure no less than three (3) feet by two (2) feet.*

(c) Staff, including the City Engineer and the City Planner, shall review the submitted materials for completeness and shall:

- (1) If it is found to be complete, place the Certificate of Appropriateness or Design Plan application on the next appropriate Design Review Board agenda; or
- (2) If it is found to be incomplete, reject the application and return, the application and fee to the applicant with an itemization of deficiencies.

(d) Any minor environmental change requires a Certificate of Appropriateness issued by the Village Manager.

(e) Any major or minor environmental change which requires a variance to the requirements of this chapter requires a Certificate of Appropriateness to be issued by the Planning and Zoning Commission.

(f) Design Plan Approval and Issuance of Certificate of Appropriateness. The Design Review Board shall after receipt of reports from the City Planner or City Engineer - determine whether the Certificate of Appropriateness or Design Plan shall be approved, conditionally approved, or disapproved. The application shall not be approved unless the Design Review Board finds that all of the applicable provisions in the Planning and Zoning Ordinance and the Design Review Districts and Standards have been satisfied and that the site plan meets the purpose and intent of this chapter, including the location and configuration of the building(s), landscaping, off-street parking, driveways and site amenities are visually harmonious within the site and its surroundings.

(1) If the Design Plan is disapproved, the reasons for a disapproving vote shall be stated by those members and it shall be captured in the minutes of the meeting.

(2) Design Plans must be approved, conditionally approved or disapproved within thirty (30) working days from the date of receipt. This thirty (30) day period may be extended by the mutual agreement of the Design Review Board and the applicant.

(3) Design Plan approval shall be for a period not to exceed eighteen (18) months from the approval date of the Design Plan.

(4) If no construction has begun within two (2) years after approval is granted, the approved Exterior Plan shall become null and void.

(5) Design Plans approved prior to the adoption of this section, in which work has not commenced, shall become null and void one (1) year after the adoption of this section.

Section 3. It is found and determined that all formal actions of this Village Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this Village Council and that meetings resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

Date of Introduction: August 3, 2021

Public Hearing/Vote: August 17, 2021
Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

AGENDA REPORT

VILLAGE COUNCIL
AUGUST 3, 2021



AGENDA ITEM

Ordinance 35-2021, Amending Chapter 1187

PREPARER(S)

Bailey Klimchak, Village Planner

RECOMMENDED ACTION

Approve

HISTORY

The proposed amendment to Chapter 1187 clarifies the meeting requirements of the Design Review Board and requires the applicant to place a yard sign on the subject property. The meeting requirements were stated as weekly or bi-weekly. Staff feels the new requirements should state regularly scheduled meetings, with the schedule being set at the beginning of the year, like other committees. The yard sign requirement comes in conjunction with Ordinance 33-2021. The Planning and Zoning Commission believe that yard signs will make it easier to notify residents of important public hearings in the Village. The proposed amendment requires the yard signs to be a minimum of 3 feet by 2 feet. One sign per public street frontage is required to be posted 10 days before the public hearing.

SUMMARY

Authority: Village charter, Chapter 4

Urgency: Medium

Relation to Other Actions: Ordinance 33-2021

FISCAL IMPACT

None

ADDITIONAL MATERIAL

None

ATTACHMENTS

None

VILLAGE OF JOHNSTOWN



ORDINANCE 36-2021

**AN ORDINANCE AMENDING ORDINANCE 34-20,
THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE
NECESSARY CHANGES OF APPROPRIATIONS**

WHEREAS, the Council of the Village of Johnstown adopted its annual appropriations for 2021 on December 8, 2020; and

WHEREAS, the Council of the Village of Johnstown desires to increase revenues and appropriations for various funds to pay the costs necessary services and supplies; and

WHEREAS, the Council of the Village of Johnstown desires to increase its revenues for funds received from the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021; and

WHEREAS, the net effect on the finances of the Village of Johnstown will be increased revenues of **\$417,010.45** and increased appropriations of **\$42,000.00**; and

WHEREAS, the General, Street Maintenance, and Capital Improvements Fund balances are sufficient to cover these appropriations.

Section One. That the appropriations for the General Fund that were set forth in Ordinance 34-20, adopted by the Council of the Village of Johnstown, State of Ohio, on December 8, 2020, be hereby amended to read as follows:

Revenue for General Fund

Municipal Income Tax	(increase)	\$ 150,000.00
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Appropriations for General Fund 1000

Contractual Services (<i>Main St. tree trimming</i>)	(increase)	\$ 8,000.00
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Supplies & Materials (<i>Bigelow headstone</i>)	(increase)	\$ 4,000.00
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NET EFFECT on General Fund 1000	(increase)	\$ 138,000.00
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Appropriations for Street Maintenance Fund 2011

Personnel Costs	(increase)	\$ 30,000.00
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NET EFFECT on Street Maintenance Fund 2011		\$ 30,000.00
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Revenue for American Rescue Plan Fund 2910

Federal Grants	(increase)	\$ 267,010.45
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Revenue for Capital Improvements Fund 4901

Transfers In (30% of increased GF revenue)	(increase)	\$ 45,000.00
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Appropriations for Capital Improvements Fund 4901

Capital Outlay (trailhead parking lot)	(increase)	\$ 45,000.00
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NET EFFECT on Capital Improvements Fund 4901		\$ 0
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Section Two. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

Date of Introduction: August 3rd, 2021

Public Hearing/Vote: August 17th, 2021

Effective Date:

BY: _____

Mayor Chip Dutcher

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



RESOLUTION 2021-33

AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT

AN EMERGENCY RESOLUTION AUTHORIZING the Village Manager to execute the Participation Agreement for the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement

Agreement available at <https://nationalopioidsettlement.com/>.

WHEREAS, the Village of Johnstown, Ohio (herein “Municipality”) is a village formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the Municipality has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore

potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, Council wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”):

NOW THEREFORE, be it resolved by the Council of the VILLAGE OF JOHNSTOWN, Licking County, Ohio as follows:

SECTION 1. The Council of the Village of Johnstown hereby accepts the Proposed Settlement on behalf of the Village of Johnstown, pursuant to the terms of the OneOhio MOU.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

SECTION 3. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the Village of Johnstown. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio.

By: _____

Chip Dutcher, Mayor

Date of Introduction/Public Hearing/Vote: August 17th, 2021

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

AGENDA REPORT

VILLAGE COUNCIL
AUGUST 17, 2021



AGENDA ITEM

Resolution 2021-33 accepting the terms of the OneOhio Subdivision Settlement related to the National Opioid Settlement Agreement

PREPARER(S)

Dana Steffan, Finance & Human Resources Director

RECOMMENDED ACTION

Approve

HISTORY

An Ohio-specific Opioid Proposed Settlement has been negotiated by Ohio Attorney General Dave Yost and attorneys for Ohio subdivisions. In 2019, Ohio negotiated OneOhio, the first state-local government allocation agreement concerning future opioid settlements. Through this agreement between local governments and the state of Ohio, a negotiating committee and a mechanism for allocation and distribution of funds were established. This agreement led to Ohio being able to enter into a Proposed Ohio-specific Opioid Settlement with McKesson, AmerisourceBergen, and Cardinal Health.

SUMMARY

Authority: Johnstown Village Charter section 5.04

Urgency: This is an emergency resolution and must be adopted at the August 17th council meeting if the Village desires to receive its settlement.

Relation to Other Actions: None

FISCAL IMPACT

A monetary settlement of \$18,573.80 (estimated).

ADDITIONAL MATERIAL

Settlement proceeds shall be used for opioid remediation, including future opioid-remediation efforts.

Documents pertaining to the National Opioid Settlement, including The Master Settlement Agreement (MSA), Executive Summary, FAQs, and additional publicly available settlement resources can be found at the following link: <https://nationalopioidsettlement.com>

ATTACHMENTS

None.

VILLAGE OF JOHNSTOWN



ORDINANCE 34-2021

AN ORDINANCE AMENDING CHAPTER 1183 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapter 1183 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs landscaping in the Village of Johnstown; and

WHEREAS, The Village of Johnstown would like to establish tree preservation rules to promote public health, safety, and general welfare of all residents and visitors; and

WHEREAS, preservation, replacement, and planting of trees lessens air pollution, intercepts airborne particulate matter, reduces noise and light glare, moderates air temperature, moderates storm water runoff, reduces erosion and sedimentation, maintains wildlife habitats, provides visual screening, provides natural shading, protects property values, and enhances the natural beauty of Johnstown; and

WHEREAS, By a 4-0 vote at the July 27, 2021 meeting, the Tree Commission voted in favor of forwarding this Ordinance to the Planning and Zoning Commission for consideration; and

WHEREAS, By a 4-0 vote at the August 10, 2021 meeting, the Planning and Zoning Commission voted in favor of forwarding this Ordinance to Council for consideration; and

WHEREAS, after review of all uses, the Council of the Village of Johnstown desires to amend Codified Ordinance Chapter 1183 Contents.

NOW THEREFORE, be it ordained by the Council of the VILLAGE OF JOHNSTOWN, Licking County, Ohio as follows:

Section 1. That Chapter 1183 is amended; additions are *italicized*.

Section 2. It is found and determined that all formal actions of this Village Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this Village Council and that meetings resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

Date of Introduction: August 17, 2021
Public Hearing/Vote: September 7, 2021
Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

DRAFT

Chapter 1183

Landscaping

1183.01 PURPOSE.

The purpose of these landscaping, open space and natural feature requirements is to promote and protect the public health, safety and welfare through the preservation of the environment by recognizing the vital importance of tree growth, green space and sensitive environmental features in the ecological system. It is further the purpose of this section to specifically encourage the preservation and replacement of major trees removed in the course of land development, and to encourage the effective utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare. (Ord. 22-2010. Passed 11-16-10.)

1183.02 DEFINITIONS

As utilized in this section, the following words and phrases shall have the meaning ascribed herein:

- a) *"Caliper" is the diameter of the trunk of trees measured in inches at breast height, or four and one half feet above ground.*
- b) *"Canopy Tree" means a large tree which provides canopy over streets and other areas, both paved and unpaved. At maturity, such a canopy tree will achieve a canopy spread of forty or more feet in diameter.*
- c) *"Crown" means the upper mass or head of a tree.*
- d) *"Cultivar" means a cultivated variety of plant material grown for its special form and characteristics.*
- e) *"Heavily Wooded Site" means a site which has an existing tree canopy coverage prior to development of sixty percent (60%) or greater.*
- f) "Landscaping" means the use of trees, shrubs, grass, ground covers and other plant materials.
- g) "Major tree" means a living tree with a trunk diameter of not less than six (6) inches, measured twenty-four (24) inches above ground level.
- h) "Opacity" means the state of being impervious to rays of light measured by observation of any two (2) square yard area lying between two (2) and ten (10) feet from the ground.
- i) *"Registered Professional" means a registered landscape architect or other allied landscape professional, such as an arborist, horticulturist, nurseryman, or forester, certified in their respective field and with experience in plant materials and proper planting design.*
- j) *"Two Growing Seasons" means two full summer seasons, with summer ending on September 30 of every year.*

1183.03 PRESERVATION OF NATURAL FEATURES

- a) Good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens.
- b) If an area is determined to be a wetland, it shall be preserved or mitigated in compliance with Federal regulations.
- c) All streams with a drainage area greater than 50 acres and their riparian corridors shall be preserved. The corridor width shall be a minimum of 100 feet, with at least 25 feet on each side of the centerline of the stream.
- d) Floodplain areas should be incorporated into the open spaces and are encouraged to be made publicly accessible.

(Ord. 22-2010. Passed 11-16-10.)

1183.04 PRESERVATION OF TREES AND WOODED AREAS.

- a) *All major trees shall be preserved unless exempted, as follows: the Zoning Inspector as designee of the Village Manager may approve the cutting down, removal or destruction of a major tree when the tree interferes with the proper development of a lot, provided that the lot is the subject of application for approval of a zoning certificate, a site plan, a development plan, a variance, or a conditional use permit and one of the following applies:*
 - 1. *The tree will be located within a public right-of-way or easement.*
 - 2. *The tree is located within the area to be covered by proposed structures or within twelve feet from the perimeter of structures, and the proposed structures cannot be located in a manner to avoid removal of the tree at the same time permitting desirable and logical development of the lot.*
 - 3. *The tree will be located within a proposed driveway designed to service a single-family home.*
 - 4. *The tree is damaged, diseased or a safety hazard.*
 - 5. *The tree is an undesirable species in its present location.*
- b) *Preservation of Wooded Areas. When preparing and reviewing subdivision plans and landscaping plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. Developers of land are encouraged to designate heavily wooded areas as park reserves.*

1183.05 TREE REPLACEMENT.

- a) *During the course of development of a single lot or a subdivision, excepting for heavily wooded sites, the developer or owner shall be required to replace major trees removed pursuant to Section 1183.04 in accordance with the following schedule with trees having a trunk diameter of at least three inches, measured six inches above the ground level:*
 - 1. *Major trees having a trunk diameter up to twelve inches are to be replaced on a two-for-one basis;*

2. Major trees having a trunk diameter of twelve inches up to eighteen inches are to be replaced on a three-for-one basis;
 3. Major trees having a trunk diameter of eighteen inches up to twenty-four inches are to be replaced on a four-for-one basis;
 4. Major trees having a trunk diameter of twenty-four inches up to thirty inches are to be replaced on a five-for-one basis; and
 5. Major trees having a trunk diameter of thirty inches and over are to be replaced on a six-for-one basis; and
- b) *Replacement Schedule for Heavily Wooded Sites.* In lieu of the provisions in Section 1183.05(a) above, the developer or owner of a heavily wooded site shall, during the course of development, be required to retain or replace major trees pursuant to Section 945.05 in accordance with the following provisions:
1. A minimum of forty percent (40%) of the development site shall remain under canopy coverage.
 2. At the conclusion of development and installation of landscaping, a sufficient number of large canopy trees shall have been planted or retained so as to return the development site to the percentage of canopy coverage existing prior to development. The canopy coverage shall be achieved over a thirty year period.
 - i. For calculation purposes, a canopy tree will achieve a canopy spread at maturity of forty feet (40') or more in diameter--a radius of twenty feet (20') or more. The canopy coverage for one mature tree will be πr^2 or $3.1416(20)^2 = 1,257$ square feet. Total canopy coverage on one acre is equal to $43,560/1257 = 35$ large canopy trees per acre.
 - ii. The requirement for tree canopy coverage shall be considered as being in addition to any other landscaping required.
 3. Replacement canopy trees shall have a trunk diameter at planting of at least three inches, measured six inches above the ground level.
 4. In the event that the developer or owner of a heavily wooded site is unable to plant the number of trees required to achieve the canopy outlined above, said developer or owner shall replace such trees in compliance with (c) below.
- c) *Where it is impractical or not feasible to replace all of the trees on the affected lot or within the affected subdivision, staff may approve one, or any combination of, the following alternatives as a means of meeting the tree replacement requirements:*
1. Replace as many trees as is practical on the affected lot;
 2. Replace as many trees as is practical within this affected subdivision phase;
 3. Replace as many trees as is practical within the affected subdivision;
 4. For those trees that cannot be replaced through steps one through three above, the developer or owner shall be required to replace the trees elsewhere in the City; or
 5. Pay a fee per tree in accordance with the Memorial Tree Fund adopted by the City Council to support the City's effort to plant and replace trees. The calculated cost will cover both the tree and the cost of planting.

6. *Use larger caliper replacement trees to achieve a planting of equal or greater value with fewer numbers. This option would require approval of the Planning Commission.*
- d) *Failure to replace a major tree as required by subsection (a) or a canopy tree as required by subsection (b) hereof within one year of the approval of the application referred to in Section 1183.04 is a violation of the Codified Ordinance, subject to the penalties described in Section 1183.99.*

1183.06 PROCEDURE.

- a) *Any person seeking a zoning certificate, a variance, a conditional use permit, subdivision plat approval, development plan approval or site plan approval, shall file with his application a landscaping plan prepared by a registered professional, which, by plot plan and description shall include:*
 1. *The present location and size of all major trees, with a designation of major trees sought to be removed. In the case of a heavily wooded site, a recent aerial photo, or other format acceptable to the Zoning Inspector, delineating the existing canopy coverage and the canopy coverage to be removed may be required in lieu of the above.*
 2. *The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with this chapter.*
 3. *The location and size of any structures presently on the lot, and those proposed to be placed on the lot.*
 4. *The proposed location and description of screening proposed to be placed on the lot in order to comply with this chapter.*
- b) *The Planning Commission shall consider a landscape plan as part of its review of any conditional use permit, subdivision plat, development plan or site plan application.*
- c) *The Zoning Inspector shall either approve or disapprove all landscaping plans submitted as part of a Zoning Certificate application within 30 days of their filing. On reviewing the application and receiving suggestions or recommendations from the Zoning Inspector, the applicant may agree to modify his application including the plans and specifications submitted. The Zoning Certificate will not be issued until plans reflecting the agreed upon changes are submitted to the Zoning Inspector. An applicant may appeal a decision of the Zoning Inspector disapproving his landscaping plan to the Planning and Zoning Commission. Notice of appeal must be filed with the Village Planner within 15 days after the decision of the Zoning Inspector is mailed to the applicant at the address listed on his application.*
- d) *No variance, zoning certificate, development plan approval, site plan approval or conditional use permit shall be granted or issued until final approval of the landscaping plan.*

In the event of failure to install the required landscaping, written notice shall be served to the property owner. Such notice shall state that the failure to install the landscaping as required

shall result in the forfeiture of approval and that such failure shall be deemed an implied consent for the City to cause said landscape to be installed.

1183.07 STREET TREE REQUIREMENTS.

The planting of trees along roadways for all new development shall be according to the following Street Tree Requirements:

- a) Deciduous canopy trees (street trees) shall be planted no less than 24 feet and no more than 36 feet on center unless otherwise approved by the Village Engineer.
- b) Street trees must be planted in the tree lawn, between the sidewalk or leisure trail and the road pavement. Tree lawns shall be a minimum width of six feet.
- c) Street trees shall be a minimum of three (3) inches caliper (trunk diameter at 4.5 feet above the ground).
- d) Any tree on the list of undesirable species in Section [1183.09](#) shall not be planted as street trees.
- e) Street trees shall be located so that a twenty-five (25) foot sight triangle is maintained at street intersections.
- f) Street trees shall be located not less than ten (10) feet from fire hydrants, street lights, and/or utility poles.
- g) The developer/owner shall be required to maintain all street trees for a period of two (2) years after the tree is planted and to replace any tree which dies within such two (2) year period.
- h) Street trees should be of the same genus and species planted continuously along the length of each street.
- i) No person shall, as a normal practice, top any tree within the public right-of-way. "Topping" means the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy or disfigure the tree.
- j) Street tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above the sidewalk. Tree limbs extending over streets shall be trimmed so that no portion of the same shall interfere with the normal flow of traffic.
- k) The Village, or any licensed utility, shall have the right to but will not be required to plant, prune, maintain and remove trees, plants, and shrubs within the established right-of-way lines of all streets, highways, and alleys as may be necessary to ensure public safety, enhance the symmetry and beauty of such public grounds, or remove such trees as may be injurious to sewers, electric power lines, gas lines, water lines or other public improvements.
- l) No person shall, by any type of construction, reduce the area of a tree lawn within the street right-of-way.
- m) On all properties within the Downtown area, to avoid interference with pedestrian traffic, only approved street trees may be planted. Such trees shall conform to the size, spacing, and placement of similar trees already in place on adjacent and nearby properties. In

addition to the approved street trees, tree wells may also contain flowers or other ground cover plantings.

(Ord. 22-2010. Passed 11-16-10.)

1183.08 LANDSCAPING SCREENING.

- a) Screening of Service Areas. For commercial, industrial, office, institutional and multiple-family uses, all areas used for service, loading and unloading activities shall be screened on those portions of the lot which abut districts where residences are a permitted use. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height. Natural vegetation screening shall have a minimum opaqueness of seventy-five percent (75%) during full foliage. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.
- b) Screening of Trash Receptacles. For commercial, industrial, office, institutional, and multiple-family uses, all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning district. The height of such screening shall be at least six (6) feet in height. Natural vegetation shall have a maximum opaqueness of seventy-five percent (75%) at full foliage. The use of year-round vegetation, such as pines and evergreens, is encouraged.
- c) Buffering and Screening Requirements. For commercial, industrial, office and institutional uses which abut districts where residences are a permitted use, a buffer zone with a minimum width of 25 feet should be created. Such screening within the buffer zone shall consist of natural vegetation planted no closer than three (3) feet to any property line. Natural vegetation shall have an opaqueness of seventy-five percent (75%) during full foliage and shall be a variety which will attain at a minimum ten (10) feet in height within five (5) years of planting.
- d) Maintenance of Shrubbery and Hedges. No shrubbery or hedge shall be planted, in any district, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on adjacent streets shall keep shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed so as to avoid creating traffic hazards.
- e) Minimum Trees. The following minimums are required, based upon total ground coverage of structures and vehicular use areas:
 - 1. Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.
 - 2. Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten inches plus

one-half inch in tree trunk size for every 2,000 square feet over 20,000 feet in ground coverage.

3. Over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to twenty-five inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage.

(Ord. 22-2010. Passed 11-16-10.)

1183.09 PARKING LOT LANDSCAPING.

(a) Parking Lot Islands.

(1) Large, unbroken expanses of parking lot shall be avoided. Large lots should be separated into a series of smaller interconnected lots separated by peninsulas or islands. No individual landscape area shall be smaller than 350 square feet.

(2) For each 100 square feet, or fraction thereof, of parking area, a minimum total of five square feet of landscaped area shall be provided.

(3) Parking areas should contain a minimum of one deciduous canopy tree for every ten parking spaces.

(4) Trees used in parking lot islands shall have a clear trunk of at least five feet above the ground, and the remaining areas shall be landscaped with shrubs, or ground cover, not to exceed two feet in height.

(b) Buffering. Parking lots shall be screened from primary streets, residential areas, and open space by a 3.5-foot minimum height evergreen hedge or masonry wall, or combination of wall and plantings.

(Ord. 22-2010. Passed 11-16-10.)

1183.10 LANDSCAPE MATERIALS.

Landscape materials utilized in meeting requirements of this section should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements:

- a) Quality. All plant material shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.
- b) Type. Added landscape elements shall observe and respect the size, placement, character and type of such materials employed on adjacent or nearby properties.
- c) Deciduous Trees. Trees which normally shed their leaves in the fall shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be

eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as listed in Section [1183.07](#) are prohibited.

- d) Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1 1/2) inches immediately after planting.
- e) Shrubs and Hedges. Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to opacity and other requirements within four (4) years after planting.
- f) Vines. Vines shall be at least twelve (12) inches high at planting and generally used in conjunction with walls or fences.
- g) Grass or Ground Cover. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or other areas, reducing net or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.
- h) Maintenance and Installation. All landscaping materials shall be installed in a sound and competent manner, according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free of refuse and debris at all times. All unhealthy or dead plant material installed pursuant to this section shall be replaced within one (1) year.

(Ord. 22-2010. Passed 11-16-10.)

1183.11 WET AND DRY STORMWATER BASINS.

The following regulations shall apply to the design of wet and dry stormwater basins:

- a) Wet and dry stormwater basins shall be designed by a Engineer in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner.
- b) Wet and dry stormwater basins shall be designed in compliance with the ODNR Rainwater and Land Development Manual, latest edition, to meet water quality requirements.
- c) For safety, maintenance, and aesthetic purposes, wet and dry stormwater basins shall have side slopes (above normal pool elevation) that are generally no steeper than 6:1 and no more gradual than 20:1 (horizontal:vertical).
- d) The use of fountains and other plainly visible aeration devices shall be subject to the approval of the Village Engineer.
- e) Landscape treatments at the perimeter of wet and dry stormwater basins shall be designed either with maintained turf to the pond's edge or a naturalized planting of native landscape material, subject to approval of the Village Engineer. The landscape plantings shall be in large masses and drifts, and shall not include decorative landscape boulders,

large mulch beds, or specimen plantings. Under no circumstances shall the landscape design conflict with any of the safety, maintenance, or engineering requirements set forth in the Codified Ordinances or reference documents.

- f) Temporary on-site wet or dry stormwater basins shall not be subject to the regulations in divisions (a), (b), (c) and (e) of this section. Temporary basins shall either be removed or replaced with a permanent basin prior to acceptance of infrastructure improvements when installed as part of new subdivisions or completion of the final engineering punch list in the case of single site developments. The time frame in which to install a permanent basin may be extended for good cause by the Village Manager or his designee. In the case of a time extension, a performance bond must be provided to the Village in an amount to cover removal of the temporary basin and installation of the permanent basin. State and Federal safety and engineering regulations apply to all temporary ponds.

(Ord. 22-2010. Passed 11-16-10.)

1183.12 UNDESIRABLE SPECIES.

- a) In meeting the planting and maintenance requirements of this chapter, the following species of trees shall be considered undesirable species, and shall not be utilized.
 - 1. Box-Elder (*Acer negundo*). (Breakage and insect pests)
 - 2. Silver Maple (*Acer saccharinum*). (Breakage; surface roots)
 - 3. Catalpa (*Catalpa speciosa*). (Messy flowers and seed pods; insect pests)
 - 4. Tulip Tree (*Liriodendrum tulipifera*). (Insect pests; leaves drop in dry periods)
 - 5. Mulberry (*Morus alba*). (Fruit objectionable on street)
 - 6. Poplars (all kinds) (*Populus*). (Breakage; insect pests, disease-prone)
 - 7. Willows (all kinds) (*Salix*). (Breakage; insect and disease-prone; surface roots)
 - 8. Siberian Elm (*Ulmus pumila*). (Breakage)
- b) No tree planting may interfere with any public utility.

(Ord. 22-2010. Passed 11-16-10.)

1183.13 FENCES.

All landscaping requirements must be in agreement with Chapter [1185](#).

(Ord. 22-2010. Passed 11-16-10.)

1183.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than one thousand dollars (\$1000.00). Each day that such violation continues shall constitute a separate offense.

AGENDA REPORT

VILLAGE COUNCIL
AUGUST 17, 2021



AGENDA ITEM

Ordinance 34-2021, Amending Chapter 1183

PREPARER(S)

Bailey Klimchak, Village Planner

RECOMMENDED ACTION

Approve

HISTORY

The proposed amendment to Chapter 1183 establishes rules and procedures for tree preservation within Johnstown. As the community grows and new buildings are constructed, the Village would like to place an importance on trees. Part of this is preserving major trees that provide many benefits to the community. The proposed amendment provides rules on preservation of major trees and a replacement schedule for those trees if there is no way to preserve them. The proposed preservation program will be implemented for new developments and construction. The Tree Commission and Planning and Zoning Commission recommended the amendment to Council.

SUMMARY

Authority: Village charter, Chapter 4

Urgency: Low

Relation to Other Actions: None

FISCAL IMPACT

None

ADDITIONAL MATERIAL

None

ATTACHMENTS

None

VILLAGE OF JOHNSTOWN



ORDINANCE 37-2021

AN ORDINANCE DESIGNATING A REVITALIZATION DISTRICT WITHIN THE VILLAGE OF JOHNSTOWN IN ACCORDANCE WITH ORC 4301.81

WHEREAS, an application has been filed with the Mayor Dutcher by Denise Blankemeyer Seeking the designation of a Revitalization District in downtown Johnstown, in accordance with ORC 4301.81; and

WHEREAS, the applications (attached as Exhibit A) conform to all statutory requirements, and notice of the filing of such applications has been published as provided by law; and

WHEREAS, Mayor Dutcher has submitted his recommendation to this Council that the application be granted for the reason that this proposed district will substantially contribute to the economic opportunities for the community; and

WHEREAS, ORC 4301.81 states that the legislative board of the municipal corporation must approve or disapprove the application seeking the designation of the Revitalization District no later than seventy-five days from the date the application has been filed with the Mayor (that being July 23, 2021).

NOW THEREFORE, be it ordained by the Council of the VILLAGE OF JOHNSTOWN, Licking County, Ohio as follows:

Section 1. In accordance with ORC 4301.81, this Council hereby designates as the Downtown Revitalization District the area identified within the Revitalization District Map (attached in Exhibit A) based upon the application and recommendation of the Mayor.

Section 2. It is found and determined that all formal actions of this Village Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this Village Council and that meetings resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

Date of Introduction: August 17, 2021

Public Hearing/Vote: September 7, 2021

Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

DRAFT

Revitalization District Application

To:
Charles Dutcher
The Village of Johnstown Mayor's Office
599 S Main Street
Johnstown, OH 43031
July 23, 2021

Dear Mayor Charles Dutcher,

This serves as my official application for creation of a Revitalization District in downtown Johnstown, OH.

The uses proposed for the Revitalization District are already permitted uses within the proposed district area.

Please see the included documentation to help support this application.

Thank you for your time and consideration.

Best Regards,

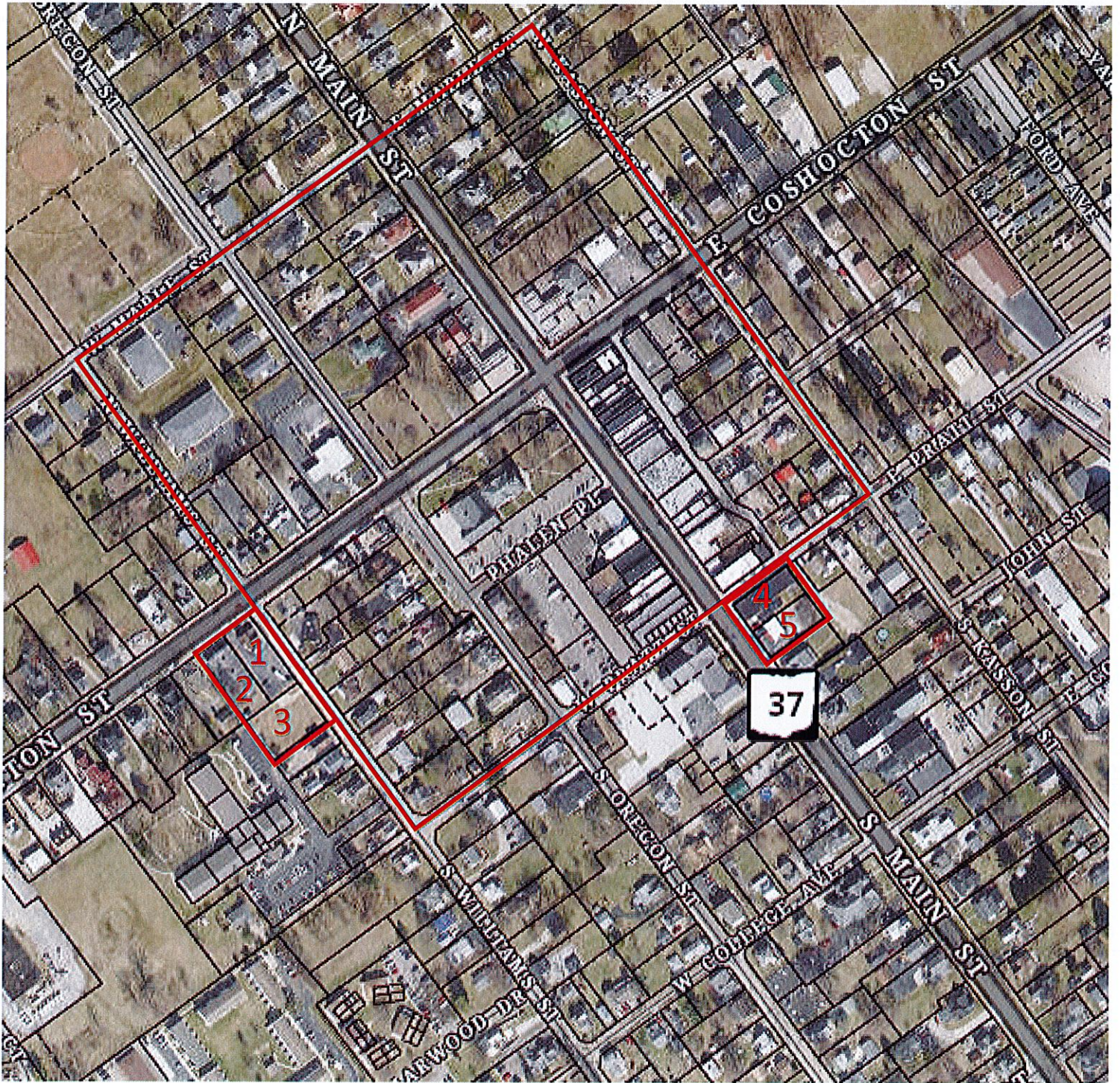
Denise Blankemeyer
39 S Main Street
Johnstown, OH 43031

Revitalization District Statement

The proposed Revitalization District will be part of the municipality's Central Business district. The district is in the downtown area of the village and has traditionally been a commercial district with retail, restaurants, and other small businesses as well as some residences located above the businesses. The additional permits brought to the Village by the revitalization district would allow for more independent restaurants and would help create a successful downtown.

Future Businesses

1. The Old Horseshoe – sports bar and grill reopening under new management in Autumn/September 2021
2. Lily and Moore expansion – a small independent owned shop that sells clothes and home décor, expanding into the shop front next door, looking to feature wine tastings and sell goods from other local artists and makers, opening Fall 2021
3. Ghostwriter event space – an extension of Ghostwriter Public House, the space will be a 25-30 person event space that can be rented for small parties, business meetings, etc., Opening August/September 2021



Parcel 1: 053-181326-00.000

Parcel 2: 053-178146-00.000

Parcel 3: 053-183984-00.000

Parcel 4: 053-177732-00.000

Parcel 5: 053-177876-00.000