



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

1. Call to Order

Mayor Chip Dutcher called to Order the Village of Johnstown Regular Council Meeting for August 17, 2021 at 6:36 PM.

2. Roll Call

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

Absent - Sharon Hendren

Staff present - Jim Lenner - Village Manager, Yazan Ashrawi - Village Law Director, Jack Liggett - Assistant Village Manager, Abe Haroon - Chief of Police, Bailey Klimchak - Village Planner, Ryan Green - Planning and Zoning Chairman, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - Andy Bruney, Dave Penhorwood, Mary Queen Cool, Diane Weaver

3. Invocation - Mayor Dutcher

4. Pledge of Allegiance

5. Executive Session: For the purpose of discussing pending court action with legal counsel
Jim Lenner asked for himself, Jack Liggett, Teresa Monroe and the Law Director be involved.

ACTION: Benjamin Lee moved to enter Executive Session with Yaz the Law Director, Jim Lenner, Jack Liggett, Teresa Monroe and the balance of Council for the purpose of discussing pending court action with legal counsel; Cheryl Robertson seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 6 - 0

Entered Executive Session at 6:39 pm and returned to Regular Session at 7:01 pm

6. Action on Minutes

a. August 3, 2021

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

Passed 6 - 0

7. Citizen comments on matters not on the agenda

1. Andrew Bruney; 204 Stonehedge Row Drive - Leafy Dell HOA 1 President

- Here on behalf of the residents of Leafy Dell HOA 1 to voice concerns on the new Coughlin apartment development in Leafy Dell.
- Concern for traffic density; asked what traffic study has been conducted that shows the neighborhood could support the additional vehicles along with school traffic.
- What will be the preventative measures for dust and airborne construction debris and grime on homes during the construction process.
- Asked who would mandate preventative measures for erosion? Mr. Lenner said the village would.
- Looking at the proposed plan, is there any kind of mandatory green-screening to keep the headlights from cars going in and out of the development from shining into the residents on Stonehedge Row Drive and Leafy Dell Road.
- Will the development have a security fence.
- Once the buildings are up, are there a certain number of trees.
- Based on the site-plan he does not see a greenspace.
- Said Leafy Dell apartments have their own playground off Leafy Dell Road and then HOA 1 has greenspace, the park area, the pond and the basketball court; how do they establish exclusivity. Mr. Lenner said he would assume that development was all supposed to be served by that greenspace because Maronda did not put in greenspace when they built their different sections.
- On the proposed site-plan there is a property pin in the pond; provided some detail on the pond drainage, said they need to open a dialogue with Connie Klema, the attorney for the Coughlin apartments or somebody with the Coughlin apartments about shared responsibilities for pond maintenance and then establishing exclusivity with the playground or however that was meant to be.
- There is an insurance liability that a lot of their funds go into concerning that pond, would need to talk about shared responsibility. HOA has been budgeting for a pond dredging that is long overdue.
- Concern for sharing responsibility for the entrance median; asked who owned. Mr. Lenner said the village did. Mr. Bruney said he has weeded it himself but they have a landscape company who will service it and they would want shared responsibility

with the other HOA's and now maybe with this new development.

Mr. Block asked where Mr. Bruney got the site plan; Mary Cool said from her. Mr. Block said most of the concerns will be addressed by the zoning department, Mr. Lenner agreed. Mr. Lee asked if anything had been submitted yet; Village Planner Bailey Klimchak said they have sent us preliminary plans but they have not officially submitted those plans.

2. David Penhorwood; 106 Grassy Knoll Way

- Their house and property backs up to the pond.
- Concern for drainage; said the proposed development has a lot of hard surface areas, parking lots, roofs, sidewalks; asked where all the drainage will go. Currently to his knowledge there is two drains that drain into the pond and whenever there is a heavy rain, muddy water drains in from those two drains. Asked if the drains will go below the dam, will they go into the street? Just making council aware that in a heavy rain the pond almost goes over the dam.

Mr. Lee asked about stormwater plans; Ms. Klimchak said that is something we are still waiting on, said she has told them it is needed before moving forward, nothing will be sent to engineering without stormwater plans. Mr. Lee said before it comes to anybody for review, we should have an answer on where that water is going to go and should answer that question.

3. Mary Cool - Leafy Dell Villas

- Asked if the plan they are talking about was something provided subsequent to that very preliminary one or are we talking about the original document. Ms. Klimchak said they have provided us with other documents but they haven't been officially submitted.
- Said they call in every week and ask that question and they are always told nothing has been submitted; Ms. Klimchak said it hasn't been submitted.

Some back and forth commentary on interpretations of "submitted", "official", "nonofficial". Ms. Klimchak said she needs to be clear on what is being submitted because she has a legal process after something is officially submitted.

Mr. Lee attempted to define and clarify meanings. Mr. Lenner added that in this process there will be four to five iterations of engineering plans, that Bailey is correct, we have no submission but we are given plans to see if it is close. Mr. Lenner said the plans are public record of course, the issue is we will then have plans out in the public realm that will change four to five more times, all it does is create confusion and discontent among the parties; there is a delicate balance of making sure we are able to do our job without other people looking over. Mary Cool asked why would what is unofficially submitted not made available to them; Mr. Lenner said it can be, can just be stamped "draft". Ms. Cool said

they would like to see step by step and if there is a submission they want to see it and want to see what issues are raised.

4. Diane Weaver - 252 W. Coshocton Street

- Said the yards at her home and restaurant are full of weeds and rocks since the US 62 construction, the area is full of clover not there before, it attracts the bees, she is concerned for her customers safety; they were told their yards would be restored to their original state or better and some have better grass than others. She has put up with the road widening and closures at the restaurant and now has an ugly yard. Would like the village to correct the problem.

Mayor Dutcher said they have all talked about this and have brought it up with ODOT and told them what they did was not acceptable; ODOT told us that what they did was all they are doing. Jack Liggett said ODOT maintains that they have met the sixty percent threshold for grass seeding growth, they have inspected and are not doing any more. Mr. Liggett said the village is going to fix those yards, has set aside money to add topsoil and reseed, may enlist a landscaper to address the weeds then add soil and seed; that plan will take place in mid-September. Ms. Weaver asked if that included the area of land between the sidewalk and street; Mr. Liggett said the area they will take care of will be the area from the road to where the work area stopped.

8. Council Committee reports

- Planning & Zoning:** Met 8/10/21; Next 8/24/21 @ 6:30 pm Council Chambers
Commission approved a COA for the Marathon gas station signage, not for any building improvements, only for the canopy and electronic sign. Worked on draft zoning code.
- Safety & Service:** Met 8/3/21 draft minutes attached; Next 9/7/21 @ 5:00 pm Council Chambers
- Finance:** 8/17/2021; Next 9/21/2021 @ 5:00 pm Council Chambers
Fireworks event planning to continue in Events Committee. Hartford water line meeting on Thursday. Impact fee discussion, committee voted 3-0 in favor of moving forward with an RFP, no objection from greater council. Committee ok to move forward with paying \$3,000 to have a full-page ad in the Explore Licking County magazine and to have them design it. Will promote all that is going on in the village and promote tourism, money can come out of the ARP funds. No quotes yet for the lift station and generator for admin building. Committee voted 3-0 in favor of approving the approximately \$20,000 Intellinetics quote for zoning document scanning, to be paid from General fund, no concerns stated from greater council. The Software Solutions discussion moving to a budget item for 2022. Committee voted 3-0 in favor of approving a quote for police portable radios at a \$12,000 discount, will fit within the definition for ARP funding. Chief Haroon provided insight on the end life of the current radios being used, roughly a \$36,000 investment; no objection on the purchase from greater council. Updated overview given on the effort to change Local Government Fund distribution.
- Economic Development:** Met 8/5/21; Next 9/2/21 @ 10:00 am Admin conference room

The new GROW Licking County Director Alexis Fitzimmons attended; committee spent the bulk of the meeting reviewing projects going on in Johnstown. Next meeting moving to Sept. 16th.

- e. **Park & Rec:** Next moved to 8/19/21 @ 10:00 am Admin Conference room
Jim Lenner, Carol Van Deest, Dale Dickson and Alan Benton met with the four new Joint Recreation District appointees for an organizational meeting; Next meeting of Joint Rec is scheduled for Aug 25th 6:00 pm.

Marvin Block noted there were twenty nine cars in the parking lot Saturday morning. Bailey to pull data from trail counter. Jack Liggett said they have had to move to the second bidder to get the shelter house sidewalk completed.

- f. **Tree Commission:** Met 7/27/21 draft minutes attached; Next 8/24/21 @ 5:00 pm Council Chambers
Committee is planning for Arbor Day plantings. Arborist Main Street tree trimming scheduled for August 24-26. Tree Preservation Ordinance on agenda tonight, forwarded to council by Tree Commission and Planning Commission.
- g. **Events Committee:** Met 8/4/21; Next TBD
Looking for next meeting to take place in October.

9. Director Reports

- a. Police Chief
Chief Haroon reviewed his report for Council; noted a significant increase in service calls. Ben Lee congratulated the department on the Collaborative Community certification. Chief highlighted that Hazmat Ohio will be donating twelve AED's to the village; a savings of \$22,000 and he cannot thank them enough.
- b. Finance Director
Finance report attached. Mayor Dutcher highlighted the positive numbers in withholding and net profit. Mr. Lee noted that the American Rescue Plan recommended expenditure list will change based on Finance committee discussion outcomes.

10. Tabled Legislation

- a. **ORDINANCE 07-2021** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE VILLAGE OF JOHNSTOWN
Not ready; will remain tabled.
- b. **RESOLUTION 2021-28** A RESOLUTION TO APPROVE AN UPDATE TO THE EMPLOYEE HANDBOOK

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

Passed 6 - 0

Carol Van Deest said the Personnel Board of Review met with staff to review and answer questions; committee has approved. Marvin Block said both manuals look to the future for when we become a city and there are a lot of things in it to try and satisfy employees.

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

Mr. Block thanked all who worked on the documents and all the time spent.

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

Passed 6 - 0

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

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

Passed 6 - 0

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

Marvin Block thanked Chief Haroon for being progressive on getting things included that they think will help the city with negotiations, things that will make the employees happy. Ben Lee said he appreciates everyone's hard work and due diligence; it is a great foundational document added for the Police Department.

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

Passed 6 - 0

11. Public Hearings of Legislation

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

Introduced August 3rd; the proposed amendment to Chapter 1195 would regulate residents placement and removal of their trash cans from the front yard and public sidewalks relative to trash pickup day.

Staff requested that this legislation be tabled to allow further investigation and research.

ACTION: Ben Lee moved to table Ordinance 32-2021; Cheryl Robertson seconded and the vote was as follows:
AYES: Doug Lehner, Marvin Block, Ben Lee, Cheryl Robertson, Mayor Dutcher, Carol Van Deest
NOES: None
ABSTAIN: None

Tabled 6 - 0

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

Introduced August 3rd. Ordinance requires public notice signage on property for certain zoning applications. Mr. Block asked if the legislation stated the signs were to be uniform and gotten from the village; Ms. Klimchak said that would need to be added. Mr. Lenner said they could make the editorial change.

Mr. Lee said the amended change could state the village offices will be the site for picking up the sign and the applicant will be charged for the production.

ACTION: Marvin Block moved to pass with amended wording (pre-printed sign must be purchased from the village); Benjamin Lee seconded and the vote was as follows:
AYES: Marvin Block, Ben Lee, Cheryl Robertson, Mayor Dutcher, Carol Van Deest, Doug Lehner
NOES: None
ABSTAIN: None

Passed as amended 6 - 0

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

Introduced August 3rd. Ms. Klimchak said this also requires signs so she requests council make the same condition on this Ordinance as the last one; in addition, it clarifies meeting requirements for the board and takes away the requirement that they must live in the Village of Johnstown and leaves that to the discretion of Council.

Editorial amendment to be added requiring that the signs be purchased from the village offices.

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

ACTION: Marvin Block moved to pass as Amended, that signs are to be purchased from the village; Carol Van Deest seconded and the vote was as follows:
AYES: Ben Lee, Cheryl Robertson, Mayor Dutcher, Carol Van Deest, Doug Lehner, Marvin Block
NOES: None
ABSTAIN: None

Passed as amended 6 - 0

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

Introduced August 3rd. Increasing revenues by \$150,000 from income tax and making a few appropriations for the Oliver Bigelow headstone, Main Street tree trimming, personnel

costs for additional street department laborer, revenue for ARP funds and transfer and appropriation of Capital Improvement Funds for Trailhead parking lot paving.

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

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

Passed 6 - 0

- 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

This is to accept the terms laid out by the Attorney General in the settlement agreement so we can receive opioid funds.

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

Mr. Lenner noted this \$18,000 would trickle in over twenty years.

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

Passed 6 - 0

12. Introduction of Legislation

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

Introduction to the Tree Preservation Ordinance amending Chapter 1183 of the Johnstown Codified Ordinances. Mr. Block said he think it needs some modifications; Mayor Dutcher said that can be done in the next two weeks. Public Hearing September 7th, 2021.

b. **ORDINANCE 37-2021** AN ORDINANCE DESIGNATING A REVITALIZATION DISTRICT WITHIN THE VILLAGE OF JOHNSTOWN IN ACCORDANCE WITH ORC 4301.81

This is to create the Revitalization District which will give the village five additional liquor permits.

Mr. Lenner said he spoke with someone who plans on utilizing one once approved; Ms. Klimchak said that is good news because as of today we do not have enough permits to apply for a DORA. Public Hearing September 7th, 2021.

13. Other Business

1. Jim Lenner said he thought the census count of 5,182 was severely low. City status has prompted changes; the Health Department has already reached out to us on becoming an official voting member of the combined health district, Mayor Dutcher has the responsibility of appointing someone to that board. A village representative will also get a position on the board of Licking County Transit, Mayor Dutcher will also appoint.

2. Jim Lenner commented that we are waiting on Secretary of State Frank LaRose to give us a proclamation certifying the numbers that will automatically start a thirty day countdown to when we will be a city. Sign on council chambers will be changing, staff to work on.

3. Jim Lenner said the village will need to abide by the Stormwater Management Program and recommends we join the county wide program, three ordinances adopted by Council a couple years ago set the stage for us to be willful participants in the program. Mr. Block "nominated" Jack Liggett to participate, he would have a better understanding. Mr. Lenner said he would get a summary of what it requires.

4. Edwards Road and North Oregon area paving bids open on Thursday. Technology vendor responses due Friday for the \$250,000 project.

3. Jim Blair shared some new build statistics; seventy four houses have been permitted so far this year, last year total for whole year was eighty.

4. Jim Lenner updated that Pulte has paid the amount for the upgrade to the lift station. On the traffic light, Mr. Lenner said we have received the final plans on the turn lane and will send those over to them; will be discussing a performance bond and other security measures.

5. Mayor Dutcher said that the American Legion will hold a veteran brick dedication on Saturday at 2:00 pm.

6. Summerfest August 21st; 6-10 pm

7. RSVP for Tech groundbreaking if any can make it.

14. Adjourn

ACTION: Benjamin Lee moved to Adjourn; Cheryl Robertson seconded and all were in favor.

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

NOES: None

ABSTAIN: None

Passed 6 - 0

Meeting adjourned at 8:41 pm

Next Council Meeting September 7, 2021