



Regular Council Meeting
Tuesday, October 5, 2021 - 5:00 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation - Mayor Dutcher
4. Pledge of Allegiance
5. Work Session Budget 2022
 - a. Agenda
6. Recess
7. Action on Minutes
 - a. September 21, 2021
8. Citizen comments on matters not on the agenda
9. Council Committee reports
 - a. **Planning & Zoning:** Met 9/28/21; Next 10/12/21 @ 6:30 pm Council Chambers
 - b. **Safety & Service:** 10/5/21 combo; Next 11/3/21 @ 5:00 pm Council Chambers
 - c. **Finance:** 10/5/21 combo; Next 10/19/21 @ 5:00 pm Council Chambers
 - d. **Economic Development:** Met 9/16/21 updated last time; Next 10/7/21 @ 10:00 am Admin conference room
 - e. **Park & Rec:** 9/9/21 canceled; Next 10/14/21 @ 10:00 am Admin conference room
 - f. **Personnel Board of Review:** Met 9/29/21
10. Director Reports
 - a. Service Department: Water, Sewer, Street
11. Tabled Legislation
 - a. **ORDINANCE 07-2021** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE VILLAGE OF JOHNSTOWN
 - b. **ORDINANCE 34-2021** AN ORDINANCE AMENDING CHAPTER 1183 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES
12. Public Hearings of Legislation
 - a. **ORDINANCE 39-2021** AN ORDINANCE AMENDING CHAPTER 1155 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES
 - b. **ORDINANCE 40-2021** AN ORDINANCE SETTING THE COSTS FOR THE CERTIFICATE OF REGISTRATION FEE AND THE CONSTRUCTION PERMIT FEES FOR THE RIGHT-OF-WAY PROGRAM AND DECLARING AN EMERGENCY
 - c. **RESOLUTION 2021-40** A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO

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

PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED

13. Introduction of Legislation

- a. **ORDINANCE 41-2021** AN ORDINANCE AMENDING ORDINANCE 34-20, THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS
- b. **ORDINANCE 42-2021** AN ORDINANCE AMENDING CHAPTER 1187 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

14. Other Business

15. Adjourn

Next Council Meeting October 19, 2021

Work Session Agenda
October 5, 2021
Safety & Service Committee / Finance Committee

Safety Service Considerations

- American Legion request for alcohol at Legion sponsored events (Bingo)
- Trash Contract / Renewal or Rebid
- Traffic signs for Concord Crossing East – HOA President request

Budget 2022 – CIP Project considerations

- Overview of Current Budget Draft
 - Assumptions already input
 - Specific callouts before discussion
- General Fund CIP Project Lists Review
 - Jersey Street Grant Application - Jim/Jack
 - Street Sealing Priority List - Jack/Mike
 - Future Project Savings (LD & 37 Roundabout, 2025 ODOT Rte 37 Paving, etc)
- Enterprise Funds Project Lists Review
 - Water Dept
 - Sewer Dept
 - Street Dept
- Police Department General Fund CIP Requests - Chief
- Federal ARPA Balance
 - Current Projects & Unassigned Monies from Traunch 1
 - Expected Date of Traunch 2 Disbursement

Other Business



Regular Council
Tuesday, September 21, 2021 - 6:30 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the Village of Johnstown Regular Council Meeting for September 21, 2021 at 6:32 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, Rusty Smart - Deputy Chief of Police, Dana Steffan - Finance Director, Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Ryan Green - Chairman Planning Commission, Ron Danne - Vice Chair Planning Commission, Teresa Monroe - Clerk of Council

Public present - Donald Barnard, David Cool, James Estep, Bonnie Estep, Chyrel Cool, Carolyn Fallon, Ron Danne, Ryan Green, David Leezer

3. Invocation - Mr. Lee

4. Pledge of Allegiance

5. Action on Minutes

a. September 7, 2021

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

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

NOES: None

ABSTAIN: None

Passed 7 - 0

6. Correspondence

a. Ohio Division of Liquor Control

No objection by Council to the liquor permit transfer from Johnstown Market to Bell Stores.
No hearing requested; Clerk will notify Liquor Control.

7. Proclamation

a. Arbor Day 2021

Mayor Dutcher and Bailey Klimchak are going Thursday to plant a tree at the Johnstown Elementary School where Mayor Dutcher will read the Arbor Day 2021 Proclamation.

8. Citizen comments on matters not on the agenda

1. David Cool; 108 Maple Leaf Drive

- Have issues with the new development specifically about private property abuse
- Nothing much has changed since their project has begun with site plans, have been through the architect and are now at the engineers office. Have been stiff-armed on this project, have been able to put no pieces of information together and be in any consultation or negotiation on any issue, the nine issues listed before are the same, they are in process of working each one and if they need to do it on a legal basis then so be it.
- The latest site plan has been reviewed and blessed as acceptable and has been passed on to engineering; in conversation with architect representatives they realized they didn't even know they existed as a separate entity.
- Has come to the conclusion that this project needs to be started over; need to see that the buildings get into the right spot, proceeded with a visual demonstration.
- Asked if there was a balcony and somebody just finished their beer can and tossed it over into your trash can, would you feel comfortable with that
- Said Jim Blair answered his question that when they put up their temporary fence they will not need a permit because it is temporary.
- Said they are going to keep fighting and hope you are with us

2. Caroline Fallon; 106 Maple Leaf Drive

- Disappointed in the continued employment of the Village Planner, said from the minutes of the last meeting there was a private session on this; finds it disturbing they would keep someone on that does not know her job and with little to no oversight... continued but Ms. Van Deest said we are not here to talk about our employees, this is not appropriate, asked Ms. Fallon to stick to her problem with the apartments.
- There's... unintelligible... up for reelection and she knows which ones are for then and... Mr. Block spoke up and said not to come and threaten them. Other back and forth comments, resident asked to sit down.

Mr. Block said a preliminary plan is all over the place, asked Mr. Cool to get a copy of the zoning laws, suggested their group hire a real estate attorney, that coming to meetings and screaming and yelling is not getting the job done, need to settle down. By the time the whole thing is done, that will not look anything like the preliminary plan, still needs to go through engineering and the zoning laws.

Ms. Robertson said she would suggest they get a real estate attorney to represent them so they can be advised on realistic expectations for what will and what cannot happen and they will have a voice.

Mr. Block said when talking about putting up a fence, until the project is done they don't know what they are going to be required to put up, should find out what the final project is going to be before spending money.

3. Donald Barnard; 313 Fondreist, Concord Crossing East HOA President

- They have a traffic circle in their neighborhood, police have been patrolling more often, the way the street is designed, when exiting from Middleburn it is easy to go straight, traffic should go around the circle. Would like to see if they can get two signs put there to say wrong way/do not enter so people stop cutting through, is becoming more of a safety hazard. Mr. Lee said he would add that to Safety and Service Committee
- Asks for help for their one hundred and eleven homeowners; said they have one hundred and sixty plus homes that will be added to their neighborhood through a development approved almost twenty years ago. Looking for solutions to the only one exit/entrance, expressed concerns for traffic and safety. Asks for ideas for a second way to get in and out of the development; discussion on ideas.

9. Council Committee reports

- Planning & Zoning:** Met 9/14/21; Next 9/28/21 @ 6:30 pm Council Chambers
Variance application to shift the side yard for an easement approved for Pulte Homes. Review of Chapter 1195 and Ordinance 32-2021 (trash can ordinance), reviewed changes recommended by Chief Haroon and sent recommendation back to Council. Reviewed Ordinance amending Chapter 1155, tabled by the commission. Continued review of the zoning code draft and Article 34, signs.
- Safety & Service:** Met 9/7/21 updated last meeting; Next 10/5/21 Combo - Special Council/Finance/Safety & Service @ 5:00 pm Council Chambers
- Finance:** 9/21/21; Next 10/5/21 Combo - Special Council/Finance/Safety & Service @ 5:00 pm Council Chambers
Met this evening; presentation from Software Solutions, worked to come to budget discussions with a more concrete number for an upgrade to financial and billing operations. Reviewed Ordinance 38-2021, introduction for some appropriations. Discussed bed and event space tax options the village has. Will discuss water and sewer rate increases in the October meeting as a part of the annual review process. Talked about potential for hiring a Zoning Administrator to help with duties under planning and zoning, will advertise for a January 1 start date. Mr. Block asked what the duties would be; Mr. Lenner said this person would be looking over and administering the permitting processes, site plan review, the Village Planner looking at the five to ten year outlook, and the Zoning Inspector maintaining the inspection and code enforcement role, part-time as needed as he does today. Ms. Hendren asked what the salary would be, Mr. Lenner said that has not been

established yet but probably around \$45,000.

- d. **Economic Development:** Met 9/16/21; Next 10/7/21 @ 10:00 am Admin conference room
A lot of moving parts right now; Jim Lenner continues to work toward a mobility hub, next meeting October 7th. Mr. Lenner said there may be a need for a special council meeting to approve legislation for an economic development project, will coordinate based on timelines.
- e. **Park & Rec:** 9/9/21 canceled; Next 10/14/21 @ 10:00 am Admin conference room
Mayor Dutcher noted that Bailey Klimchak has been working on the Dog Park, the fence is going up and should be ready soon, thanked the Licking County Park District for the check they have written.

Mayor Dutcher also thanked the Licking County Health Department for the bike racks and fix-it tools downtown.

Mr. Block noted that Carol Van Deest designed a card for the Johnstown Trailhead Park, it highlights activities located around the park such as food and shopping, the Mastodon Trail, Dog Park and others. She will also be working on another one for tourism.

Mayor Dutcher said we have a full page ad highlighting Johnstown in the Explore Licking County magazine coming out in December. Added that he is amazed at the marketing and using social media to market Licking County, the numbers of people planning trips, booking rooms, coming to restaurants, visiting our sites, traveling our paths is unprecedented and the Commissioners are to be congratulated because when things were looking bleak during Covid they stepped up the money necessary to keep the organization running.

10. Director Reports

- a. Finance
Dana Steffan reviewed her reports with Council members; no additional questions or comments.
- b. Police
Deputy Chief Rusty Smart reviewed the Chief's report with Council.
Discussion on truck drivers hitting the bells at US 62 and SR 37; service department to spray paint stop bars at the intersection.

11. Tabled Legislation

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

Remains tabled.

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

ACTION: Benjamin Lee moved to remove from the table; Doug Lehner 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

Chief Haroon made some edits which Council saw last meeting and asked that it be reviewed by Planning and Zoning, they approved 5-0 and forwarded back to Council recommending approval. Mr. Lee noted the edit made by Planning and Zoning.

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

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

Passed 6 - 0

Mr. Block stated he abstained for the reason that he had several questions on how many complaints were taken on this and they were never answered.

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

Remains tabled.

12. Public Hearings of Legislation

a. **ORDINANCE 38-2021** AN ORDINANCE AMENDING ORDINANCE 34-20, THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE

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

NECESSARY CHANGES OF APPROPRIATIONS

It is necessary to increase appropriations for gasoline in the street, water and sewer funds due to the rising cost of gas. Need to return remaining fund balance to Johnstown Monroe School District from money given to increase safety for school routes. Appropriations from the American Rescue Plan Act fund for items previously discussed; Finance Director noted that the \$8,857.50 for the Raise Grant will be changed to \$35,000 which will increase the total net effect of the fund; edit will be made.

Public Hearing: No comments either for or against the legislation

ACTION: Carol Van Deest moved to Approve with the amended amount for the raise grant; 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

13. Introduction of Legislation

a. **ORDINANCE 39-2021** AN ORDINANCE AMENDING CHAPTER 1155 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

Jim Lenner said this came up with a downtown business opening their suites for public rental. He asked the planner to list under permitted use but if council would like Planning and Zoning to have more control it they could move it to conditional.

Mr. Block said his callout on this is if you change the whole GCC-1 where anyone can have a hotel, there are a lot of apartments that could be changed to hotel rooms, by making it conditional use it will be controlled and they will need to come ask for permission to do it. Said we all know the people downtown that need this will run a top notch business but how do we know if opened up to all GCC-1 what hotels we might get.

Ms. Robertson said she also thinks it should be moved to conditional, that she has the same concerns.

Ms. Hendren said she agrees it should be conditional.

Mr. Lee said he agrees with the conditional aspect, current draft code has it as permitted in the downtown space. As allowable within the GCC space thinks the key is defining hotels and have accurate to what they want to see.

Mr. Lehner said they should keep conditional to stay conducive to the Comprehensive

Plan.

Ryan Green, Chairman of Planning and Zoning, spoke and said when this came to them, it came as just a blanket change to zoning, it may have been implied as being to a business specifically, there was no emergency or reason to bring forward for business. Had there been a business specifically that wanted to come in they would have come in under a nonconforming use permit, there would have been a hearing, a lot more conversation, that is how he would have liked to see it happen. Said he would not be in favor of changing complete zoning right away, they are still working through the entire zoning code right now and they have a long way to go. Said this was a conversation from months ago, on whether this would be public or private, they did not get this information then, they were told private. Air B&B's, short term rentals etc. have been discussed but with development coming more each day, the priority was zoning and design review, so this is probably something they will come back to. Also with a hotel coming in, they would want to let the village get ducks in a row as far as taxing to make sure Johnstown gets their fair share; it needed a much larger conversation that they were not ready to have that night. Going forward, he would agree with the conditional use and if there is a specific business that wants an immediate change, there are mechanisms for that, like a variance or non-conforming use. He would like zoning to have their say in it, they just didn't hear that this was for a specific business so they decided to just make it part of the larger conversation of them updating the zoning code.

Public Hearing October 5,2021

14. Other Business

1. Bailey Klimchak asked if there was any direction for staff on the Design Review Board and appointments. The Personnel Board of Review will review the letters of interest and do interviews; meeting will be scheduled.
2. Jim Lenner said we need to reevaluate closing off parking lots downtown during events now that we have viable businesses up and running on Sundays. He received calls during the Cupola Classic, this was also festering during the Firemen's Festival; meeting will be set with property owner. Mr. Lenner said we need to balance commerce, downtown viability, shutting things down for a week, festivals, community fabric, we want our downtown to be viable and healthy and it is becoming that, shutting down parking they rely on heavily is counterproductive. Discussion on business, events and a meeting.
3. Sharon Hendren asked about Oliver Bigelow's headstone; Mayor Dutcher said the new tombstone has been ordered, the old tombstone blew over and cracked again.
4. Doug Lehner asked for an update on the contractor packet previously discussed. Mr. Lee said the hope is that from the new zoning code when completed, additional documentation could be provided from that. Mr. Lehner said he would like to have a packet to give to any developer desiring to build, it would take all the guesswork out of what they can do.
5. Ben Lee went to the meeting for the Licking County Transit Board but there was no quorum so there was no meeting; they are in budget discussions, he has a copy

of their budget. Mr. Lenner said as we go for the seventy five million dollar grant he thinks beneficial to look at that, can discuss.

6. Ben Lee asked if there was follow up on the Western Licking County Accord as discussed last time, have we reached out to New Albany. Mr. Lenner said yes he is waiting to hear back. Mr. Lee said just continue to update on that with the development that is going on in the WLCA planning space, using that document as the tool with which to keep the agreed upon members apprised of what is going on, we have yet to hear what is going on and will continue to push for a response so we are informed and can let village residents know what is going on because if it is happening on our border or approaching it, that is the point of the accord and to not have any communication on what was provided to us as a two way street is very frustrating. Discussion on what the project may be and properties being affected.

7. Meet the candidates night will be scheduled.

15. Adjourn

ACTION:	Sharon Hendren moved to Adjourn; Benjamin Lee 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 8:18 pm

Next Council Meeting October 5, 2021



September 2021

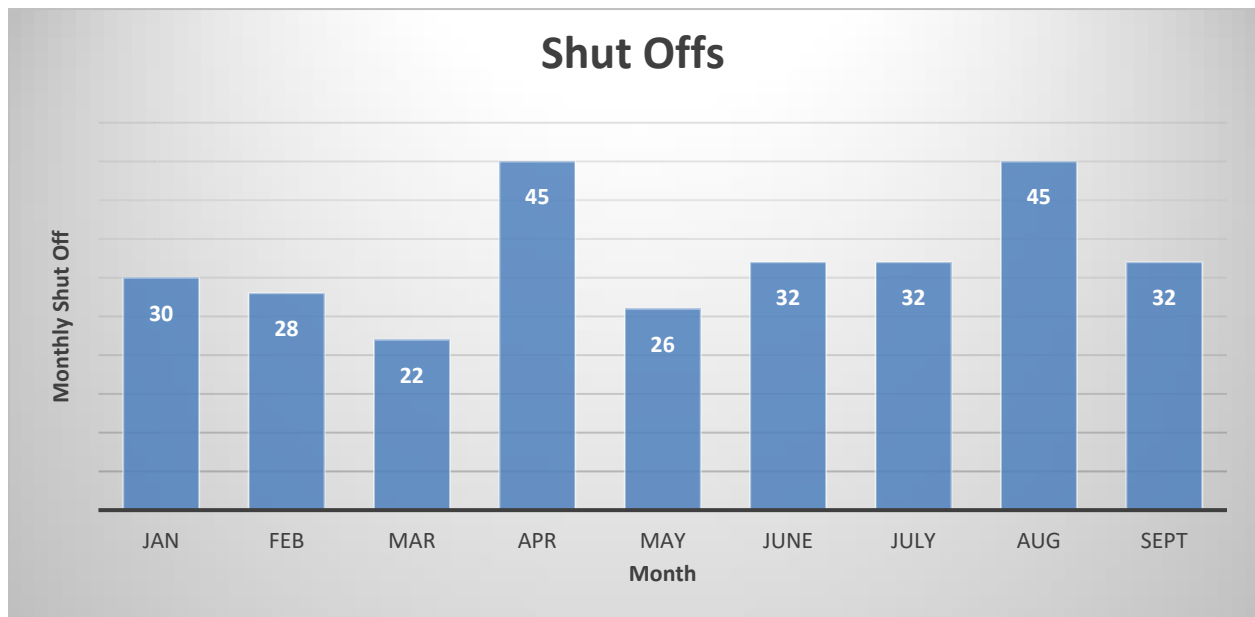
Water Council Report



Water Plant September 2021

- 1) As of September 30th, the flow is 18.873 MG.
- 2) Worked on shut-offs.
- 3) Worked on work-orders.
- 4) Participated in a webinar training.
- 5) Mowed grass.
- 6) Took out # 1 lime feeder and put #2 lime feeder in service and cleaned #1 lime feeder.
- 7) As of September 30th, all the fire hydrants have been flushed and fire hydrants maintenance.
- 8) The Water Plant staff completed 20.75 hours of training.
- 9) Tim Perry hauled lime sludge and emptied both decant tanks.

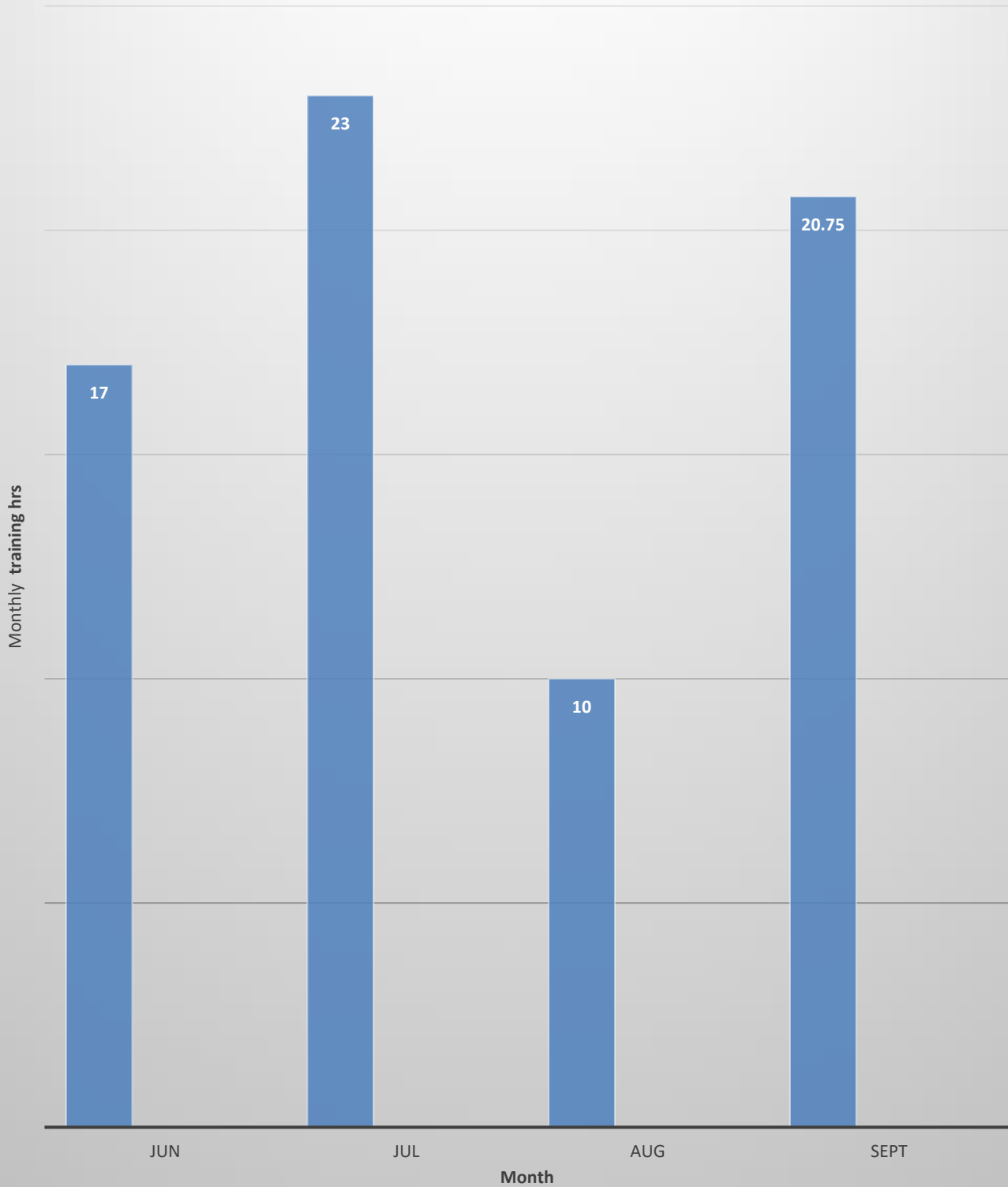
Thank you,
Terry Nichols
Water Plant Superintendent
Village of Johnstown



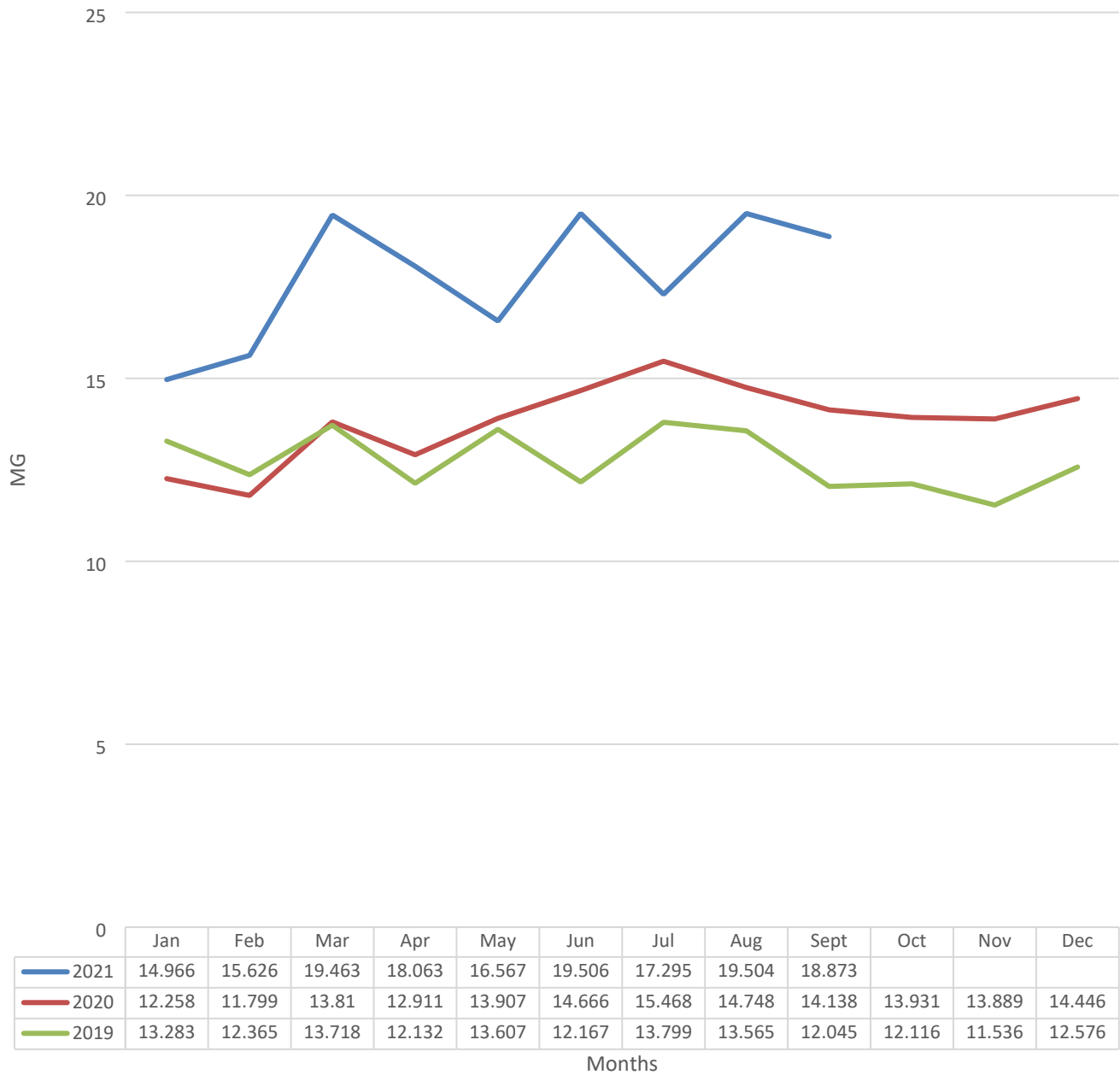
Water Plant Daily Tap Test Results

Month	pH	Phenol Alkalinity	Total Alkalinity	Total Hardness	Chlorine Free
9/1/2021	8.2	0	48	140	1.02
9/2/2021	7.9	0	50	143	1.00
9/3/2021	8.1	0	52	141	1.00
9/4/2021	8.1	0	47	141	0.99
9/5/2021	8.2	0	85	175	1.00
9/6/2021	8.1	0	51	146	0.93
9/7/2021	8.0	0	48	138	1.01
9/8/2021	8.2	0	48	138	0.82
9/9/2021	8.2	0	48	138	1.07
9/10/2021	8.0	0	50	141	1.17
9/11/2021	8.0	0	50	142	0.88
8/12/2021	8.2	0	45	136	0.91
9/13/2021	8.5	1	49	140	0.87
9/14/2021	8.1	0	51	143	0.92
9/15/2021	8.2	0	49	142	1.01
9/16/2021	8.0	0	49	143	0.95
9/17/2021	8.1	0	48	140	0.90
9/18/2021	8.0	0	48	143	1.00
9/19/2021	7.9	0	47	143	0.97
9/20/2021	8.1	0	49	143	1.01
9/21/2021	8.1	0	52	145	0.96
9/22/2021	7.9	0	49	143	0.87
9/23/2021	8.2	0	47	140	0.99
9/24/2021	8.1	0	49	144	0.89
9/25/2021	8.0	0	51	144	0.95
9/26/2021	8.0	0	48	139	0.87
9/27/2021	8.4	1	49	142	0.75
9/28/2021	8.0	0	49	141	1.01
9/29/2021	8.1	0	52	144	1.03
9/30/2021	8.3	0	61	154	1.00

Training Hours



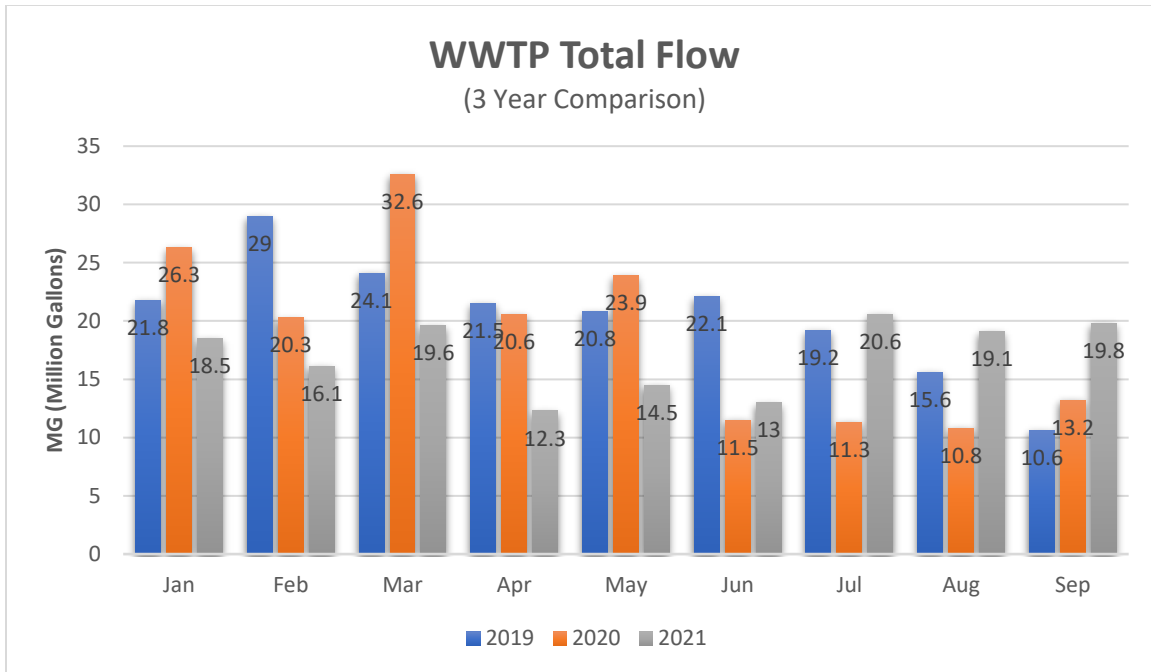
Monthly Influent MG



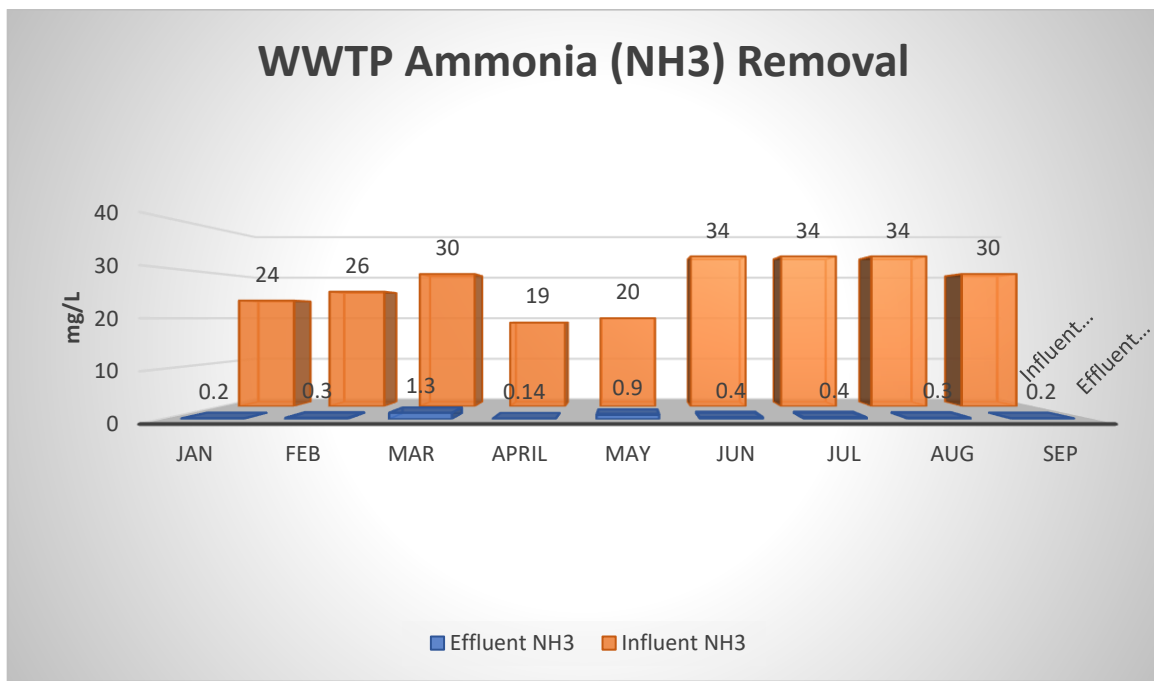


September 2021

Sewer Council Report

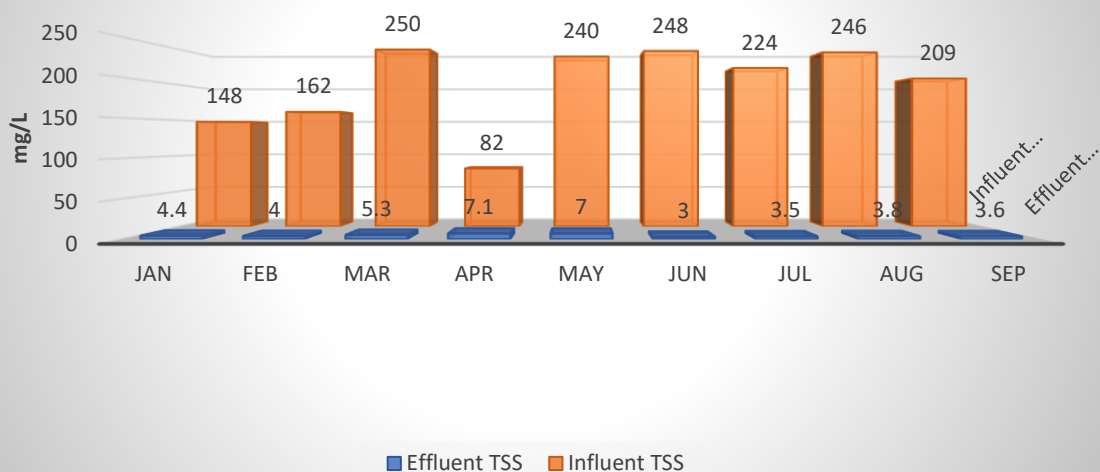


Plant Efficiency Charts



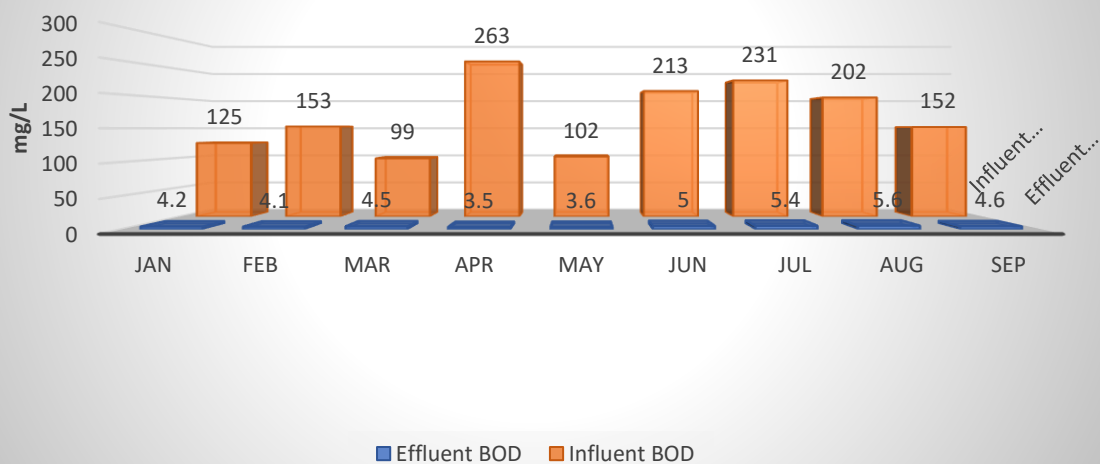
Average % of NH₃ removed for the month = **99%**

WWTP Total Suspended Solids Removal



Average % of TSS removed for the month = **98%**

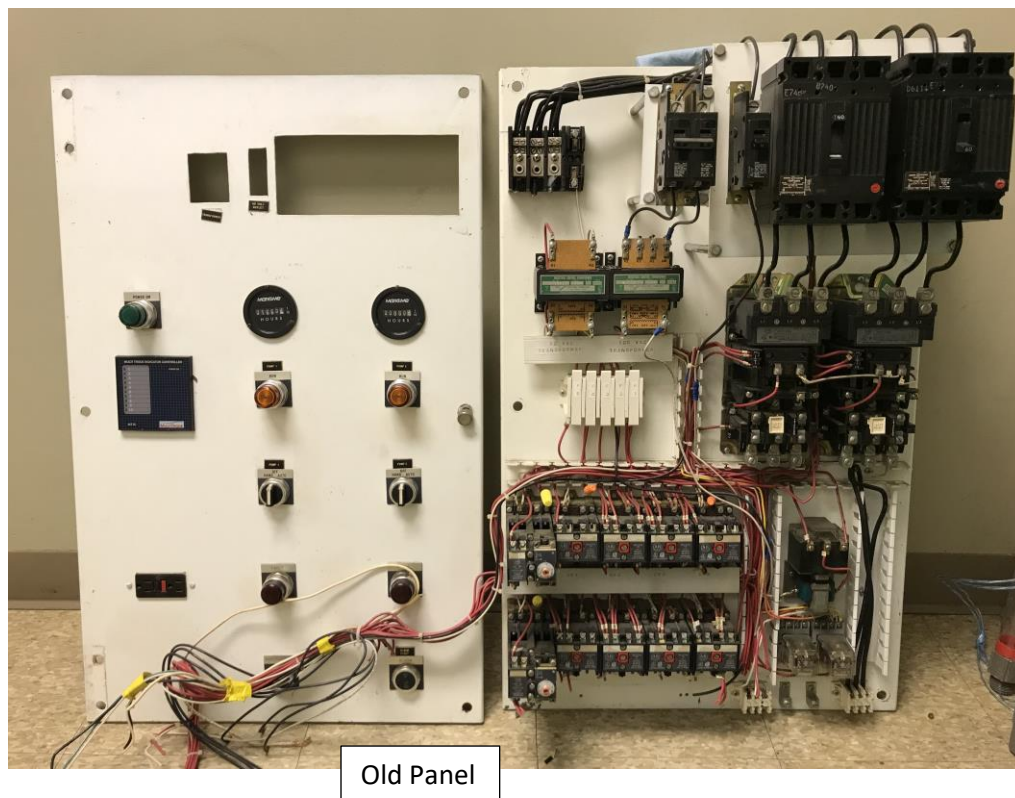
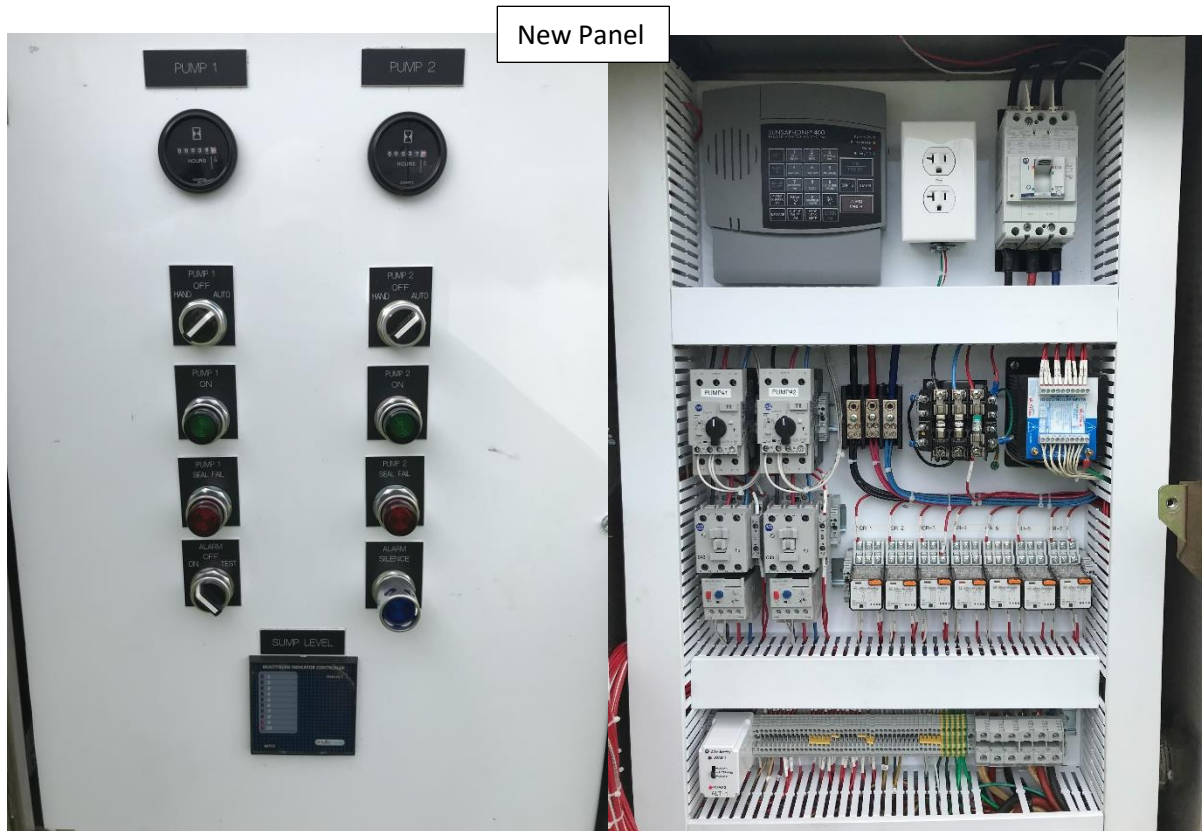
WWTP BOD Removal



Average % of BOD removed for the month = **97%**

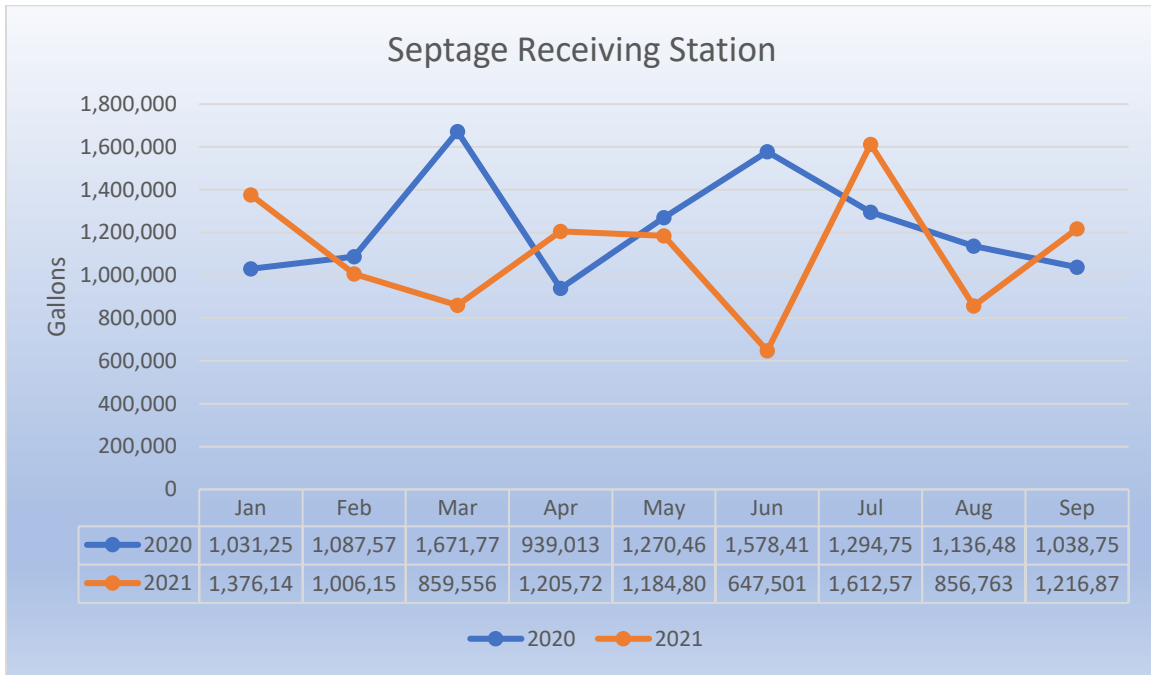
Work Highlights

Mid-City Electric was in to install our new electric panel for our East 62 lift station. This was a capital improvement project to update our out of date equipment located at lift stations around town.

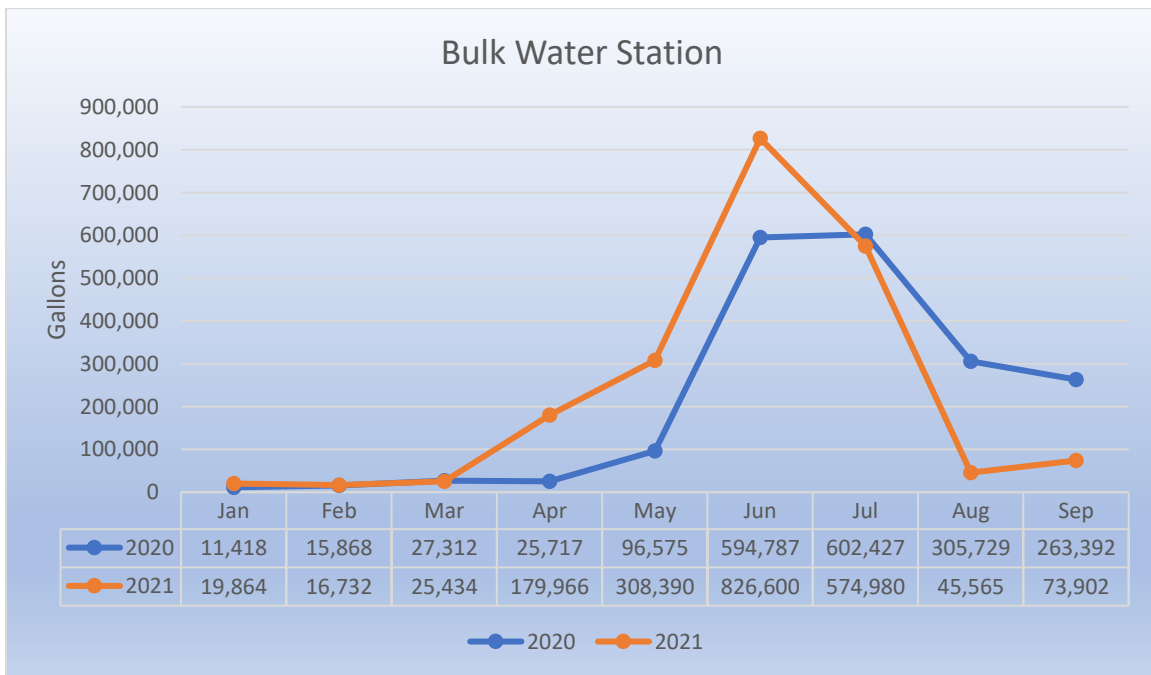


BULK SEWER & WATER

The following chart shows the total amount of waste in gallons brought in to Johnstown for the current year and past year by the egg farms and bulk septage haulers.



The chart below shows the total amount of bulk water in gallons purchased each month for the current year and past year. NOTE: This graph contains gallons of bulk water purchased only from the fill station onsite.



Rick Fitch
Chief Wastewater Operator



JOHNSTOWN

Established 1813

Street Department Report

September 2021

VILLAGE OF JOHNSTOWN, OHIO

Village of Johnstown
Administrative Offices



599 S. Main Street
Johnstown, Ohio 43031
Telephone: 740-967-3177

Asphalt

27 tons used this month, Most of the time spent was in the concord crossing neighborhood. We then moved to track and college. Commerce is first on the list for next month asphalt goals, then to edwards

Sewer Maintinance

Tore down fence around lift station on Buena vista

Misc.

Cleared the branches back to the mastodon area. Put in the new bike pad in uptown. Worked on getting speed limit signs correct around town. Also started putting thermoplastic down for Ford street and post office alley

Water maintinance

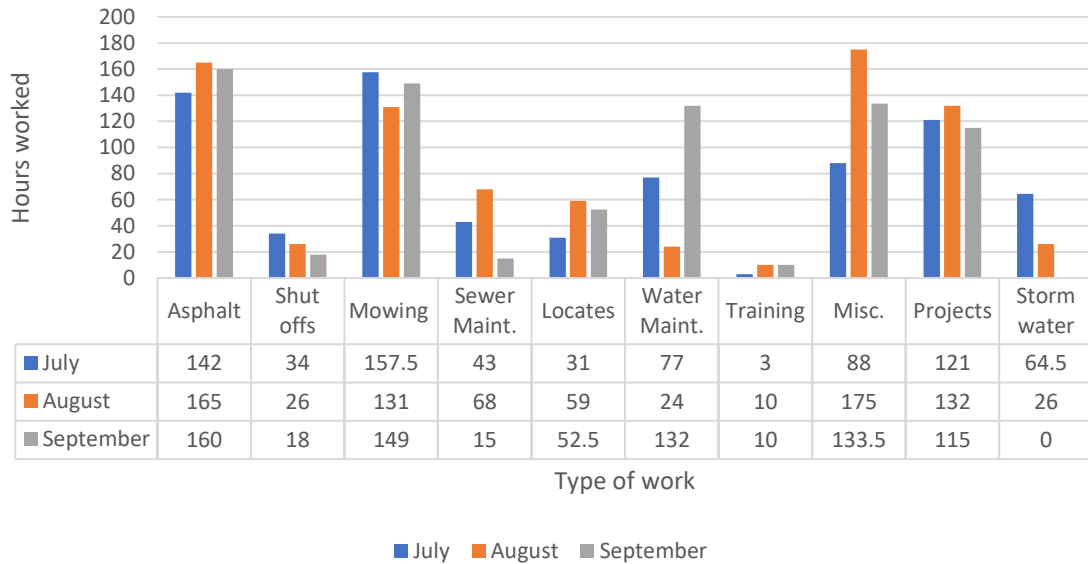
Hauled lime. Fixed water leaks at 220 s. main (service line), 441 Tyler station dr. (service T), investigation on Jersey street, I have to call in leak locater to find out where the leak is coming from. Assisted in water shut offs

Training

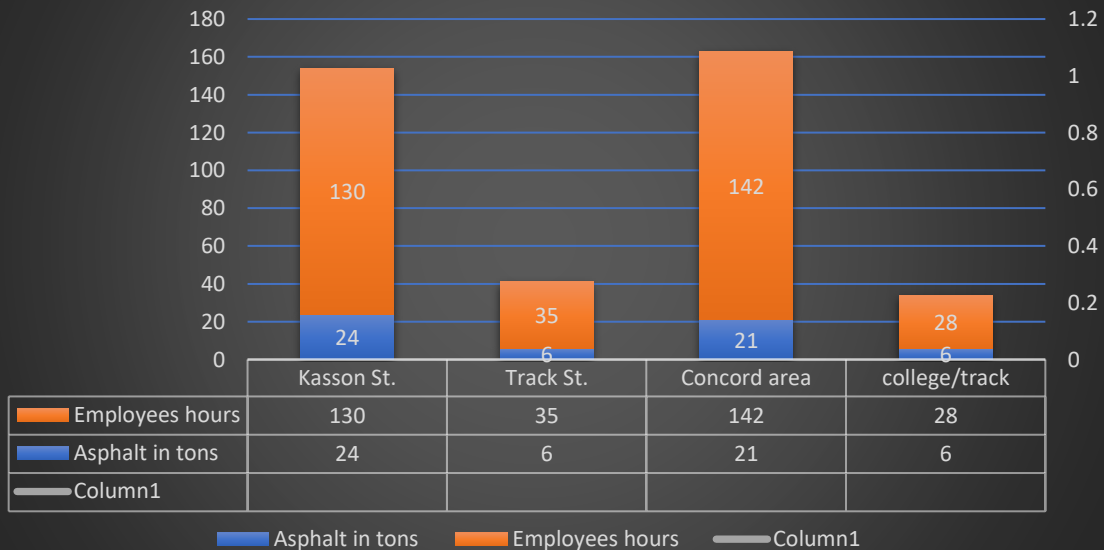
CPR training

Michael Gutridge
Service Director Johnstown ohio

September 2021 785 hours worked



Track Asphalt Usage



Projects

Oregon Street

Road base is in, and all storm work is completed. Curbs are to go in the first week of October

Jersey Street Relief Sewer

Contractor is done, punch list is being made

Water Tower

Ring 10 of 19 is complete, each ring is 8' tall. Contractor is now pouring one ring a day so looking to be don't with walls Mid October then start work on inside plumbing. Tank will go on top projected date Nov. 4th

Other updates. BJ electric has completed the police garage lights, the service garage lights and council chambers lights.

As stated before bike pad, bike racks and work station are installed in at uptown.

Also new addition that the street department is working on, building a salt brine (winter) and weed control (spring/summer) insert to go into the back of the F250.



VILLAGE OF JOHNSTOWN



ORDINANCE 07-2021

AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE VILLAGE OF JOHNSTOWN

WHEREAS, Section 3.01 of the Village Charter provides Council with the power to set forth wage and salary structures for all classified and unclassified positions within the Village;

WHEREAS, Council has determined, upon recommendation of the Village Manager, that the wage and salary structures should be adopted by Ordinance;

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

Section One. That wage and salary structures for employees is hereby adopted as follows:

DEPARTMENT/POSITION	Hourly/Salary	Minimum	Maximum
Administrative			
Village Manager	Contract		
Assistant Village Manager	Salary	58,200.00	115,000.00
Administrative Assistant—PT	Hourly	13.50	21.00
Executive Assistant	Hourly	15.00	24.00
Clerk of Council	Salary	40,000.00	60,000.00
Finance Department			
Finance Director	Salary	55,000.00	108,700.00
Account Payable Clerk—PT	Hourly	13.50	20.00
Utility Billing Clerk—FT	Hourly	14.50	21.00
Utility Billing Clerk—PT	Hourly	13.50	20.00
Development Department			
Economic Development Director	Salary	55,000.00	108,700.00
Planner	Salary	48,000.00	78,900.00
Zoning Inspector	Salary	35,000.00	60,000.00
Zoning Inspector—PT	Hourly	13.50	21.00
Human Resources			
Human Resources Director	Salary	55,000.00	108,700.00
Police Department			
Chief	Salary	55,000.00	108,700.00
Deputy Chief	Salary	48,000.00	78,900.00
Sergeant	Hourly	31.63	37.36
Patrolman—FT	Hourly	20.47	33.04

Patrolman—PT	Hourly	20.47	33.04
Dispatcher—FT	Hourly	14.50	23.00
Dispatcher—PT	Hourly	14.50	18.50
Mayors Court Clerk	Hourly	15.00	24.00
Public Service Department			
Chief Street Supervisor	Salary	55,000.00	108,700.00
Chief Wastewater Operator	Salary	55,000.00	108,700.00
Chief Water Operator	Salary	55,000.00	108,700.00
Utility Operator Class III	Hourly	31.63	37.36
Utility Operator Class II	Hourly	25.50	35.00
Utility Operator Class I	Hourly	20.47	29.50
Utility Laborer	Hourly	16.00	25.00
Utility Laborer – PT	Hourly	15.50	20.50

FT – Full time

PT – part time

Section Two. The Village Manager has the authority to establish a pay rate and change an employee's compensation within the wage structure based upon Village Finances, an employee's level of education and performance, attendance, certification/licensure, knowledge, skills and abilities, variety and scope of responsibilities, physical and mental demands and other such attributes the Village Manager considers necessary for the position.

Section Three. All prior legislations, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section Four. It is found and determined that all formal actions of 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 are 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.

By: _____

Introduction/First Reading: February 16, 2021

Public Hearing/Vote:

Effective Date:

Mayor Chip Dutcher

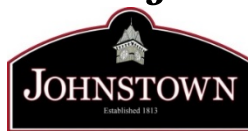
ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

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:

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



AN ORDINANCE AMENDING CHAPTER 1155 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapter 1155 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs the General Community Commercial 1 (GCC-1) district in the Village of Johnstown; and

WHEREAS, Section 1155.02 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs permitted uses within the GCC-1 district; and

WHEREAS, This ordinance would add hotel and motel facilities to the list of permitted uses in the GCC-1 district; and

WHEREAS, Hotels are defined in chapter 1121.01 of the Codified Ordinances; and

WHEREAS, The Council of the Village of Johnstown desires to amend Codified Ordinance Section 1155 to govern the General Community Commercial (GCC-1) district.

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

Section 1. That Section 1155.02 is amended; deletions are ~~struck~~; additions are *italicized*

1155.02 PERMITTED USES.

In a GCC-1 District, the following uses are permitted:

- a) General merchandise sales including:
 - 1) Department stores;
 - 2) Limited price or discount variety stores;
 - 3) Mail-order and miscellaneous general merchandise stores;
 - 4) Drug stores;
 - 5) Pet stores;
- b) Food sales including:
 - 1) Grocery, meat, fish, fruit or vegetable markets or any combination thereof;
 - 2) Dairy or bakery products;
 - 3) Specialty good stores;
- c) Apparel sales including:
 - 1) Clothing, furnishings and accessory items for men, women and/or children;
 - 2) Custom tailor shops, furriers, alterations and dry cleaning shops;
- d) Home furnishings sales including:
 - 1) Furniture, home furnishings and equipment stores;
 - 2) Household appliance stores;
 - 3) Radio, stereo, television and music stores;
- e) Food or beverage sales and consumption including:
 - 1) Package liquor stores;

- 2) Eating and drinking establishments excluding fast food and carry-out operations, but including those that sell alcoholic beverages or liquor by the glass;
 - 3) Cafe seating secondary to primary business; excluding outdoor alcohol consumption.
- f) Miscellaneous retail sales and services including:
- 1) Book, stationary, jewelry and antique stores;
 - 2) Gift, novelty and souvenir shops;
 - 3) Camera, photographic supply and optical goods stores;
 - 4) Tobacco, newspaper and magazine stores;
 - 5) Auto service;
 - 6) Shops for custom work whose articles or products are to be sold on the premises;
- g) Miscellaneous uses:
- 1) Post office;
 - 2) Newspaper or job printing;
 - 3) Funeral parlor;
 - 4) Theaters, assembly halls, billiard or pool parlors and bowling alleys;
 - 5) Telegraph office, express office and electrical substation;
 - 6) Laundries and laundromats;
 - 7) Banks, savings and loans, or other money investment or management businesses;
 - 8) *Hotel and motel facilities*
- h) Service station:
- 1) Motor vehicle repair.

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: September 21, 2021

Public Hearing/Vote: October 5, 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
SEPTEMBER 21, 2021



AGENDA ITEM

Ordinance 39-2021, Amending Chapter 1155

PREPARER(S)

Bailey Klimchak, Village Planner

RECOMMENDED ACTION

Approve

HISTORY

The proposed amendment to Chapter 1155 adds hotels and motels as an allowed use in the General Community Commercial 1 (GCC-1) District. There is a historic precedence of hotels in the GCC-1 district. Staff believes allowing the operation of hotels in the GCC-1 district would encourage economic development in that district.

SUMMARY

Authority: Village charter, Chapter 4

Urgency: High

Relation to Other Actions: None

FISCAL IMPACT

None

ADDITIONAL MATERIAL

None

ATTACHMENTS

None



ORDINANCE 40-2021

**AN ORDINANCE SETTING THE COSTS FOR THE CERTIFICATE OF REGISTRATION FEE
AND THE CONSTRUCTION PERMIT FEES FOR THE RIGHT-OF-WAY PROGRAM AND
DECLARING AN EMERGENCY**

Whereas, Council has adopted an ordinance regulating the use of the Public Right-of-Ways, and,

Whereas, Sections 931.05 and 931.13(D) require council to set these fees annually; and,

Whereas, Now Council desires to set the rates for 2021 and send invoices for 2020;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF
JOHNSTOWN, LICKING COUNTY, STATE OF OHIO;**

Section 1. Council hereby establishes and approves the following Right-of-way fee schedule for the Village of Johnstown.

Section 2. The Registration fee for 2021 is calculated as \$469.10 per encumbered mile.

Section 3. The Permit fee for 2021 is calculated at \$318.84 per permit.

Section 4. This ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public health, safety, and welfare in that the Village budget is based on the anticipated receipt of this revenue and shall be in full force and effect at the earliest date provided by law.

Section 5. 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/Public Hearing/Vote: October 5, 2021

Effective Date:

BY: _____

Mayor Chip Dutcher

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

VILLAGE OF JOHNSTOWN



RESOLUTION 2021-40

**A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO PREPARE AND
SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS
COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL
TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE
CONTRACTS AS REQUIRED**

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Village of Johnstown is planning to make capital improvements to East Jersey Street, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs, and

NOW THEREFORE, BE IT RESOLVED by THE VILLAGE OF JOHNSTOWN

Section 1: The Village Manager/Planner is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The Village Manager/Planner or Assistant Village Manager is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

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 Resolution, were approved in an open meeting of this Village Council, and that meetings resulted in such formal action where meetings were 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/Public Hearing/Vote: October 5, 2021

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

VILLAGE OF JOHNSTOWN



ORDINANCE 41-2021

**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 appropriations in multiple funds to pay the costs necessary for personnel and contractual services; and

WHEREAS, the costs of medical premiums and health reimbursement account payments were higher than expected at the time the budget was prepared; and

WHEREAS, the cost of legal representation has been underestimated due to unexpected litigation; and

WHEREAS, the net effect on the finances of the Village of Johnstown will be increased appropriations of **\$189,000.00**; and

WHEREAS, the General, Street Maintenance, Water Operating and Sewer Operating Fund balances are sufficient to cover these appropriations.

Section One. That the appropriations for the General, Street Maintenance, Water Operating and Sewer Operating Funds 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:

Appropriations for General Fund 1000

Police Department - Personnel Costs	\$ 60,000.00
Zoning Department – Personnel Costs	\$ 10,000.00
Administrative Department – Personnel Costs	\$ 10,000.00
Finance Department – Personnel Costs	\$ 10,000.00
<u>Legislative Activities – Contractual Services</u>	<u>\$ 40,000.00</u>
NET EFFECT on General Fund 1000	\$ 130,000.00

Appropriations for Street Maintenance Fund 2011

Personnel Costs	\$ 3,000.00
NET EFFECT on Street Maintenance Fund 2011	\$ 3,000.00

Appropriations for Water Operating Fund 5101

Personnel Costs	\$ 13,000.00
NET EFFECT on Water Operating Fund 5101	\$ 13,000.00

Appropriations for Sewer Operating Fund 5201

Personnel Costs	\$ 43,000.00
NET EFFECT on Sewer Operating Fund 5201	\$ 43,000.00

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: October 5th, 2021
Public Hearing/Vote: October 19th, 2021
Effective Date:

BY: _____

Mayor Chip Dutcher

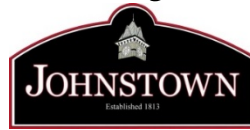
ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

VILLAGE OF JOHNSTOWN



ORDINANCE 42-2021

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

WHEREAS, Section 1187.05 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs Review and Approval Authority for Design Review Administration and Regulations

WHEREAS, at the September 29, 2021 meeting, the Personnel Board of Review voted unanimously to amend residency requirements for the Design Review Board and recommends approval by Village Council; and

WHEREAS, the Council of the Village of Johnstown desires to amend Codified Ordinance Section 1187.05 to allow up to two members of the Design Review Board to live outside of the Johnstown municipal limits, but must reside within Monroe Township; and

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. *At least three members must be residents of the Village of Johnstown, two members may reside outside of the Johnstown municipal limit but must reside within Monroe Township.* 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 this DRB, certain procedures shall be adopted to include, but not be limited to, a regularly scheduled 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. 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: October 5, 2021

Public Hearing/Vote: October 19, 2021

Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director