



Regular Council
Wednesday, November 3, 2021 - 6:30 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the Village of Johnstown Regular Council Meeting for Wednesday, November 3, 2021 at 6:30 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, Jack Liggett - Assistant Village Manager, Abe Haroon - Chief of Police, Dana Steffan - Finance Director, Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Ryan Green - Chairman of Planning Commission, Teresa Monroe - Clerk of Council

Public present - Jim Hill, Mary Queen Cool, +1 not signed in

3. Invocation - Mr. Lee

4. Pledge of Allegiance

5. Action on Minutes

a. October 19, 2021

ACTION: Cheryl Robertson moved to Accept; Marvin Block 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

6. Executive Session with Law Director to discuss imminent court action

ACTION: Benjamin Lee moved to enter into Executive Session with the Law Director to discuss imminent court action with members of council, Jim Lenner, Teresa Monroe, Bailey Klimchak and Jack Liggett; Cheryl Robertson 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

Motion amended to include Councilmember Elect Ryan Green in the Executive Session.

Entered Executive Session at 6:33 pm

Returned to Regular Session at 7:17 pm

7. Citizen comments on matters not on the agenda

1. Jim Hill; 49 Concord Court

- Asked if there was anything new with the lawsuit; Mayor Dutcher said no. Said he was here before and got information, went to the school and got almost the same information.
- Asked about the CRA with New River. Mr. Lenner said it was approved by Council and is in the hands of their attorney and will be signed at the end of the due diligence and closing.
- Asked if there was anything special done for the Fire Department with regard to tap fees. Mayor Dutcher said the agreement with the Township was that they asked us to transfer their current taps to the new fire station; that will require that if the old building is ever used again, they will need to get new taps and pay the fees. They would be entitled to the fifty percent reduction for fire suppression.
- Asked if Johnstown Pointe received anything special. Mayor Dutcher said no.
- Asked the same about New River. Mr. Lenner said no concessions were made for them either.
- Said the Council did give the school special consideration in 2015 with the new high school and new elementary. Mayor Dutcher added that in addition there were concessions made when the stadium was rebuilt. Mr. Lenner noted three concession made by the city.
- Asked if anyone checked with any other entity or schools to see what they encounter. Mr. Lenner said they look at rate prices of other communities but we have to make the money that fits our system so to answer the question, no. Mayor Dutcher said that the new rates are based on an engineer study, Ms. Robertson said that study was submitted to the Johnstown in 2020.
- Referenced Ordinances 22-2021 and 29-2021 passage by emergency, asked what was the nature of the emergency. Mr. Lenner asked that the question not be answered as it is part of the ongoing lawsuit.
- Asked if Council considers township, schools, park district, county, library or any other taxing authority in the same realm as businesses. Mayor Dutcher said a business would not be eligible for the fifty percent reduction that we would give another government entity. Mr. Lenner said capacity fees are the same for everybody, fire suppression is twenty percent off for private business and fifty percent off for government bodies.

- Discussion on funds the city may or may not get from the Licking County Commissioners for a water line to Hartford.
- Said he believed the school did give the city the full amount so they could continue on with construction; Mr. Lenner said correct.
- Does not know where this is going but it doesn't look good, does not look good from a media point of view, no one is going to win in this, thinks it is unfortunate. As a concerned citizen this is just really not good and if there is a way of handling this, he hopes both entities will find a way.

Carol Van Deest said she is here to protect the residents of Johnstown, that we pay for the water; the school district has people who do not live in the village and do not support our water system, she wants to protect the people here for what we pay for and for her, that came into play.

Marvin Block said we didn't file the lawsuit, it was filed against us and it is public knowledge that in one round the judge ruled in our favor. Some discussion on the difference in amounts, Mr. Hill said \$142,000. Mr. Block said not once did they try to come back and negotiate with anybody. Discussion on tax money and New Albany Company relative to the school.

Doug Lehner said he heard Mr. Hill when he said he wished someone would have come forward and try to come to a resolution with council, everyone sitting here were under the same impression. Council packets are sent to School Board members in advance, on June 8th there was no one in the audience, on June 15th there was no one in the audience, from the village or the school board. They too wish somebody from the Johnstown Monroe School Board would have been here to actually work with us.

Mr. Hill continued to recap how he has gone about getting the information he has and whoever is at fault, he would like for it to just go away.

8. Council Committee reports

- a. **Planning & Zoning:** Met 10/26/21; Next 11/9/21 @ 6:30 pm Council Chamber
Considered and approved a COA for a new structure off of US62. Considered a Preliminary Plat for Concord Crossing East, there was no decision, they will be hearing it again on November 9th. No time to work on the zoning code draft but have been moving along pretty fast.
- b. **Safety & Service:** 11/3/21; Next 12/7/21 @ 5:00 pm Council Chamber
Went over projects. Crosswalk demonstration project update given as part of the Active Transportation Plan, moving forward with testing on bumping out curbs near crosswalks and looking at how that may affect traffic, zero cost to the village, voted 3-0 to move forward with LCATS conversation in the spring. Touched on Hartford water line. Moving the Sidewalk Replacement Program to January 2022.
- c. **Finance:** Met 11/1/21 Special; Next 11/16/2021 @ 5:00 pm Council Chamber

A special meeting was called for November 8, 2021 at 5:15 pm. The November 1st meeting was mainly work on budget, talked about asset value quotes from several companies as part of the move from village to city, decision being narrowed. Approved 3-0 to move forward with the Bed Tax Ordinance, using Upper Arlington's Ordinance, definition Ordinances on agenda tonight. Conversations on budget relative to projects. Ordinance on tonight to give all employees a \$1,000 additional payment as part of the ARPA funds from the COVID response.

Chief Haroon highlighted conversations regarding staffing and the possibility of dissolving dispatch in order to increase the amount of personnel in the form of police officers added; currently there are only two dispatchers working from a staff of five. It would be his plan to absorb the two existing employees within the staff structure of Johnstown so he wouldn't see that there would be layoffs, creating positions for them and then potentially adding a single officer in 2021 with a savings to the city at this point and then an addition officer in 2023. Chief Haroon discussed the way in which 911 calls are routed and that from a safety standpoint, how it would make sense to use the 911 center like most municipalities within Licking County already use. He said his goal is to maintain services and do what he can to create better services for the community and while maintaining those, increase staffing and do what he can to create a cost savings to the community. Mr. Lee said this proposal is not unique to Johnstown; Chief said we are one of two municipalities of this size left that have our own internal dispatching, everybody else within the county, with the exception of Heath uses the 911 center. Mr. Lee added it was important to note this was still within the consideration phase of the Finance Committee. Chief Haroon elaborated on some financial considerations relative to possible unionization. Mr. Block asked if Chief Haroon ever got a cost from the County; Chief said yes but his costs are estimated because the Sheriff's office has not really defined to him what a dispatched call for service is nor have they defined what the cost of a dispatched call for service is. Taking numbers he has heard and looking at our number of calls, depending on type, cost could be anywhere from \$23,214.00 to \$60,181.21; total cost of five dispatchers with current rate is \$173,908.80 annually, not including benefits. The addition of officers would be staged meaning he initially proposed a quarter two hire and a quarter four hire in order to offset costs.

- d. **Economic Development:** Met 10/7/21 updated last time; Next 11/4/21 @ 10:00 am Admin conference room. The November 4th meeting has been canceled
- e. **Park & Rec:** Met 10/14/21 updated last time; Next 11/18/21 @ 10:00 am Admin conference room
- f. **Tree Commission:** Met 10/26/21; Next 2/22/22 @ 5:00 pm Council Chamber
The last regularly scheduled meeting of 2021; met with a representative from an organization called 1500 Trees whose goal is to plant fifteen hundred trees within Licking County. The Tree Commission and 1500 Trees will be working together in the future to get more trees planted in Johnstown. Updated on the Arbor Day celebration and Tree City USA 2021, that application is due December 3rd, Ms. Klimchak will be working on that. Update provided on the Trailhead parking lot trees. Reviewed the Tree Preservation Ordinance currently tabled in Council and made some edits, will next go to Planning and

Zoning for review and their recommendation.

g. **Events Committee:** Met 10/26/21; Next TBD

Conversations on Fourth of July Fireworks 2022; event improvements and funding.

Mr. Lee added that he did attend the Licking County Transit Board meeting on October 20th; they approved their interim budget and there was a public comment from a resident who saw the front page Advocate article about our mobility grant application, the Build Back Better Grant, they were pleased and excited to see and wanted to know how the Transit Board was going to help with Johnstown and Jim Lenner and the great PR behind it; Mr. Lee said the Transit Board was very receptive of the positive feedback and sounded very encouraged that they would be happy to continue to facilitate any conversation going forward. Also conversation on Etch and the technology they are building. Mr. Lee said he left encouraged and excited.

9. Director Reports

a. Service: Street, Water, Wastewater

Jack Liggett reviewed reports for Street, Water and Sewer Departments.

Provided status of projects:

1. Water tower pedestal close to completion, next step to move in steel.
2. Benedict, Buena Vista, Upham and North Oregon have all been milled and repaved. Starting next week, replacement of the storm sewer on North Oregon will begin.
3. The stone Trailhead parking lot is scheduled to be paved this Friday.
4. Paving of South Oregon is scheduled for next Tuesday.
5. The new sixteen inch sanitary relief sewer on Jersey Street to relieve flooding on that sewer line during heavy rain events is completed and the line has been put in operation.

b. City Manager

Jim Lenner said much of his time has been spent on catching up things that were delayed during the grant application and then preparing to continue it. Mr. Lenner noted five hundred and twenty five other applications were submitted.

10. Tabled Legislation

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

ACTION:	Benjamin Lee moved to take from the table; Cheryl Robertson 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

Jim Lenner said the biggest changes are salary and agreement with the Police Department; inclusion of a Zoning Administrator; increased wage ranges for Utility Operator Class One, Utility Laborer and Utility Laborer with CDL. Jack Liggett said the Service Department is down three employees and he hopes this will encourage applicants. Staff recommends approval. Mr. Block asked if any of these wages have been implemented yet, Mr. Lenner said yes, one officer; it was noted that the increase was still within the range of the old wage scale ordinance.

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

ACTION: Ben 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

- b. **ORDINANCE 34-2021** AN ORDINANCE AMENDING CHAPTER 1183 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES
Ordinance to remain tabled.

11. Public Hearings of Legislation

- a. **ORDINANCE 43-2021** AN ORDINANCE AMENDING CHAPTER 1121 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES
October 5th Council passed an ordinance that conditionally allowed hotels in the GCC-1 district; at that time it was recommended that Planning and Zoning review the definition of hotels in section 1121 and make updates. That has been done and the Planning Commission has recommended that the definition of hotel be updated to better reflect the Ohio Revised Code which defines hotels based on five rooms; it also has recommended a new definition for Transient Accommodations to address the gap for facilities with zero to four rooms.

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

Mr. Lee noted these definitions are in line with definitions pulled from the Ohio Revised Code and also in line with the ordinance forthcoming on bed tax.

ACTION: Benjamin Lee moved to Approve; Mayor Dutcher seconded and the vote was as follows:
AYES: Mayor Dutcher, Carol Van Deest, Doug Lehner, Ben Lee, Cheryl

Robertson
NOES: Marvin Block
ABSTAIN: None

Passed 5 - 1

b. **ORDINANCE 44-2021** AN ORDINANCE AMENDING CHAPTERS 1155, 1157, 1167, 1169 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

Ms. Klimchak said this relates back to the previous ordinance, this would conditionally allow hotels and transient accommodations within GCC-1, GCC-2, Village Center and Village Commercial districts; also forwarded from Planning and Zoning.

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

Marvin Block said he thinks anything this important should have been advertised on the meeting agenda instead of being brought up at the end under other business.

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

Passed 5 - 1

c. **ORDINANCE 45-2021** AN ORDINANCE AMENDING CHAPTERS 1142, 1143, 1145, 1147, 1149, 1151 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

This ordinance prohibits hotels and transient accommodations in all residential districts within the city of Johnstown, that includes Rural Residential, SR-1, SR-2, UR-1, UR-2 and AR-1 districts.

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: Doug Lehner, Ben Lee, Cheryl Robertson, Mayor Dutcher, Carol Van Deest
NOES: Marvin Block
ABSTAIN: None

Passed 5 - 1

- d. **RESOLUTION 2021-46** A RESOLUTION AMENDING THE ESTABLISHED HOLIDAY SCHEDULE FOR WHICH THE JOHNSTOWN MUNICIPAL OFFICES WILL BE CLOSED FOR BUSINESS

An edit to the established holiday schedule for 2021.

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

ACTION: Cheryl Robertson moved to Approve; Doug Lehner 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

- e. **RESOLUTION 2021-47** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LOCAL WASTE SERVICES TO EXTEND THE CURRENT CONTRACT FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL REFUSE AND GARBAGE AND TO PROVIDE CURBSIDE COLLECTION OF RECYCLABLES IN THE CITY OF JOHNSTOWN

Mayor Dutcher said even with the slight increase, our residents will still be paying less than municipalities surrounding us; still offering recycling as an added service.

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

Mr. Block noted the no fuel surcharge; said that was a big deal.

ACTION: Doug Lehner moved to Approve; Marvin Block 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

- f. **RESOLUTION 2021-48** A RESOLUTION ACCEPTING OWNERSHIP AND MAINTENANCE RESPONSIBILITY FOR THE CROTON ROAD WATER LINE

The sixteen inch water main that Johnstown ran out to New Day Farms is installed, completed, has passed all final inspections and is in operation. Accepting the water line begins the one year maintenance warranty contract.

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

ACTION: Marvin Block moved to Approve; Doug Lehner 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

12. Introduction of Legislation

- a. **ORDINANCE 46-2021** AN ORDINANCE AMENDING ORDINANCE 34-20, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

This came out of Monday's Finance Committee meeting and discussion of the ARPA funds; committee approved giving a \$1,000 bonus to every employee. Dana Steffan said this does fall into one of the categories allowed.

Public Hearing November 16, 2021

13. Other Business

1. Mr. Lee asked if there had been any response from our reaching out to our partners with respect to the Western Licking County Accord. Mr. Lenner said has not had any conversations; he does have a phone call with New Albany Co. Friday morning.
- 2.

14. Executive Session to consider the employment of a public employee

Jim Lenner to join the Executive Session; there will be no action after.

ACTION: Benjamin Lee moved to enter Executive Session to consider the employment of a public employee, with Village Council and Jim Lenner; Cheryl Robertson 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

6 - 0

Entered Executive Session at 8:38 pm
Returned to Regular Session at 9:01 pm

15. Adjourn

With no further business, Mr. Lee moved to adjourn; Ms. Robertson seconded and the

meeting adjourned at 9:01 p.m.

Next Council Meeting November 16, 2021