



Regular Council
Tuesday, December 14, 2021 - 6:30 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the Village of Johnstown Regular Council Meeting for December 14, 2021 at 6:30 PM.

2. Roll Call

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

Absent - Carol Van Deest

Staff present - Jack Liggett - Interim City Manager, Abe Haroon - Chief of Police, Dana Steffan - Finance Director, Bailey Klimchak - City Planner, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present – Robert L. Reffitt, Jeff Barr, Linda Mash, Ron Mash, Logan Malone

3. Invocation - Mayor Dutcher

4. Pledge of Allegiance

5. Citizen comments on matters not on the agenda

Mayor Dutcher noted his absence last meeting, that he had COVID and has recovered and thanked all for concerns and care.

Public Comments:

1. Robert Reffitt; Alexandria

- His wife is a Johnstown dispatcher; he knows there has been talk of getting rid of dispatch and does not seem to be getting a straight answer on what is happening with employees who do not want to leave, are they just being fired, said she has been told a few things and he is just trying to find out what is happening. Jack Liggett answered that it would be clarified in Executive Session tonight and they would be notified tomorrow.

2. Logan Malone; Elm Street

- Said there was misunderstanding and some confusion on an application he submitted to the Planning Commission, for the old church property. Came tonight to get a straight answer about appeal and potential for application fee refund

Bailey Klimchak recapped the details of the application for Conditional Use; ultimately the application was denied. She added that the decision was not personal based on the application or the business, it was based on zoning and the repercussions a decision would have on future applications; the motion to approve the application failed 5-0. Ben Lee added that what was being requested by the applicant wouldn't fit within the specific context and having a commercial enterprise within a residential space is a slippery slope because of the precedence it would set. Mr. Malone questioned whether what he submitted was the appropriate application. Mr. Lee said any other way this could have come to Planning and Zoning likely would have had a similar outcome, and the fee for applications submitted generally go to staff review time, postage and general public notices. Jack Liggett said there is a right of appeal, Planner to verify the appeal process and notify. Mr. Lee added that the fee paid for the interpretation of what the code is and the manner in which the application is submitted and reviewed does not necessarily assure that it will be approved and that staff ensures that applications are put in in the most appropriate manner. Mayor Dutcher said this would be taken under advisement until January. Mr. Block asked Mr. Malone what was the difference in what he wanted to do versus what has been done there in the past. Mr. Malone said the only difference now is that he would be a for-profit business, not a church, it would have the same type of events. He said he is frustrated because no one (staff) he talked to gave him any negativity on this and if it was so black and white that this wasn't compatible with a residential area, he feels he could have known that months ago; there were no red flags until the meetings. He added that in the last three months they have done an extensive amount of work to the building and the property and have cleaned it up a lot, he has taken pride in restoring it and all he wants to do is use it. He respects the neighbors and hears their concerns, he said he was willing to get approval with conditions and was told that operating as a church there is nothing on the books that really controls what a church can do in that area, they can have weddings and outdoor events. There was some further discussion on building use and what Mr. Malone's plan was for the buildings. Mayor Dutcher added again that the Planner will do her research on the right of appeal and process and they would get back to Mr. Malone likely after the second meeting in January.

6. Council Committee reports

a. Planning & Zoning: Met 12/13/21; Next 1/25/22 @ 6:30 pm Council Chambers

Mr. Malone's Conditional Use application was the only thing considered.

b. Safety & Service: Met 12/7/21 updated last time; Next 1/4/22 @ 5:00 pm Council Chambers

No new updates

c. Finance: Special 12/14/21; Next 1/18/22 @ 5:00 pm Council Chambers

1. New Day will be short for the year on the contracted water usage amount, however it is

amicable to both New Day and the city; waste water is well over the contracted amount. Mr. Lee would like something in writing for that agreement; there was direction from council for Jack to write the letter stating this was a one time allowance.

2. ARPA funding; the state round three for infrastructure grant was for the third time not given for the Hartford water line project. Finance Committee voted 3-0 to inform all parties involved that Johnstown will not be moving forward with the project; a full council vote was taken.

ACTION: Benjamin Lee moved to deliver that information and move on from the Hartford water line conversation and deliver that news to the Fair Board and whoever else; Cheryl Robertson seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 6 - 0

Mr. Lee added that with the county ARPA funds, there was discussion in committees about putting in a request specific to Johnstown for funds for the sewer lining project. Finance committee is proposing that \$150,000 of city ARPA funds go toward a \$500,000 total project and ask county for \$350,000. Jack Liggett said an added expense not in those numbers is engineering which cannot be a part of the ARPA funds, he will have those numbers soon; money is available within the utility departments. Finance committee voted 3-0 in favor; a vote of full council was taken.

ACTION: Marvin Block moved to move forward; Mayor Dutcher seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 6 - 0

3. Build Back Better; Johnstown will not be getting a portion of the seventy-five million dollars requested for the mobility hub. Mr. Lee said there has been conversation to make sure the city is still vested in the vision and the project going forward; there will need to be additional conversation with the partners on where to go next from a funding perspective, but the question was asked. Committee voted 3-0 in favor of continuing support for the mobility hub, the vision going forward and keeping the dialogue open; a vote was taken by full council.

ACTION: Marvin Block moved that we continue on with the project; Ben Lee seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 6 - 0

4. SIB loan tied to the intersection project at Sportsmans Club and US62; Mr. Liggett explained how the project grew from 1.1 million to 1.8 million but did not include engineering, inspection, administration or right-of-way takes; the new project total is 2.6 million with 2 million coming from SIB loans that we would need to apply for. Mr. Lee said it is a zero interest loan for twenty years, Finance committee voted 3-0 in favor; a full council vote was taken.

ACTION: Benjamin Lee moved to Approve that Jack Liggett sign to apply and direct Hull Engineering to move forward with the application; Mayor Dutcher seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 6 - 0

5. Dana provided positive updates on Budget 2022 and where we are actualizing.

d. Economic Development: 12/2/21 cancelled; Next 1/6/22 @ 10:00 am Admin conference room

No new updates.

e. Events: Met 12/13/21

Events July 4th planning; working on day of timeline and events, advertising for food trucks is under way, discussion on fundraising. Next meeting January 24th to include the school and JYAA.

7. Director Reports

Chief Haroon gave a verbal review of 2021 department goals set and the progress made. He thanked Council for their support throughout the year.

a. Finance

Dana Steffan highlighted items in her report, it was noted that the numbers were as of November 30th and we have already gotten the good news which goes through December 31st; all income tax receipts are trending upward. The net profit loss was due to Coughlin.

8. Tabled Legislation - None

9. Public Hearings of Legislation

- a. **ORDINANCE 47-2021** AN ORDINANCE TO APPROVE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF JOHNSTOWN, LICKING COUNTY, STATE OF OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022

This is the City of Johnstown 2022 budget. Finance Director Dana Steffan highlighted items within the budget; noted that 2.6 million was budgeted in municipal income tax revenue, that is the highest ever budgeted since she has been here. \$60,000 is budgeted to go back into the Budget Stabilization fund. Have been able to realize extra money in CIP enabling us to do some extra CIP projects. Edwards Road is budgeted. Money to initiate the Leafy Dell and North Main traffic circle is budgeted. A new Ford F550 truck is budgeted to plow roads. Reviewed anticipated ending fund balances.

Public Hearing:

1. Jeff Barr - 181 S. Main St.

- Asked about the traffic circle at Leafy Dell and would that be a roundabout. Council answered yes, that is the intent. Mayor Dutcher said it is not due to be funded until 2025 because there are county and state funds involved but we have to start putting money aside. Jack Liggett said he thought design and engineering would start in 2025 and construction in 2026.

No further discussion of Council.

ACTION: Benjamin Lee moved to Approve Ordinance 47-2021; Cheryl Robertson seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 6 - 0

Mayor Dutcher thanked all for the passage of the budget, noted the city's great financial position and that our citizens can be proud.

- b. **ORDINANCE 50-2021** AN ORDINANCE ENACTING CHAPTER 194 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES TO ESTABLISH A TRANSIENT OCCUPANCY TAX

This creates a tax for Hotel/Motel lodging within Johnstown; the Ordinance is based on Upper Arlington's code.

Public Hearing:

1. Jeff Barr

- Asked when collected, where will the tax revenue go. Ms. Steffan answered that per Ohio Revised Code 5739.08a it will be deposited into the General Fund; subsection b of that code says fifty percent of that is deposited into Johnstown Visitors Bureau fund which is created by this ordinance and the rest will go into the General Fund.

Mr. Lee said he appreciated Ms. Steffan pulling this together.

ACTION: Cheryl Robertson moved to pass Ordinance 50-2021; Sharon Hendren seconded and the vote was as follows:
AYES: Sharon Hendren, Doug Lehner, Marvin Block, Ben Lee, Cheryl Robertson, Mayor Dutcher
NOES: None
ABSTAIN: None

Passed 6 - 0

- c. **RESOLUTION 2021-58** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR REIMBURSEMENT OF LEGAL COUNSEL FOR INDIGENT DEFENDANTS FOR THE CITY OF JOHNSTOWN, LICKING COUNTY, OHIO
As required by the County, this is passed annually for indigent defense charges.

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

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

Passed 6 - 0

- d. **RESOLUTION 2021-59** A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF JOHNSTOWN ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS CAPITAL IMPREVEMENTS FUND FOR THE OREGON STREET RECONSTRUCTION PHASE III PROJECT, CQ36X / CQ37X WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO

This is so Johnstown can get reimbursed from OPWC for funds that were expended on behalf of the Oregon Street reconstruction project.

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: Marvin Block, Ben Lee, Cheryl Robertson, Mayor Dutcher, Sharon Hendren, Doug Lehner
NOES: None
ABSTAIN: None

Passed 6 - 0

10. Introduction of Legislation - None

11. Other Business

1. Jack Liggett; has had some conversations with Pulte regarding a joint meeting between Pulte and the village and discussion of the roadway going through Alterra to the Wendy's light. The initial conversation was that Alterra was open to it. In his discussions with Pulte, if Johnstown wants them to, Pulte is willing to give money (amount unknown) in lieu of the light (at Bigelow) to strengthen and maintain the road through Alterra, however they do not want to be the ones to negotiate with Alterra how wide the road needs to be, how much the take would be etc. If Johnstown does not want to do that, they are compelled and know that they have responsibility for design and construction of a traffic light and proper exit from their development. Mr. Liggett asked if the Council had interest in a negotiation with Alterra (on road and exit at the Wendy's light); or get back with Pulte and have them go forward with the light and intersection work at Bigelow and get it to us for review. Council and staff discussion. Decision as step one is to contact Alterra to see if interest is still there, if so, step two would be that the city Engineer would need to be consulted for preliminary design cost, step three would be to go back to Pulte with the number.

2. Jack Liggett; update to Council that Redwood Homes is looking at another property in Johnstown (behind Denny Dotson) and will be meeting with staff tomorrow at 11:00 to discuss their plan for another apartment development.

12. Executive Session - To consider the employment of a public employee

Mayor Dutcher asked for a motion to enter Executive Session to consider the employment of a public employee and invited Jack Liggett, Teresa Monroe, Chief Haroon and Ryan Green to attend.

ACTION: Cheryl Robertson moved to move into Executive Session; Sharon Hendren seconded and the vote was as follows:
AYES: Mayor Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Ben Lee, Sharon Hendren
NOES: None
ABSTAIN: None

Passed 6 - 0

Executive Session began at 7:57 pm; Council returned to regular session at 8:40 pm

13. Executive Session - To consider the compensation of a public employee
Ryan Green and Teresa Monroe invited to attend.

ACTION: Ben Lee moved to enter Executive Session to consider the compensation of a public employee; Cheryl Robertson seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 6 - 0

Executive Session began at 8:41 pm; Council returned to regular session at 9:05 pm

ACTION: Benjamin Lee moved to Approve budget adjustments discussed: 1) To hire an additional full-time employee to be paid 25% from water and 75% from Sewer 2) A six percent raise for two employees. 3) Approval for two salary employees to work holiday for overtime pay 4) Approval to edit Jack Liggett's Interim Manager Agreement to start November 1; Doug Lehner seconded and all were in favor.

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

NOES: None

ABSTAIN: None

Passed 6 - 0

14. Adjourn

No further business; Mr. Lee moved to adjourn, Ms. Robertson seconded and all were in favor.

Meeting adjourned at 9:09 pm

Next Council Meeting January 4, 2022