



Regular Council
Tuesday, April 5, 2022 - 6:30 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the City of Johnstown Regular Council Meeting for April 5, 2022 at 6:34 PM.

2. Roll Call

Present - Mayor Chip Dutcher, Doug Lehner, Marvin Block, Benjamin Lee, Sharon Hendren, Ryan Green

Absent - None

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 - Walter Raub, Lewie Main, Glenn Ronken, David Cool, Jeff Lutz, Kevin Riffe, Aaron Steffan, Jim Dodderer

3. Invocation - Mr. Lee

4. Pledge of Allegiance

5. Action on Minutes

a. March 15, 2022 Special

ACTION: Benjamin Lee moved to Approve; Doug Lehner seconded and the vote was as follows:

AYES: Ryan Green, Doug Lehner, Marvin Block, Mayor Dutcher, Ben Lee, Sharon Hendren

NOES: None

ABSTAIN: None

Passed 6 - 0

b. March 15, 2022

ACTION: Benjamin Lee moved to Approve; Doug Lehner seconded and the vote was as follows:

AYES: Ryan Green, Doug Lehner, Marvin Block, Mayor Dutcher, Ben Lee, Sharon Hendren

NOES: None

ABSTAIN: None

Passed 6 - 0

c. March 25, 2022 Special; Work Session

ACTION: Doug Lehner moved to Approve; Sharon Hendren seconded and the vote was as follows:
AYES: Ryan Green, Doug Lehner, Marvin Block, Sharon Hendren
NOES: None
ABSTAIN: Chip Dutcher, Benjamin Lee (both due to absence)

Passed 4 – 0

6. Correspondence

a. Ohio Division of Liquor Control

No hearing requested for either permit.

b. Cheryl Robertson

Mayor Dutcher said that Cheryl Robertson was a great member of Council and that she would be missed. He thanked her for her service and her friendship and asked for a motion to accept Cheryl's resignation.

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

Passed 6 - 0

c. Benjamin Lee

Mayor Dutcher stated that Ben Lee's resignation is not effective until April 18th and that he would also like to keep his position on the Events Committee and if there is no objection from Council he is all for that.

Marvin Block said that a Chamber of Commerce has been discussed and asked Mr. Lee if he thought he could work with the Events Committee and try to get organizations in Johnstown, like Downtown Johnstown, to get them under one umbrella, a Chamber of Commerce and have them work together on events, with our support. Mr. Lee said ultimately that is where the goal would lie from a non-profit standpoint, which is why the intent was to build the Events Committee with a City Council foundation and backing but ultimately have it funded and run independently with Council representation. Added that going into the fireworks event year two is good, the committee met with Lindsey and Laney Shull about the festival parade to try and help bring efficiencies and broaden the scope of help.

Mayor Dutcher addressed Councilman Lee and told him that he has been a great member

of this Council and they will miss him. Mayor Dutcher asked for a motion. Ryan Green questioned Mr. Lee's resignation date and how it relates to appointing new members. Mayor Dutcher said by Ben holding off until the 18th, that gives Council an extra thirty days in case there are not enough applicants or they cannot come to a decision. Mr. Green said it would be odd if a Council member chose their successor; Mayor Dutcher said that is not what this is about.

ACTION: Sharon Hendren moved to accept Mr. Lees resignation; Marvin Block seconded and the vote was as follows:
AYES: Marvin Block, Mayor Dutcher, Sharon Hendren, Ryan Green, Doug Lehner
NOES: None
ABSTAIN: Benjamin Lee

Passed 5 - 0

7. Citizen comments on matters not on the agenda

1. Jeff Lutz; Jug Street

- Said the Intel project is a wake up call to look at where we are and how we got here
- In Georgia outside of Atlanta, they are faced with a similar situation, a different company where all of a sudden thousands of acres of farmland are being gobbled up with no input from those who live there. Like our situation, the environmental impact study is expected to be completed long after it is too late to stop anything. Continued reading a long statement not provided for the record.
- Ended with a list of questions:
 - How many houses has the New Albany cabal torn down in the last ten years and how many more are they planning to tear down in the next five?
 - What is the average price increase in homes in the area in the last couple years?
 - Why are schools agreeing to tax abatements and why do schools get to forgive taxes for some industries while making others pay the full load; who makes up the taxes that are abated?
 - Why does the New Albany cabal think it's ok to leave islands of homes surrounded by warehouses and factories, is it part of their coercion strategy to pressure people out?
 - Why did the Licking County Engineer/County Commissioners feel it was ok to pass resolutions giving the New Albany cabal control over roads with zero input from those residents affected; why did ODOT turn over road planning to the New Albany cabal?
 - Why does the New Albany cabal feel they do not have to answer Township Trustees, State Representatives, Johnstown City Council etc.
 - Why is the state contributing two billion dollars but not a dime to help those affected relocate; where are those families going to find as good a location?

2. Lewie Main; 132 N. Main St.

- Expressed sympathy for Ben and Cheryl leaving council, said they were great assets not only to Council but to the community.
- Suggests that in the absence of a newspaper, use the electronic sign on Tuesdays to promote city meetings for Council and Planning and Zoning.
- Regarding Intel; said that in support of New Albany and the homeowners that sold their property, it is their property and they have a right to do what they want to do.

Marvin Block responded to the first speaker regarding Intel, said that Johnstown has nothing to do with that, it surprised us as much as anybody else, that we only control what is inside the city limits and we cannot solicit for annexation. The project is here and we will have to make the best out of it and work with it. He agrees with what Lewie said about people and their farms and property, they get to do what they want with their own property.

Sharon Hendren said she would like to speak for the farmers; said they are not being forced to sell, they want to sell, they are tired of working that hard, they were offered good prices.

8. Council Committee reports

a. **Planning & Zoning:** Met 3/22/22; Next 4/12/22 @ 6:30 pm Council Chambers

A Variance application to allow an electronic sign in a UR district, in front of the Catholic church, was approved. A Variance application to decrease the required setback of a new gas station, the only setback they had a problem with was on their canopy, they needed enough room to allow trucks underneath the canopy; application was approved.

b. **Safety & Service:** 4/5/22; Next 5/4/22 @ 5:00 pm Council Chambers

As a part of the Mobility Hub project, the Etch app is ready for testing next month; the mobility hub concept is moving forward. Said that the wastewater treatment plant expansion project has a stream study that needs to be done to move the project forward. A company has been found to do it soon to keep the project moving forward at a \$50,000 cost. Committee voted 3-0 in favor of moving forward. Mr. Lee said the funding is there but the hope is that we can loop the funding into the larger project as a whole; ultimately it would come out of the bonded money earmarked for the wastewater project. There were no questions or further discussion and Mr. Lee asked for a vote of full Council to move forward.

ACTION: Benjamin Lee moved to move forward; Ryan Green seconded and the vote was as follows:

AYES: Mayor Dutcher, Ben Lee, Sharon Hendren, Ryan Green, Doug Lehner, Marvin Block

NOES: None

ABSTAIN: None

Passed 6 - 0

Mr. Lee added that the water side of things is moving along at a faster pace and we are at the point of design. The design piece with Jacobs Engineering is moving into phase two and the total project is being budgeted at \$14.5 million, the design piece is budgeted at \$1.2 million. It is being asked that we move forward with the project and the design phase. There is a little over \$1.2 million in the budget sitting in the leftover bonded money that we have earmarked toward the water expansion project appropriated for this year, similarly that would only be expended as plan B or C whereas this whole project is being looped into the greater ask to the powers that be who would fund something like this as a result of the developments happening here, in a regional sense. Knowing that we need to move forward and that we have the money to pay that regardless and knowing we need the design done anyway, committee voted 3-0 in favor of moving forward. There were no questions or further discussion and Mr. Lee asked for a vote of full Council to move forward.

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

Passed 6 - 0

Committee continued discussions on the Pulte traffic signal and the requirement to install at Bigelow and US 62 or pay money in lieu of for an alternative route. Jack Liggett said the city has been trying to get them to get their traffic and design cost into our engineers for review; to date this has not been done. Mr. Liggett said he has called an emergency meeting for Monday with Pulte, the City Law Director and the City Engineers to prompt them to get this to us. His goal for the meeting is to get a bond securing Johnstown for the cost of either way chosen; he said we will either secure a bond to cover the city interests or we will stop building permits until such time that the bond is in place. Mr. Lee said this conversation has been happening in multiple committees, in Planning and Zoning, Pulte representatives are on the record that they understand what the need and request is and communication has been steady between the city and Pulte representatives. The concern comes with the timing and that now they are at the end of what their buildout is, and we know what needs to be done with respect to the additional traffic coming out of that development. Committee was in favor of action to issue a stop build request if no agreement is reached on Monday. If an agreement is reached coming out of that meeting, that a deadline of Friday, end of business on the 15th be placed for receipt of the bond at the agreed upon level to the city. If not received, then a stop work request is initiated until bond is received. Mr. Lee said this is what committee deemed to be the last appropriate action we have to ensure that the agreements in place are still in place and are honored to the will of Council and the betterment of the community. Ryan Green agreed and said this was something brought up in zoning last year when their final phase was approved. Mr. Lee said the city has been very lenient with the timeline up to this point.

ACTION:	Marvin Block moved that Jack take a letter from council telling Pulte that if we do not come out of this meeting with an agreement, that
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building will be halted at 12:01 am on April 12th. A bond is needed by 5:00 pm April 15th for \$1.5 million dollars; Sharon Hendren seconded and the vote was as follows:

AYES: Sharon Hendren, Ryan Green, Doug Lehner, Marvin Block, Mayor Dutcher, Ben Lee

NOES: None

ABSTAIN: None

Passed 6 - 0

Mayor Dutcher provided updates:

1. Had a good meeting with the Ohio Department of Development last week and presented Johnstown's wish list to the State of Ohio. Preliminary listed projects included covering water and wastewater plant expansions, water line expansion, a number of road improvements, the Mobility Hub, recreation and park trails and some planning dollars. Mayor Dutcher said we are also looking at Federal dollars to help pay for these items. The word coming from the State of Ohio is that they will be doing everything they can to help us and he believes them.

2. A briefing to Johnstown businesses is being planned for Thursday morning April 21st with former State Representative Scott Ryan who now works for the State of Ohio Department of Development to be Licking County's eyes and ears on the Intel project. A panel will be present to provide information and answer questions. This event is by invitation, a public community wide event with a similar panel will be held in mid-May. Noted that official information on the Intel project has been posted on the city website to include publication of upcoming New Albany meetings.

3. ODOT will hold a meeting to present their preliminary transportation plan, he will continue to remind them not to forget Johnstown, that roads have two ends.

Mr. Lee said that Safety Service Committee continued discussion on Mayor's Court, Jack Liggett provided update. In previous meetings there have been discussions on whether or not to keep Mayor's Court; he believes the consensus right now is to keep Mayor's Court. Decisions will now need to be made on who will be the Clerk of Courts and where they will be housed. Mr. Liggett said the Chief has a desire to move the clerk and Mayor's Court business out of the police station, however there are logistical problems with that as the entire setup and much of the information the clerk would need has been set up in the police station. There is also a situation that the individual who is currently the Clerk of Mayor's Court has taken a position as a Johnstown Police Officer. Decisions will need to be made on that position and what to do about having someone in the police department lobby to handle walk-ins/calls etc. Chief Haroon added that if this employee were to be moved there would be expenses of new equipment for stationary items that could not be moved. He also has concern for the drug drop-off box which needs to be physically watched at all times.

c. **Finance:** Next 4/19/22 @ 5:00 pm Council Chambers

Mayor Dutcher said they hope to have new members for a quorum.

d. **Economic Development:** Met 4/1/22; Next 5/6/22 @ 9:00 am Admin conference room

Discussion on Intel and good discussion on economic development within the Johnstown community; talked about expansion of some businesses. Dunkin Donuts potentially coming along with an Urgent Care out by Kroger, and a Credit Union. Some discussion on CRA applications.

- e. **Park & Rec:** Next 4/19/22 @ 10:00 am Admin conference room
Have applied for a State grant through Representative Frazier, have also gotten commitment from Senator Hottinger to be put in the State Capital Budget request for a splash pad at Trailhead Park and an amphitheater.
- f. **Tree Commission:** Met 3/22/22; Next 4/26/22 @ 5:00 pm Council Chambers
- g. **Events Committee:** Met 3/22/22 and 3/24/22; TBD
Mayor Dutcher noted Ben Lee's interest in staying on the Events Committee; that they are glad for his interest and that he will continue to do that for Johnstown.
- h. **Design Review Board:** Next 4/12/22 @ 5:00 pm Council Chambers

9. Director Reports

- a. **Service: Street, Water, Wastewater**
Jack Liggett reviewed reports for water, sewer and street departments. Mr. Lee inquired about the pedestrian counter; Ms. Morlan updated on a repair made. Mr. Lee referenced sewer report and the GIS work and asked if there was any concern, or was it normal for it to be reported that a lot of the points collected were marked in the wrong location; this was done by a contracted entity. Jack Liggett said departments are working to make iWorQ more useable every day; said a lot of the manhole covers located were actually storm and were placed under sanitary; that Rick Fitch has done a good job working with them, at no charge, to get them separated, but it is taking staff hours. Also noted that they may be off five feet from where they should be, that is outside of the allowable distance they said it would be, again, staff working to check and make corrections. Ben Lee asked if that validation should be a function of the contract by the third party instead of having to expend manhours on the city side, with as tight as our labor is. With things being mislabeled and GIS coordinates being off by five feet it seems excessive to use our limited resources checking when this is a contracted service, it seems like they should be the one checking. Mr. Liggett said he could check the contract and try to get better answers talking with Rick Fitch.
- b. **Manager**
Jack Liggett provided updates:
 - Ready to sign the contract to start phase two of the water plant for design
 - The Duncan Plains water line that connects US 62 to the new commerce park has been designed and has been sent into the EPA for its PTI
 - As the weather warms up enough, the bowl for the new water tower will be painted and raised to the top of the tower and one step closer to getting it functioning.
 - As discussed earlier, the \$50,000 stream study will be done to complete phase one of the waste water treatment plant project so we will know what the plant design will be.

- The Edwards Road bid came in, notice of awards have been sent out, following will be pre-con meetings and then we can get a schedule for start of work. Johnstown's total expense on this is \$72,500.00; this is not a full depth repair, just mill and fill on top. Ohio Public Works (OPWC) is putting \$33,000 into this, Johnstown portion is \$39,000.
- The East Jersey project will be new pavement, new water lines and new sidewalks from SR 37 to the Trailhead; we received the OPWC award and will be bid out in May. We are currently getting work easements for sidewalk and tree work.

Sharon Hendren asked on behalf of a Concord Crossing resident, when the city would work on Concord Crossing streets. Mr. Liggett said as soon as Council gives him enough money to do it; a lot of those roads were on the re-sealing list but due to the price of oil, the cost went way up and they had to cut the list back, roads cut will be back on the list for next year. More hot patch will be used to continue to repair.

10. Tabled Legislation - None

11. Public Hearings of Legislation

- a. **RESOLUTION 2022-14** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION ROAD SALT CONTRACTS AWARDED IN 2022

ODOT is expecting a twenty percent increase in the price of road salt this year. With the money budgeted, the city will order 523 tons. Mr. Liggett said this is the first year we will have to pick up salting State Routes 62 and 37.

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

Mr. Lee asked what the comparative tonnage was from last year, Mr. Liggett said it is not so much about tonnage because that goes up and down, to handle this he increase the road salt budget. He is not purchasing as much as he would have liked, he hoped to get 600 ton.

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

Passed 6 - 0

12. Introduction of Legislation

- a. **ORDINANCE 05-2022** AN ORDINANCE AMENDING ORDINANCE 47-21, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

The contract with the Siekmans was approved, this appropriates the money to pay them.

Mayor Dutcher said the Siekmans would be presenting a detailed summary of their activities on Johnstown's behalf. Discussion of Council on the city project priority lists. Ryan Green said he was pleasantly surprised by the similarity of the list compiled by staff and the one discussed in their special work session; Mayor Dutcher said any differences could be added. Public Hearing on April 19, 2022.

- b. **ORDINANCE 06-2022** AN ORDINANCE AMENDING ORDINANCE 47-21, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

This is to appropriate the property and casualty insurance premium increase. Public Hearing on April 19, 2022.

13. Other Business

1. Ben Lee noted the community mental health and suicide prevention conversation last year. Would like to have another community event focusing on stress relief or something similar. Mr. Lee said he would volunteer his time.

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

ACTION: Benjamin Lee moved to enter Executive Session for the consideration of employment of a public employee, with City Council and Jack Liggett; Sharon Hendren seconded and the vote was as follows:

AYES: Ryan Green, Doug Lehner, Marvin Block, Mayor Dutcher, Ben Lee, Sharon Hendren

NOES: None

ABSTAIN: None

6 - 0

Council entered Executive Session at 8:15 pm. and returned to Regular Session at 9:20 pm.

15. Adjourn

With no further business, a motion and second to adjourn was carried at 9:20 pm.

Next Council Meeting April 19, 2022