



Regular Council Meeting
Tuesday, April 19, 2022 - 5:00 PM
AGENDA

1. Call to Order
2. New Council Member Swearing In
3. Roll Call
4. Invocation - Mayor Dutcher
5. Pledge of Allegiance
6. Executive Session to consider the Investigation of complaints against a public employee or official
7. Action on Minutes
 - a. April 5, 2022
8. Proclamation
 - a. Arbor Day 2022
9. Presentation: Horizon
10. Citizen comments on matters not on the agenda
11. Council Committee reports
 - a. **Planning & Zoning:** 4/12/22 cancelled; Next 4/26/22 @ 6:30 pm Council Chambers
 - b. **Safety & Service:** Met 4/5/22 updated last meeting; Next 5/4/22 @ 5:00 pm Council Chambers
 - c. **Finance:** 4/19/22 cancelled; Next 5/17/22 @ 5:00 pm Council Chambers
 - d. **Economic Development:** Met 4/1/22 updated last meeting; Next 5/6/22 @ 9:00 am Admin conference room
 - e. **Park & Rec:** Met 4/19/22; Next 5/17/22 @ 10:00 am Admin conference room
 - f. **Tree Commission:** Met 3/22/22 updated last meeting; Next 4/26/22 @ 5:00 pm Council Chambers
 - g. **Events Committee:** Next 5/19/22 @ 5:00 pm Admin conference room
 - h. **Design Review Board:** Met 4/12/22; Next 5/10/22 @ 5:00 pm Council Chambers
12. Director Reports
 - a. Finance Director
 - b. Chief of Police
13. Tabled Legislation

14. Public Hearings 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
- 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

15. Introduction of Legislation

- a. **ORDINANCE 07-2022** AN ORDINANCE AMENDING ORDINANCE 47-21, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS
- b. **ORDINANCE 08-2022** AN ORDINANCE AMENDING CHAPTER 1183 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

16. Other Business

- a. Utility Billing/Finance Software Discussion
- b. Community Reinvestment Area (“CRA”) program

17. Adjourn

Next Council Meeting WEDNESDAY, MAY 4, 2022 (Primary Election is Tuesday May 3rd)



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

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

Proclamation

ARBOR DAY 2022

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, the holiday, called Arbor Day, is now observed throughout the nation, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, 2022 marks the 150th anniversary of the tree planter's holiday,

Now Therefore, I, Chip Dutcher, Mayor of the City of Johnstown, do hereby proclaim **April 29, 2022** as **ARBOR DAY**. I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.



Charles Dutcher, Mayor
City of Johnstown
April 19, 2022



Bank / Account	Balance
Fifth Third Securities	7,207,072.42
Park General X9082	250,025.00
Park Payroll X9085	6,997.33
Water & Sewer X2587	347.24
Park Sweep X2608	6,247,192.04
Mayor's Court X9848	19,528.30
Total All Bank Accounts	13,731,162.33
Outstanding Checks	(41,511.62)
BALANCE PER BANK	13,689,650.71
Book Balance:	13,667,804.78
Variance:	(21,845.93)

Reconciling Items*Q1 Unbooked Investment Income*

Fifth/Third Securities	\$	14,922.52	<i>to be booked in May 2022</i>
Park National Bank	\$	1,008.71	<i>to be booked in May 2022</i>

Water & Sewer Variances:

Various posted receipts, did not clear bank	\$	(683.32)	<i>timing</i>
Various receipts cleared bank, did not post	\$	561.70	<i>timing</i>
Water Deposits posted, not received in bank	\$	(450.00)	<i>timing</i>

General Variances:

check clearing variances	\$	2.62
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Payroll Variances:

OPERS employee deductions, will clear bank in next month	\$	3,650.59	<i>timing</i>
OP&F employee deductions, will clear bank in next month	\$	2,845.88	<i>timing</i>
Various withholdings deducted, not yet paid	\$	(12.77)	<i>timing</i>

Sweep Account:

Excess funds are swept daily at midnight from these 2 accounts into the Sweep Account; they do not appear in the Sweep Account until several hours later, creating a timing difference at the end of each month for the last days' sweeps.

Water & Sewer	\$	-	<i>timing</i>
General	\$	-	<i>timing</i>

Total Reconciling Items	\$	21,845.93
<i>unidentified variance</i>	<i>\$</i>	<i>(0.00)</i>

	<u>Check No.</u>	<u>Check Amount</u>	<u>Check Date</u>
payroll	6122	\$150.00	3/18/2022
payroll	6121	\$222.32	3/18/2022
	15316	\$66.50	10/6/2021
	15444	\$74.48	11/8/2021
	15563	\$8.51	12/3/2021
	15565	\$117.50	12/3/2021
	15617	\$841.89	12/16/2021
	15690	\$100.40	1/11/2022
	15788	\$3,764.13	2/7/2022
	15844	\$160.25	2/25/2022
	15860	\$25.00	3/3/2022
	15889	\$25.00	3/3/2022
	15896	\$97.90	3/3/2022
	15940	\$67.53	3/24/2022
	15941	\$1,713.32	3/24/2022
	15943	\$27,577.50	3/24/2022
	15944	\$95.96	3/24/2022
	15945	\$255.00	3/24/2022
	15946	\$1,066.64	3/24/2022
	15947	\$10.00	3/24/2022
	15948	\$1,977.80	3/24/2022
	15949	\$522.95	3/24/2022
	15950	\$155.54	3/24/2022
	15951	\$2,415.50	3/24/2022

Total O/S Checks at 3/31/22:
\$41,511.62

	A	B	C	D	E	J
1	Village of Johnstown Financial Report Revenues					
2						
3						
4						
5	as of	3/31/2022				
6				2022	Actual	
7	A/C	Sub-Fund		Expected Revenues	Revenues	
8	1000	Real Estate Tax		\$ 320,000	\$ 176,706	55.22%
9	1000	Income Tax		\$ 2,600,000	\$ 562,627	21.64%
10	1000	Shared Taxes		\$ 105,150	\$ 17,957	17.08%
11	1000	Charges for Services		\$ 250	\$ 280	112.00%
12	1000	Permits, Fines, & Licenses		\$ 239,700	\$ 59,531	24.84%
13	1000	Interest		\$ 10,000	\$ -	0.00%
14	1000	Miscellaneous		\$ 28,000	\$ 23,750	84.82%
15	1000	Other Financing Sources		\$ 179,564.00	\$ -	
16	1000	Total General Fund		\$ 3,482,664	\$ 840,850	24.14%
17						
18	2011	Total Street Construction & Repair		\$ 531,640	\$ 91,137	17.14%
19						
20	2021	State Highway & Improvement		\$ 23,360	\$ 5,674	24.29%
21						
24	2901	Mayor's Court - Computer		\$ 1,000	\$ 250	25.00%
25						
26	2906	Restricted Police Grants		\$ 1,000	\$ 322	32.21%
27						
28	2907	Right-of-Way Fund		\$ 30,000	\$ 10,625	35.42%
29						
32	5101	Water Operating		\$ 750,375	\$ 194,604	25.93%
33						
34	5201	Sewer Operating		\$ 744,375	\$ 143,100	19.22%
35						
36	5701	Water Replacements & Improvements		\$ 533,000	\$ 165,348	31.02%
37						
38	5702	Sewer Replacements & Improvements		\$ 751,000	\$ 194,359	25.88%
39						
40	5721	Water Debt Service		\$ 492,000	\$ 142,634	28.99%
41						
42	5722	Sewer Debt Service		\$ 482,000	\$ 92,844	19.26%
43						
44	5781	Enterprise Deposit		\$ 50,000	\$ 13,795	27.59%
45						
48	9904	Mayor's Court		\$ 60,000	\$ 31,929	53.22%
49						
50		TOTAL ALL FUNDS		\$ 7,932,414	\$ 1,927,470	24.30%

	A	B	C	D	E	J
1	Village of Johnstown Financial Report					
2						
3	Expenditures					
4						
5	<i>as of</i>	3/31/2022				
6				2022	Actual	
7	A/C	Sub-Fund		Appropriations	Expenditures	
8	110	Police		\$ 1,389,479	\$ 307,491	22.13%
9	130	Street Lighting		\$ 65,000	\$ 9,615	14.79%
10	210	Public Health		\$ 20,000	\$ 9,193	45.96%
11	310	Recreation Department		\$ 72,925	\$ 190	0.26%
12	410	Zoning		\$ 177,659	\$ 27,898	15.70%
13	490	Economic Development		\$ 12,000	\$ -	0.00%
14	710	Administration		\$ 424,261	\$ 93,616	22.07%
15	715	Legislative Activities		\$ 129,165	\$ 23,622	18.29%
16	720	Mayors Court		\$ 103,809	\$ 18,616	17.93%
17	725	Finance Department		\$ 122,096	\$ 32,367	26.51%
18	730	Lands & Buildings		\$ 98,200	\$ 8,318	8.47%
19	740	County Auditor (Property Tax Collection)		\$ 6,000	\$ 3,699	61.65%
20	745	State Auditor		\$ 5,000	\$ -	0.00%
21	755/760	Income Tax Administration		\$ 75,000	\$ 16,483	21.98%
22		Other Uses of Funds & Transfers		\$ 993,500	\$ 156,732	15.78%
23	1000	Total General Fund		\$ 3,694,095	\$ 707,839	19.16%
24						
25		Street Maintenance & Repair				
26		Street Cleaning, Snow Removal				
27		Traffic Signs & Signals				
28		Sidewalks (Capital outlay)				
29	2011	Total Street Construction & Repair		\$ 617,312	\$ 132,517	21.47%
30						
31		State Highway Maintenance				
32		Street Cleaning, Snow & Removal				
33		Traffic Signs & Signals				
34	2021	State Highway & Improvement		\$ 36,000	\$ 5,435	15.10%
41						
42	2901	Mayor's Court Computer		\$ -	\$ -	#DIV/0!
45						
46	2903	Budget Stabilization Fund		\$ 10,000	\$ 10,000	100.00%
47						
52	2906	Restricted Police Grant Fund		\$ -	\$ -	#DIV/0!
53						
54	2907	Right of Way Fund		\$ 6,000	\$ -	0.00%
55						
56	2910	ARPA		\$ 238,751	\$ 26,987	11.30%
57						
60	4901	Capital Projects		\$ 744,799	\$ 188,761	25.34%
61						

	A	B	C	D	E	J
1	Village of Johnstown Financial Report					
2						
3	Expenditures					
4						
5	<i>as of</i>	<i>3/31/2022</i>				
6				2022	Actual	
7	A/C	Sub-Fund		Appropriations	Expenditures	
62	4902	Capital Projects - US62		\$ 153,400	\$ -	0.00%
63						
64	5101	Water Operating		\$ 887,115	\$ 285,395	32.17%
65						
66	5201	Sewer Operating		\$ 930,539	\$ 166,237	17.86%
67						
68	5701	Water Replacements & Improvements		\$ 2,115,539	\$ 622,422	29.42%
69						
70	5702	Sewer Replacements & Improvements		\$ 645,000	\$ 85,234	13.21%
71						
72	5721	Water Debt Service		\$ 391,000	\$ -	0.00%
73						
74	5722	Sewer Debt Service		\$ 479,000	\$ -	0.00%
75						
76	5781	Enterprise Deposit		\$ 48,000	\$ 266	0.55%
77						
80	9904	Mayor's Court		\$ 65,000	\$ 12,822	19.73%
81						
82		TOTAL ALL FUNDS		\$ 11,553,549	\$ 2,243,916	19.42%



Finance Director's Report to Council
March 15th, 2022

1. Tax Revenue. Total Income Tax revenue collected year-to-date through March was \$559,119. This represents 21.5% of 2022 Budgeted Income Tax revenue of \$2,600,000, and a 9.0% increase from 2021 YTD collections.

The largest source of the City's income tax revenue, withholding taxes (70%) derived from individuals working in Johnstown, increased 17.9%, individual returns decreased 3.7%, and business net profits decreased 28.6% as compared to the same period in 2021.

The table below illustrates the City's year-to-date income tax revenue by category from 2018 through 2022:

	2018	2019	2020	2021	2022
Withholding	\$ 264,036	\$ 303,661	\$ 308,369	\$ 331,892	\$ 391,186
Individual	\$ 142,114	\$ 176,793	\$ 157,980	\$ 154,745	\$ 149,008
Net Profit	\$ 14,700	\$ 32,775	\$ (504)	\$ 26,494	\$ 18,925
Total	\$ 420,850	\$ 513,228	\$ 465,845	\$ 513,131	\$ 559,119

Withholding taxes have increased every year since 2015; this can be attributed to an increase in the number of jobs and increased pay rates in Johnstown.

Individual income tax collections have decreased from 2021, however they have been fluctuating during the past 5 years. I expect this line to even out in comparison as the year moves forward and the year-to-date amount rounds out.

Net Profit revenue, as with Individual, is fluctuating. I will continue to monitor this category throughout the year.

2. Revenues and Expenditures. See attached spreadsheets for 2022 year-to-date revenue collections and expenditures.

Notes on Revenue:

General Fund – Real Estate Tax – Taxes are distributed from the County in March and October. \$176,706 or 55.2% was received in March. Total expected amount for the year is \$353,412, which is \$33k over budget.

General Fund, Shared Taxes – The revenue collected YTD is slightly less than the amount to keep us on par with the annual budget; I will monitor this line closely in 2022 and adjust as necessary.

General Fund, Permits, Fines & Licenses –Zoning permits collected through March are \$7,050 for new builds (24 new homes permitted), \$1,774 for miscellaneous zoning applications, and a \$17,200 application fee for a preliminary plot / lot split in Concord Crossing East. Revenue from court fines was \$21,638 YTD.

General Fund, Miscellaneous – \$22,972 was collected in March: 1) Ohio Municipal Joint Self Insurance Fund send a refund of \$9,564.00, and 2) Public Entities Pool of Ohio reimbursed the rental car charges on the City Manager’s vehicle claim.

General Fund, Other Financing Sources – This is for the second tranche payment from the ARPA Funds to be received in the late Spring/early Summer.

Water/Sewer Replacement & Improvements Funds are both slightly higher than expected due to the high number of homes (20 through March 31) paying tap & capacity fees this year. An additional four (4) home sites were assessed additional capacity fees of \$3,800 as these homes did not tap in under after the 2021 deadline. Monroe Township paid \$20,296 for tap/capacity fees on the new fire station. Bulk sewer hauling payments for New Day total \$32,011 so far this year.

Mayors Court Fund has collected 53% of the total annual budget. This is a pass-through fund; the revenues that are attributed to the City are transferred to the General and the Mayors Court Computer Funds.

Notes on Expense:

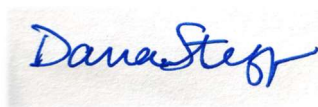
General Fund, Public Health is near 50% spent due to the semi-annual settlement and related deduction of these costs via the real estate tax distribution.

General Fund, County Auditor is near 50% spent due to the semi-annual settlement and related deduction of these costs via the real estate tax distribution.

Water Operating \$98,000 was paid in January for the scheduled annual maintenance on the existing water tower. This is driving up the YTD percentage spent disproportionately.

3. Conversion to GAAP Financials. I have been working with Julian & Grube and providing 2020 & 2021 accounting documents and will continue to do so throughout the coming weeks. The May 30 Filing Deadline has been extended to June 30.

Respectfully Submitted,



Dana Steffan, CPA
Finance & Human Resources Director



1813

JOHNSTOWN POLICE DEPARTMENT



REPORT

CHIEF'S

WELCOMES YOU
Established 1813

MARCH 2022

TRAINING

No in-person training for March 2022. In-person training will resume in April of 2022.

PoliceOne Academy training:

- Traffic Stops and Safety (one-hour.)

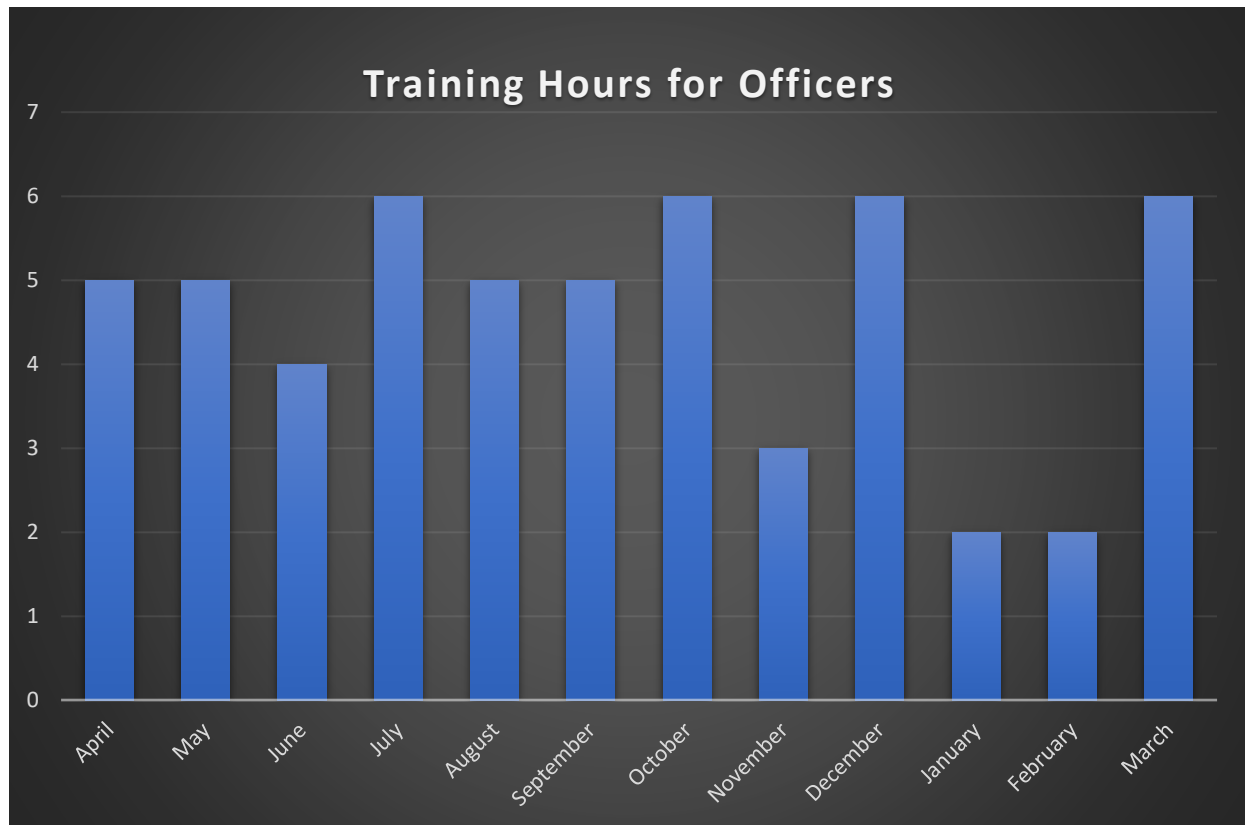
State-mandated continued professional training (CPT):

- All staff have started their required 24-hour state-mandated CPT training.

Officer Pacha completed in-person training in advance crisis intervention team (CIT) training for youth.

Officer Hargraves completed a crisis intervention team (CIT) training refresher course.

Sergeant Hatfield started the Public Safety Leadership Academy (PLSA) police leadership school.



2021 monthly mean: 5-hours monthly

MEDIA / SOCIAL MEDIA

Facebook (March 17, 2022– April 13, 2022)

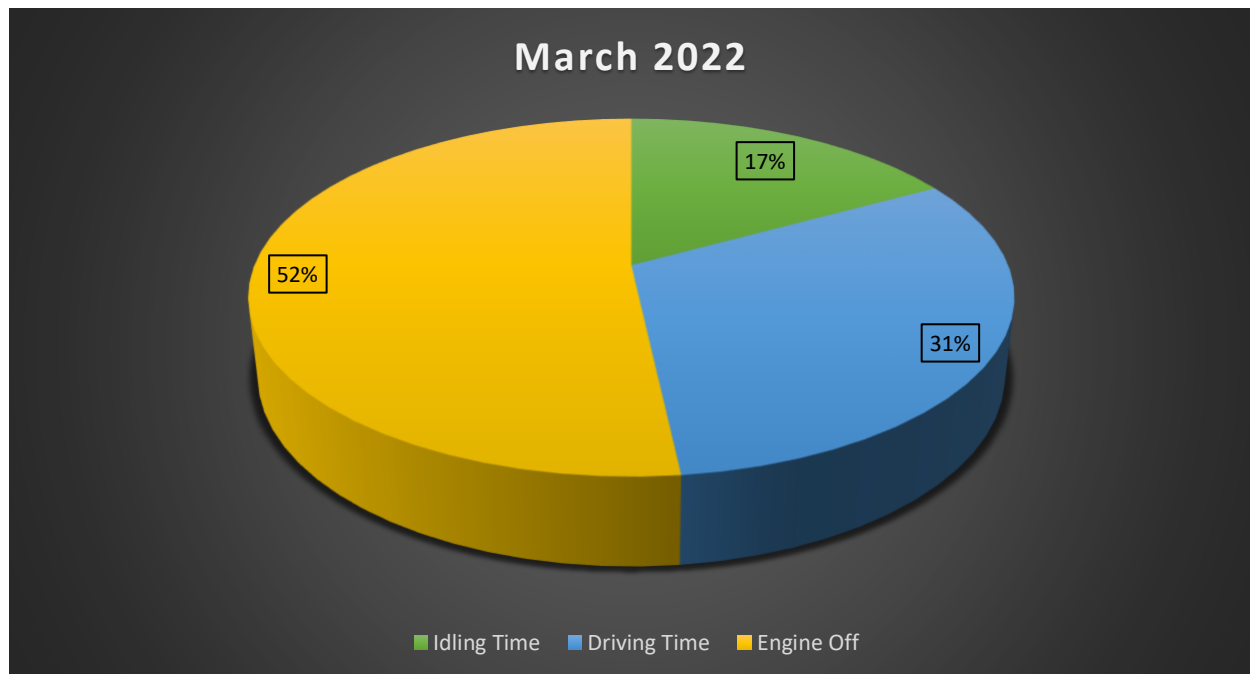
People reached: 72,986
Post engagements: 27,881
New Page Followers: 103

FLEET

All marked patrol cars drove a total of 7,149 miles within the City of Johnstown in March 22'.

The below pie graph illustrates how police cars are used in Johnstown. The Chief reviews the following information:

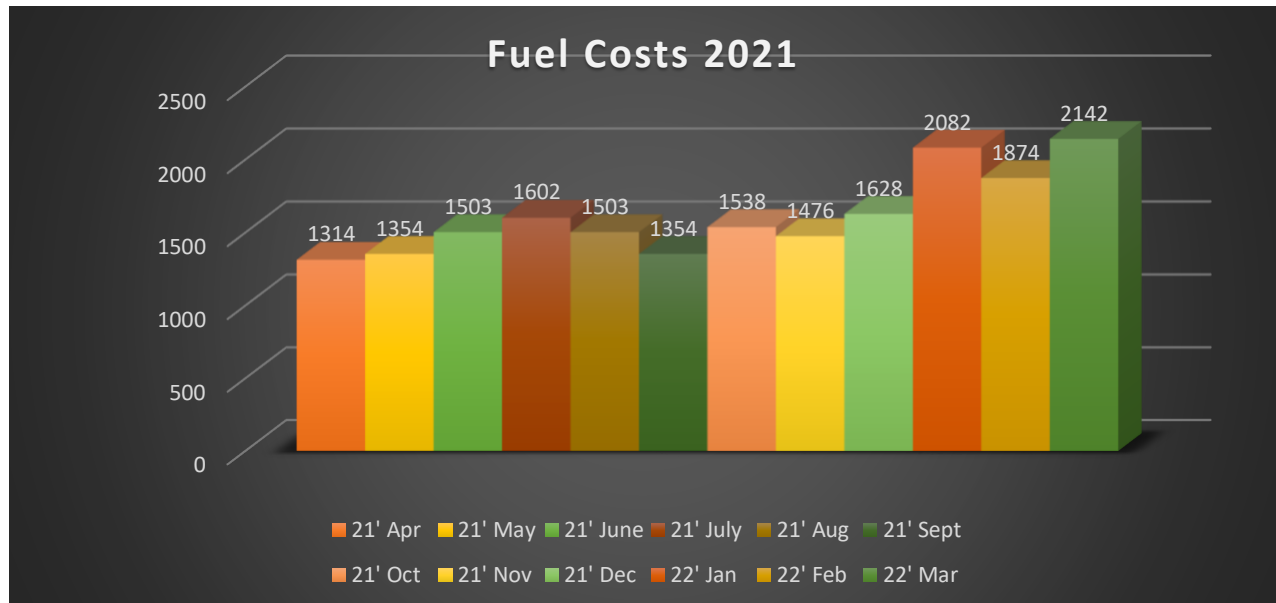
- | | | |
|---------------------------------------|---------|-------------|
| 1. How long are police cars idling | (Green) | @ 441 hrs. |
| 2. How long are police cars in motion | (Blue) | @ 813 hrs. |
| 3. How long are police care shut down | (Gold) | @ 1344 hrs. |



***Note idle time accounts for stops at traffic signals, vehicle stops, and service calls, etc. Anytime that a vehicle stops while running.

Police officers on patrol in March 22' drove an average of 2 hours and 21 minutes per a shift. Each patrol car stopped approximately 1711 times in March 22', and each patrol officer drove nearly 45 miles per a shift.

FUEL COST



2021 monthly average: \$1,344

2022 monthly average: \$2,033

566.87 gallons used in March 2022.

- End of Report

CITY OF JOHNSTOWN



ORDINANCE 05-2022

AN ORDINANCE AMENDING ORDINANCE 47-21, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

WHEREAS, the Council of the City of Johnstown adopted its annual appropriations for 2022 on December 14th, 2021; and

WHEREAS, the Council of the City of Johnstown does hereby desire to amend its appropriations to pay for the six-month contract with Siekman & Siekman that was entered into on February 15, 2022 at \$3,000.00 per month pursuant to Resolution 2022-10; and

WHEREAS, the net effect on the finances of the City of Johnstown will be **\$18,000.00** to the negative, and the Fund balances are sufficient to cover these appropriations.

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

Section One. That the appropriations for the General Fund that were set forth in Ordinance 47-21, adopted by the Council of the City of Johnstown, State of Ohio, on December 14, 2021, be hereby amended to read as follows:

Appropriations for General Fund 1000

Legislative Activities, Contractual Services		\$	18,000.00
NET EFFECT on General Fund 1000	(decrease)	\$	18,000.00

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 CITY OF JOHNSTOWN.

Date of Introduction: April 5th, 2022

Public Hearing/Vote: April 19th, 2022

Effective Date:

BY: _____

Mayor Chip Dutcher

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

CITY OF JOHNSTOWN



ORDINANCE 06-2022

AN ORDINANCE AMENDING ORDINANCE 47-21, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

WHEREAS, the Council of the City of Johnstown adopted its annual appropriations for 2022 on December 14th, 2021; and

WHEREAS, the Council of the City of Johnstown does hereby desire to amend its appropriations to pay the annual property and casualty insurance premium to the Public Entities Pool of Ohio; and

WHEREAS, the amount budgeted and appropriated for this annual premium was \$65,000, and the current price is \$70,026; and

WHEREAS, the net effect on the finances of the City of Johnstown will be **\$5,026.00** to the negative, and the Fund balances are sufficient to cover these appropriations.

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

Section One. That the appropriations for the General Fund that were set forth in Ordinance 47-21, adopted by the Council of the City of Johnstown, State of Ohio, on December 14, 2021, be hereby amended to read as follows:

Appropriations for General Fund 1000

<u>Lands & Buildings, Contractual Services</u>		\$	5,026.00
NET EFFECT on General Fund 1000	(decrease)	\$	5,026.00

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 CITY OF JOHNSTOWN.

Date of Introduction: April 5th, 2022
Public Hearing/Vote: April 19th, 2022
Effective Date:

BY: _____

Mayor Chip Dutcher

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



ORDINANCE 07-2022

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

WHEREAS, the Council of the City of Johnstown adopted its annual appropriations for 2022 on December 14th, 2021; and

WHEREAS, the Council of the City of Johnstown does hereby desire to amend its appropriations to pay additional engineering fees, money may be transferred from various funds; and

WHEREAS, the Council of the City of Johnstown does hereby desire to amend its appropriations to pay additional costs for Sewer line repairs along Payne Street; and

WHEREAS, the Council of the City of Johnstown does hereby desire to amend its appropriations to pay additional costs for a truck to be used by the Sewer Department; and

WHEREAS, the net effect on the finances of the City of Johnstown will be **\$41,000.00** to the negative, and the Fund balances are sufficient to cover these appropriations.

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

Section One. That the transfers and appropriations for the General and the Sewer Replacement & Improvements Funds that were set forth in Ordinance 47-21, adopted by the Council of the City of Johnstown, State of Ohio, on December 14, 2021, be hereby amended to read as follows:

Transfers:

OUT: General Fund, Police Dept., Contractual Services (<i>dispatching services</i>)	(\$ 60,000.00)
IN: General Fund, Admin Offices, Contractual Services (<i>engineering</i>)	\$ 60,000.00
OUT: General Fund, Admin Offices, Personnel Costs (<i>CM Salary 50%</i>)	(\$ 19,856.50)
OUT: Water Ops Fund, Personnel Costs (<i>CM Salary 50%</i>)	(\$ 10,003.50)
OUT: Sewer Ops Fund, Personnel Costs (<i>CM Salary 50%</i>)	(\$ 10,003.50)
IN: General Fund, Admin Offices, Contractual Services (<i>engineering</i>)	\$ 39,863.50

Appropriations:

General Fund, Police Dept, Contractual Services (<i>dispatch fees</i>)	(\$ 60,000.00)
General Fund, Admin Offices, Contractual Services (<i>engineering</i>)	\$ 99,863.50
NET EFFECT on Fund 1000	\$ 0 *
Sewer Replacement & Imprv Fund, Capital outlay (<i>Payne St sewerline</i>)	\$ 32,000.00
Sewer Replacement & Imprv Fund, Capital outlay (<i>add'l cost truck</i>)	\$ 9,000.00
NET EFFECT on Fund 5702	(decrease) \$ 41,000.00

**\$39,863.50 was previously budgeted as personnel costs in the 2022 Budget, however since personnel costs are not required to be appropriated, the change herein will increase the total appropriations, while not decreasing the Fund balance. Therefore, the net effect on the General Fund is \$0.*

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 CITY OF JOHNSTOWN.

Date of Introduction: April 19th, 2022

Public Hearing/Vote: May 4th, 2022

Effective Date:

BY: _____

Mayor Chip Dutcher

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

CITY OF JOHNSTOWN



ORDINANCE 08-2022

AN ORDINANCE AMENDING CHAPTER 1183 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapter 1183 of the City of Johnstown Codified Ordinances (the “Codified Ordinances”) governs landscaping in the City of Johnstown; and

WHEREAS, The City of Johnstown established tree preservation rules to promote public health, safety, and general welfare of all residents and visitors in 2021; and

WHEREAS, the Sixth Circuit of the United States Courts of Appeals issued an opinion at the end of 2021 which required Johnstown make edits to the tree preservation rules; and

WHEREAS, at the March 22, 2022 meeting, the Tree Commission reviewed the recommended edits and voted 4-0 in favor of forwarding this Ordinance to City Council for consideration; and

WHEREAS, after review, the Council of the City of Johnstown desires to amend Codified Ordinance Chapter 1183 Contents.

NOW THEREFORE, be it ordained by the Council of the CITY 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 City Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this City 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 CITY OF JOHNSTOWN.

Date of Introduction: April 19, 2022

Public Hearing/Vote: May 3, 2022

Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

CHAPTER 1183

Landscaping

1183.01 Purpose

1183.02 Definitions

1183.03 Preservation of natural features

1183.04 Preservation of Trees and Wooded Area ~~Street-tree requirements~~

1183.05 Tree Removal Permit ~~Landscaping-screening~~

1183.06 Tree Replacement ~~Parking lot landscaping~~

1183.07 Procedure ~~Landscape materials~~

1183.08 Street tree requirements ~~Wet and dry stormwater basins~~

1183.09 Landscaping screening ~~Undesirable species~~

1183.10 Parking lot landscaping ~~Fences~~

1183.11 Landscape materials

1183.12 Wet and dry stormwater basins

1183.13 Undesirable species

1183.14 Fences

1183.99 Penalty

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. This section is intended to specifically encourage the preservation and replacement of major or canopy trees removed in the course of a project to:

- a. Prevent Erosion;
- b. Maintain Site Lines;
- c. Prevent Water Runoff;
- d. Maintain Air Quality;
- e. Provide Shade Coverage; and
- f. Maintain Wildlife Habitats;-
- g. Reduce Noise Pollution; and
- h. Reduce Glare for Public Safety.

1183.02 DEFINITIONS

As utilized in this section, the following words and phrases shall have the meaning ascribed herein:

- a. "Affected Property" means a property where major or canopy trees are proposed for removal or removed.
- b. "Caliper" is the diameter of the trunk of trees measured in inches at breast height, or four and one half feet above ground.

- c. "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.
- d. "Crown" means the upper mass or head of a tree.
- e. "Cultivar" means a cultivated variety of plant material grown for its special form and characteristics.
- f. "Heavily Wooded Site" means a site which has an existing tree canopy coverage prior to development of forty percent (40%) or greater.
- g. "Landscaping" means the use of trees, shrubs, grass, ground covers and other plant materials.
- h. "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.
- i. "Natural Vegetation Areas" means areas existing on a property when a Project is being developed, contemplated, planned, or carried out that contain naturally occurring grasses, mosses, flowers, or other vegetation, but excluding trees.
- j. "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.
- k. "Project" means any action(s) that will change the physical features of a property, including but not limited to: landscaping, excavation, or construction.
- l. "Property" can mean either a single-family lot or an entire development property for a subdivision as long as such property is related to one Project.
- m. "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.
- n. "Two Growing Seasons" means two full summer seasons, with summer ending on September 30 of every year.

1183.03 PRESERVATION OF NATURAL FEATURES

(a) Landscape Architect shall approve areas 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.

a.04 RESERVATION OF TREES AND WOODED AREAS

- a) All major or canopy trees shall be preserved unless exempted or subject to a tree removal permit. ~~as follows: †~~ The City Landscape Architect may approve a tree removal permit for the cutting down, removal or destruction of a major or canopy 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 from natural causes.
 5. The tree is an undesirable species in its present location.
 6. The tree needs to be removed as part of a project on the property.
- 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 should~~ all be laid out to avoid the unnecessary destruction of heavily wooded areas or ~~major or canopy trees~~ outstanding tree specimens. ~~Property owners~~ Developers of land are encouraged to designate heavily wooded areas as park reserves where possible.

1183.05 TREE REMOVAL PERMIT

- a. Prior to the removal of any major or canopy tree, a property owner shall apply, and be approved for, a tree removal permit.
- b. An application for a tree removal permit shall be submitted no later than 60 days prior to any proposed tree removal to the City Landscape Architect and shall contain the following information:
 1. The name and contact information for the applicant and/or their designee for the permitting process;
 2. The address of the affected property;
 3. A map outlining the trees on the affected property with designations for those proposed for removal, except for heavily wooded sites where the City Landscape Architect may waive this requirement and require an ariel photo instead; and
 4. An overview listing the trees proposed for removal including their genus, species, location on the property, and health status as: healthy, diseased, damaged, or dead;
 5. Any other information that the applicant would like the City Landscape Architect to consider with respect to the mitigation of effects of the environmental degradation from the proposed tree removal.
- c. The City Landscape Architect, or designee, shall review the application information and conduct a site visit to the affected property to determine, under generally accepted arborist practices, the impacts that the project will have on the affected property and the surrounding area as it relates to the factors outlined in Section 1183.01 or any other factors deemed environmentally important by the City Landscape Architect for the particular affected property.
- d. The City Landscape Architect will provide the applicant with a report detailing the number of trees that are likely to mitigate the effects of the proposed tree removal.

- e. Any granted tree removal permit to conditioned upon compliance with Section 1183.06.

1183.065 TREE REPLACEMENT

- a) If a tree removal permit has been granted for~~During the course of development of a property~~single lot or a subdivision, excepting for heavily wooded sites, the property developer or owner shall comply with one of the following procedures: 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:
- ~~Major trees having a trunk diameter up to twelve inches are to be replaced on a two-for-one basis;~~
- ~~Major trees having a trunk diameter of twelve inches up to eighteen inches are to be replaced on a three-for-one basis;~~
- ~~Major trees having a trunk diameter of eighteen inches up to twenty-four inches are to be replaced on a four-for-one basis;~~
- ~~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~~
- ~~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.~~
- ~~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 [Equation] r^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.~~
- ~~The requirement for tree canopy coverage shall be considered as being in addition to any other landscaping required.~~
13. Affected Property Tree Replacement: Within one year of the project being completed on the affected property, the property owner shall plant replacement trees in the quantity specified under Section 1183.05(d) on the affected property. 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.~~
2. Surrounding Property Tree Replacement: If replacing all major or canopy trees on the affected property would not be feasible, in the City Landscape Architect's sole discretion, the property owner may elect to replace the trees in the quantity outlined in Section 1183.05(d) on a surrounding area property. The City

Landscape Architect shall determine whether a proposed property is close enough in proximity to the affected property to be considered a surrounding property such that the effects of the removed tree(s) can be remedied at that location.

3. Tree Replacement Fee: e)–Where it is impractical or not feasible, in the City Landscape Architect’s sole discretion, to replace all of the trees on the affected property or a surrounding property 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:

Replace as many trees as is practical on the affected lot;

Replace as many trees as is practical within this affected subdivision phase;

Replace as many trees as is practical within the affected subdivision;

For those trees that cannot be replaced through steps one through three the property owner shall pay a tree replacement fee above, the developer or owner shall be required to replace the trees elsewhere in the City; or to

Pay a fee per tree in accordance with the Memorial Tree Fund adopted by the City Council. The Memorial Tree Fund is used to support the City's effort to plant and replace trees. The calculated cost will be an amount sufficient to replace the number of trees required to remedy the effects of tree removal as determined in Section 1183.05(d) plus will cover both the tree and the cost of planting such trees.

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.

a. Any replacement trees shall have a trunk diameter at planting of at least three inches, measured six inches above the ground level.

cd) Failure to replace a major or canopy tree as required as required by subsection (a) or a canopy tree as required by subsection (b) hereunder this Section f within one year of the project’s completion for which of the approval of the tree removal permit application referred to in Section 1183.05 was granted4 is a violation of the Codified Ordinance, subject to the penalties described in Section 1183.99.

1183.076 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 their~~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 City Landscape Architect, 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 City Landscape Architect shall ~~eiapprther~~ approve or disapprove a landscape plan for any conditional use permit, subdivision plat, development plan or site plan application.
- c) The City Landscape Architect 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 City Landscape Architect, the applicant may agree to moderm ~~theirhis~~ 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 City Landscape Architect. An applicant may appeal a decision of the City Landscape Architect disapproving ~~theirhis~~ landscaping plan to the Planning and Zoning Commission. Notice of appeal must be filed with the City Clerk within 15 days after the decision of the City Landscape Architect is ~~provided~~ to the applicant.
- 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.

1183.087 STREET TREE REQUIREMENTS

In order to receive a zoning certificate, a variance, a conditional use permit, subdivision plat approval, development plan approval or site plan approval tThe planting of trees along roadways for all new development shall be required in accordance with ~~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 CityVillage 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 1183.1409 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 property 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 CityVillage, or any licensed utility, shall have the right to₂ but will not be required to₂ 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_{3,7} 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.)

1183.098 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.)

1183.1009 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.)

1183.110 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.)

1183.121 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 an 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 CityVillage 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 CityVillage 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 CityVillage Manager or theirhis designee. In the case of a time extension, a performance bond must be provided to the CityVillage 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.)

1183.132 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.)

1183.143 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.