



Regular Council Meeting
Wednesday, May 4, 2022 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation - Ms. Hendren
4. Pledge of Allegiance
5. Presentation - Woolpert
6. Update - Siekman & Siekman
7. Action on Minutes
 - a. April 18, 2022 Special meeting
 - b. April 19, 2022 Regular meeting
8. Citizen comments on matters not on the agenda
9. Council Committee reports
 - a. **Planning & Zoning:** Met 4/26/22; Next 5/10/22 @ 6:30 pm Council Chambers
 - b. **Safety & Service:** 5/4/22; Next 6/7/22 @ 5:00 pm Council Chambers
 - c. Finance: Next 5/17/22 @ 5:00 pm Council Chambers
 - d. **Economic Development:** Next 5/6/22 @ 10:00 am Admin conference room
 - e. **Park & Rec:** Next 5/17/22 @ 10:00 am Admin conference room
 - f. **Tree Commission:** Met 4/26/22; Next 5/24/22 @ 5:00 pm Council Chambers
 - g. **Events Committee:** Next 5/19/22 @ 5:00pm Admin conference room
10. Director Reports
 - a. Service Departments: Street, Water, Wastewater
 - b. City Manager
11. Tabled Legislation - None
12. Public Hearings 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
 - c. **RESOLUTION 2022-15** A RESOLUTION TO APPOINT THE PRESIDENT OF COUNCIL
 - d. **RESOLUTION 2022-16** A RESOLUTION TO APPOINT COUNCIL COMMITTEE MEMBER VACANCIES

13. Introduction of Legislation

- a. **ORDINANCE 09-2022** AN ORDINANCE AMENDING ORDINANCE 47-21, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

14. Other Business

- 15. Executive Session to consider the Investigation of complaints against a public employee or official
- 16. Executive Session to consider the appointment and compensation of a public employee
- 17. Adjourn

Next Council Meeting May 17, 2022



Special Council
Monday, April 18, 2022 - 5:00 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the City of Johnstown Special Council Meeting for April 18, 2022 at 5:05 PM.

2. Roll Call

Present – Mayor Chip Dutcher, Ryan Green, Doug Lehner, Marvin Block, Sharon Hendren
Absent - None

Staff present - Teresa Monroe - Clerk of Council

Public present - Gary Burkholder, Steven Dyer, Sam Stewart, Jack Nimesheim, Jeff Barr, Franz Stein, Don Barnard, Walter Raub, Tiffany Miller, Josh Harrison

3. Executive Session to Consider the Appointment of a Public Official

ACTION: Marvin Block moved to enter Executive Session to consider the appointment of a public official; Doug Lehner seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 5 - 0

Council entered Executive Session at 5:10 pm and returned to Regular Session at 8:23 pm

ACTION: Mayor Dutcher moved to appoint Donald Barnard and Jon Merriman to the vacant council seats; Sharon Hendren seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 5 - 0

Council addressed Steve Dyer noting that he mentioned Planning and Zoning a couple of times in the interview and asked Mr. Dyer if he had interest in being on the Planning Commission. Mr. Dyer said yes.

Council accepted Jon Merriman's resignation from the Planning Commission.

ACTION: Marvin Block moved to appoint Steve Dyer to the Zoning Board; Sharon Hendren seconded and the vote was as follows:
AYES: Doug Lehner, Marvin Block, Mayor Dutcher, Sharon Hendren, Ryan Green
NOES: None
ABSTAIN: None

Passed 5 - 0

4. Other Business
No further business.

5. Adjourn

ACTION: Doug Lehner moved to Adjourn; Marvin Block seconded and all were in favor.
AYES: Mayor Dutcher, Doug Lehner, Marvin Block, Sharon Hendren, Ryan Green
NOES: None
ABSTAIN: None

Passed 5 - 0

Meeting adjourned at 8:29 p.m.

Next Council Meeting April 19, 2022



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

1. Call to Order

Mayor Chip Dutcher called to Order the City of Johnstown Regular Council Meeting for April 19, 2022 at 5:04 PM.

2. New Council Member Swearing In

Jonathon Merriman and Donald Barnard took the Oath of Office and were sworn in to the Office of Council member by Mayor Chip Dutcher. Mr. Merriman and Mr. Barnard are filling unexpired terms ending December 31, 2023.

3. Roll Call

Present - Mayor Chip Dutcher, Doug Lehner, Marvin Block, Sharon Hendren, Ryan Green, Donald Barnard, Jon Merriman
Absent - None

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

Public present – JP West, Brian Riley, Tom Hart, Dave Douglas, Aaron Steffan, David Cool, Matt Callahan, James Estep, Chuck Booher, Jack Nimesheim, Lewie Main, Sean Stanearth, Walter Raub

4. Invocation - Mayor Dutcher

5. Pledge of Allegiance

6. Executive Session to consider the Investigation of complaints against a public employee or official

ACTION: Sharon Hendren moved to enter Executive Session to consider the investigation of complaints against a public employee or official; Doug Lehner seconded and the vote was as follows:

AYES: Donald Barnard, Jon Merriman, Ryan Green, Marvin Block, Mayor Dutcher, Doug Lehner, Sharon Hendren

NOES: None

ABSTAIN: None

Passed 7 - 0

Council entered Executive Session at 5:10 p.m. and returned to Regular Session at 7:32 p.m.

7. Action on Minutes

Vision Statement: The City of Johnstown is dedicated to providing a secure community environment that fosters cultural, recreational, educational and economic opportunities while preserving our unique historical character

a. April 5, 2022

ACTION: Doug Lehner moved to Approve as written; Sharon Hendren seconded and the vote was as follows:
AYES: Ryan Green, Marvin Block, Mayor Dutcher, Doug Lehner, Sharon Hendren
NOES: None
ABSTAIN: Don Barnard, Jon Merriman - both due to absence

Passed 5 - 0

8. Proclamation

a. Arbor Day 2022

Mayor Dutcher has issued a Proclamation for Arbor Day 2022 being celebrated April 29th. Johnstown became a Tree City USA municipality two years ago and the Mayor said the proclamation urges everyone to support and be mindful of our trees.

9. Presentation: Horizon

Mayor Dutcher said the city has been working with Horizon for the last year and a half to bring Johnstown faster internet and technology improvements. JP West, Vice President of business development at Horizon and Brian Riley who oversees the fiber to the premises business unit, attended to give an overview on providing fiber/broadband connection to the city and its residents. Horizon began one hundred and twenty-seven years ago and is headquartered in Chillicothe and Columbus, Ohio and is the major fiber provider in the area with a network operations center in Columbus. Horizon is an ILEC and a CLEC and initially began serving large customers such as hospitals who needed more reliable service; they have expanded and now serve community homes and businesses. The infrastructure would be a mixture of underground and above-ground, depending on the area.

Mayor Dutcher said this is a great way to bring competition and a better service to residents than what is currently offered.

10. Citizen comments on matters not on the agenda

1. David Cool; Leafy Dell Condos; 108 Maple Leaf Drive

- Provided history on the Coughlin property and declarations
- Says the proposed plan for the new apartments will not fit
- Current plan is a severe departure from what was initially planned
- Ask for a special meeting with zoning

2. Tom Hart / Matt Callahan Pulte Homes

Summarized a letter presented for the record

- It is their intent to submit an \$800,000 bond for the traffic light, under protest
- They do dispute the amount of the bond. They have not seen engineering to back up that amount.
- This must have engineering, improvements cannot be made on a guess.
- Asked Council to refrain from cashing the bond until the engineering estimates are solidified and agreed to with the city
- Asks the city to be cautious about asking for improvements not related to that intersection
- Asks the city to stop threats of stop work orders that would affect their homebuyers, contract and their vested development rights
- They do not dispute the requirement for the light
- Said that at no time did Pulte seek to get out of the responsibility
- They will continue to work with the city on the improvements
- Provided a copy of the unsigned bond

Jack Liggett confirmed everything that Mr. Hart said and added that upon receipt of the official signed bond, he would like to lift the stop work order.

11. Council Committee reports

- Planning & Zoning:** 4/12/22 cancelled; Next 4/26/22 @ 6:30 pm Council Chambers
- Safety & Service:** Met 4/5/22 updated last meeting; Next 5/4/22 @ 5:00 pm Council Chambers
- Finance:** 4/19/22 cancelled; Next 5/17/22 @ 5:00 pm Council Chambers
- Economic Development:** Met 4/1/22 updated last meeting; Next 5/6/22 @ 9:00 am Admin conference room
- Park & Rec:** Met 4/19/22; Next 5/17/22 @ 10:00 am Admin conference room
Staff provided Trailhead Park updates: State Capital Budget requests for the Splash pad and amphitheater have been given, hope to find out in May whether or not projects will be included in the budget. Downtown Johnstown's Springfest event on the square is June 18th.
- Tree Commission:** Met 3/22/22 updated last meeting; Next 4/26/22 @ 5:00 pm Council Chambers
- Events Committee:** Next 5/19/22 @ 5:00 pm Admin conference room
- Design Review Board:** Met 4/12/22; Next 5/10/22 @ 5:00 pm Council Chambers

12. Director Reports

- a. Finance Director
Dana Steffan highlighted items in her report included in the packet.
- b. Chief of Police
Chief Haroon reviewed his report included in the packet. Ryan Green asked about crime stats; the Chief said he is waiting on the County for access to CAD. Our system and theirs need to be merged.

13. Tabled Legislation - None

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
Ryan Green asks how to measure ROI; Mayor Dutcher said the Siekmans plan to attend an upcoming meeting to provide Council with a report of action items and outcomes.

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

ACTION: Chip Dutcher moved to Approve; Doug Lehner seconded and the vote was as follows:

AYES: Jon Merriman, Ryan Green, Marvin Block, Mayor Dutcher, Doug Lehner, Sharon Hendren, Donald Barnard

NOES: None

ABSTAIN: None

Passed 7 - 0

- 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
The annual property and casualty insurance premium exceeded the amount budgeted due to a review of assets coming in.

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

ACTION: Doug Lehner moved to Approve; Sharon Hendren seconded and the vote was as follows:

AYES: Ryan Green, Marvin Block, Mayor Dutcher, Doug Lehner, Sharon Hendren, Donald Barnard, Jon Merriman

NOES: None

ABSTAIN: None

Passed 7 - 0

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

Costs budgeted for salaries on personnel no longer with the city are being moved to engineering. Public Hearing May 4, 2022

- b. **ORDINANCE 08-2022** AN ORDINANCE AMENDING CHAPTER 1183 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

Edits to the city Tree Preservation Ordinance. Public Hearing May 4, 2022

16. Other Business

- a. Utility Billing/Finance Software Discussion

Money was approved in the budget for the Software Solutions upgrade, Jack Liggett said he would like clarification on whether or not Council desires to move forward. Discussion on questions still outstanding; Mayor Dutcher said the contract maintenance fee cost is particularly high and they are still awaiting input on current server capability versus cloud storage needs. Mr. Block said he spoke to the Law Director and that according to the Charter this is not a professional service, it is a commodity and should be bid out, there are questions on getting specifications. Decision to have some specifications created and a plan for bid.

- b. Community Reinvestment Area ("CRA") program

Short discussion; Mayor Dutcher said CRA applications will continue to be accepted, the city will continue to use CRA's as a tool.

c. Sharon Hendren asked if council was going to discuss an assistant for Jack (Liggett) tonight. Mayor Dutcher said not that he knew of but was not opposed to having a discussion about it. Marvin Block said he would like to see Jack (stay as Manager) for a year with Sean Steanart as an assistant for a year to get things in order and then start a search for a "suit". Mr. Block said that Sean is up to par on a lot of things going on around here and thinks he would be a good candidate to help Jack. Ms. Hendren said she suggests we go ahead with it because Jack needs help and Sean could hit the floor running. Ms. Hendren moved that council select Sean as an assistant to Jack. Mr. Barnard asked if Sean was currently on the city payroll, Mayor Dutcher said no. Mr. Barnard confirmed that this would be hiring someone from the public to take the position. Mr. Green asked if it would be typical to meet and put together a compensation package first, not that he against this but wants to have all the ducks in a row. Mr. Block said they had agreed on a price if council agreed on it. Mayor Dutcher asked when this was discussed and was it in a public meeting. Mr. Block said no, it was discussed in general conversation. Jack Liggett said that discussion on hiring a village employee and setting up terms probably should be done in an Executive Session to get the groundwork laid out, then the action would happen. Mayor Dutcher asked if there was a position description, a salary

range in mind, a benefits package, all of those questions should be answered. Ms. Hendren said they pretty much have been. Members of council asked by who, Mr. Block said just talked in general to bring to council. Mayor Dutcher said he does not have a problem bringing it to council, he has a problem with that it seems to have been discussed with some members of council and not with others. Mr. Block said he thinks other things have been discussed like that too, but he thought he had had discussed it with him. Mayor Dutcher said he wants to have the description, term, duties etc. in place before it is brought before council to make this decision. Mr. Barnard asked if there was money in the budget for it, Mayor Dutcher said yes. Mr. Green said he knows there has been casual conversation about it and he is not opposed to it, there have been a lot of names thrown around, so he thinks they should come together on it and talk about creating the position and compensation. A meeting will be scheduled by council to continue conversations.

17. Adjourn

Mayor Dutcher welcomed the two new council members and said he hoped they have enjoyed the first night of many long nights.

ACTION:	Sharon Hendren moved to Adjourn; Ryan Green seconded and all were in favor.
AYES:	Mayor Dutcher, Doug Lehner, Marvin Block, Sharon Hendren, Ryan Green, Donald Barnard, Jon Merriman
NOES:	None
ABSTAIN:	None

Passed 7 - 0

The meeting adjourned at 9:07 pm

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



Street Department Report

April 2022

CITY OF JOHNSTOWN, OHIO

City of Johnstown
Administrative Offices



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

Misc.

- Equipment maintenance
- Street Lights
 - (4) lights switched over to LED bulbs
- Seed and straw areas where work has been done

Street Maintenance

- Cold patching holes
- Sign repair and straightening
- Installed 3 new signs
- Street sweeping
- 50ft of Curb repaired

Water Maintenance

- Assisted in water shut-offs
- 1 water service repair
- 1 Curb box have been reset

Stormwater Maintenance

- Storm inlet cleaning
- 5 Catch Basin repairs

Park Maintenance

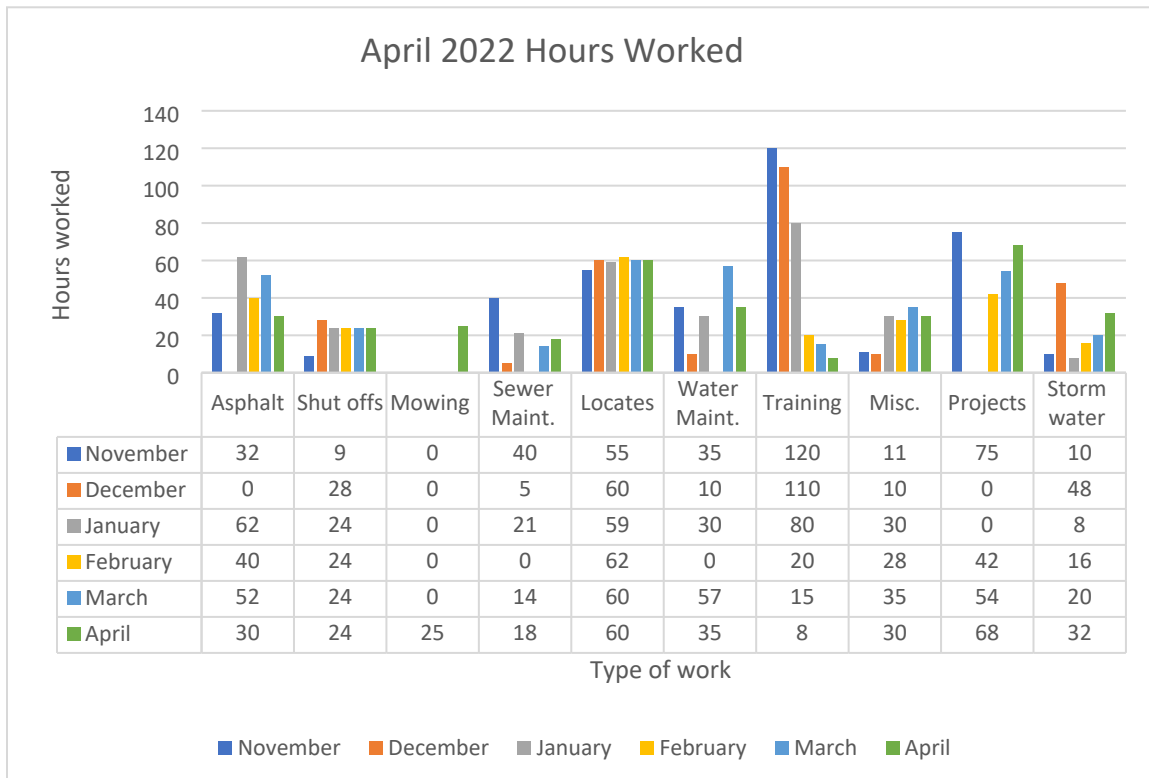
- Trash pickup (weekly)
- Trail head toilet checked and cleaned (weekly)
- Mowing and trimming (weekly)
- Installed new fence at trail head park
- Planted 4 trees

Training

- Vac truck demo

Sewer Maintenance

- Hauling of sewer sludge
- 2 Sewer main repairs



Vac Truck Demo



Trail

Head park fence



Before



After

Date	Dept.	Equipment	Mileage	Repair Type	Parts Costs	Labor Hours	Vendor Comparable Costs	Condition	Tools Purchased	Tools Needed
4/1/22	Water	F-150	73,474	Rear end noise + Battery+ LOF	\$185.00	3.00	\$425.00	Good		Lift + Metric Allen set
4/4/22	Street	Scag 1	1,747	Blades sharpen	\$0.00	0.50	\$30.00	Good		
4/4/22	Water	scag 2	1,414	Blades sharpen	\$0.00	0.50	\$30.00	good		
4/4/22	Waste Water	Scag 3	1,770	Blades sharpen	\$0.00	0.50	\$30.00	Good		
4/5/22	Street	F-250	??	Fuel tank issue	\$89.00	2.50	\$225.00	Old and rusty		Lift
4/6/22	Water	Crown Vic	125,000	Front end control arms + Brakes / Sway bushings / LOF + Alignment	\$725.00	7.50	\$2,275.00	Old/Solid with no paint	Duane's Tools	LIFT
4/7/22	Water	Vic	125,000	Continue						Lift
4/8/22	Water	Vic	125,000	Continue						Lift
4/11/22	Street	Kubota mower	550	Install new fuel filters , Bleed and test	\$27.00	2.00	\$225.00	Good HD		
4/12/22	Admin			Update U worx		2.00				
4/12/22	Street	Scag 1	1,747	Finish Hyd	\$23.00	0.80	\$75.00	Good		
4/13/22	Street	Truck 3 F-550	27,244	Repair wiring	\$0.00	2.50	\$180.00	Good		Lift
4/14/22	Water	Loader	2,011	Mobile Inspect Brake cable and lube again	\$0.00	2.30	\$250.00	Good		
4/18/22	Street	F-550	38,215	Plow truck /Noise in front end/ Found many issues. All H/D Front axle u-joints, Hub + Wheel bearings/ Front Brakes / Transmission pan rusted thru and leaking	\$1,800.00	12.00	\$4,500.00	Good - Frame very rusty	Duane's Tools	LIFT LIFT

4/19/22	Street	F-350		Exhaust		1.90				
4/21/22	Street	F-550		Continue						
4/22/22	Water	F-550		Continue						
				Back from body shop with check engine light on. DL Scaned.Avoidance issues. Will need to go back to K-ceps before anyone drives it.						
4/25/22	Street	SUV			\$0.00	1.00	\$80.00	Good	Duane's tool	
4/25/22	Street	Truck 4	38,215	Continue	\$0.00					Lift
4/26/22	Street	Truck 4	38,215	Continue	\$0.00					Lift
				Drill out broken bolts. Re-attach head and screen						
4/27/22	Street	PUMP Motor			\$0.00	1.00	\$50.00	Good	Duane's tools	
4/27/22	Street	Truck 4	38,215	Continue		2.90		Good		:ift
4/28/22	Street	Truck 4	38,215	Replace HD U-joints in axles	\$0.00	2.00	\$35.00	Good	Duane's tools	Lift
4/29/22	Admin	Month report		Also pick up truck axles	\$0.00	4.00				
		TOTALS			\$2,849.00	48.90	\$8,410.00			



April 2022

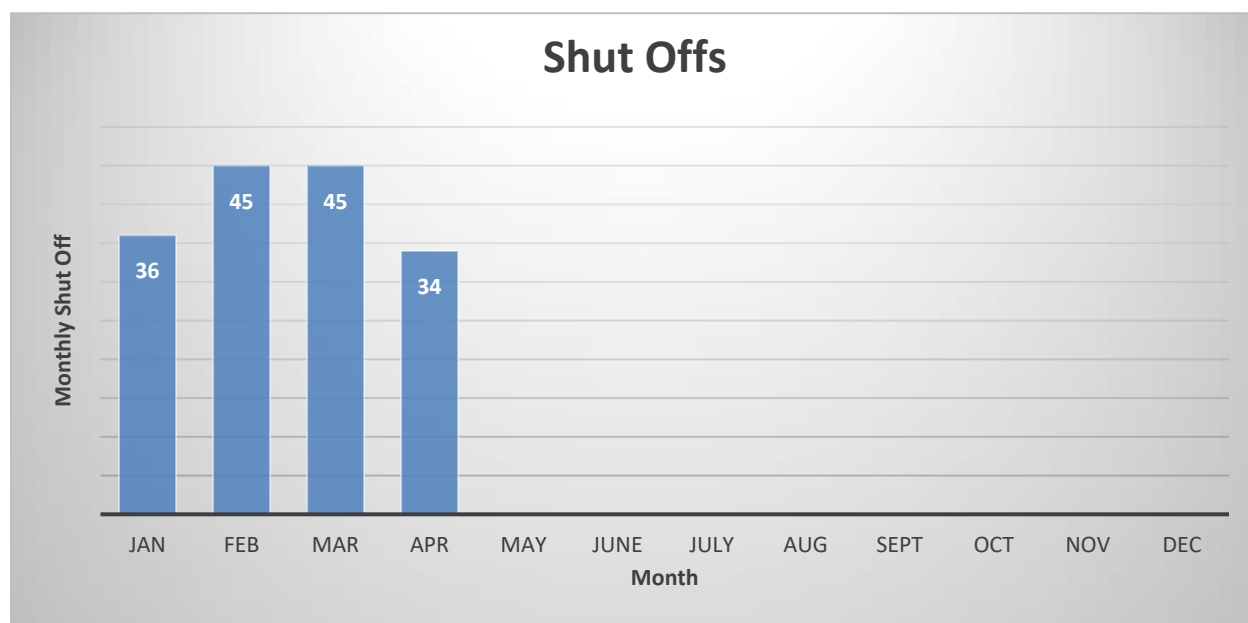
Water Council Report



Water Plant April 2022

- 1) As of April 28th, the flow is 18.977 MG.
- 2) Worked on shut offs.
- 3) Worked on work-orders.
- 4) Mowed Grass.
- 5) Switched lime feeder #2 to lime feeder #1 and cleaned #2 lime feeder.
- 6) The Water Plant staff completed 5 hours of training.
- 7) Terry Nichols participated in Webinars conducted by AWWA.

Thank you,
Terry Nichols
Chief Water Operator
City of Johnstown



Water Plant Daily Tap Test Results

Date	PH	Phenol Alkalinity	Total Alkalinity	Total Hardness	Free Chlorine
Apr-01	8.0	0	52	148	1.12
Apr-02	8.0	0	50	148	1.12
Apr-03	8.1	0	46	145	0.61
Apr-04	7.9	0	51	156	1.08
Apr-05	8.2	0	50	148	1.06
Apr-06	8.0	0	52	149	1.03
Apr-07	8.2	0	52	146	0.99
Apr-08	8.2	0	51	150	0.93
Apr-09	8.4	1	71	172	0.97
Apr-10	8.0	0	50	149	0.87
Apr-11	8.1	0	51	150	0.96
Apr-12	7.9	0	50	148	1.06
Apr-13	8.2	0	50	150	0.91
Apr-14	8.1	0	48	146	0.95
Apr-15	8.1	0	50	148	0.96
Apr-16	8.2	0	78	180	1.02
Apr-17	8.0	0	47	148	0.88
Apr-18	8.0	0	50	150	1.08
Apr-19	7.9	0	52	150	1.01
Apr-20	8.0	0	52	151	1.00
Apr-21	8.0	0	52	150	0.96
Apr-22	8.1	0	51	152	0.93
Apr-23	8.0	0	53	150	1.03
Apr-24	8.2	0	50	150	0.65
Apr-25	8.1	0	51	148	0.90
Apr-26	7.9	0	48	148	1.05
Apr-27	8.0	0	50	150	1.00
Apr-28	8.0	0	52	151	1.04
Apr-29					
Apr-30					

Treatment Parameters Goals

pH: 7.8 – 8.5

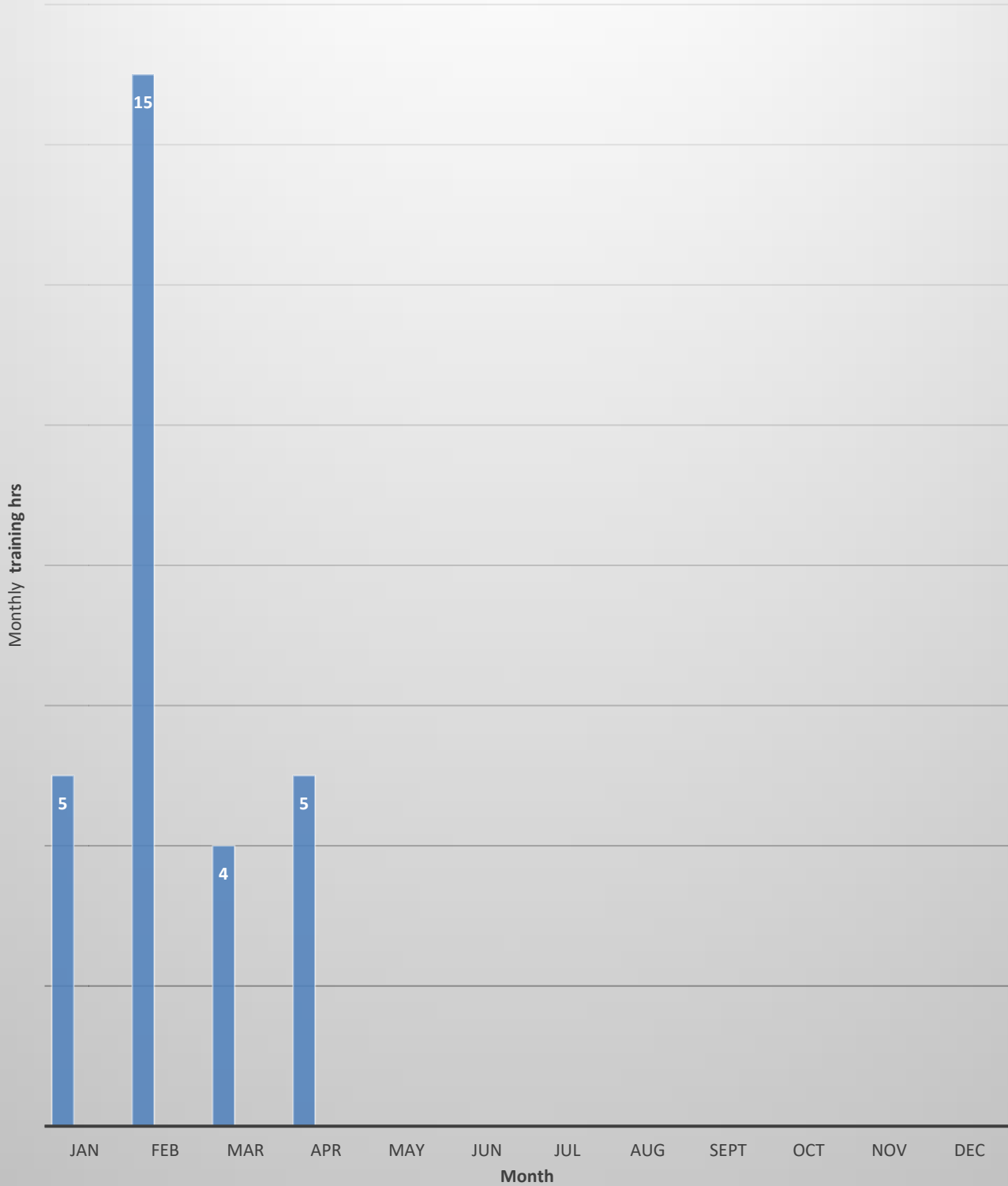
Phenol Alkalinity: 0-2 mg/L

Total Alkalinity: 35-55 mg/L

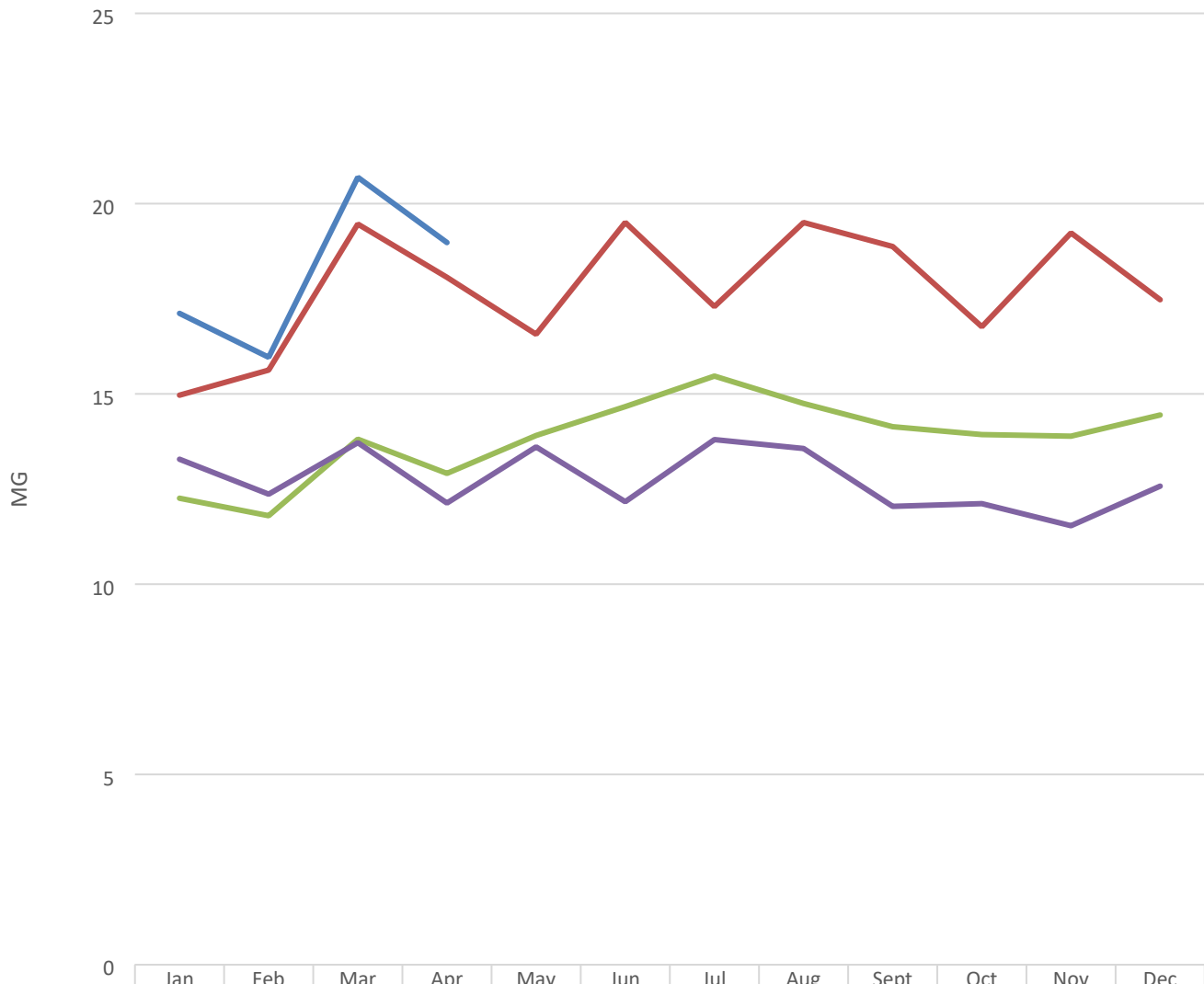
Hardness: 135 – 150 mg/L (Higher hardness is due to running # 2 L.S. well pulling water from deeper part of the aquifer)

Free Chlorine: 0.85-1.10 mg/L

Training Hours



Monthly Influent MG



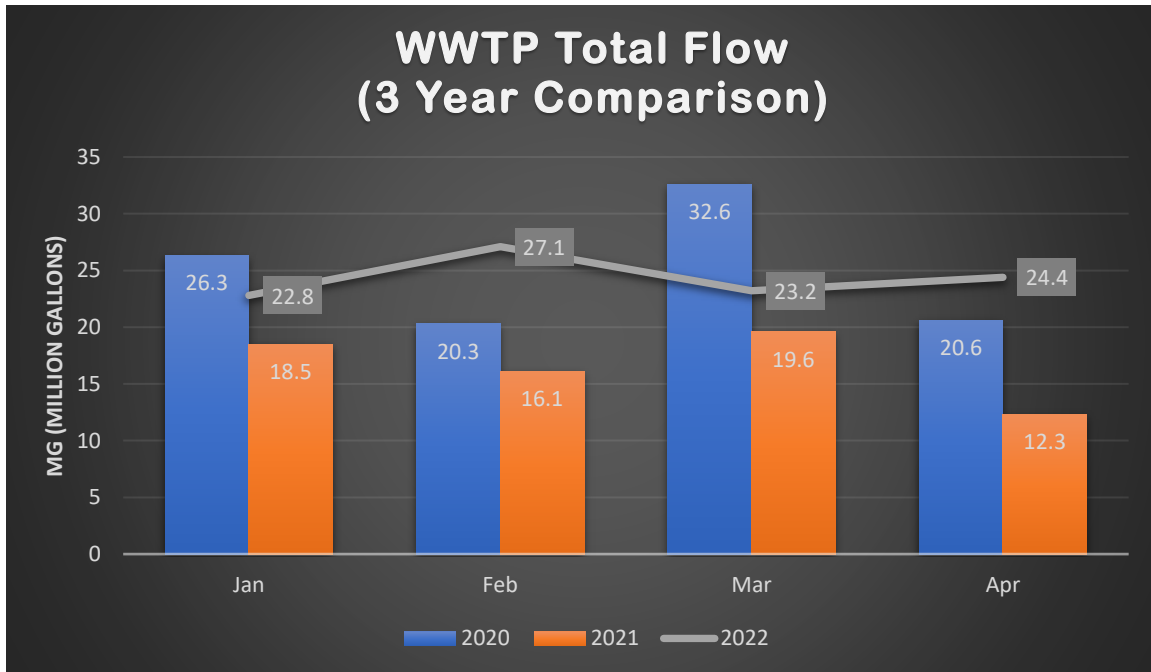
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2022	17.116	15.962	20.692	18.977								
2021	14.966	15.626	19.463	18.063	16.567	19.506	17.295	19.504	18.873	16.765	19.23	17.475
2020	12.258	11.799	13.81	12.911	13.907	14.666	15.468	14.748	14.138	13.931	13.889	14.446
2019	13.283	12.365	13.718	12.132	13.607	12.167	13.799	13.565	12.045	12.116	11.536	12.576

Months

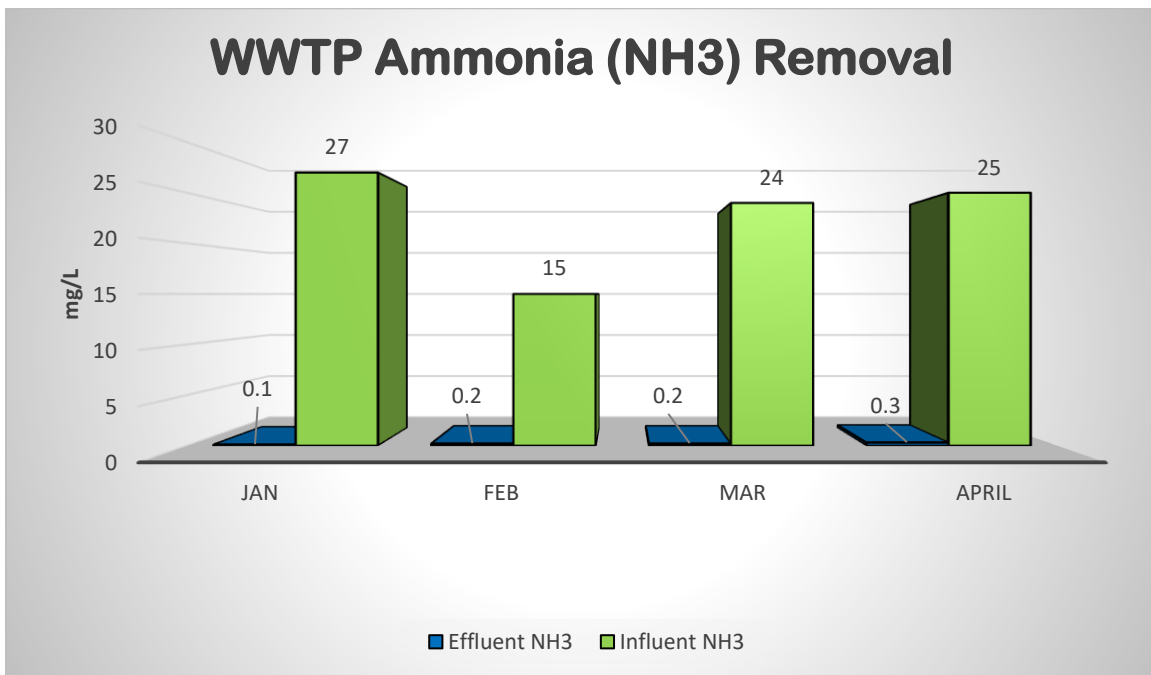


April 2022

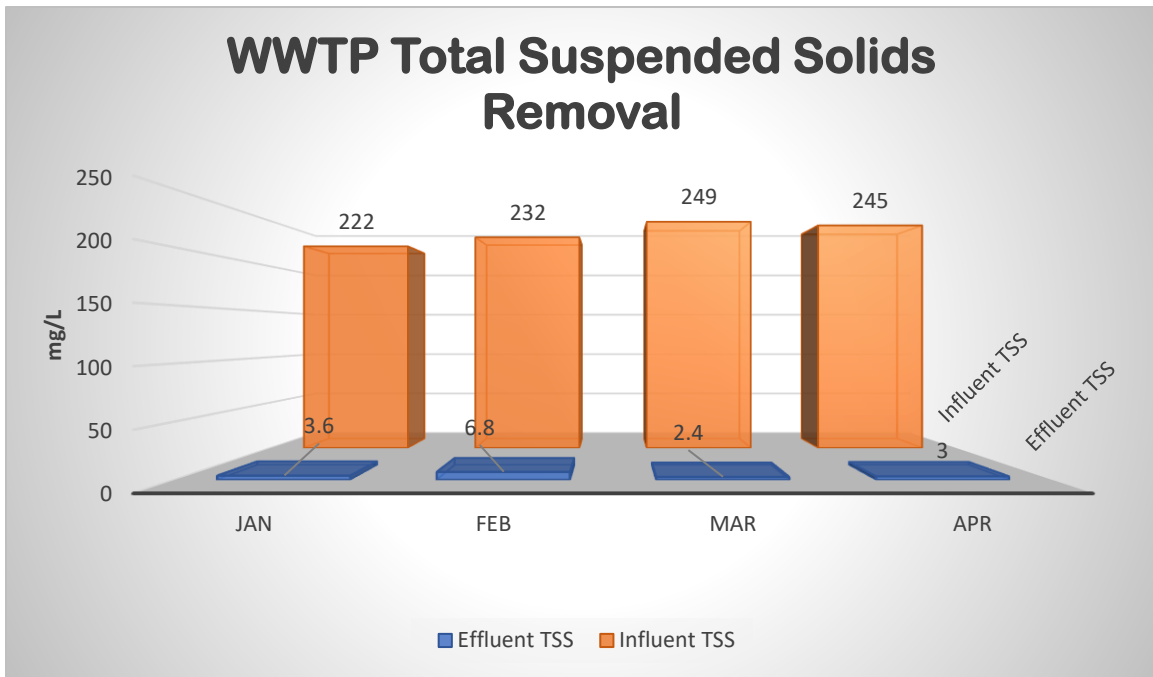
Sewer Council Report



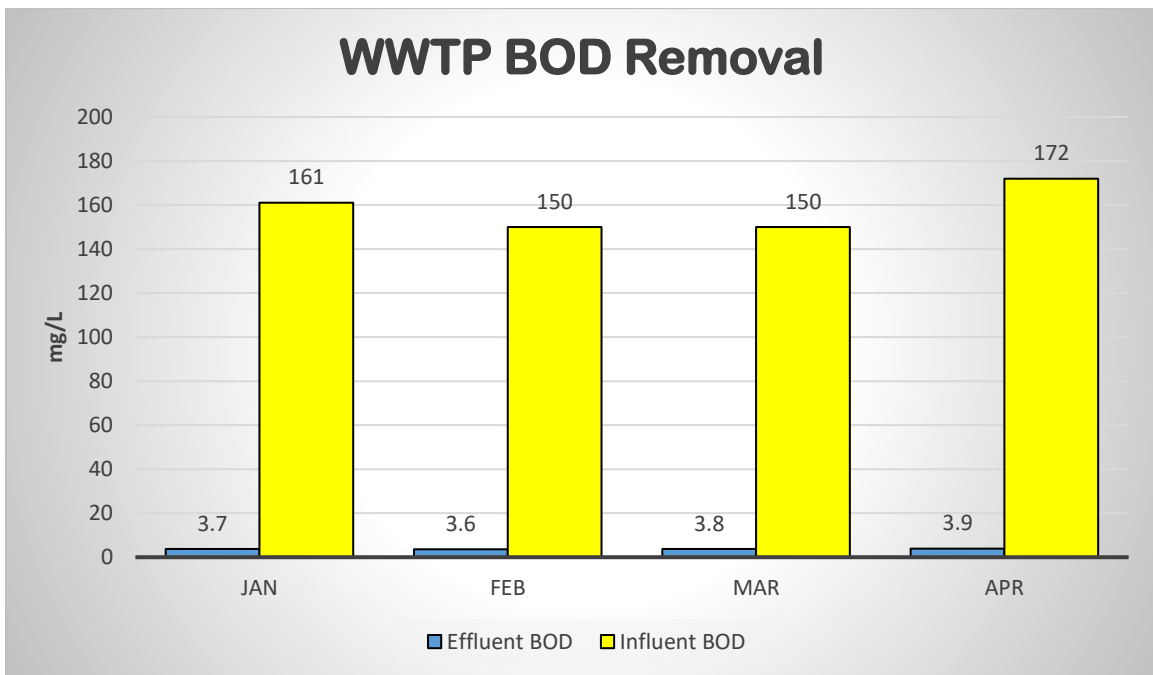
Plant Efficiency Charts



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



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



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

Work Highlights

- Sewer Inspections

- 6 new build inspections completed

- Amount of sludge pressed (dewatered) – 631,886 Gallons

- GIS work

- UV disinfection bulbs installed for the year

EPA requires disinfection of E. coli from May 1st to October 31st

- SBR #1 Mixer contactor repair

Replaced worn contacts and dirty coil on contactor due to single phasing from poor contact

Installing UV Bulbs

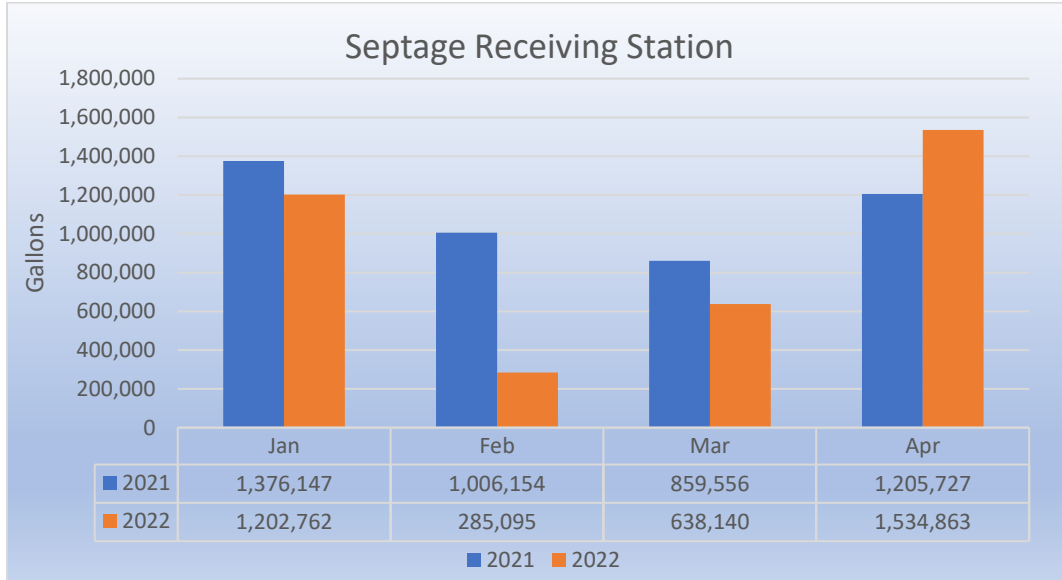


Contactor Diagnosis & Repair

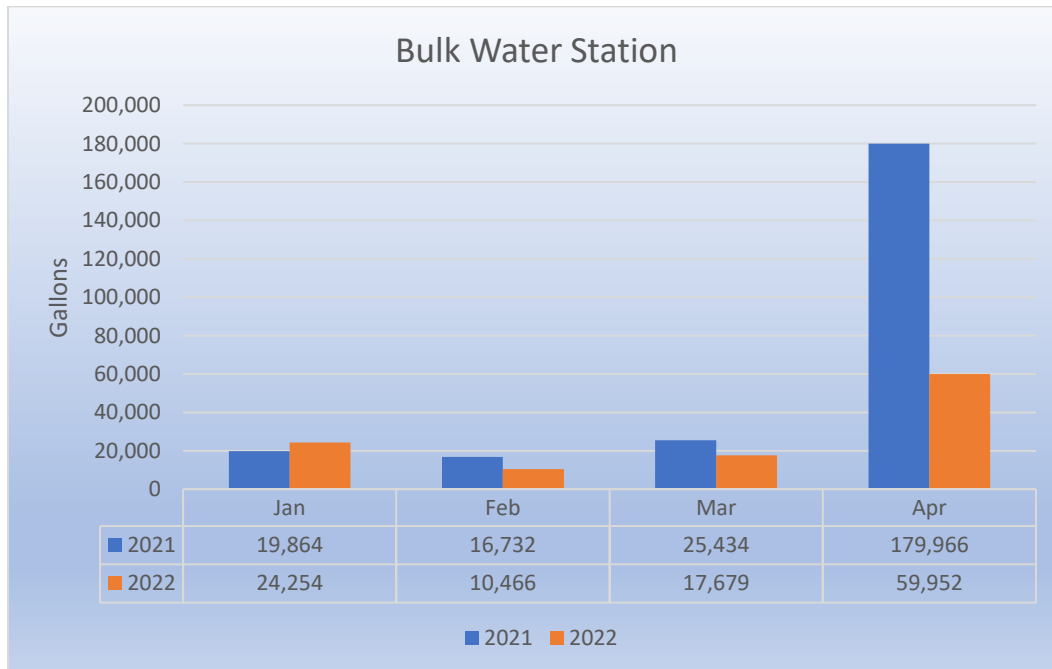


BULK SEWER & WATER

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



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



Rick Fitch
Chief Wastewater Operator



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 encumbered, the change herein will increase the total encumbrances, 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 4, 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 be 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 modem ~~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.



A RESOLUTION TO APPOINT THE PRESIDENT OF COUNCIL

Whereas, Section 3.04(b) of the Charter of the City of Johnstown requires that City Council elect one member of Council to serve a two year term as **President of Council** and;

Whereas, Resolution 2022-01 appointed Council member Robertson as the Council President; and

Whereas, the resignation of Council member Robertson leaves an unexpired term ending December 31, 2023; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Johnstown, Licking County, Ohio as follows:

Section One: The City Council herein approves the following election from its membership for a term commencing on May 4, 2022 and ending on December 31, 2023:

PRESIDENT OF COUNCIL

Section Two: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter of the CITY OF JOHNSTOWN.

Introduction/Public Hearing/Vote: May 4, 2022

By: _____

Mayor Chip Dutcher

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



RESOLUTION 2022-16

A RESOLUTION TO APPOINT COUNCIL COMMITTEE MEMBER VACANCIES

Whereas, Section 7.01 of the Charter of the City of Johnstown authorizes committees created by Council; and

Whereas, Section 3.04 of the Council Rules of Order (by Resolution 2019-16) redefined a Committee term as two consecutive Council terms (eight years); and

Whereas, Section 7.02 (h) of the Charter of the City of Johnstown says that no member of any committee shall serve on the same committee for more than two consecutive full terms (sixteen years); and

Whereas, the City Council desires to appoint Council representatives to vacant terms of the Council committees; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Johnstown, Licking County, Ohio as follows:

Section One: The City Council herein approves the following committee term appointments:

Safety & Service Committee: The Safety and Service Committee meets to review service matters that include items for the Water, Wastewater, Street, and Police Department. Council approves Committee to meet the First Tuesday of the month at 5:00 pm in City Council Chambers.

1. _____ Term – May 4, 2022 and ending on December 31, 2023 (Partial term)
(Partial term left by Lee)
2. Marvin Block Term - January 1, 2019 and ending on December 31, 2026 (First term)
3. Doug Lehner Term - January 1, 2020 and ending on December 31, 2027 (First term)

Finance Committee: The Finance Committee shall consider matters relating to the finances and the various funds of the City, the development of the annual budget of the City, the authorization of expenditures, the consideration of requests for funding, the payment of personal services and claims, and the authorization of the transfer of money from one established account to another within departments of the City. Council approves Committee to meet the Third Tuesday of the month at 5:00 pm in City Council Chambers.

1. _____ Term - May 4, 2022 and ending on December 31, 2023 (Partial term)
(Partial term left by Robertson)
2. _____ Term - May 4, 2022 and ending on December 31, 2023 (Partial term)
(Partial term left by Lee)
3. Chip Dutcher Term - January 1, 2020 and ending on December 31, 2027 (First term)

Economic Development Committee: Economic Development Committee's purpose is to foster the retention and expansion of existing business and industry, as well as the attraction of new business and industry by encouraging responsible, economic development activities that result in job creation, retention, diversifying the community's tax base and an improved sustainability and quality of life for the citizens of the City. Council approves Committee to meet the First Friday of the month at 9:00 am in the Administrative offices.

1. _____ Term - May 4, 2022 and ending on December 31, 2023 (Partial term)
(Partial term left by Robertson)
2. Doug Lehner Term - January 1, 2022 and ending on December 31, 2023 (Partial term)
3. Chip Dutcher Term - January 1, 2018 and ending on December 31, 2025 (First term)

Rules Committee: The Rules Committee shall consider amendments to the Council Rules and questions of interpretation of the existing Rules. It shall also handle questions of appointment of special Committees of Council and the appointment of Council members to bodies requesting Council representation. Council approves meetings to be called as needed.

1. _____ Term – May 4, 2022 and ending on December 31, 2025 (Partial term)
(Partial term left by Lee)
2. Marvin Block Term - January 1, 2020 and ending on December 31, 2027 (First term)
3. Chip Dutcher Term - January 1, 2020 and ending on December 31, 2027 (First term)

Storm Water Management Committee: The purpose of the Storm Water Management Committee is to establish technically feasible and economically reasonable storm water management standards to achieve a level of storm water quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the City of Johnstown. Council approves meetings to be called as needed.

1. _____ Term – January 1, 2019 and ending on December 31, 2023 (Partial term)
(Partial term left by Robertson)
2. Marvin Block Term - January 1, 2019 and ending on December 31, 2026 (First term)
3. Chip Dutcher Term - January 1, 2019 and ending on December 31, 2026 (First term)

Section Two: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter of the CITY OF JOHNSTOWN.

Date of Introduction/Public Hearing/Vote: May 4, 2022

By: _____

Dutcher

Mayor Chip

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

CITY OF JOHNSTOWN



ORDINANCE 09-2022

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 costs for choosing alternate bid items for upgraded signal poles in conjunction with the US-62 ODOT project (Federal Project No. E191047); and

WHEREAS, the net effect on the finances of the City of Johnstown will be **\$14,450.00** 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 Capital Improvements 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:

Capital Improvements Fund, Capital Outlay (<i>upgrade signal pole</i>)	\$ 14,450.00
NET EFFECT on Fund 4901	\$ 14,450.00

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: May 4th, 2022
Public Hearing/Vote: May 17th, 2022
Effective Date:

BY: _____

Mayor Chip Dutcher

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director