



Regular Council
Tuesday, September 7, 2021 - 6:30 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the Village of Johnstown Regular Council Meeting for September 7, 2021 at 6:31 PM.

2. Roll Call

Present - Mayor Chip Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Benjamin Lee, Sharon Hendren, Carol Van Deest
Absent - None

Staff present - Jim Lenner - Village Manager, Jack Liggett - Assistant Village Manager, Abe Haroon - Chief of Police, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - John Luke, Ole Olsen, Joan Olsen, Susan Wasem, Roger Wasem, Mary Queen Cool, Chyrel Cool, Tonnie Estep, James Estep, David Cool, Deirdre Fife, friends and family

3. Invocation - Ms. Hendren

4. Pledge of Allegiance

5. Police Officer Swearing In

Deirdre Fife took the Oath of Office and was sworn in by Mayor Chip Dutcher as a full-time Police Officer for the Village of Johnstown.

6. Action on Minutes

a. August 17, 2021

ACTION: Mr. Lee moved to approve as written; Ms. Robertson seconded and the vote was as follows:

AYES: Doug Lehner, Marvin Block, Ben Lee, Cheryl Robertson, Mayor Dutcher, Carol Van Deest

NOES: None

ABSTAIN: None

Passed 6 – 0

7. Citizen comments on matters not on the agenda

1. Mary Queen Cool; Leafy Dell

- Asked who approves curb cuts. Mayor Dutcher said the Village Manager.
- Asked if a curb cut had been authorized on Leafy Dell Drive for this piece of property. Jim Lenner said he has not, no. Ms. Cool asked if he was the only one who can do it; Mr. Lenner said he has a designee, Jim Blair has done it for most of the single-family units, but he is taking this one plus some others on Track Street because they need more scrutiny than just a single family dwelling permit.

8. Council Committee reports

a. **Planning & Zoning:** Met 8/24/21; Next 9/14/21 @ 6:30 pm Council Chambers

Worked on the Zoning Ordinance update and off-street parking; next up signs section.

b. **Safety & Service:** 9/7/21; Next 10/5/21 @ 5:00 pm Council Chambers

Recap of the engineering study done between Main Street and Williams on US62, LCATS paid for it, a potential solution to improve traffic on US62 is to remove the traffic signal at Oregon and 62 now that the school is no longer there; it is solely the village decision to remove or not. Committee discussion yielded a decision not to consider removal of the traffic light.

ACTION: Ben Lee moved not to move forward with the signal removal testing at 62 and Oregon; Doug Lehner seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 7 - 0

Discussion about staffing within Administration, the Police and Utility departments to give a baseline as they move into budget season. Talked about holding facility and upgrades to the Police Department, upgrades to the Council Chambers. Project updates reviewed.

c. **Finance:** Met 8/17/21 reviewed last time, Next 9/21/2021 @ 5:00 pm Council Chambers

Minutes were sent with packet.

d. **Economic Development:** Met 8/5/21 reviewed last time, Next 9/16/21 @ 10:00 am Admin Office

Minutes were sent with packet.

e. **Park & Rec:** Met 8/19/21, Next 9/9/21 @ 10:00 am Admin Office

Minutes sent with packet. Ms. Van Deest added that she had been going to the Trailhead Park to see the progress; the sidewalk is in and looks nice.

f. **Personnel Board of Review:** Met 8/16/21, Next TBD

Minutes sent with packet.

- g. **Tree Commission:** Met 8/24/21, Next 9/28/2021 Council Chambers
Minutes sent with packet. Mr. Block added that some trees lost on Coshocton Street had a blight and are scheduled to be replaced. Trees at the trail head will be planted after the pavement is done; all trees have been ordered.

9. Director Reports

a. Service Departments: Water, Wastewater, Street

Jack Liggett reviewed the Street, Water and Wastewater Department reports with Council and provided an update on current projects.

1. Water Tower; second ring is going up, project moving on schedule, hoping for completion by the end of year but is weather dependent.
2. Water Plant Expansion; engineers from Jacobs will be in the plant starting phase one investigation for the upgrade; kickoff meeting for preliminary design on the tenth.
3. Sewer Plant Expansion; also in phase one planning investigation on what is antiquated.
4. North Oregon paving award to Law Construction is on tonight's agenda then that project can start, if weather holds out will have the paving and section of storm sewer replaced this year.
5. South Oregon moving slower than anticipated but the project is moving and is within contract.
6. Relief Sewer; will stop backups on Valleyview, construction almost complete.
7. Edwards Road; bid came in \$65,000 over, overage is on the township portion of the road, Trustees say the extra money is not available; cannot split up job because it was put in as a joint project. Hoping to bid the project again in February for spring work, hoping for more competitive bidding.

b. Village Manager

Jim Lenner reviewed his report with Council. Marvin Block asked about the status of the Pulte lift station and traffic light. Mr. Lenner said he is working with Pulte, he has given them the ODOT plans; added that we have received full payment for their fair share of the lift station and he is working with the Law Director on the bond for the signal.

Cheryl Robertson said because we will need to have someone on the Licking County Transit Board very shortly, she thinks it would be good to have someone sitting there already even though we are not officially a city yet. Said that Ben Lee has expressed interest in being on that board and she thinks he would do an excellent job. Mr. Lenner said formally this is an official Mayor appointment; Mayor Dutcher said he would like his colleagues to weigh in.

- ACTION:** Cheryl Robertson moved to put Ben Lee on the Transit Board from Johnstown so he can start attending meetings right away; Carol Van Deest seconded and the vote was as follows:
- AYES:** Cheryl Robertson, Mayor Dutcher, Sharon Hendren, Carol Van Deest, Doug Lehner, Marvin Block
- NOES:** None
- ABSTAIN:** Ben Lee; stated conflict of interest.

Passed 6 - 0

Mr. Lenner said to think about the Health District appointment as well.

10. Tabled Legislation

- a. **ORDINANCE 07-2021** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE VILLAGE OF JOHNSTOWN.
Legislation not ready; Mr. Lenner said this will be infused with the budget.
- b. **ORDINANCE 32-2021** AN ORDINANCE AMENDING CHAPTER 1195 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES
Amends sections to govern trash can placement and timing around collection.
- ACTION:** Benjamin Lee moved to take from the table; Cheryl Robertson seconded and all were in favor.
- AYES:** Mayor Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Benjamin Lee, Sharon Hendren, Carol Van Deest
- NOES:** None
- ABSTAIN:** None

Passed 7 - 0

Chief Haroon noted new section added, 1195.05 Definitions. Other edits made were discussed. Comments and discussion on the trash contract being up at the end of the year. Further discussion on the storage location and visibility of a trash can when not at the curb. Mr. Block noted changes made since the Planning & Zoning Commission approved on July 27th; in favor of going back for them to see changes.

ACTION: Benjamin Lee moved to table Ordinance 32-2021 and send to Planning & Zoning for consideration of the editorial changes made; Mayor Dutcher seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Tabled 7 - 0

11. Public Hearings of Legislation

- a. **ORDINANCE 34-2021** AN ORDINANCE AMENDING CHAPTER 1183 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES
This Ordinance amends Chapter 1183 for landscaping and tree preservation in the village.

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

Mr. Block noted lots of "encouragement" language in the ordinance, he said if we are just encouraging these developers, they are not going to do it. Said he would like to add that all major trees should be marked by an arborist and be removed under their supervision at the developers' expense, (1183.03); also noted a) "good faith effort" is not going to get developers to do it. Section 1183.04 a) is the reason he asked that an arborist be consulted. Added that we are giving a developer up to one year after the project is done to replace trees, they will be gone, he thinks a deposit should be made if not going to replace them right then. Read from Section 1183.06, noted c) should be done by a certified landscape architect. Mr. Lenner said that similar to engineering review, charges for review by an arborist / landscape professional could be passed along to the developer. Mr. Lee asked if this should be sent back to the Tree Commission, Mr. Block said the Tree Commission was quoted fairly accurately, he was referring to changes made by Planning and Zoning, Mr. Lee said he did not recall Planning and Zoning making any changes. Mayor Dutcher suggested tabling until they can figure it out.

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

Passed 7 – 0 Tabled

Mr. Lenner summarized that they will look at three things; 1) utilizing the arborist 2) strengthening the language 3) involving a credentialed landscape professional

Chief Haroon said under the penalty section 1183.99, the maximum minor misdemeanor charge under Ohio law is \$150

b. **ORDINANCE 37-2021** AN ORDINANCE DESIGNATING A REVITALIZATION DISTRICT WITHIN THE VILLAGE OF JOHNSTOWN IN ACCORDANCE WITH ORC 4301.81

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

Second reading; no further discussion of Council.

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

Passed 7 – 0

- c. **RESOLUTION 2021-34** A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH LAW GENERAL CONTRACTING FOR THE NORTH OREGON AREA ROADWAY AND STORMWATER IMPROVEMENTS PROJECT

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

Doug Lehner noted for the record that this bid came in under the engineer's estimate.

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

Passed 7 – 0

- d. **RESOLUTION 2021-35** A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE MANAGER TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS WITH MEGAN BOLLINGER AND WILLIAM BOLLINGER

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

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

Passed 7 – 0

- e. **RESOLUTION 2021-36** A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

This is the budget resolution that comes once a year which we pass and certify to the County Auditor. Mayor Dutcher noted that we are receiving an increased amount in property tax this year.

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

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

Passed 7 - 0

- f. **RESOLUTION 2021-37** A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION FOR THE REMOVAL AND CONTROL OF SNOW AND ICE

This is an agreement with ODOT to continue removal of snow and ice on US62 and SR37; contract terms state two years but they will break that next spring. Mr. Lee confirmed there is no financial obligation to the village with respect to this agreement.

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

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

Passed 7 – 0

- g. **RESOLUTION 2021-38** A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AND EXECUTE CONTRACTS NECESSARY TO DEVELOP PLANS FOR AND TO COMPLETE WIDENING OF US 62 FOR TWO-WAY LEFT TURN LANE BETWEEN VILLAGE SQUARE SHOPPING CENTER TO WESTVIEW DRIVE AND THE UPGRADE OF SIGNAL AT VILLAGE SQUARE SHOPPING CENTER.

Jim Lenner noted that the signal will be bid in two parts; Johnstown will have to pay any difference in cost for an upgraded mast arm signal unless we can show there are at least fifty-one percent of one type. Project will be curb and gutter.

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

Passed 7 - 0

- h. **RESOLUTION 2021-39** A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH ETCH, LTD FOR SERVICES RELATED TO THE CREATION OF TRIP PLANNING & TRIP OPTIMIZATION SYSTEMS

Jim Lenner said this is the quarter million dollar technology proposal we wish to award to Etch, Ltd. for trip planning and trip optimization technology.

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

ACTION: Doug Lehner moved to Approve; Marvin Block seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 7 - 0

Jim Lenner said he thinks it is pretty cool that Council is supporting this the way they are; that not many small communities are going to be that forward thinking and he appreciates all seven individuals' support.

12. Introduction of Legislation

- a. **ORDINANCE 38-2021** AN ORDINANCE AMENDING ORDINANCE 34-20, THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

This allocates funds from the American Rescue Plan Act for things already discussed; Mr. Lenner noted that for the Mobility Hub, the \$8,857.50 will probably go to \$35,000. Plans to use a lot of that for the Build Back Better Challenge application.

Public Hearing September 21, 2021.

13. Other Business

- a. [Trick or Treat; set date and time](#)

MORPC recommends Thursday, October 28th; discussion on time.

ACTION: Sharon Hendren moved they set Oct. 28th, Thursday, 5:30 pm - 7:00 pm for Halloween; Cheryl Robertson seconded and all were in favor.

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

NOES: None

ABSTAIN: None

Passed 7 - 0

1. Ben Lee; River Round Up in the County is this Saturday, plans to coordinate picking up trash somewhere in the village, maybe along the 62 corridor by Raccoon Creek Estates. If anybody wants to join, reach out, he will finalize a time and send more details along.
2. Ben Lee; the village passed Resolution 2020-15 last year, noted that had not been rescinded and asked if the village was still under a state of emergency; Jim Lenner said correct, it does not hurt keeping it on the books in case.
3. Asked if other parties in the WLCA have reached out on anything developing in the study area about their intent or what they are doing, Mr. Lenner said no, the only conversation he has had in that area is the massive land grab currently going on and out of the meeting he got no details other than that it was going on. WLCA members are Johnstown, New Albany and Jersey Township. Mr. Lee asks what is the enforceability with the parties involved, he understood the point was to facilitate communication, said there are a lot of questions about what is happening and with the Accord in place, it gives us a mechanism to ask for the communication. Jim Lenner said he would reach out to Jennifer.

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

ACTION: Mayor Dutcher moved to enter Executive Session to consider employment of a public employee and asked Jim Lenner to join. Will only return for adjournment, no other action after; Doug Lehner seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 7 - 0

Entered Executive Session at 8:15 pm. Returned to regular session at 9:24 pm

15. Adjourn

ACTION: Mayor Dutcher moved to Adjourn; Marvin Block seconded and all were in favor.

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

NOES: None

ABSTAIN: None

Passed 7 - 0

Meeting adjourned at 9:25 pm

Next Council Meeting September 21, 2021

