



Regular Council
Tuesday, May 17, 2022 - 6:30 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the City of Johnstown Regular Council Meeting for May 17, 2022 at 6:40 PM.

2. 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, Sean Staneart - Assistant City Manager, Dave Reipenhoff - City Labor Attorney, Dyanne McDowell - City HR, Rusty Smart - Interim Chief of Police, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - Lewie Main, Kent Mallett, Deb Dingus, Mary Queen Cool, David Cool, Michael Salvatore

3. Invocation - Mr. Barnard

4. Pledge of Allegiance

5. Executive Session to consider the employment, dismissal, discipline, or compensation of a public employee or the investigation of charges against a public employee or official.

ACTION: Doug Lehner moved to enter executive session with members of council, Jack Liggett, Sean Staneart, David Riepenhoff and Dyanne McDowell; Ryan Green seconded and the vote was as follows:

AYES: Don 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 6:42 pm and returned to regular session at 7:48 pm

6. Presentation/Update: United Way

Deb Dingus, Executive Director of United Way Licking County came to provide an update on activity since the pandemic and provided their annual report.

7. Correspondence

- a. Division of Liquor Control
No objections of Council; clerk will respond that there is no request for a hearing.

8. Proclamation - National Police Week

- a. Mayor's Proclamation
Mayor Dutcher expressed how important our Johnstown Police Officers are and presented a proclamation for National Police Week to Chief Smart.

9. Citizen comments on matters not on the agenda

No comments

10. Council Committee reports

- a. **Planning & Zoning:** Met 5/10/22; Next 5/24/22 @ 6:30 pm Council Chambers
Readdressed some zoning strategy in light of Intel. Forwarded support for legislation to council addressing multi-family on the agenda tonight.
- b. **Design Review Board:** Met 5/10/22
Two applications were submitted; 1) Bell Stores design was approved 2) Application submitted for an urgent care was tabled, sent back to their architect for review, there was not a lot of favorable comments, they have more work to do.

Discussion on the mature trees on the Bell Stores lot. Sean Staneart said the site plan does not show those trees, but they will have to come back with a landscape plan and a lighting plan for GCC-1. Mr. Block said the quote for moving the maple tree was \$1800.00 but it is too late this year, should be done in the fall if possible.

- c. **Safety & Service:** Met 5/4/22 update given last meeting; Next 6/7/22 @ 5:00 pm Council Chambers
The 6/7/22 is being cancelled and replaced with a Special Council meeting.
- d. **Finance:** 5/17/22 Cancelled. Next 7/21/22 @ 5:00 pm Council Chambers
Correction; the next meeting will be 6/21/22.
- e. **Economic Development:** Met 5/6/22; Next 6/3/22 @ 9:00 am Admin conference room
Presentations given on TIF and NCA.
- f. **Park & Rec:** 5/17/22 Cancelled; Next 6/21/22 @ 10:00 am Admin conference room
- g. **Tree Commission:** Met 4/26/22 updated last meeting; Next 5/24/22 @ 5:00 pm Council Chambers
A tree was planted at the municipal building, three trees at the trailhead, some more to plant.
- h. **Events Committee:** Met 5/12/22; Next 6/2/22 @ 5:00 pm Admin conference room
Plans moving forward on the 4th of July festivities. Contract has been signed with the fireworks provider Hamburg.

11. Director Reports

- a. Finance
Finance Director Steffan absent; her report was attached.
- b. Police
Interim Chief Rusty Smart reviewed his report

Jack Liggett provided some updates as follows:

1. American Structure Point will be doing a complete water and sewer study of Licking County; what plants are where and capacities.
2. Pre-con held for Edwards Road; planned to start end of this month.
3. Bid opening for the East Jersey Street project on May 27th.
4. Asked for Council approval to lift the hiring freeze in order to advertise for a new Mayor's Court Clerk and LEADS position. The current City Mayor's Court Clerk is a commissioned officer and has accepted a vacant Police Officer position. Mr. Block asked Chief Smart if he had talked to Meghan to confirm this is what she wants; Chief Smart said he had and this is what she wants.

ACTION: Donald Barnard moved to lift the hiring freeze in the police department for this position; Jon Merriman seconded and the vote was as follows:
AYES: Don Barnard, Jon Merriman, Ryan Green, Marvin Block, Mayor Dutcher, Doug Lehner, Sharon Hendren
NOES: None
ABSTAIN: None

Passed 7 - 0

5. He is working with Human Resources to review the job description for hiring a new Chief; they are not ready at this time but are moving forward with preparation.
6. As previously discussed, said he has reviewed the dangerous tree ordinance and it is pretty clear that at his discretion, he can determine that there is a dangerous tree and notify the owner that it needs to be removed at their expense. If the owner does not remove the tree then he can have the tree removed by an independent company and the bill will be sent to the owner or applied to their taxes.
7. TID (Transportation Improvement District) is taking the lead in some of the traffic work in Johnstown, he met with Bill Lozier, said they will be looking more closely at a roundabout and funding for a study at US62 and SR37. Also discussed studies for additional roundabouts needed as development happens at Concord/SR37 and at Croton Road/SR37. There has also been discussion of a truck route for Johnstown. Jack said he is in discussion with Bill Lozier to move that agenda forward to handle the roads as the traffic continues to grow through Johnstown.
8. Past roadway projects have included full depth reclamation which is very expensive to stretch very far, he would like to put together a mill and fill only package to try and get more roads covered. Jon Merriman asked if risers could be put on manholes etc. to bring them up; Jack said they would be brought up to grade. Mr. Block express favor for moving forward with mill and fill, no other comments or objection from council.
9. JYAA is in need of soccer fields, they are working with the church beside the municipal building to use their grass field, and have asked permission to use the municipal building parking lot. No objection of council, clerk to get a calendar schedule of meeting or events

when not available for their use.

Doug Lehner said his comment is on the TID and the roundabout at US62 and SR37. Said we keep going back to wanting to maintain the feel of rural Johnstown but a roundabout at the heart of our city would destroy that and he wanted that on the record, he is not an advocate of that. Jack Liggett said his view is we have got to do something with the traffic, we have changed the timing on the light many times, and more traffic is coming. Said all the studies of engineers he has worked with and discussed this with say that is the best and easiest way to flow traffic through and not at a high rate of speed. Doug Lehner said he thinks several hundred cars per day would be removed if the school district reinstated busing. Don Barnard said he understands what Doug is saying but would be interested to look at drawings to see if we can incorporate a small town feel into a traffic circle. Marvin Block expressed concern for the people building a new station not being told about this, Jack Liggett said it is not a done deal, there is no study at this point, we did not have the money to fund the study, that the TID has stepped up to fund the study to take a look at it. We are not there yet, we are looking at a study to see what it would take, how much ground would be needed and it is not on our dime so he sees no reason not to look at it, unless council wants him to call and stop it. Ryan Green said he would be in favor of getting the study done, he thinks we could maintain the rural character and named cities of Sunbury, Mt. Vernon, Somerset, Newark who have done this. Doug Lehner asked if the study could include a roundabout at Leafy Dell and SR37. Mr. Liggett said he told them those would be in the future, but job one is to look at US62/SR37. Mr. Block said he did not understand how this got priority over the others they have been talking about for months especially at Leafy Dell. Mr. Liggett said the TID is focused on looking at US62/SR37 and they are willing to pay for that but not the others currently; he told them Johnstown would support looking at it; unless he hears differently from council. Sharon Hendren said she would support having the study done if it doesn't cost us anything. Marvin Block said if the council is not going to support this in the future, why would we waste someone's money on doing a study. Mr. Barnard said we do not know that. Mayor Dutcher said because they have identified that as a problem intersection. Mr. Liggett said the immediate fix was changing the timing sequence of the intersection signal, the intermediate fix would be a roundabout and the long term fix would be a truck route that would get the semis out of downtown except for local delivery.

12. Tabled Legislation - None

13. Public Hearings 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

Second reading; approves the upgraded decorative traffic signal arms for the US 62 project at the "Wendy's" intersection.

Public Hearing

1. Lewie Main

- Asked when this is happening, Mayor Dutcher said the road is being done this year,

the expenditure will be this year.

City Clerk noted that a letter was received from ODOT that there was a calculation error and the city would need to pay some additional, they believe under \$3,000 and they will not invoice until the project is complete next year.

ACTION: Ryan Green moved to approve; Donald Barnard 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 10-2022** AN ORDINANCE AMENDING CHAPTER 1151 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Ryan Green said in review of current zoning, they identified some areas of greater concern to our infrastructure, this was highlighted as a measure of protection for city water and sewer capacity due to anticipated growth and development. This will change the amount of dwelling units, add ingress and egress, increases the lot size requirement, increases setbacks and lot coverage, decreases height, increases living space and green space.

Public Hearing

1. Lewie Main

- Opposes any emergency legislation

2. Mary Cool

- Said she is all for it, wished it had happened a year ago but thinks it is a great move for Johnstown

Council debate

Mr. Barnard asked the reason for the emergency and why we couldn't just wait two weeks and have a second reading. Mr. Green said in the timeframe getting through, they could have a number of applications come in which would put a huge burden on the system.

Mr. Merriman said he would like to see the "eight" dwellings decrease to "six" dwelling units per acre under 1151.01. Sean Stanearth provided some explanation and examples of density in other developments. Some further discussion of council.

ACTION: Jon Merriman moved to amend the ordinance presented to "five" dwelling units per acre; Doug Lehner seconded and the vote was as follows:

AYES: Ryan Green, Mayor Dutcher, Doug Lehner, Sharon Hendren, Donald Barnard, Jon Merriman
NOES: Marvin Block
ABSTAIN: None

Passed 6 - 1

No further debate.

ACTION: Ryan Green moved to waive the second reading; Doug Lehner seconded and the vote was as follows:
AYES: Marvin Block, Mayor Dutcher, Doug Lehner, Sharon Hendren, Donald Barnard, Jon Merriman, Ryan Green
NOES: None
ABSTAIN: None

Passed 7 - 0

ACTION: Ryan Green moved to pass Ordinance 10-2022 as an emergency; Jon Merriman seconded and the vote was as follows:
AYES: Mayor Dutcher, Doug Lehner, Sharon Hendren, Donald Barnard, Jon Merriman, Ryan Green, Marvin Block
NOES: None
ABSTAIN: None

Passed 7 - 0

- c. **RESOLUTION 2022-17** A RESOLUTION AUTHORIZING THE LICKING COUNTY COMMISSIONERS TO ACT AS THE PURCHASING AGENT AND GOVERNMENTAL AGGREGATOR FOR ELECTRIC POWER FOR THE CITY OF JOHNSTOWN, OHIO. Electric and gas Aggregation were on the primary ballot and passed by the voters of Johnstown. Mayor Dutcher said that County Commissioner Bubb said they will not go out for the bids on this until the price point becomes advantageous.

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

Ryan Green said the best part is that anyone who does not agree with this can opt out.

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

Passed 7 - 0

- d. **RESOLUTION 2022-18** A RESOLUTION AUTHORIZING THE LICKING COUNTY COMMISSIONERS TO ACT AS THE PURCHASING AGENT AND GOVERNMENTAL AGGREGATOR FOR NATURAL GAS AGGREGATION PROGRAM FOR THE CITY OF JOHNSTOWN, OHIO.

Same aggregation program for natural gas.

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

NOES: None

ABSTAIN: None

Passed 7 - 0

14. Introduction of Legislation

- a. **ORDINANCE 11-2022** AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO OHIO POWER COMPANY , ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES, AND PUBLIC PLACES OF THE CITY OF JOHNSTOWN, STATE OF OHIO, AND ITS SUCCESSORS, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY TO THE CITY OF JOHNSTOWN, AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES, AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH, OR ACROSS SAID CITY OF JOHNSTOWN, STATE OF OHIO, SUBJECT TO THE CITY'S CODIFIED ORDINANCES INCLUDING THE CITY'S COMPREHENSIVE RIGHT OF WAY CHAPTER. The city's franchise agreement with AEP (Ohio Power Company) is expiring. Jack Liggett said the Law Director has reviewed and edited, language was added to protect the city Right of Way Program. This agreement is common and standard.

Ryan Green asked if this is where the city can emphasize we want all utilities underground, as much as possible? Mayor Dutcher said no but they can call them in and have that discussion, he would like to see that. Sean Staneart said that would probably be part of the Comprehensive Plan. Public Hearing and vote on June 7, 2022.

15. Other Business

1. **MOTION:** Jon Merriman introduced a Resolution, not in the packet, and moved as follows:

A resolution to rescind Resolution 2021-29

Whereas, the Village of Johnstown adopted Resolution 2021-29 on August 17, 2021 adopting a document it refers to as the Johnstown Police Department Employee Agreement

dated July 15, 2021; a copy of which was attached thereto and labeled Johnstown Police Department Agreement Manual, herein after the JPD Manual; and
Whereas, the Village of Johnstown was not a public employer subject to the Ohio Collective Bargaining Act Ohio Revised Code Chapter 4117 and no employee organization was certified under that Act; and

Whereas, it is determined not to be in the best interest of the city or its personnel management to maintain the JPD Manual.

Now therefore be it resolved by the Council of the City of Johnstown, Licking County, Ohio as follows;

Section 1: that the City of Johnstown Council hereby rescinds Resolution 2021-29 and the document titled JPD Manual that was referenced therein and attached.

Section 2: 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 with all legal requirements including Section 121.11 of the Ohio Revised Code and the Charter for the CITY OF JOHNSTOWN.

Marving Block seconded.

Jack Liggett said the labor attorney discussed that document as an unlawful document, it didn't meet the items Councilman Merriman had written out, any wage increases given during that will not be rescinded, they will stay in place, there is no intention of this council to reduce wages but the document itself is unlawful and inaccurate so we are removing it. Reiterated that they do want the force to know that any raises that were given under that document will not be removed. Chief Smart asked, what about moving forward. Mr. Liggett said that document will no longer be. Councilman Merriman said it will go to the handbook. Mr. Liggett said it will revert back to the city approved wage scales. Chief Smart said so the officers will now be on merit, not on step increase; Jack said correct, until changes are made, they will go back to the standard city wage scales which are merit raises as are all other city employees.

Mayor Dutcher asked the clerk to call the roll.

Don Barnard - No; Jon Merriman - Yes; Ryan Green - No; Marvin Block - Yes; Mayor Dutcher - Yes; Doug Lehner - Yes; Sharon Hendren - Yes

Motion passed 5-2

2. Don Barnard asked what are doing with the sidewalks in town. Jack said this council has talked about sidewalks many times and said that sidewalks are the homeowners responsibility according to the Ohio Revised Code and when Johnstown does a major street project, many times they include sidewalk replacement with the project, but not always.

Council discussion on the danger of sidewalks in poor condition, procedures possible to prompt homeowner replacement, cost, enforcement, funding, tax assessment and potential for a sidewalk levy. Sean Stanearth noted the Safe Route to Schools Program, can revisit applying with Bailey Morlan.

16. Adjourn

Ms. Hendren moved to adjourn, Mr. Block seconded and all were in favor. Motion carried 7-0.

Meeting adjourned approximately 9:30 pm.

Next Council Meeting June 7, 2022

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

