



Special City Council
Tuesday, September 27, 2022 - 6:30 PM
MINUTES

1. Call to Order

Clerk of Council Teresa Monroe called to Order the City of Johnstown Special Council Meeting for September 27, 2022 at 6:40 PM.

2. Roll Call

Present - Sharon Hendren, Ryan Green, Donald Barnard, Jon Merriman

Absent - None

Staff present - Jack Liggett - Interim City Manager, Sean Staneart - Assistant City Manager, Rusty Smart - Interim Chief of Police, Teresa Monroe - Clerk of Council

Public present - Lewie Main, Ben Lee, Mary Wiswell, Barbara Knoepfler, Peggy Dearth, Terry Feters, Jim Dietzel, Barb Fox, Lanny Bailey, Soni McCrummen, Kent Mallett, Jamie Hartsough, Steve Dyer, Anne Evans, Michalah Corkell, Chuch & Ruthann Booher

ACTION: Jon Merriman moved to that Don Barnard lead the meeting tonight;
Ryan Green seconded and the vote was as follows:

AYES: Don Barnard, Jon Merriman, Ryan Green, Sharon Hendren

NOES: None

ABSTAIN: None

Passed 4 - 0

3. Invocation - Mr. Barnard

4. Pledge of Allegiance

5. Executive Session to consider the appointment, employment or compensation of a public employee

Mr. Barnard said that Council would be going into Executive Session, with only members of Council for now, others may be invited in.

ACTION: Jon Merriman moved to enter executive session to consider the appointment, employment or compensation of a public employee;
Ryan Green seconded and the vote was as follows:

AYES: Jon Merriman, Ryan Green, Sharon Hendren, Don Barnard

NOES: None

ABSTAIN: None

Passed 4 - 0

Council entered Executive Session at 6:43 pm and returned to Regular Session at 7:21 pm.

ACTION: Donald Barnard moved that this council, having received notification from Jack Liggett under section 3 of his employment agreement with the city that he resigns as city manager and will fall back into his position as full-time service director of the water, sewer & street department, approve Jack Liggett's fall back into the position of service director as indicated in codified ordinance 143.02 effective october 6, 2022; Jon Merriman seconded and the vote was as follows:

AYES: Don Barnard, Jon Merriman, Ryan Green, Sharon Hendren

NOES: None

ABSTAIN: None

Passed 4 - 0

ACTION: Donald Barnard moved that council appoint Sean Staneart to serve as acting manager under section 5.03 of the city charter, with all other designations of acting manager being revoked, effective October 7, 2022 and until further action by City Council to appoint a City Manager or acting city manager; Jon Merriman seconded and the vote was as follows:

AYES: Jon Merriman, Ryan Green, Sharon Hendren, Don Barnard

NOES: None

ABSTAIN: None

Passed 4 - 0

6. Tabled Legislation - None

7. Public Hearings of Legislation

- a. **ORDINANCE 17-2022** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE CITY OF JOHNSTOWN
Introduced September 27, 2022.

ACTION: Ryan Green moved to table; Jon Merriman seconded and the vote was as follows:

AYES: Ryan Green, Sharon Hendren, Donald Barnard, Jon Merriman

NOES: None

ABSTAIN: None

Passed 4 – 0

- b. **RESOLUTION 2022-33** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO

ENTER INTO A CONSTRUCTION MANAGER AT RISK (CMAR) AGREEMENT FOR THE WATER TREATMENT PLANT EXPANSION PROJECT

Jack Liggett said the city would go this route because it would allow us to order equipment six months ahead of the original design bid project and since our water plant is running at about ninety percent capacity, we need this project to move as quickly as possible, this will allow us to move into the CMAR type of design and bid.

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

ACTION: Ryan Green moved to approve; Sharon Hendren seconded and the vote was as follows:

AYES: Sharon Hendren, Don Barnard, Jon Merriman, Ryan Green

NOES: None

ABSTAIN: None

Passed 4 - 0

c. **RESOLUTION 2022-34** A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE CERTAIN FEES CHARGED BY THE CITY OF JOHNSTOWN

Sean Staneart said last year the city put into place a new ordinance that allows transient businesses and hotels as a conditional use. The business at 10 W. Pratt Street previously paid a Zoning Certificate fee for a use that conforms now more accurately with an updated zoning provision. They originally paid an application fee for an apartment style use, the city has since passed the hotel/transient ordinance so they will need to go through the Conditional Use process and would typically pay for that fee but with the circumstances that exist, Council has the ability to waive that conditional use fee. There is a request from staff who feel the applicant has tried to do everything the right way and that consideration should be given to waive the fee.

Public Hearing

1. Audience member questioned how much the fee was. Staff answered that both fees, the one paid and the new fee were the same, \$150.00

ACTION: Ryan Green moved to approve; Sharon Hendren seconded and the vote was as follows:

AYES: Don Barnard, Jon Merriman, Ryan Green, Sharon Hendren

NOES: None

ABSTAIN: None

Passed 4 - 0

8. Introduction of Legislation

a. **ORDINANCE 18-2022** AN ORDINANCE AMENDING CHAPTER 1121 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

Sean Staneart said there was no real definition of how many days a guest can stay in a transient or hotel situation. With Airbnb's and transient businesses being popular, we wanted to distinguished long-term rentals from a residential rental. The number of days listed in the draft are place holders and can be whatever council think they should be. Discussion on the basis of the days. Ryan Green said he would want to ensure this matches up with Conditional Use. Mr. Staneart said this would not change the Conditional Use section, this would just be in the definitions. Jon Merriman asked if Conditional Use could be added with this for next time, he said he thinks there are errors in Conditional Use that need to be looked at, things not spelled out in the correct manner. Public Hearing October 18, 2022.

9. Other Business

1. Discussion on the water and sewer tap and capacity fee ordinance. Jack Liggett said when the ordinance was originally set up, the idea was that on multi-family, the city wanted to collect a tap fee and capacity charge for each door. When the ordinance was put into place, it did not define what line size it would be, he thinks the assumption was that an apartment would take no more than a single family home, 3/4 inch, however the ordinance does not say that. The way it was done before was that whatever line size was run to the complex was what was billed for. When the ordinance was changed to per address, that needed to go down to 3/4 inch because you wouldn't run a two inch line into each apartment. The next question that came up that evidently was not clear is does each apartment have its own meter, or are we ok with just charging the fee for each door but still having one two-inch master meter. Mr. Liggett said the difference is, generally with a two-inch master meter, that large meter belongs to the complex and if someone within the complex does not pay their bill, the complex still pays then it is on them to do the collection from the tenant. When it is individually metered, it falls back on the city to do the collection, which means more service workers doing shutoffs and more meters and pits to maintain. Sean Staneart said that when there is a separate meter for each address, the tax enforcement agency RITA has better data for collection. Staff looks for direction from Council on their preference.

Discussion on different ways to get a registry of renters to ensure the city receives the income tax it should, discussion on how meters could be housed and how a minimum bill for each renter would be beneficial to the water and sewer departments. Jack Liggett said that he had a conversation with Coughlin (proposed apartment complex) and gave them his understanding of the ordinance, that they would pay a tap fee and a capacity charge per door but that they could put in a master meter. Ms. Hendren said for the money we would have to pay more workers, she did not think it would be worth it. Mr. Merriman said he thinks the issue with this specific case (Coughlin apartments) and where we are at in

the process, is how do we go back and tell them that they have to have a number of meters and provide a space for them inside their building that has already been drawn up and engineered. Ryan Green said the original intent of Council was a fee per door, Coughlin does not have an approved plan yet, this provides a fair compromise. Jack Liggett said that he had already told Coughlin that the tap and capacity fee per door would be based on 3/4 inch; he agrees the ordinance does not spell it out clearly but you would clearly not run a two inch into each apartment. Mr. Merriman said the question to ask is from a maintenance perspective, what do we want going forward as a city, this will set precedent going forward. Jack Liggett said he understands the tax revenue side of separate addresses, what council will have to decide is the maintenance and expense of the equipment over time, shutoffs, service men out to do the terminations, then turning back on versus letting the apartment complex pay the bill and worry about collections versus the tax benefit. Discussion on what maintenance is required, enforcement etc., Sean Staneart said he could run numbers on a probability basis. Don Barnard said he thinks the city could do the master meter and check into having the owner report tenants living there; would appreciate seeing the numbers. Sean Staneart said he could check with legal on a way to use the Rental Registration program.

2. Discussion on posting the position for City Manager. Council members to review the HR position description and get feedback to the Clerk. Council to review MORPC salary ranges for other cities and some regional comps.

3. Council opted to open the floor for Public Comments.

a. Terri Fetters; 8215 Jacob White Rd, representing family of the Longwell Miles Estate

- Asked if there was any update on the Estate
- They are sending around a petition trying to get people to sign to make sure it does not go to Licking County, they want it to stay in Johnstown and Liberty Township and surrounding area, which is what was in his will.

Sean Staneart said there was a motion to intervene filed on behalf of the city September 13th. Tonight's Executive Session is for discussion and update. Mr. Staneart said there had been things happening in the background, he has had conversations with Keith Ryan (Greater Johnstown Park & Rec) as well as Phil Wagner (Johnstown-Monroe School Superintendant) on how to unite in an organized fashion and a plan that makes sense for all parties. Has also had one conversation with Liberty Township Trustee Siegle.

b. Lewie Main; 132 N. Main St.

- Here for the third time on the Tree/Landscape Ordinance, it either needs to go down or it needs to be enforced.

Councilman Barnard said it is being fixed.

10. Executive Session with City Law Director to Discuss Imminent Court Action

City Law Director will attend by phone in session.

ACTION: Sharon Hendren moved to enter executive session with city law director to discuss imminent court action; Donald Barnard seconded and the vote was as follows:
AYES: Jon Merriman, Ryan Green, Sharon Hendren, Don Barnard
NOES: None
ABSTAIN: None

Passed 4 - 0

Attending will be members of Council, Sean Staneart, Jack Liggett, City Law Director by phone.

Mr. Barnard said there will be no action after, only to adjourn.

Council entered Executive Session at 8:13 pm and returned to Regular Session at 9:49 pm

11. Adjourn

ACTION: Ryan Green moved to adjourn; Donald Barnard seconded and the vote was as follows:
AYES: Sharon Hendren, Ryan Green, Donald Barnard, Jon Merriman
NOES: None
ABSTAIN: None

Passed 4 - 0

Meeting adjourned at 9:50 pm

Next Council Meeting October 4, 2022