



Regular Council
Tuesday, October 18, 2022 - 6:30 PM
MINUTES

1. Call to Order

Clerk of Council Teresa Monroe called to Order the City of Johnstown Regular Council Meeting for October 18, 2022 at 6:30 PM.

2. Roll Call

Present - Charlie Campbell, Nicole Shook, Bob Orsini, Donald Barnard, Jon Merriman, Sharon Hendren, Ryan Green
Absent - None

Staff present - Sean Staneart - Acting City Manager, Jack Liggett - Service Director, Rusty Smart - Interim Chief of Police, Yazan Ashrawi - Law Director/Frost Brown Todd, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - Jamie Hartsough, Lanny Bailey, Mary Queen Cool, Terri Feters, David Cool, Heather Green, Barb Fox, Kent Mallett, Steve Dyer, Lewie Main

3. Motion to Appoint Chair for this meeting

ACTION: Donald Barnard moved to appoint Jon Merriman as chair for this meeting; Nicole Shook seconded and the vote was as follows:

AYES: Charlie Campbell, Nicole Shook, Bob Orsini, Don Barnard, Jon Merriman, Ryan Green, Sharon Hendren

NOES: None

ABSTAIN: None

Passed 7 - 0

4. Invocation - Mr. Barnard

5. Pledge of Allegiance

After the Pledge, Councilman Barnard said it had been five weeks since we had a Mayor in this city and said he would like to make a motion.

ACTION: Donald Barnard moved to appoint Mr. Jon Merriman as the mayor of the City of Johnstown for the rest of Chip Dutcher's term; there was no second and the motion died.

AYES: None

NOES: None

ABSTAIN: None

Failed 0 - 0

Sharon Hendren said she thinks they should make Ryan Green the Mayor because he ran and got more votes than anyone else.

ACTION: Sharon Hendren moved to appoint Ryan Green as mayor; Charlie Campbell seconded and the vote was as follows:

AYES: Sharon Hendren, Ryan Green, Charlie Campbell

NOES: Don Barnard, Jon Merriman, Nicole Shook

ABSTAIN: Bob Orsini

Failed 3 - 3

6. Action on Minutes

a. September 27, 2022 Special Council meeting

ACTION: Donald Barnard moved to approve; Jon Merriman seconded and the vote was as follows:

AYES: Sharon Hendren, Ryan Green, Donald Barnard, Jon Merriman, Nicole Shook, Charlie Campbell

NOES: None

ABSTAIN: Bob Orsini, absence

Passed 6 - 0

7. Citizen comments on matters not on the agenda

1. David Cool; 108 Maple Leaf Dr., Leafy Dell Condominiums

- Said the Coughlin apartment project is making progress and provided history saying that in 2004 the project started out as nine and a half acres of condominiums; by 2005 two and a half acres of sixteen units in four buildings were completed, sold and deeded. The remaining property was completed underground as to water, sewer, site prep, power, natural gas, phone, cable and storm drains. Then it went into bankruptcy. The developer hoped to return to the condominium project. When Coughlin bought the property that was in bankruptcy, it was obvious to them that apartments were planned and not condos, and in 2021 their representative said so.
- They were advised by Coughlin that they had to permit access to their property by construction trucks, they disagreed and moved cement blocks to block it off. Their declaration has been modified to fit condos, not apartments, the apartment plat plan has been modified by Coughlin to fit better the available space.
- There is appropriate parking, better green space and landscape screening and it looks pretty good. Twenty-four items of concern have been reduced to six, thanks to the staff, zoning and council. Items of concern are: they don't want heavy equipment on their driveways; they do not want sidewalks; imposition of traffic; the pond and possible storm water interference; building #1 has virtually no green space, it is properly set back ten feet from the property line but it's pretty close.
- They have seen the prepared landscaping plan and it looks promising; they trust that that plan or something similar will be approved.

8. Council Committees

- a. **Planning & Zoning:** Met 10/11/22; Next 10/25/22 @ 6:30 pm Council Chambers
Update to the public given on the Coughlin apartment project in Leafy Dell. Still two tabled applications on the agenda.
- b. **Safety & Service:** Next 11/1/22 @ 5pm Council Chambers
- c. **Finance:** Met 9/27/22 & 10/18/22; Next TBD
Discussed CIP and Debt Service for the city; currently without a Finance Director, we have Integrity doing our bookkeeping, all are working to get a firm grasp on the finances and where we are going in the future. Looking at what projects we want to do in the future, if we want to set aside those for 2023 and get a better grasp on our books heading forward so we can make correct decisions in the future instead of continuing to throw on debt and projects. Will have more answers when they get the budget completed for this year. Also looking at the Sportsmans Club traffic circle and different options, if it is even something we still want to do.
- d. **Economic Development:** Next TBD
- e. **Park & Rec:** Next TBD
- f. **Tree Commission:** Next 10/25/22 @ 5:00 pm Council Chambers (Last of 2022)
- g. **Events Committee:** Met 9/29/22; Next 10/27/22 @ 5pm Admin Conference Room
- h. **School District Liaison:** Next TBD

9. Director Reports

- a. Police Chief August/September 2022
Chief Rusty Smart reviewed department reports for August and September along with stats and answered questions of Council.

10. Tabled Legislation

- a. **ORDINANCE 17-2022** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE CITY OF JOHNSTOWN
Legislation to remain tabled.

11. Public Hearings of Legislation

- a. **ORDINANCE 19-2022** AN ORDINANCE ADOPTING TITLE FIVE, CHAPTER 1164 AGRICULTURAL DISTRICT TO THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN, OHIO.
Introduced previously. Carports were to be removed, edit will be made.

Public Hearing

1. Lewie Main; 132 N. Main St.

- Noted Chapter 1179 was missing from the list in the ordinance.

Law Director Ashrawi stated that 1179 is on the books; nothing in this ordinance would rescind or delete that.

Ryan Green said that his only callout previously was outlining the housing standard component, the type of house that would be built; Rural Residential did outline housing. Could be added but would need to cross-reference all. Discussion on whether to add or not. Ryan said he would be fine with it as it stands.

ACTION: Jon Merriman moved to pass as written; Charlie Campbell seconded and the vote was as follows:
AYES: Don Barnard, Jon Merriman, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini
NOES: None
ABSTAIN: None

Passed 7 - 0

b. **ORDINANCE 20-2022** AN ORDINANCE AMENDING CHAPTER 1141 TO ADD THE AGRICULTURAL DISTRICT TO DISTRICTS GENERALLY

Introduced previously. This legislation adds district purpose and designates the district, more importantly it replaces Rural Residential and places annexed land into an Agricultural District.

Public Hearing

1. Lewie Main; 132 N. Main St.

- Said his opposition to this is that a few months ago, an Ordinance was sent back to the Planning Commission which made significant changes to Chapter 1141 of which this Ordinance now is dropping a lot of the requirements that were in the original proposal. He is questioning why they were deleted.
- 1141.02 Zoning District Purposes lists (d.) Planned Unit Development District. Said that district was deleted months ago but is still in this proposal. There are five other zoning districts that have been passed going back to 2016 that are not included in the table. He thinks we are only doing half jobs with a lot of the zoning ordinances.

Mr. Staneart said going back to the Law Director's previous point, the topic for consideration for tonight is Agricultural. Mr. Merriman said the only changes are noted by the red italics in the draft. Mr. Green said that staff is working hard on this, we are only voting on what is in red, if there are discrepancies in other sections, zoning can review. Mr. Orsini asked if we could find ourselves in a legal situation, whereas the last Ordinance

would therefore be read to trump previous Ordinances, would adding a different table than what existed prior to it then automatically amend that. Law Director answered no, and the minutes would reflect very clearly the intent, along with the language in the actual Ordinance what it is and is not amending, it would not have the legal effect of involuntarily or unintentionally amending something that was not intended to be amended. Mr. Orsini asked Ryan to confirm that zoning was working to align and clarify. Ryan Green said they are, they are going back through the existing code and working to shore up holes in it. Once the Strategic Plan is complete they will need to make sure everything trues up with that. Mr. Orsini asked if it was a fair statement that they would have to stop any amendments or changes to zoning to meet the standard that Lewie wants, which is the right standard, redo it all then once we have the Plan, do it again. So it is either progress as is, or everything comes to a screeching halt. Mr. Green said those are conversations they have had, as far as moratoriums, zoning is a living document that you will constantly look at, if Council wants to go with a moratorium that is a conversation they can have. Law Director Ashrawi said he wants to be very clear, his opinion is not only based on spirit and intent, the language of the legislation is very clear, the amendment reflects deletions are represented by a strikethrough and additions are represented by red italics so if either do not exist, the language is neither deleted or added and the remainder of the issues can be made as clerical corrections that can be made administratively.

ACTION: Ryan Green moved to pass as written, clerical edits noted; Donald Barnard seconded and the vote was as follows:
AYES: Jon Merriman, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini, Donald Barnard
NOES: None
ABSTAIN: None

Passed 7 - 0

c. **RESOLUTION 2022-36** AGREEMENT FOR THE ADMINISTRATION OF HEALTH AND ENVIRONMENTAL SERVICES AND AFFAIRS WITHIN THE GEOGRAPHICAL JURISDICTION OF THE LICKING COUNTY, OHIO COMBINED GENERAL HEALTH DISTRICT.

As a City, we are now required to have a Health Department. As staff would be limited for this, the city has the option to contract with the Licking County Health Department for services. The cost is \$4.85 per capita, which currently would be \$25,132.70 per year. Mr. Stanearth said this is not necessarily an additional cost, we have been paying them for services provided, we should not have to appropriate much more. Mr. Orsini said he would like to know the gap if there is one.

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

Mr. Barnard said we did budget \$20,000 last year so it will be an additional cost of five or six thousand.

ACTION: Don Barnard moved to pass this resolution; Jon Merriman seconded and the vote was as follows:

AYES: Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini, Don Barnard, Jon Merriman
NOES: None
ABSTAIN: None

Passed 7 - 0

- d. **RESOLUTION 2022-37** A RESOLUTION TO APPOINT REPRESENTATIVES TO SERVE ON THE LICKING COUNTY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON BEHALF OF THE CITY OF JOHNSTOWN

TIRC appointments were formerly Mayor Chip Dutcher and Finance Director Dana Steffan. With the vacancies and in the interim, Acting City Manager Sean Staneart and the Finance Committee Chair Don Barnard will serve.

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

Councilman Orsini said that under the circumstances, unless someone has an affinity for it, he does not think we could have two better folks to fill this responsibility.

ACTION: Jon Merriman moved to approve the appointments; Ryan Green seconded and the vote was as follows:
AYES: Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini, Ryan Green, Don Barnard, Jon Merriman
NOES: None
ABSTAIN: None

Passed 7 - 0

- e. **RESOLUTION 2022-38** A RESOLUTION TO APPOINT COUNCIL COMMITTEE MEMBERS AND ESTABLISH MEETINGS SCHEDULE

Council members worked to fill vacant committee seats and set meeting schedules. Resolution 2022-38 was completed as appointments were made.

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

ACTION: Jon Merriman moved to pass as a block (as completed); Donald Barnard seconded and the vote was as follows:
AYES: Charlie Campbell, Nicole Shook, Bob Orsini, Don Barnard, Jon Merriman, Ryan Green, Sharon Hendren
NOES: None
ABSTAIN: None

Passed 7 - 0

12. Introduction of Legislation – None

13. Other Business

1. Jon Merriman said since they did not pick anyone as Mayor this evening, he would like to nominate Donny Barnard as President of Council which will give them someone to lead next meeting.

ACTION: Jon Merriman moved to nominate Don Barnard as President of Council; Nicole Shook seconded and the vote was as follows:

AYES: Nicole Shook, Bob Orsini, Don Barnard, Jon Merriman, Ryan Green, Sharon Hendren, Charlie Campbell

NOES: None

ABSTAIN: None

Passed 7 - 0

2. Don Barnard said at the last council meeting on October 4th, 2022, the four Council members present passed 4-0 Resolution 2022-35, a resolution authorizing the City Manager to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and or Local Transportation Improvement Programs and execute contracts as required. Mr. Barnard said as one of the 4-0 members who voted for it, he would like to reintroduce it to Council and revote on it, re-look at it. Reason given is that it ties Council to additional monies that will have to be spent in the future and at this time with unknowns in CIP and budget funds for the future, he is just not sure it is something we want to get into at this point.

ACTION: Don Barnard moved to reconsider Resolution 2022-35

Jack Liggett said that annually Johnstown puts in an application with the Ohio Public Works Commission (OPWC). With this application, there is a city match portion, there is a grant portion from the State and many times there is a no-interest loan component. Based on how the application is put together, it is graded out and the award is based on points. The project discussed and voted for was an approximately \$350,000 project which was going to do extensive repairs to W. Douglas, and would be a continuation of the job done on S. Oregon. The project also includes mill-and-fill paving on College Street and S. Kasson from Pratt St. to Douglas. To get maximum points, Johnstown would need to put in roughly \$89,000, around twenty-six percent, then could ask for all grant for the balance or a combination of grant and no interest loan, typically financed for twenty years. Discussion on focusing on Douglas and not doing the mill and fill on College and S. Kasson along with other variations for the project and cost options. Mr. Barnard asked if the resolution could be left as is and be readdressed next meeting. Law Director Ashrawi clarified that the resolution simply authorizes the City Manager to enter into agreement and to submit the application, it does not require any action, so this direction and conversation can be had

and decisions can be made without reconsidering or changing the resolution. Jack Liggett added that there were also no dollars tied to the resolution. Council will continue discussion on November 1st and make a decision on project scope prior to the application deadline.

ACTION: Mr. Barnard withdrew his motion to reconsider.

3. Jack Liggett said the aquifer study on max withdrawal started today. It has been found that the screens on well J1 need cleaned to get an accurate draw-down test, he has this set up for Monday. Screens have not been cleaned in fifteen years, the estimate will likely be around \$10,000. The money will come out of water operating/engineering services fund.

4. Don Barnard said that before he came on, the city brought in an HR firm to start looking at policies, procedures and to make sure everything is getting done. Mr. Barnard said with Jack Liggett's transition back to Service Director, he would like Mr. Liggett to get evaluations done on every employee that he supervised as City Manager; in the past they were not getting done. Mr. Liggett said he plans to get that done this month.

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

Jon Merriman said Council would be moving into Executive Session with the City Law Director to discuss imminent court action. There will be no action after.

ACTION: Jon Merriman moved to enter into executive session with the City Law Director, members of Council, City Manager and Council Clerk; Ryan Green seconded and the vote was as follows:

AYES: Bob Orsini, Don Barnard, Jon Merriman, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook

NOES: None

ABSTAIN: None

Passed 7 - 0

Council took a five minute recess while the room cleared.

Council entered Executive Session at 8:15 pm and returned to Regular Session at 9:31 pm.

15. Adjourn

ACTION: Jon Merriman moved to adjourn; Don Barnard seconded and all were in favor.

AYES: Sharon Hendren, Ryan Green, Donald Barnard, Jon Merriman, Nicole Shook, Bob Orsini, Charlie Campbell

NOES: None

ABSTAIN: None

Passed 7 - 0

Meeting adjourned at 9:31 pm.

Next Council Meeting November 1, 2022