



Regular Council
Tuesday, December 6, 2022 - 6:30 PM
MINUTES

1. Call to Order

Mayor Donald Barnard called to Order the City of Johnstown Regular Council Meeting for December 6, 2022 at 6:33 PM.

2. Roll Call

Present - Mayor Donald Barnard, Jon Merriman, Sharon Hendren, Ryan Green, Nicole Shook, Charlie Campbell
Absent - Bob Orsini

Staff present - Sean Staneart - Acting City Manager, Jack Liggett - Service Director, Rusty Smart - Interim Chief of Police, David Riepenhoff - City Labor Attorney, Teresa Monroe - Clerk of Council

Public present - Father Stephen Smith, Alexis Fitzimmons, Jess Anderson, Jamie Hartsough, Chris Shop, James McNally, Mark Lopez and family, Joshua Hoar and family

3. Invocation - Father Stephen Smith, Church of the Ascension

4. Pledge of Allegiance

5. Swear in new Police Officers

Mark Lopez and Joshua Hoar took the oath of office and were sworn in as Johnstown Police Officers by Mayor Donald Barnard. Both officers took a moment to tell council members a little about themselves.

6. GROW Licking County - Director Fitzimmons

GROW Licking County Director Alexis Fitzimmons attended to educate City Council on how the partnership with GROW Licking County is helpful to Licking County and to Johnstown. Key topics reviewed were as follows:

Business Retention & Expansion
Business Attraction
Community Preparedness
Challenges that they address

GROW Licking County meetings are held the second Mondays monthly, committee meetings are also public.

7. Action on Minutes

a. November 1, 2022

ACTION: Jon Merriman moved to approve as written; Nicole Shook seconded

and the vote was as follows:

AYES:

Charlie Campbell, Nicole Shook, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren

NOES:

None

ABSTAIN:

None

Passed 6 - 0

8. Correspondence

a. PD thank you

Thank you letter to Johnstown Police Department commending the respect and professionalism given by Officer Smart during a traffic stop.

9. Citizen comments on matters not on the agenda

No comments from the public.

10. Council Committee reports

a. **Planning & Zoning:** Met 11/22/22; Next 12/7/22 @ 6:30 pm Council Chambers

Approval of a sign variance for Chase Bank, signage and trees. Kept Redwood on the table. An AirBnB was conditionally approved. At the next meeting on December 7th future goals and signage will be discussed, meeting time changed to 4:30 pm.

b. **Design Review Board:** Next 12/13/22 @ 5:00 pm Council Chambers

c. **Safety & Service:** 12/6/22; Next 1/3/23 @ 5:00 pm Council Chambers

Discussion on Codified Ordinance Section 331.44 that prohibits left turns, current left turns prohibited are from Bigelow Drive onto US 62 and for vehicles traveling westbound on US 62 turning onto Bigelow Drive. There is now a turn lane on US 62, the committee recommends doing away with those prohibited turns. The no left turn signs have been down for roughly three weeks without incident thus far. An Ordinance will be brought to council.

d. **Finance:** Met 11/29/22 special; Next 1/17/23 @ 5:00 pm Council Chambers

Working toward budget 2023 to move it forward.

e. **Park & Rec:** Next TBD

Next meeting set for January 16, 2023 at 4:00 pm.

f. **Tree Commission:** Met 11/22/22; Next TBD

The Tree Commission will be looking for two new members in 2023.

g. **Events Committee:** Next 12/8/22 @ 5:30 pm Admin Conference Room

h. **Rules:** Met 11/16/22; Next TBD

11. Director Reports

a. Water, Sewer, Street, Service Director

Service Director Jack Liggett reviewed department reports and provided his report on city

projects. All were included in the published packet. Mayor Barnard asked if there were any street employees working at the water plant on a routine basis, Mr. Liggett said Mike Cain is a street department employee who works the ten hour Saturday morning shift at the water department. Mayor Barnard noted that in preparation of the debt portion of the budget, the Jersey Street project went to General Fund but the directors report discusses water taps and water main realignment with the project and asked if some of that debt should go to water and sewer. Mr. Liggett said if that is what council desires, it had not been broken up that way in the past. Mr. Barnard asked if they could get an estimate on how much is attributed to sewer and water, Mr. Liggett said absolutely. Ms. Hendren thanked the service department for getting the Christmas wreaths hung.

b. City Manager

Sean Staneart highlighted items in his report which was included with the council packet. Called out the first public meeting for the Comprehensive Plan happening December 14th at 6:30 pm. It was noted that Mr. Staneart will engage Pulte Homes in discussion again on the Bigelow Drive traffic signal.

12. Tabled Legislation

- a. **ORDINANCE 17-2022** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE CITY OF JOHNSTOWN. TABLED SEPTEMBER 27, 2022
Legislation to remain tabled until after the beginning of the new year when budget is complete.

13. Public Hearings of Legislation

- a. **RESOLUTION 2022-40** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR REIMBURSEMENT OF LEGAL COUNSEL FOR INDIGENT DEFENDANTS FOR THE CITY OF JOHNSTOWN, LICKING COUNTY, OHIO.
This is an annual contract that the city is required to enter into by the Ohio Public Defenders office, it runs from January 1, 2023 to December 31, 2023.

No debate by Council.

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

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

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

NOES: None

ABSTAIN: None

Passed 6 - 0

- b. **ORDINANCE 23-2022** AN ORDINANCE AMENDING ORDINANCE 47-21, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS, AND DECLARING AN EMERGENCY.
Mayor Barnard said that as Integrity Bookkeeping reviews the books, they have found

some errors, some funds not transferred, as well as appropriations authorized earlier in the year, this ordinance will move funds around in order to get all the bills paid by the end of year. The emergency is requested by Finance so that they can get bills paid that are due.

ACTION: Jon Merriman moved to waive the second reading to pass as an emergency; Sharon Hendren seconded and the vote was as follows:
AYES: Jon Merriman, Don Barnard, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook
NOES: None
ABSTAIN: None

Passed 6 - 0

Public Hearing: There were no comments either for or against the legislation.
No debate by Council.

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

Passed 6 - 0

14. Introduction of Legislation

- a. **ORDINANCE 22-2022** AN ORDINANCE TO APPROVE EXPENSES AND OTHER EXPENDITURES OF THE CITY OF JOHNSTOWN, LICKING COUNTY, STATE OF OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023.

Introduction of the 2023 City of Johnstown budget. Mayor Barnard reviewed budget attachments, added that the city is very tight financially, the debt level is extremely high, current city ordinance mandates twenty-eight percent from the General Fund to pay debt, this year is at almost thirty-one percent which takes a big bite out of the General Fund.

Mayor Barnard said that the carryover is not at the level it should be at only \$30,000 in the General Fund. Employee raises will range, most will receive 2.5 percent. It was added that water and sewer operating are not supporting themselves at this point, by ordinance the water and sewer rates increase five percent each year, that may need to change to eight or nine percent to help offset some of the loss. Mr. Stanearth said he is working diligently on analysis, there has been an incredible increase in operating cost, some of this increase in expenses is in direct relation to the things that everyone is experiencing at their house, the cost of goods, gas, materials and labor have risen. Mayor Barnard added that the city health care rate rose to almost fifteen percent this year, currently the City of Johnstown pays all health care costs for city employees, that is also something that Finance Committee will be looking at in January for future years. Mr. Barnard encouraged council

members to review the budget numbers and question anything they have in order to correct so they have a good budget going forward. He added that they are trying to fix things now for future years, he would like to see an ordinance that caps how much debt the city can take on so that there is never a council that takes on too much debt and then we can't pay employees who service the city.

Second reading and vote on December 13, 2022.

15. Other Business

1. Mayor Barnard said he has been researching food truck legislation from other communities who limit food trucks to protect their brick and mortar establishments. He noted a Harvard Business study that found that food trucks did not impact brick and mortar businesses because most of the time they are vastly different. He said one concerning thing is that courts, specifically in Ohio, have been ruling against cities on their food truck legislation because they are too restrictive, forcing cities to update their food truck legislation. He met with the owner of Dashing Diner and she does not feel that food trucks are in competition with them because they are a sit down dining establishment. She suggested allowing them three to four days per week, eight hours a day, moving the trucks to the specific zoning area GCC-2 on a temporary basis such as six months to see how it works and limiting the number of permits given and also not allowing them on public property, only private. Recommendation that food trucks have a city food truck permit, a Fire Marshall inspection, a health inspection license, require a criminal background investigation and a requirement to be one hundred feet from a current food establishment. Ms. Hendren said she would like to get other local restaurant owner feedback. Mr. Green said he is always open for more debate if it can be tweaked to be a benefit to the community and not hurt local business. Mr. Merriman said that council members should do their own research and analyze after the first of the year, Mr. Barnard also suggested talking to citizens about it, he said residents would like more food options. Ms. Shook said that the cost to build a restaurant is so high right now, it is a hard sell for an eight to five, Monday through Friday restaurant business to invest in a brick and mortar, that we don't have that eight to five walk in traffic, she is in favor of a six month allowance or something temporary to bring some trucks in to give people a choice, maybe it would attract some bigger restaurants to come here on a brick and mortar basis when it is affordable to do it. Some further discussion amongst council members, questions posed on payroll tax to the city. Mr. Campbell said that food trucks can serve a lot of different venues and can offer a lot of different foods, his question is how many trucks will they allow in Johnstown at one time, will they all be in one geographical area such as GCC-2, food trucks do have a place in our community, it is just a matter of how many and where. He said he thinks it is a good thing to do, to give them a six month trial with a permit that checks everything off, he is in favor of trying to see how this can fit into the community. Discussion on enforcement and what other communities allow or don't allow. Mayor Barnard said he would like council members to think about this, do their research until next meeting and come back with thoughts.

2. Ryan Green said he would like to bring in the DORA (Designated Outdoor Refreshment Area). Mr. Merriman said they should review the staffing requirements on that. Mayor Barnard said in doing research, there are a lot of requirements and they would need to lay out those requirements before moving forward. Mr. Merriman noted a need for extra service workers to do a trash mitigation plan as well staffing extra police officers during DORA hours. Mr. Green said there is a lot to it but he thinks it is worth taking a look at it.

Ms. Hendren said they have talked about doing a DORA for a long time, she is for it.

16. Executive Session to discuss pending and imminent court actions

17. Executive Session to consider the employment and compensation of a public employee

ACTION: Donald Barnard moved to move to executive session to discuss pending and imminent court action and also to consider the employment of a public employee; Nicole Shook seconded. Mayor Barnard said the first session would include members of council, Sean Staneart and attorney Dave Riepenhoff; the second one is just members of council. The vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 6 - 0

Council entered Executive Session. Return to regular session time not noted.

18. Adjourn

With no further business, the meeting adjourned at approximately 8:15 pm.

Next Council Meeting December 13, 2022