



Regular Council
Tuesday, January 3, 2023 - 6:30 PM
MINUTES

1. Call to Order

Mayor Barnard called to order the City of Johnstown Regular Council Meeting for January 3, 2023 at 6:38 PM.

2. Roll Call

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

Staff present - Sean Staneart - Acting City Manager, Jack Liggett - Service Director, Rusty Smart - Chief of Police, Officer Jeremy Pache, Rick Fitch - Chief Wastewater Operator, Daniel Swick - Street Superintendant, Teresa Monroe - Clerk of Council

Public present - Walter Raub, Lewie Main, Jamie Hartsough, Andria Coppel, Sarah Penrod, Sabrina & Phil Baker, Glenn Ronken, Lanny Bailey, Mary Cool, Darren Richards

3. Invocation - Ms. Hendren

4. Pledge of Allegiance

After the pledge, Mayor Barnard congratulated Rusty Smart on his appointment to Police Chief.

5. Police Officer Commendation

Chief of Police Rusty Smart presented Officer Jeremy Pache with the Officer of the year award. Mr. Staneart asked if there was monetary compensation for the honor, currently there is not, Mr. Staneart said he would like to see that. Council said that could be a consideration.

6. Citizen comments on matters not on the agenda

Prior to opening to public comments, Mayor Barnard opened the floor to Darren Richards with Dynamic Solutions, who handles IT for the city. Darren Richards addressed Council regarding an IT issue happening over the last weeks. Mr. Richards said that on December 18th one of their systems was hacked and in turn a lot of their clients got hacked with a ransomware. They were able to restore the city from the last online backup and everything is fine. The Police Department is a bit different, they were not using the same cloud based backup, the department has gotten a lot of their stuff back but he is not sure they have everything, they are still working on it. The infected systems are no longer in use, they were shut down right away. Mr. Richards said they have been working with DHS and the FBI and they have not seen any evidence of any personal information having gotten out. The ransoms were not paid and they do not need to be paid. Mr. Richards answered council member questions and was asked for a proposal for recommendations to strengthen protocols going forward to protect against future attacks. Mr. Richards said that the city security stacks up with others, that unfortunately it was his server that was hacked,

addressing the concern of council he said the city is more protected than before the attack. Mr. Stanearth thanked Mr. Richards for coming himself to explain, it was not an easy thing for him to do.

Public Comments:

1. Phil Baker, 12428 Johnstown-Utica Road

- Said that individuals from Countryside Auto were doing smoky burnouts in the vehicles in the Santa Parade which were dangerous to spectators and recommended that they not be permitted to participate in the future.

Chief Smart said that CCL runs the Santa parade, any recommendation on that should be made to them, he could reach out. Discussion on adding a policy to the Events Permit procedure.

7. Executive Session to consider the appointment of a Public Official - Personnel Board of Review
- ACTION:** Donald Barnard moved to enter Executive Session to consider the appointment of a public official to the Personnel Board of Review, with members of council; Jon Merriman seconded and the vote was as follows:
- AYES:** Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren
- NOES:** None
- ABSTAIN:** None

Passed 7 - 0

City Council entered Executive Session at 7:05 pm and returned to Regular Session at 7:32 pm.

8. Council Committee reports

- a. **Planning & Zoning:** Next 1/10/23 @ 6:30 pm Council Chambers
Ryan Green said as there are no applications for the January 10th meeting, he would like to schedule a joint meeting with members of Council, Planning and Zoning and the Design Review Board. Joint meeting scheduled for January 10, 2023 at 6:30 pm.
- b. **Design Review Board:** Met 12/13/22; Next 1/10/23 @ 5:00 pm Council Chambers
- c. **Safety & Service:** 1/3/23; Next 2/7/23 @ 5:00 pm Council Chambers
Discussion on road projects.
- d. **Finance:** Next 1/17/23 @ 5:00 pm Council Chambers
- e. **Park & Rec:** Next 1/16/22 @ 4:00 pm Admin conference room
Sean Stanearth provided an update; a status hearing was held on the Miles Estate, the joint attorney representing the City, Johnstown-Monroe Schools and the Greater Johnstown Park & Rec District attended. Mr. Stanearth provided council members some background.

No decisions have been made at this point.

- f. **Events Committee:** Next 1/19/23 @ 5:30 pm Council Chambers

9. Director Reports

- a. Service Departments: Water, Sewer, Street

Chief Water Operator Terry Nichols was unable to attend, Jack Liggett reviewed the report for the Water Department and answered questions of council.

Chief Wastewater Operator Rick Fitch reviewed his Sewer Department report and answered questions of council.

Street Superintendent Dan Swick reviewed his report and answered questions of council. Mr. Orsini asked if there was any opportunity for grants from AEP to switch out more lights to LED, he will check into.

- b. Service Director

Jack Liggett provided updates on projects outlined in his report. Added that the new water tower should be operating by the end of February. The new water plant is anticipated to be operational summer of 2024. Answered questions of council members.

- c. City Manager

Sean Stanearth reviewed his report with council. Added that regarding the Pulte traffic signal, after discussion with Safety and Service this evening, will more than likely see installation of a traffic signal, this is per the request of the city in 2006. There has been a performance bond in place and Pulte wants to perform the work, there will be a bond renegotiation, we are asking the bond to be reduced to \$350,000, the quote they received to install is \$250,000.

Mayor Barnard asked for city representation at the Licking County Sewer and Water District meeting for the year in review on Monday, January 23rd at 6:30 pm. Discussion on water provisions in the area. Bob Orsini said he would like to meet with two other council members to draft a letter on the city's position.

10. Tabled Legislation

- a. **ORDINANCE 17-2022** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE CITY OF JOHNSTOWN. TABLED SEPTEMBER 27, 2022
To remain tabled. Will be discussed at the upcoming meeting on the 17th.

11. Public Hearings of Legislation

- a. **ORDINANCE 24-2022** AN ORDINANCE REPEALING SECTION 331.44 OF THE TRAFFIC CODE; CHAPTER 331 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

This repeals the section of the traffic code that prohibits left turns from US62 onto Bigelow Drive and left turns from Bigelow Drive onto US62.

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

ACTION: Donald Barnard moved to approve, repealing section 331.44 of the traffic code in the city of Johnstown codified ordinances; Jon Merriman seconded and the vote was as follows:
AYES: Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell
NOES: None
ABSTAIN: None

Passed 7 - 0

b. **ORDINANCE 25-2022** AN ORDINANCE AMENDING CHAPTER 1155 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

This amends the City of Johnstown zoning district GCC-1, Chapter 1155 of the City of Johnstown Codified Ordinances.

From the audience, Lewie Main asked that Acting City Manager Sean Staneart be recused from discussing this as he is a property owner and a businessman in this jurisdiction. Councilman Orsini addressed Mr. Main saying that it does not matter what Mr. Staneart advocates for or against, it is the Council that is responsible for the decisions.

It was discussed that staff added a section to GCC-2, Chapter 1157, after it left Planning and Zoning, and as discussed at the introduction last meeting, council may approve without sending the draft back to the Planning and Zoning Commission. Chairman Green said ideally he would have liked the draft to go back to the Planning and Zoning Commission but in the interest of time he is in favor of moving forward.

Edits were previously made to Chapter 1155 by the Planning and Zoning Commission, further review and discussion by council.

Public Hearing was active discussion and questions with the audience.

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

Passed 6 - 1

c. **ORDINANCE 26-2022** AN ORDINANCE AMENDING CHAPTER 1157 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

This amends the City of Johnstown zoning district GCC-2, Chapter 1157 of the City of Johnstown Codified Ordinances.

Edits were previously made to Chapter 1157 by the Planning and Zoning Commission, further review and discussion by council. Edits made to the draft by council; strike 1157.03 (d); 1157.04 a) 3 change front setback to 30 feet; 1157.04 a) 5 change side setback to 30 feet. Discussion on flood plain percentage being used as green space, potential

amendments forthcoming.

Public Hearing: There was discussion with the audience and comments addressed by council.

ACTION: Bob Orsini moved to approve ordinance 26-2022 as amended;
Donald Barnard seconded and the vote was as follows:
AYES: Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini
NOES: None
ABSTAIN: None

Passed 7 - 0

Mayor Barnard addressed a comment made by Lewie Main about Mr. Staneart and the businesses he owns and conflicts of interest with these ordinances. He asked fellow council members for permission to go to city legal counsel to verify what Sean can and cannot do so we do not have episodes like this again. Council was in agreement to get formal Law Director opinion on the matter. Mr. Orsini again stated that it is the seven of them that make the decisions.

- d. **RESOLUTION 2023-01** RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH STRATEGIC HR BUSINESS ADVISORS
Last meeting a proposal was given by HR Business Advisors, Mr. Staneart was asked to propose some changes and provided an update. Councilman Orsini had referenced front loading the contractual obligation for the six-month commitment and front loading it to happen in the first month with the initial study they would be doing, Mr. Staneart said correspondence with her said that would be fine, all else is the same as far as the hourly rate, the price per hour at the six-month rate would be what we are utilized at, he also reiterated from Councilman Orsini that more than likely we would have them for more than just the three months if front loaded and they will likely be made whole regardless but as a precautionary measure they have that in place. Mr. Orsini asked if she agreed the total hours would be available to us on day one and when we exceeded our total hours, then we get into the additional. Mr. Staneart said yes, he has that in an email.

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

ACTION: Bob Orsini moved to approve resolution 2023-01 as written; Nicole Shook seconded and the vote was as follows:
AYES: Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman
NOES: None
ABSTAIN: None

Passed 7 - 0

- e. **RESOLUTION 2023-02** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LEAFY DELL PROPERTIES, LLC

Sean Staneart said that during the discussion with Coughlin on the apartments, a traffic study was requested, which they did and it came up that their impact on that particular subdivision as a whole would be four percent. A calculated number had been given to us by the State of Ohio based on a traffic signal being put in there, a request was made to Coughlin that they would participate this much financially toward that project. They agreed to that and we have been back and forth with legal counsel drafting something agreeable to both parties, this is the end product. This will allow us to engage a new contract to receive the \$77,244.00; Mr. Staneart highlighted that if we enter into this agreement, there is a timeline in which we have to perform the traffic light, he has left that blank for council members to decide. Some discussion of language with regard to agreement item number four, Mr. Orsini expressed concern that we are committing things we do not have control of. Mr. Staneart noted that item four only states that the project need be initiated by the date. After discussion, council agreed to 2030.

Public Hearing: Discussion with audience members, questions answered.

ACTION:	Jon Merriman moved to approve with a date of 2030; Nicole Shook seconded and the vote was as follows:
AYES:	Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard
NOES:	None
ABSTAIN:	None

Passed 7 - 0

12. Introduction of Legislation - None

13. Food Truck Ordinance - Discussion continued

a. Food Truck Ordinance 20-2019

Mayor Barnard said he would like to put a temporary stay on the current food truck standards, Chapter 730, but only for 730.06(b), and for either two or three food trucks for six months on a test basis, and then use those six months to assess. Trucks would be localized to zoning district GCC-2. Council members engaged with the audience on questions and comments; Andrea Coppel said as the Chamber, she is looking for long term investment by businesses. Mr. Barnard said that would be his goal, for them to build here. Ms. Hendren said she did not think that would happen and if we bring in food trucks, it could hurt our restaurants. Mayor Barnard said there are also people in the community begging for restaurants. Mr. Green said he is fine with testing a hypothesis but who is going to police this to make sure our data is adequate. Mayor Barnard said he did not know how we would ever determine how to change this ordinance without testing. Discussion on advertising this and what the process could be for choosing which food trucks, potential for a lottery, and a test period fee. Discussion on a six-month test period permit fee of \$500. Continued council discussion and a call for a non-binding straw poll to see who is interested in moving forward with this conversation. Council voted 5-2 in favor of further discussion in committee, moved to the Economic Development Committee.

14. DORA (Designated Outdoor Refreshment Area) - Discussion

Mayor Barnard said the goal with this item is to see if there is interest on council to create a committee in the city to look at setting up a DORA that is not a thirty day a month DORA but maybe a six time a month one that helps the festivals or downtown. Mr. Green said he thinks they should go the same with this, to committee for discussion; council forwarded to Economic Development committee.

15. Emergency Protocols for Inclement weather/power outages

The city generally points to county resources for shelter and resources, if council chambers is used, who will monitor etc.. need to set protocols.

Ryan Green said he would like to share the city road plowing schedule publicly so people know when we will get to their road. Also would like to have some discussions on domestic terrorism and protocols for safety.

Council forwarded discussions to the Safety & Service committee.

16. Other Business

1. Sean Staneart said that well J-4 needs to be put in, in order for our well capacity to be up to snuff for the EPA to grant us a three million gallon a day water plant. In order for this to happen, we need to act quickly and consider the financial component. The well needs to be drilled and a test pump installed, the cost came in at \$275,000. Mr. Staneart said we have not bid it out, under the circumstances that we have we can use professional services. The well driller who has done all the other city water wells and is familiar with our aquifer is available in five to six weeks. Having someone with intimate knowledge of our current aquifer is important to protect against damage, getting the lowest bargain basement well driller to dig in our aquifer that supplies the City of Johnstown with all of its water may not be the best decision. The engineers back up the decision to not put out for bid. Discussion on timing, the money can be paid from the remainder of the bond pulled in 2020, from the water fund, not the General Fund. No objection from council, Mr. Staneart said he will move forward.

2. Sean Staneart requested that the Council call for an Executive Session for pending legal action on an item that was just brought to his attention today. Clerk Monroe said that council would need to waive their rule of order requiring twenty-four hour notice.

Prior to the vote, Mayor Barnard said Julian & Grube, who put together our financial statements for 2020-2021, is needed again, the proposal is \$10,000. Asked if that was something that council needed to vote on or can the manager enter. Mr. Staneart said he can.

ACTION:	Donald Barnard moved to waive the 24 hour notice to council for executive session; Nicole Shook seconded and the vote was as follows:
AYES:	Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green
NOES:	None
ABSTAIN:	None

Passed 7 - 0

ACTION: Bob Orsini moved to enter the executive session with no business to follow, for the members of council and village manager to discuss imminent legal action; Jon Merriman seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 7 - 0

Council entered Executive Session at 10:07 pm. Return to Regular Session not recorded.

17. Adjourn

With no further business, the council meeting was adjourned, time not recorded.

Next Council Meeting January 17, 2023