



Regular Council
Wednesday, November 8, 2023 - 6:30 PM
MINUTES

1. Call to Order

Mayor Donald Barnard called to Order the City of Johnstown Regular Council Meeting for November 8, 2023 at 6:46 PM.

2. Roll Call

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

Staff present - Sean Staneart - Acting City Manager, Dave Delande - Finance Director, Jack Liggett - Service Director, Rusty Smart - Chief of Police, Thad Boggs - Law Director/Frost Brown Todd, Chris Hermann - City Planner/MKSK, Teresa Monroe - Clerk of Council

Public present - Lewie Main, Dave Selan, Keith Ryan, Jamie Hartsough, Nick Shaner, Terri Feters, Cyndi Duke, Jeff Barr, Wesley Kobel, Connie Ryan, Daryl Wernette, Andrea Ford, Franz Stein, Glenn Ronken, Frank Cea, Craig Moncrieve, Jamie McNally, Aaron Underhill, Tom Ruby

3. Invocation - Pastor Tim Swanson, Faith Fellowship

4. Pledge of Allegiance

Mayor Barnard recognized incoming 2024 council members Jeff Barr, Tiffany Hollis, Dave Selan and Wes Kobel.

5. Action on Minutes

a. October 17, 2023

ACTION: Nicole Shook moved to approve; Bob Orsini seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 7 - 0

6. Citizen comments on matters not on the agenda

1. Daryl Wernette

- Made a request to continue working on the Greater Johnstown Parks & Recreation District (GJPRD) role and building a plan aligned with the city comprehensive plan. They have had a chance to be interviewed by MKSK which was valuable and share learnings they have had through their partnership with the Pizzuti Group on the role

that they play. It is important to understand how the joint district has a role in extending the capabilities of this council beyond the reach of the boundaries of the city and how it gives power to the schools to take control of land, not for school development, but to provide for the community and the roles of parks.

- Encourages council to think about how to put in the right policies to make sure we capture opportunities for land or money for the community as we grow, as people come in to develop.
- As they work to move their group to continuity of existence as opposed to being renewed every ten years, many are aware, it would move them to a group that can work for the people of the city and would be how they can get people to join and submit their time for parks and rec.

Mayor Barnard spoke about getting JYAA, the schools, the city, and GJPRD together and figuring out how each can fit and blend as a puzzle piece for the city and work together.

Mr. Orsini said the park piece of the annexation and PD development are conversations they have had with the developer. They want to make sure it is accounted for fairly and equitably and can last over time. There has been communication on how to model that, it was not lost, it is a primary point of discussion.

2. Frank Cea

- Introduced himself, he is on the JYAA Board and supports the same things Daryl spoke about. Thinks it is phenomenal to see what we all have in front of us to grow and develop, cannot wait to support whatever the plans look like.
- Encourages a look at the economic opportunities for all the sporting programs, he has been in talks with those that run competitive leagues in the state and is aware of the Ohio Soccer Association's desire to have a world class facility located in central Ohio.

7. Council Committee reports

- Planning & Zoning:** 10/24/23 canceled; Next 11/14/23 @ 6:30 pm Council Chambers
- Design Review Board:** 10/24/23 canceled; Next 11/14/23 @ 5:30 pm Council Chambers
- Safety & Service:** Next 12/5/23 @ 5:00 pm Admin conference room
- Finance:** 11/8/23 special; Next 11/21/23 @ 5:00 pm Admin conference room
Action from the special meeting tonight, a resolution has been added to tonight's council agenda. Additionally, heard a presentation from Rankin & Rankin on some changes in city health insurance that could save the city up to \$150,000 per year.
- Park & Rec:** Met 11/6/23; Next 12/4/23 @ 1:00 pm Admin conference room
Ms. Hendren said they had discussion on the Miles Estate, many are frustrated that it is taking so long. Also discussed the grant for an amphitheater, action would need to be taken by June 2024, many would like to see this moved along. Next meeting is scheduled

for December 4, 2023 at 1:00 in the admin offices.

Mayor Barnard added that there will be a meeting on Friday with the members of the trust to discuss some legal changes with the Miles Estate.

- f. **Events Committee:** Next 11/15/23 @ 5:30 pm Council Chambers

8. Director Reports

- a. Service Departments: Water, Sewer, Street, Director project updates
Director reports were included in the council packet, no questions or discussion from members of council. Mr. Liggett reviewed the project report also included.

9. Tabled Legislation

- a. **RESOLUTION 2023-30** A RESOLUTION ACCEPTING AN ANNEXATION OF 285.93 +/- ACRES, MORE OR LESS, FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN. Introduction and Public Hearing held on October 3, 2023

ACTION: Mayor Barnard moved to take from the table; 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

Mayor Barnard said that the applicant has asked this to be removed from the table and looked at by council tonight, with that being said, there are other things that need to take place. Discussion on the order of the agenda and legislation for vote, decision to move to Public Hearings of Legislation. Order of legislation for consideration will be Ordinance 20-2023, Ordinance 21-2023, Resolution 2023-30, then Ordinance 19-2023.

****After passage of Ordinances 20-2023 and 21-2023, Mayor Barnard returned to this one and said that this annexation will enlarge the acreage of our city by approximately twenty percent.**

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

ACTION: Donald Barnard moved to approve Resolution 2023-30 conditionally upon the passage of Ordinance 19-2023; Nicole Shook seconded and the vote was as follows:
AYES: Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook
NOES: None

ABSTAIN: None

Passed 7 - 0

10. Public Hearings of Legislation

- a. **ORDINANCE 20-2023** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMPENSATION AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND THE JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT

Second reading, council review of updated agreements for both Ordinance 20-2023 and Ordinance 21-2023 with last minute changes made read by city legal counsel Thad Boggs. Mr. Stanearth said they have been engaged with Johnstown-Monroe Schools in conversations, they want to be "lock step" with them as much as possible; the school will be looking at this at their November 13th meeting. Discussion on some financial components of the agreement relative to property tax abatement.

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

ACTION: Bob Orsini moved to approve corrections in language jco to jlc; 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

7 - 0

- b. **ORDINANCE 21-2023** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT INCENTIVES AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND THE JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT

Changes reviewed under Ordinance 20-2023 discussion. Thad Boggs said that if the will of council is to adopt the ordinance approving this agreement, it would want to move with the condition that non-substantive edits requested by the school district and agreed upon by the City Manager could be entered. Mr. Boggs said he would decide if items were substantive or not. Sean Stanearth said this is an agreement between the City of Johnstown, the school district and the property development company for a development incentive agreement so these are locked into place ahead of time. Mr. Boggs said he would add the requirement for JLC (Johnstown Land Company) Properties to join the NCA which is the lynchpin of the agreement. Discussion on future developments and how agreements could be executed. Examples discussed.

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

ACTION: Bob Orsini moved to approve ordinance 21-2023 as amended to give the acting City Manager authority to make any non-substantive changes agreed to with the school district; 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

**Resolution 2023-30

c. **ORDINANCE 19-2023** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF JOHNSTOWN, REZONING APPROXIMATELY 407.3+/- ACRES TO PLANNED DEVELOPMENT DISTRICT

This legislation will rezone four hundred and seven acres to the new PD District. Sean Staneart reviewed some minor changes to the final version, Council discussion and further edits.

Public Hearing

1. Lewie Main

- This is being zoned, not rezoned, it has never been zoned.
- This is the ideal time to make an official zoning map, there have been many changes that are not reflected on the zoning map. He publicly requests the creation of an official zoning map.

Mayor Barnard asked city legal counsel Mr. Boggs about using zoning versus rezoning. Mr. Boggs said it exists in Monroe Township now and has that regulation, he does not see a legal consequence using one or the other.

2. Jeff Barr

- Asked for clarification, that there would not be storage units there for individual use. Mayor Barnard said that was correct.
- Asked for clarification, that the only utility would be a substation for electric. Mayor Barnard said the only facility you would be able to see are substations for electric, Jack Liggett said he believed there would be one lift station, roughly the size of the Westview lift station and would be fenced in some fashion.

Mr. Orsini asked Mr. Staneart to review the final language on how parkland is distributed and accounted for in the land bank. Mr. Staneart explained and said that in this associated PD district are, forty-two acres would have to be carved out for a park, to be identified in the area. However, a payment in lieu of can be made; this is tied to a \$45,000 per acre price point and that would go into the city's fund and then the city would distribute that with the intent of it going to other parks in more acceptable areas. Whether to have a park there or payment in lieu of does not need to be decided tonight, that will be something done

during final development. Aaron Underhill for the applicant said that is six months to a year out, they want the major employment piece to come first, the multi-family or mixed-use development that will trigger that will come later and will be a public process as part of the development plan review. He said they are well aware on their side that this is very important to the city so they expect to come with proposals for the site unless council chooses to look at something else.

Thad Boggs said he has one recommended condition that is a result of the discussion tonight relative to retail being a conditional use for MPI, and then one as a staff recommendation. After discussion of these and the recommendations made by the Planning Commission Mr. Boggs read the conditions as follows:

1. This Planned Development shall be required to participate in a city-approved New Community Authority for the entirety of the zoning district.
2. Additional details shall be provided for required application materials, including:
 - a. A Utility Impact Analysis that provides Rough Order of Magnitude estimates (likely a range) of the projected demand of water and sanitary sewer service by this development.
 - b. A traffic study with the expectation noted that additional dedication for ROW is likely to be required to accommodate necessary road improvements and bike/pedestrian facilities, which will result in adjusting the setback lines accordingly.
 - c. Generalized street typologies and streetscape in illustrative form that corresponds with each street type.
 - d. A typical landscape buffer/screening for perimeter, parking lots, streetscape etc. in illustrative form with associated planting materials.
3. That an annotated “framework diagram” (also referred to as a bubble diagram) be provided generally highlighting:
 - a. Natural areas expected to be preserved.
 - b. Proposed access points described in the PD zoning text along with any potential roadways internal to the development that would connect to the existing roadway network (can be described as connecting points A to B).
 - c. Organization of proposed uses, generally (i.e. residential, mixed-use, employment, open space, etc.) arranged around the proposed roadway and access network.
4. That park and open space be integrated in the final development plans as place making and natural feature protections.
5. That a “Fiscal Impact Statement” be provided that includes estimates on revenues to be expected, or otherwise detail the anticipated economic return to the city
6. 1164.07(a)(5) Proposed uses must be in the proper location within the city. PD zoning will not be effective until the property is annexed.
7. That for Manufacturing, Production and Industrial (MPI) uses, that ancillary retail be a conditional use where MPI uses are permitted. (Added condition from discussion tonight)

Parties discussed streetscape, easement and Right of Way. Mr. Underhill recommended a condition that with the first application and site review, a streetscape plan shall be presented which once approved will serve as a basis for the entire streetscape along Duncan Plains Road within the PD district. Once

approved it will become the standard by which everybody is measured and has to live by for all subsequent applications.

ACTION: Donald Barnard moved to approve with seven conditions listed; Nicole Shook 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 said this is a historic day for Johnstown, with this annexation, the PD District, and the impact it will make for years to come financially. Congratulations to everyone.

- d. **ORDINANCE 22-2023** AN ORDINANCE AMENDING ORDINANCE 22-2022, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS AND DECLARING AN EMERGENCY

Finance Director Delande said this is an annual "clean up". He reviewed sections for council. This reappropriates funds to the correct "buckets", the emergency is because this needs to be done as quickly as possible to get the appropriations fixed. Staff answered council member questions on line items.

Public Hearing

1. Lewie Main

- Said that the Water and Sewer Improvement Funds show the same fund. Staff agreed and will correct the sewer fund in the ordinance to read 5702.
- Asked why we have a company that pays one fifth of the water bill that the public pays. Said we paid to run a water line outside the village, the ordinance says they should pay 150%, meanwhile the public's rate goes up five percent a year. Mr. Orsini said this specific water contract has been actively discussed in committee meetings and they are looking at different opportunities to amend the situation. Mayor Barnard said there is a contract that was signed before any of the present council was here, that put that agreement in place, the city is stuck in a contract and cannot change it until the contract is up. Mr. Staneart added that this was a contract discussed openly, passed by a resolution of a former council and signed by a former city manager, he agreed it is not a great contract for the city and he is having legal counsel look at it, they are actively looking to correct the situation. Mr. Main said he wanted the new council to be aware of the fact, and they should go back to see if council ever approved it. Mr. Staneart said he would defer to the Clerk of Council (later confirmation this was passed by Resolution 2020-09).

ACTION: Bob Orsini moved to waive the second reading of ordinance 22-2023;

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

Donald Barnard 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

ACTION: Bob Orsini moved to approve ordinance 22-2023 as an emergency with the correction of the sewer improvement fund to 5702; Donald Barnard 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

- e. **RESOLUTION 2023-32** A RESOLUTION OF APPROVAL TO AMEND APPROPRIATIONS AND REALIGN THE PERMANENT APPROPRIATION ORDINANCE 22-2022, BY MODIFYING APPROPRIATIONS FROM ONE ACCOUNT TO ANOTHER WITHIN THE FUND

Mr. Delande said there is no increase or decrease in the net effect of any funds, it realigns line items within the General fund and others, more end of year housekeeping.

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

ACTION: Donald Barnard moved to approve resolution 2023-32; Nicole Shook seconded and the vote was as follows:
AYES: Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini, Mayor Barnard, Ryan Green
NOES: None
ABSTAIN: None

Passed 6 – 0 (Jon Merriman had temporarily left the room)

- f. **RESOLUTION 2023-33** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT FOR DESIGN OF WASTEWATER TREATMENT FACILITY

This resolution came out of Finance Committee this evening. Mayor Barnard said the city is at a point where it needs to enter into a contract for the new wastewater treatment plant. This is needed due to the increasing number of residents and what will be coming online in the future, this is a first phase of multiple phases and is for design only.

Public Hearing

1. Lewie Main

- Said council passed a resolution that the city had adequate capacity for the new annexation, so why are we building on to the plant. Mr. Staneart said that we have the capacity, all the capacity from this new plant is not needed for the new development, he recommends not waiting until we reach maximum capacity levels before we start planning. It is future planning, whether this development came online or not and his belief is that the prior council was already looking at adding additional capacity for developments already under way; Concord East, Leafy Dell apartment complex and other expansions within the city including industry in our business park.

2. Andrea Ford

- Asked what is the location of this. Mr. Liggett said at the existing location, eighteen years ago, full buildout on that site was 2.4 million gallons a day. Today, with the new technology we are looking at, we could go to 4.8 on the same site, same footprint and do not have to buy additional ground. Mr. Staneart discussed the method for planning, revenues and debt service.

ACTION: Donald Barnard moved to move resolution 2023-33 forward; Charlie Campbell 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

11. Introduction of Legislation - None

12. Other Business

1. Jon Merriman highlighted some boards and committees that will have openings at the start of the year, suggestion to get notice out for open seats.
2. Lewie Main said that he heard the city was going to pay \$300,000 for a parking lot. Mr. Merriman said that the city did not buy the property.

13. Executive Session to consider the purchase of property

Mayor Barnard said there are four individuals who have been elected and will begin council terms in January. The members elected are not sworn to any oath, there has been hesitancy to allow them into Executive Sessions, they would be asked to sign a non-disclosure agreement if attending.

ACTION: Mayor Barnard moved to go into Executive Session to consider the purchase of property; with members of City Council, Mr. Staneart, Thad

Boggs, Mr. Delande, the four elected members (contingent upon signing an NDA) and Jack Liggett; 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

Mayor Barnard said there is potential for action after. Council to take a five minute recess. Council entered Executive Session at 9:10 pm and returned to regular session at 10:33 pm.

- a. **RESOLUTION 2023-34** TO AUTHORIZE THE ACTING CITY MANAGER TO SUBMIT AN OFFER AND ENTER INTO FURTHER NEGOTIATIONS WITH THE VILLAGE OF ALEXANDRIA

Mayor Barnard introduced Resolution 2023-34.

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

ACTION: Donald Barnard moved to approve resolution 2023-34; Jon Merriman seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 7 - 0

14. Adjourn

With no further action, a motion to adjourn was approved 7-0 and the meeting adjourned at approximately 11:00 pm.

Next Council Meeting November 21, 2023