



Regular Council
Tuesday, January 2, 2024 - 6:30 PM
MINUTES

1. Call to Order

Incoming council members were sworn in prior to the start of the meeting.

Acting President Ryan Green called the January 2, 2024 council meeting to order at 6:30 pm.

2. Roll Call

Present - Donald Barnard, Jeff Barr, Ryan Green, Tiffany Hollis, Wesley Kobel, Bob Orsini, Dave Selan

Absent - None

Staff present - Sean Staneart - Acting City Manager, Dave Delande - Finance Director, Jack Liggett - Service Director, Rusty Smart - Chief of Police, Teresa Monroe - Clerk of Council

Public present - Kyle Cook, Lora Cain, Mike Cain, Susan Suriano Selan, Lewie Main, Alice Main, Lewis Will Coppel, Bruce Tolle, Marvin Block, Michael Margolius, Nick Hubbell, Jamie Hartsough, Dana & Aaron Steffan, Terri Feters, Franz Stein, Mary Queen Cool, Susan Cullen, Kristen Hurst

3. Invocation - Father Jesse Chick, Church of the Ascension

4. Pledge of Allegiance

5. Executive Session to Consider the Appointment of a Public Official

ACTION: Donald Barnard moved to waive council rules of 24-hour notice to council for Executive Session; Ryan Green seconded and the vote was as follows:

AYES: Ryan Green, Donald Barnard, Wesley Kobel, Dave Selan, Bob Orsini

NOES: Jeff Barr, Tiffany Hollis

ABSTAIN: None

Passed 5 - 2

ACTION: Ryan Green moved to enter Executive Session to discuss appointment of a public official; Donald Barnard seconded and the vote was as follows:

AYES: Ryan Green, Donald Barnard, Wesley Kobel, Dave Selan, Bob Orsini

NOES: Jeff Barr, Tiffany Hollis

ABSTAIN: None

Passed 5 - 2

Council entered Executive Session at 6:36 pm and returned to Regular Session at 7:30 pm

6. Appointment of Mayor, President and Acting President of Council

a. **RESOLUTION 2024-01** A RESOLUTION SETTING APPOINTMENTS FOR MAYOR, PRESIDENT OF COUNCIL AND ACTING PRESIDENT OF COUNCIL

Ryan Green opened the floor for public comments on the resolution, there were no comments.

ACTION: Jeff Barr moved to nominate Tiffany Hollis for the mayoral position with the city; Ryan Green seconded and the vote was as follows:
AYES: Jeff Barr, Ryan Green, Tiffany Hollis
NOES: Donald Barnard, Wesley Kobel, Dave Selan, Bob Orsini
ABSTAIN: None

Failed 3 - 4

ACTION: Bob Orsini moved to nominate Don Barnard to the mayoral position; Dave Selan seconded and the vote was as follows:
AYES: Donald Barnard, Wesley Kobel, Dave Selan, Bob Orsini
NOES: Jeff Barr, Ryan Green, Tiffany Hollis
ABSTAIN: None

Passed 4 - 3

ACTION: Dave Selan moved to nominate Tiffany Hollis for President of Council; Bob Orsini seconded.

Prior to the vote, Mr. Barr asked if Ms. Hollis wanted to be the President. Ms. Hollis said she would accept and the vote was as follows:

AYES: Dave Selan, Ryan Green, Donald Barnard, Jeff Barr, Tiffany Hollis, Wesley Kobel, Bob Orsini
NOES:
ABSTAIN: None

Passed 7 - 0

7. Correspondence

a. Ohio Department of Commerce; Division of Liquor Control
Notice to the legislative authority, option to request a hearing if there is council objection to the liquor license transfer.

Mr. Orsini said he would like to hear from the Police Chief on this. Chief Smart said they own and operate many businesses, he has no issue with this.

Sean Staneart said that the zoning certificate is in compliance, the business use is not changing. City Council had no opposition and did not request a hearing.

8. Citizen comments on matters not on the agenda

No comments from the public.

9. Director Reports

a. Service Departments: Water, Sewer, Street

Department Director reports for water, sewer and street were included in the packet for council review. Service Director Jack Liggett reviewed his report.

Discussion on acceptance of the Pulte Housing Development and streets. Jack Liggett said he is hoping that they will complete the final punch list and have ready for acceptance by council in the next thirty days. Council members discussed concern for those residents not getting the streets plowed in a snow event. Mr. Liggett said the city does not salt or plow streets that have not been accepted by council.

Mayor Barnard asked about the traffic lights on US 62 at Wendy's and Kroger. Jack Liggett said he has been working with MP Dory on those, the cameras are not working and there are no replacement parts for what is in the control boxes. To alleviate the traffic situation as best they could, Mr. Liggett said they have set them back on a timer. The initial estimate for repairs is between forty and fifty thousand dollars, he is not bringing that to council yet because he does not have an actual quote to bring before them at this time. The other option is to do what we are doing, since the timing was changed on the lights, the traffic flow is better. Another problem is that if ordered, the equipment could be six to eight months out after ordered. When he has solid numbers, he will bring to Safety and Service and Finance committees.

Jeff Barr circled back to the discussion on the Pulte housing development streets in anticipation of snow. Discussion on the potential problems with the city maintaining those streets before the punch list is complete and roads are accepted. Mr. Liggett said the possible problem would be that the punch list drags on and does not get completed. Our leverage over Pulte getting punch list items completed is that they have to maintain those roads. Mr. Barr asked if there was a financial risk if the city started to plow those streets, Jack Liggett said he did not believe there was any risk there. Mayor Barnard asked if there was any other recourse to get Pulte to finish these last items if we start plowing. Mr. Liggett said in the last three months Pulte has been working diligently to get the last items completed, he believes the only other recourse would be to not issue further building permits. Mr. Orsini asked what items were left. Mr. Liggett said there were four fire hydrants that do not meet city specs (they do function in the event of fire); there are tracer wire issues at three residences; the controls in the lights are not on site and not sure when they will be here. Tiffany Hollis asked if Jack had the manpower to salt and plow those roads; Mr. Liggett said with the reduction in staff, they will get to them as quickly as they can. Mr. Barr said he would like to direct the manager to give direction to Jack to take care of those streets. Mayor Barnard asked if anyone had opposition; there was none. Mr. Staneart said his concern is that Pulte could say that something was caused by the city plows if a curb or sidewalk is found damaged. Past precedent is that we do not plow or maintain streets that have not been accepted, each scenario can be different. Mr. Staneart

said he brings this up now because we could find ourselves in this situation again with another subdivision. Some further discussion on scenarios. Mr. Orsini said he would be in favor with the earmark of looking at future legislation to put the city in a protected position if this would come up again.

Mr. Kobel informed the Service Director about street lights out in Leafy Dell; Mr. Liggett said he has been made aware and the street department will be looking at them tomorrow.

Mr. Staneart asked Mr. Liggett if he could confirm if all of the streets in Leafy Dell had been punch listed out and turned over to the city, he thought last year there were still one or two streets that had not been. Mr. Liggett said Golden Pond was one of them and it has been completed, Mr. Staneart asked if the city had formally accepted it, Mr. Liggett said he believed it had been accepted, and the crews are plowing the streets. Mr. Liggett said the only thing we had left in there were the storm sewers running behind that row of houses and he believes those were fixed to the best of our ability.

Mayor Barnard said Mr. Staneart now has direction for Jack.

10. Tabled Legislation

- a. **RESOLUTION 2023-44** A RESOLUTION AMENDING THE COUNCIL RULES OF ORDER. Tabled December 12, 2023
Remains tabled for committee review.

11. Executive Session to Consider the Appointment of a Public Official

ACTION: Donald Barnard moved to enter Executive Session to consider the appointment of a public official, with members of council and the City Manager; Dave Selan seconded and the vote was as follows:
AYES: Don Barnard, Jeff Barr, Tiffany Hollis, Wesley Kobel, Bob Orsini, Dave Selan, Ryan Green
NOES: None
ABSTAIN: None

Passed 7 - 0

Council entered Executive Session at 8:00 pm and returned to Regular Session at 9:40 pm

12. Public Hearings of Legislation

- a. **RESOLUTION 2024-02** A RESOLUTION APPOINTING BOARD MEMBERS TO THE PLANNING & ZONING COMMISSION
ACTION: Tiffany Hollis moved to nominate Jesse Coppel and Kristen Hurst to Planning & Zoning; Dave Selan seconded and the vote was as follows:
AYES: Tiffany Hollis, Wes Kobel, Bob Orsini, Dave Selan, Ryan Green, Don Barnard, Jeff Barr
NOES: None
ABSTAIN: None

Passed 7 - 0

b. **ORDINANCE 05-2024** AN ORDINANCE TO AMEND SECTION 1187.05 OF THE CITY'S CODIFIED ORDINANCES AND DECLARE IT AN EMERGENCY

Mayor Barnard introduced Ordinance 05-2024 to update Section 1187.05 of the codified ordinances in order to make some changes to the review and approval authority of the Design Review Board. Mayor Barnard said they want to increase the number of members from five to six, change the number of members who can reside outside the city from two to three and increase the quorum from three to four members. One term will be one year, a continuation of an unexpired four-year term ending December 31, 2024, and one will be a full four years ending December 31, 2027. Mayor Barnard explained that the reason they are doing this is because there is one seat open on the board, they interviewed two individuals who are outstanding and it is what the Design Review Board needs, by picking both, it will add a level of proficiency and knowledge and really enhance the board.

ACTION: Donald Barnard moved to waive the second reading of ordinance 05-2024; Jeff Barr seconded and the vote was as follows:
AYES: Don Barnard, Jeff Barr, Tiffany Hollis, Wes Kobel, Bob Orsini, Dave Selan, Ryan Green
NOES: None
ABSTAIN: None

Passed 7 - 0

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

ACTION: Donald Barnard moved to approve Ordinance 05-2024 as an emergency due to the meeting being next week and quorum needed; Jeff Barr seconded and the vote was as follows:
AYES: Don Barnard, Jeff Barr, Tiffany Hollis, Wes Kobel, Bob Orsini, Dave Selan
NOES: None
ABSTAIN: Ryan Green; conflict/family

Passed 6 - 0

c. **RESOLUTION 2024-03** RESOLUTION APPOINTING MEMBERS TO THE JOHNSTOWN DESIGN REVIEW BOARD

Mayor Barnard said they will appoint two members, Andrew Hale and Craig Bohning.

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

ACTION: Jeff Barr moved to approve Resolution 2024-03, as amended, to appoint two members; Tiffany Hollis seconded and the vote was as follows:
AYES: Jeff Barr, Tiffany Hollis, Wesley Kobel, Bob Orsini, Dave Selan, Don Barnard
NOES: None
ABSTAIN: Ryan Green; conflict/family

Passed 6 - 0

- d. **RESOLUTION 2024-04** A RESOLUTION APPOINTING A MEMBER TO THE PERSONNEL BOARD OF REVIEW

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

ACTION: Donald Barnard moved to appoint Leslie McKenzie to the personnel review board; Dave Selan seconded and the vote was as follows:

AYES: Don Barnard, Jeff Barr, Tiffany Hollis, Wes Kobel, Bob Orsini, Dave Selan, Ryan Green

NOES: None

ABSTAIN: None

Passed 7 - 0

- e. **RESOLUTION 2024-05** RESOLUTION APPOINTING MEMBERS TO THE JOHNSTOWN TREE COMMISSION

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

ACTION: Donald Barnard moved to select Tiffany Hollis and Cyndi Duke to the Tree Commission; Bob Orsini seconded and the vote was as follows:

AYES: Don Barnard, Jeff Barr, Tiffany Hollis, Wes Kobel, Bob Orsini, Dave Selan, Ryan Green

NOES: None

ABSTAIN: None

Passed 7 - 0

- f. **RESOLUTION 2024-06** A RESOLUTION APPOINTING MEMBERS TO THE ADMINISTRATIVE BOARD OF REVIEW FOR CODA APPLICATIONS

Sean Staneart said the CODA is a provision in the PD District that allows for certain types of development to be expedited, there will need to be a board associated with that. The PD District establishes certain members of that board and allows for council members to serve on it. Mr. Staneart said that there are no current applications so if council wanted to wait on appointments they could take some time.

ACTION: Jeff Barr moved to table Resolution 2024-06; Bob Orsini seconded and the vote was as follows:

AYES: Jeff Barr, Tiffany Hollis, Wes Kobel, Bob Orsini, Dave Selan, Ryan Green, Don Barnard

NOES: None

ABSTAIN: None

Passed 7 - 0 TABLED

- g. **RESOLUTION 2024-07** A RESOLUTION TO APPOINT COUNCIL COMMITTEE MEMBERS AND ESTABLISH MEETINGS SCHEDULE FOR 2024

Council members worked to complete the Resolution and fill in the blanks for term vacancies. Council removed the Events committee from the council committee resolution and would like to see creation by Ordinance similar to the Design Review Board.

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

ACTION: Bob Orsini moved to approve as read; Tiffany Hollis seconded and the vote was as follows:
AYES: Bob Orsini, Dave Selan, Ryan Green, Don Barnard, Jeff Barr, Tiffany Hollis, Wes Kobel
NOES: None
ABSTAIN: None

Passed 7 - 0

13. Introduction of Legislation

a. **ORDINANCE 01-2024** AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN, OHIO IN ORDER TO SET WATER SERVICE RATES, CHARGED BY THE CITY OF JOHNSTOWN

Mayor Barnard introduced all four Ordinances 01-2024, 02-2024, 03-2024 and 04-2024 setting service rates. Mr. Staneart said in 2020, council set an increase of five percent annually for a period of ten years, this is consistent with that five percent increase. Last year there was an additional increase due to the inflation striking everyone as far as product and labor. These Ordinances change the distribution of the funds for the four "buckets" (water service/sewer service/water debt/sewer debt) that the payments are distributed to. Another change is that bulk water will now also be distributed to all four funds to go to debt service as well as operating costs, same with New Day.

Ms. Hollis asked what the expiration of the New Day contract was. Mr. Staneart said the New Day sewer contract is up for renegotiation this year, he has engaged with their representative and hopes to meet with them in the next week or so. The water unfortunately goes until 2035, there will be a change in the Ordinance prior to next reading to account for an increase in that contract that he believes occurs in 2028.

Mr. Barr asked if the 0-2000 gallon and the above 2,000 gallon numbers all reflected the five percent increase. Mr. Staneart said the five percent increase is on the minimum of \$37.21 and the four distribution categories each get a portion, so collectively it is a five percent increase. Discussion on the compounding effect; Mr. Barr asked when they might be able to fine-tune things to give the residents a break on that five percent; is this a year that it could be reduced some. He said property tax is taking a jump and that many residents are feeling the effects; was there any break that could be given without negatively affecting our operations and debt service for water and sewer. Mr. Staneart said that this can be reevaluated on an annual basis, regarding necessity this year, there is anticipation of some additional debt being incurred for the water plant expansion. This year, our operating is running negative and our debt service is not tremendously flush, chemicals and labor have an effect on that. Mr. Staneart reviewed some surrounding community rates and added that some are not under the development pressure that we are seeing, he said water and sewer are one of those development tools that can be used to hopefully protect boundaries. Johnstown is trying to look into the future so if there is development in the area, we can be the participating entity who gets to determine if it happens and what it will look like. In order to do that, you have to have water and sewer.

Mr. Barr thanked Mr. Staneart for the feedback and that he would like to publicly challenge this council, City Manager, Service Director and Finance Director, that when there is opportunity to save, if possible, that we do our due diligence and try to make that happen for our residents.

Mr. Staneart said he and Jack Liggett have had some conversations on bulk water and sewer rates. The bulk water rate seems consistent with other municipalities in the area, it is Jack's recommendation to look at the bulk sewer rate, that may be an edit seen next time. Mr. Liggett said the expenses at the plant have drastically gone up in the last two years and a penny to penny and a half increase is justified for bulk sewer. Discussion on how the bulk sales are distributed among the four "buckets".

Public Hearing and vote in two weeks on January 16, 2024.

- b. **ORDINANCE 02-2024** AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN, OHIO IN ORDER TO SET WATER DEBT SERVICE RATES, CHARGED BY THE CITY OF JOHNSTOWN
Introduction; Public Hearing and vote in two weeks on January 16, 2024.
- c. **ORDINANCE 03-2024** AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN, OHIO IN ORDER TO SET SEWER SERVICE RATES CHARGED BY THE CITY OF JOHNSTOWN
Introduction; Public Hearing and vote in two weeks on January 16, 2024.
- d. **ORDINANCE 04-2024** AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN, OHIO IN ORDER TO SET SEWER DEBT SERVICE RATES, CHARGED BY THE CITY OF JOHNSTOWN
Introduction; Public Hearing and vote in two weeks on January 16, 2024.

14. Other Business

- 1. Discussion on vacancies and appointments to the Greater Johnstown Park and Recreation District Board. Council instruction for the Clerk of Council to advertise once more for interest.
- 2. Mayor Barnard asked fellow members if they had interest in the team building course offered by the gentleman he met with. Mr. Orsini asked that a syllabus and/or any references be forwarded to council members.
- 3. Mayor Barnard said he would also like to schedule a council work session for council and committee goals and to discuss what they want to see in this next year or two, so they have a vision for this council to work towards and set priorities for the City Manager. Mayor Barnard will work to schedule.
- 4. Bob Orsini said the City Charter directs each board, commission and committee to establish its own rules of order to be approved by council. As committees begin to meet and elect a chair, rules should be established and brought to council.

15. Executive Session to consider the purchase of property

16. Executive Session to consider the compensation of a public employee.

ACTION: Donald Barnard moved to enter executive sessions to consider the purchase of property, with the city manager present, with no business to follow, and also to consider the compensation of a public employee with the City Manager and Finance Director; Tiffany Hollis seconded and the

vote was as follows:

AYES: Dave Selan, Ryan Green, Don Barnard, Jeff Barr, Tiffany Hollis, Wes Kobel, Bob Orsini

NOES: None

ABSTAIN: None

Passed 7 - 0

City Council entered Executive Session at 10:55 p.m. and returned to Regular Session at 1:37 a.m.

17. Adjourn

With no further business, the meeting was adjourned at 1:37 a.m.

Next Council Meeting January 16, 2024