



Regular Council Meeting
Tuesday, June 18, 2024 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation - Pastor Nick Shaner, Johnstown Shepherd Church
4. Pledge of Allegiance
5. Approval of Agenda
6. Action on Minutes
 - a. May 30, 2024 Special
 - b. June 4, 2024
7. Citizen comments on matters not on the agenda
8. Council Committee reports
 - a. **Planning & Zoning:** 6/11/24 canceled; Next 6/25/24 @ 6:30 pm Council Chambers
 - b. **Design Review Board:** Met 6/11/24; Next 6/25/24 @ 5:30 pm Council Chambers
 - c. **Finance:** 6/18/24; Next 7/2/24 @ 5:00 pm Admin conference room
 - d. **School District Liaison:** Working to schedule
9. Director Reports
 - a. Police Chief
 - b. City Manager
10. Council decision on Zoning Map Amendment
11. Tabled Legislation
 - a. **RESOLUTION 2024-14** A RESOLUTION TO ADOPT THE PROPOSED COMPREHENSIVE PLAN AS PRESENTED. Tabled April 4, 2024
 - i. [Comprehensive Plan Link](#)
 - b. **ORDINANCE 13-2024** AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE JOHNSTOWN-MONROE LOCAL SCHOOL DISTRICT AND THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS; AND TO DECLARE AN EMERGENCY. Tabled June 4, 2024

12. Public Hearings of Legislation

- a. **RESOLUTION 2024-24** A RESOLUTION ACCEPTING AN ANNEXATION OF 4.0 +/- ACRES, MORE OR LESS, FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN
- b. **RESOLUTION 2024-25** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH NEW DAY FARMS, LLC FOR THE SALE OF WATER AND THE TREATMENT OF WASTEWATER
- c. **RESOLUTION 2024-26** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EMH&T FOR A JAG WATER AND SEWER MASTER PLAN PROPOSAL

13. Introduction of Legislation

- a. **ORDINANCE 16-2024** AN ORDINANCE TO AMEND SECTIONS 1187.08 AND 1187.09 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

14. Other Business

15. Executive Session to consider confidential business information of an applicant for Economic Development Assistance

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

17. Adjourn

Next Council Meeting July 2, 2024



Special City Council
Thursday, May 30, 2024 - 5:00 PM
MINUTES

1. Call to Order

Mayor Donald Barnard called to Order the City of Johnstown Special Council Meeting for May 30, 2024 at 5:04 PM.

Joseph Robertson called the township meeting to order.

2. Roll Call

Present - Mayor Barnard, Tiffany Hollis, Wesley Kobel, Bob Orsini

Absent - Jeff Barr, Ryan Green, Dave Selan

Staff present - Sean Staneart - City Manager, Dave Delande - Finance Director, Teresa Monroe - Clerk of Council

Public present - Joseph Robertson, Troy Hendren, Scott Hendren, Dudley Wright, Woody Fox

3. Executive Session to consider confidential business information of an applicant for Economic Development Assistance

ACTION: Donald Barnard moved to enter Executive Session with the Township Trustees, Chief wright, and Woody Fox to consider confidential business information of an applicant for economic development assistance; Bob Orsini seconded and the vote was as follows:

AYES: Mayor Barnard, Wes Kobel, Bob Orsini, Tiffany Hollis

NOES: None

ABSTAIN: None

Passed 4 - 0

Council entered Executive Session at 5:04 pm and returned to Regular Session at 6:46 pm.

4. Other Business

No further business.

5. Adjourn

ACTION: Donald Barnard moved to adjourn; Bob Orsini seconded and all were in favor.

AYES: Donald Barnard, Tiffany Hollis, Wesley Kobel, Bob Orsini

NOES: None

ABSTAIN: None

Passed 4 - 0

Next Council Meeting June 4, 2024



Regular Council
Tuesday, June 4, 2024 - 6:30 PM
MINUTES

1. Call to Order

Mayor Donald Barnard called to Order the City of Johnstown Regular Council Meeting for June 4, 2024 at 6:46 PM.

2. Roll Call

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

Staff present - Sean Staneart - City Manager, Thadeus Boggs - City Law Director, Dave Delande - Finance Director, Jack Liggett - Service Director, Paul Hatfield - Police Sergeant, Teresa Monroe - Clerk of Council

Public present - Rob and Pam Grawe, Kelly and Beau Rymers, Paul William Grice, John E. Neibarger, Todd Huston, Rob Shemn, Dan Driskell, Kathryn Wood, Christine Parks, Jamie McNally, Maureen Keebaugh, Woody Fox

3. Invocation - Johnstown Independent Baptist Church

Paul Grice offered the invocation.

4. Pledge of Allegiance

5. Approval of Agenda

ACTION: Jeff Barr moved to approve; Wesley Kobel seconded and all were in favor.
AYES: Mayor Barnard, Tiffany Hollis, Jeff Barr, Ryan Green, Wesley Kobel, Dave Selan
NOES: None
ABSTAIN: None

Passed 6 - 0

6. Action on Minutes

a. May 21, 2024

ACTION: Dave Selan moved to approve minutes as written; Wesley Kobel seconded and the vote was as follows:
AYES: Dave Selan, Jeff Barr, Ryan Green, Tiffany Hollis, Mayor Barnard, Wes Kobel
NOES: None
ABSTAIN: None

Passed 6 - 0

7. Citizen comments on matters not on the agenda

No comments from the public.

8. Council Committee reports

- a. **Planning & Zoning:** Met 5/28/24; Next 6/11/24 @ 6:30 pm Council Chambers
The commission approved the final plat for Concord Crossing East.

- b. **Design Review Board:** Met 5/28/24; Next 6/11/24 @ 5:30 pm Council Chambers
The Board approved a multi-tenant sign for the old Coughlin building property and approved a solar panel permit.
- c. **Finance:** 6/4/24; Next 6/18/24 @ 5:00 pm Admin conference room
Discussion on the future water plant and other items which will be addressed in other business tonight. The committee asks that all council members attend the next committee meeting with the water plant on the agenda. Discussion on scheduling a special meeting if all of council will attend for discussion.
- d. **Safety & Service:** 6/4/24; Next 7/2/24 @ 5:45 pm Admin conference room
Further discussion on the Mid-Ohio Regional Planning Commission and transportation inclusion.
- e. **School District Liaison:** Working to schedule next meeting

9. Director Reports

- a. Water, Sewer, Street, Service Director
Jack Liggett reviewed his director report included with the packet; noted that the EPA grant in item 8 is a reimbursement. Mayor Barnard asked how old the lift station pump in the Pulte development was. Mr. Liggett said the pump is very new, it has been rebuilt twice and will have to be rebuilt again, he has let the Pulte representatives know that the city will not accept it, that it should be replaced. Mayor Barnard asked what would be purchased with the EPA grant for leak detection. Mr. Liggett said the grant will get him seven new correlators, he will have to pay \$800 additional to get the seventh one, he has that available in his budget. Mr. Kobel asked if the citizen concerns brought up at the last meeting, about the Coughlin apartments, had been addressed. Mr. Stanearth said he was able to reach out to the Coughlin representative last week to notify him of deficiencies that needed to be addressed, tall grass/weeds, dirt mounds, erosion issues and damaged sidewalk; he was assured they would make plans to rectify.

10. Public Hearing on Zoning Map Amendment

- a. Affidavit of Publication
Staff reviewed procedure; the thirty day public notice of this hearing was published in the newspaper as required. City legal counsel Thad Boggs said there is no request for council to make any decision tonight, it is just an opportunity for the applicant and the public to speak to the application. At the next meeting, there will either be councils acceptance of what the Planning and Zoning Commission recommended, which was disapproval of the application, or, council could proceed with an ordinance to approve the requested map amendment. Because the Planning and Zoning Commission recommended disapproval, it would take a vote of five members of council to proceed with adopting such an ordinance.

Mayor Barnard invited the applicant to speak to his application. John Neibarger said he has asked for SR-2 lots, which would be a bridge between the adjoining UR-1 and SR-1 zoning. He said he has offered to build the houses to SR-1 standards. Mr. Barr asked for an explanation of what that means, Mr. Neibarger said that the city's residential zoning districts are ranked in a manner of hierarchy from SR-1, which is Raccoon Creek Estates, and the front twenty-foot depth strip running parallel with the road of the subject property. The rear part of the property is zoned UR-1. The order of hierarchy is SR-1, SR-2, UR-1 and UR-2, what he is asking for is SR-2 lots, but he is willing to build to SR-1 standards, the differential is the lot square footage. Review and discussion on zoning district lot size and setback requirements. Mr. Barr asked if the front of these proposed houses would be vinyl or have natural materials. Mr. Neibarger said when he first started this journey, he committed to some cultured stone and use of natural material on a percentage of the front however he has not designed plans yet because he has not gotten to the point of knowing what he is building, but he commits to cultured stone, offsets in the front, some architectural

features, windows on all four elevations, some of the same standards typical for Raccoon Creek. City legal counsel, Mr. Boggs, said the application that has been made is for the SR-2 zoning, and there is not a mechanism in the code in place to have it be zoned SR-2 and to apply certain development standards, that for purposes of the application tonight, think about the SR-2 zoning that has been requested. Because, unlike a planned district, if it is zoned SR-2, those development standards are in place. If an applicant wanted to pick and choose, you get into the world of applying for different variances from different development standards. Sean Staneart added that SR-2 zoning would allow for three lots to be built on this particular entirety of land, SR-1 would allow for two lots to be built with the current zoning standards based on the minimum/maximum road frontage. Mr. Staneart also added that the Design Review Board would have the ultimate deciding factor on what style of house is designed there, a COA would come with a design plan before that board. Ms. Hollis asked Mr. Boggs if all map amendment applications were on a case by case basis, and if this would set any precedent or change anything. Mr. Boggs said all map amendments are unique pieces of property with unique surroundings. Mayor Barnard asked if this would be considered spot zoning; Mr. Boggs said no.

Public Hearing

Mayor Barnard said that comments would be limited to three minutes and opened the floor:

1. Maureen Keebaugh

- Said her concern is that where this is located, it is around a ninety-degree turn on Benedict Drive and that road has no curbs and no sidewalks, just asphalt. There is a low spot on the inside part of the curve where there is ice in the winter and water in the summer. People park right before the curve, and as you come around the curve, there is a hill. This area is very walkable and everyone in the neighborhood walks this, but the line of sight is a real issue today and her concern is that, depending on how many houses are built and driveways are coming out into this uphill turn right after the ninety-degree turn, in her mind, is a safety issue. She would like the minimum number of driveways cut and placement would be important too because you can't see around the curve. She would prefer to see SR-1 zoning and two nice big houses and at least minimize the driveways.

2. Rob Grawe

- Said he lives on Benedict Drive and is a registered professional engineer of twenty years. When coming off of Benedict Drive, a car can only go around the curve at fifteen or twenty miles per hour, it is blind and there is no line of sight, but if something is seen you could stop pretty quickly. The problem is when you are coming the other way driving twenty-five miles per hour and your line of sight is looking up because you are going up a hill and as you approach the crest of the hill, that is when your line of sight changes, and at the same time you have the potential for multiple driveways. The problem is that people go more than twenty-five miles per hour and reaction time is diminished.
- There is a grade change from the edge of the pavement to the right-of-way which would call for a pretty steep driveway.
- He said he also has concerns about the effects on real estate values with the look. When you come around the bend, there are larger lots and a lot of space between existing homes.

3. Chad Neal

- Lives in Raccoon Creek Estates. The issue is the density of homes on the available land. The code should be SR-1 to match their zoning, it should be two homes to stay consistent

with their existing SR-1.

Jeff Barr asked if there was anything in the current code that would require an owner or developer to do anything about the potential line of sight issue, where it would have to be flattened out or graded. Mr. Stanearth said he believes the City Manager has discretion on where curb cuts are approved. Discussion evolved into speed limit and stop signs, Mr. Stanearth said these were engineering questions.

4. Todd Huston

- Resident of Raccoon Creek Estates. Passed out some visuals to council members. Said he would like to expand on a point made on this proposal during the April 23rd Planning and Zoning meeting. Zoning Ordinance criteria 1137.06(b) refers to the compatibility of the proposed amendment to adjacent zoning, referring to SR-1. At the April 23rd Planning and Zoning meeting, Ben Lee used the phrase "highest and best use" to help define compatibility to adjacent zoning. Highest and best use is to prevent impairment to adjacent zoning of higher use, in this case, the highest and best use is SR-1. At one time, UR-1 was the highest and best use but since the development of Raccoon Creek, SR-1 is now the highest and best use adjacent to the applicant's proposal. He said it was also mentioned that frontage and setbacks in the proposed zoning change would be similar to other houses in Raccoon Creek, this is irrelevant, property frontages vary greatly in Raccoon Creek, what is relevant is the density of homes allowed per acre. This proposed change will allow three houses per acre, while SR-1 allows only two houses per acre. Three houses on an acre looks and feels different than two houses on an acre, thus the proposed change presents an impairment to the existing SR-1 homes. It may appear that SR-2 is a compromise, but the only compromises being made are by the residents in Raccoon Creek who will be negatively affected by the proposed change in the form of lower property values and zoning that does not meet the highest and best use. They are not against the applicant wanting to develop the property, they just want to see the proposal align with the highest and best use for the area. Let the applicant come back with a proposal that aligns with SR-1. He asks the City Council to uphold the Planning and Zoning Commission recommendation to deny the map amendment based on zoning code 1137.06(b) for failure to meet compatibility of highest and best use with adjacent zoning. As a resident who lives across from this property, he wants to have similar homes that meet SR-1 both size of lots and zoning to match the rest of the neighborhood.

5. Name not stated

- Regarding the subject of property values, he is a loan officer and does refinance transactions, the three houses on a certain parcel of land versus two is going to be a different value, which affects the immediate flow of the neighborhood.

6. Maureen Keebaugh

- If you are in your house and looking across the street and see trees, or if you are seeing three homes, this plays into comping a home, part of the value of a home is the view.
- In addition to being zoned SR-1, Raccoon Creek has deed restriction on buildings that are more strict than the zoning, which could also affect what these new homes would look like or whether they feel the same.

7. Name not stated

- Said she wanted to voice her opposition to putting three homes there. They live in this community, they all paid a nice premium for their homes, and they would like for everything in the community to continue like that. Others that build in there should have to have the same standards as they do, these are new homes, the size of the lots are a part of the value of the home.
- Even though he says that he will build an SR-1 home, he is not legally bound to and that concerns her a lot.

Mr. Barr asked if there was any history on how this zoning was created. Mr. Staneart said that Benedict was not always a public roadway, it was a private drive with an easement. Once this became a public roadway, it isolated parcels from the original parcels. This is also why there are no curbs, gutter or sidewalks associated with this particular roadway.

There were no further public comments. Mayor Barnard invited the applicant back up to speak.

Mr. Neibarger said what he represents here tonight is what he is willing to do, he is willing to sign an affidavit or whatever is needed. He added that he did fail to get the support of the Planning Commission but it was a 2-2 vote and a tie fails, he suggested that alternates may be a method for the city to consider to help in some degree of fairness.

Discussion on procedures and any path for reconsideration by the Planning Commission, Mr. Boggs said there was not an avenue to take this back to Planning and Zoning. Ms. Hollis asked how long Mr. Neibarger has owned this property; he answered since October or November last year. Ms. Hollis asked how long he had been developing property in Johnstown; he answered that he was 76 and he has not worked any other occupations aside from construction. Mr. Barr asked Mr. Neibarger to explain why he wants the three houses versus the two if he is willing to build SR-1 homes. Mr. Neibarger said one reason is the land cost versus house cost. Mr. Neibarger said that he also abuts five UR-1 lots, so at what point do they consider what is across the street versus what is adjacent. It was noted that if the full property were UR-1, he could build four houses. Mayor Barnard asked what stops him from building four houses, Mr. Boggs said there is no frontage of the UR-1 parcels because of the sliver of SR-1. His legal opinion is that the way the zoning code is written, the UR-1 parcels would have to front public right-of-way, they cannot "piggyback" onto the SR-1 strip parcel for frontage. There is no split of zoning on any individual parcel, these are separated out into different parcels and that SR-1 strip makes the UR parcels unable to be developed under the code.

Mayor Barnard thanked all who came out to speak tonight. He commended the residents and Mr. Neibarger for being respectful, he knows this could be contentious. There will be action by council on this application at the next meeting on June 18th.

11. Tabled Legislation

- a. **RESOLUTION 2024-14** A RESOLUTION TO ADOPT THE PROPOSED COMPREHENSIVE PLAN AS PRESENTED. Tabled April 4, 2024
Council continues to work on revisions, potential for passage at the June 18th council meeting; remains tabled tonight.

12. Public Hearings of Legislation

- a. **ORDINANCE 13-2024** AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE JOHNSTOWN-MONROE LOCAL SCHOOL DISTRICT AND THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS; AND TO DECLARE AN EMERGENCY. (Request to Table until June 18, 2024)

Second reading. Mayor Barnard noted that the emergency does not waive two readings, it waives the thirty-day period to effective date. Greg Stype was present and said this is the TIF Ordinance for the Johnstown Gateway area. They are here tonight to request that council table further consideration of this ordinance until the next meeting because even though the Joint Vocational School District (CTEC) is going to get everything it would otherwise get from the development on these parcels, there is still a fourteen day notice requirement of sending them a copy of this ordinance before it is adopted and that did not occur until May 29th, so it is premature to adopt this ordinance. With respect to the reasons for the emergency, and because they are postponing this, he said with a prospect on the line, it is even more important that this ordinance, when passed by council take effect immediately rather than in another thirty days.

ACTION: Dave Selan moved to table until the June 18, 2024 meeting; Tiffany Hollis seconded and the vote was as follows:

AYES: Dave Selan, Jeff Barr, Ryan Green, Tiffany Hollis, Mayor Barnard, Wesley Kobel

NOES: None

ABSTAIN: None

Passed 6 - 0

- b. **ORDINANCE 14-2024** AN ORDINANCE TO AMEND THE JOHNSTOWN COMMUNITY REINVESTMENT AREA #4 TO ADD APPROXIMATELY 385.5 +/- ACRES TO THAT AREA AND DECLARING AN EMERGENCY.

Second reading. Greg Stype said this is the same ordinance that was before council at the last meeting, it expands the city's preexisting CRA #4 to incorporate this additional 385 acres. It permits within that expanded area the same possible property tax abatement that was there when the original was created in 2018, which is up to fifteen years, up to one hundred percent for commercial and industrial new build property. This is not a commitment to a tax abatement, but if there are going to be serious discussions about tax abatement with a prospect, the only way those discussions can take place is if the area has been drawn to incorporate this additional acreage. Otherwise we do not have those prerequisites in place to have those discussions. If this is passed, it will be sent to the Ohio Department of Development so there is a record that this is a potential tax abatement area.

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

ACTION: Donald Barnard moved to approve Ordinance 14-2024; Jeff Barr seconded and the vote was as follows:

AYES: Mayor Barnard, Wesley Kobel, Dave Selan, Jeff Barr, Ryan Green, Tiffany Hollis

NOES: None

ABSTAIN: None

Passed 6 - 0

- c. **RESOLUTION 2024-21** RESOLUTION AS REQUIRED BY O.R.C. 709.023(C) SETTING FORTH MUNICIPAL SERVICES THAT WILL BE PROVIDED TO 6.5 +/- ACRES OF LAND IN MONROE TOWNSHIP (LICKING COUNTY), OHIO IF ANNEXED TO THE CITY OF JOHNSTOWN, OHIO

City legal counsel Thad Boggs said that Resolutions 2024-21 and 2024-22 are services resolutions which set the stage for the latter proceeding to accept the annexation of these parcels, they identify the services which would be provided if annexed. Resolution 2024-23 is the acceptance of an annexation. Mayor Barnard said that once parcels are annexed, they will come to Planning and Zoning to request being added to the PD district, Mr. Boggs said yes, and they may choose to start that process before the annexation is complete. Applicant Jamie McNally said that this meets the goals of the city and their planned development, there are a few smaller parcels that are neighboring the existing PD and the smaller parcel enters the city, traditionally it would enter as Agricultural, but because it is neighboring the existing PD, it could then get absorbed by whichever subarea it touches.

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

ACTION: Wesley Kobel moved to approve resolution 2024-21; Dave Selan seconded and the vote was as follows:
AYES: Wesley Kobel, Dave Selan, Jeff Barr, Ryan Green, Tiffany Hollis, Mayor Barnard
NOES: None
ABSTAIN: None

Passed 6 - 0

- d. **RESOLUTION 2024-22** RESOLUTION AS REQUIRED BY O.R.C. 709.023(C) SETTING FORTH MUNICIPAL SERVICES THAT WILL BE PROVIDED TO 11.2 +/- ACRES OF LAND IN MONROE TOWNSHIP (LICKING COUNTY), OHIO IF ANNEXED TO THE CITY OF JOHNSTOWN, OHIO

Services resolution as discussed previously, stating what services would be provided to the parcel when annexed.

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

ACTION: Jeff Barr moved to pass resolution 2024-22; Tiffany Hollis seconded and the vote was as follows:
AYES: Jeff Barr, Ryan Green, Tiffany Hollis, Mayor Barnard, Wesley Kobel, Dave Selan
NOES: None
ABSTAIN: None

6 - 0

- e. **RESOLUTION 2024-23** A RESOLUTION ACCEPTING AN ANNEXATION OF 5.0 +/- ACRES, MORE OR LESS, FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN

This legislation accepts annexation of 5.0 acres to the City of Johnstown. Sean Staneart said that we still have to work through the "Ag versus PD" zoning, this will come in as Agricultural and when

Planning & Zoning accept a preliminary development plan, it would not require the traditional zoning map amendment; this is something that both legal counsels are working through, there were some provisions set forth in the previously passed PD district as a mechanism to move forward in a different way.

Ryan Green said they mutually agreed to hold up the annexation on the PD district until all the zoning was done and asked if they would like to table this or do it now, which was cleaner? Mr. McNally said they would like to proceed with the resolution acceptance today, he does appreciate the consideration, it is a little different because this is rounding out the existing site.

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

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

Passed 6 - 0

13. Introduction of Legislation - None

14. Other Business

1. Mayor Barnard said that last council session, they had a presentation by Cea Media, they then met with the Finance Committee and provided their master service agreement. It is the recommendation from Finance to move forward with this, it is a \$2,500 monthly fee. Their services would be website maintenance and management, audience research, active listening, community engagement, channel strategy, build out and execution, social media monitoring and response management and content production including but not limited to writing, designing and publishing. There could be additional fees on a monthly basis for subscriptions to other services or if the city puts out mailers etc.

Mr. Selan asked how this aligned with our previous partnership, Mr. Staneart said we previously paid \$2,000 per month so this is \$500 more per month. Mr. Selan said he felt this company was more "Johnstown-centric" than the previous was and helpful to have a "plugged in" member of our community, if that cost is only \$500 more, he thinks it would be well spent and a decent investment. Mr. Barnard said he like the "active listening and community engagement" part, they need to know what the community wants so they can make decisions for the future. Ms. Hollis asked what term they would be committing to. Mr. Barnard said one year, June 1, 2024 to May 31, 2025. Ms. Hollis said she is uncomfortable with the amount. Mr. Kobel said he is as well, it is more than he thought. Ms. Hollis said she loved everything they presented, she just does not want to spend more than they were previously. Mr. Green said it is not a fair apples to apples comparison because last year they were getting newspaper clippings, this will be a more comprehensive approach, he asked if they wanted to figure out the extra fees or provide a cap. Mr. Barnard said they would have to get approval from the city before extra services were authorized. Mr. Selan said he would like to see an "all in" cost. Mr. Barr asked if Mr. Cea would be agreeable to a six month agreement, give time to see the product and make an assessment for 2025, he said he believes we do need it. Ms. Hollis said she is not discounting the service that would be provided, she knows that Frank would do a great job, she just wants to make sure that it is an expenditure that the residents see value in before they commit long term. After further discussion, the majority of council expressed favor with a six month trial term.

ACTION: Donald Barnard moved that the City Manager enter into a contract with Cea Media for a six-month term with a ten-day notice of cancelation without cause; Ryan Green seconded and the vote was as follows:
AYES: Mayor Barnard, Wes Kobel, Dave Selan, Jeff Barr, Ryan Green, Tiffany Hollis
NOES: None
ABSTAIN: None

Passed 6 - 0

2. Mayor Barnard said the July 16th council meeting coincides with the EPA hearing on the permits for the proposed wastewater treatment plant at Moots Run. Mr. Staneart said he planned on attending and advocates that council attend as well. After discussion, the council meeting scheduled for July 16th was moved to July 15, 2024.

3. Mr. Green said tonight the Safety and Service committee heard again from MORPC as a follow up from the presentation to council on making a move from LCATS to MORPC. The committee has given a recommendation to council to make that move. Sean Staneart said right now we are with LCATS, we have become contiguous to the Columbus urbanized area and after the next census, we would be moved automatically into that service area, so we have the option to move now or wait until the census has taken place. He added that this is just with transportation, it doesn't deal with housing or anything like that, this is an opportunity for Federal funding; 62 and 37 are a good example of this. Because of MORPC's size, they have opportunity for substantially more monies available, and a lot of the planning efforts we are currently doing are contiguous to planning efforts happening in that direction. He said other contiguous municipalities have already transitioned, Pataskala and Etna. He added that the city will still be in good standing with Matt Hill at LCATS and remain involved in the Licking County TID meetings. Mr. Barr said there is no rush, did anyone else need more time to consider. Ms. Hollis said she does not need more time, she fully supports moving to MORPC, she thinks they would be doing a huge disservice by not working with MORPC. Mayor Barnard said he likes MORPC and thinks they will do a much better job. Direction to prepare any necessary action or resolution of council to authorize the move.

4. Mr. Green said another discussion in Safety & Service tonight was areas in need of spraying for mosquitos, the county will be treating as directed.

5. Mr. Barr said that May 5-11 was public service week and wanted to take the opportunity to thank the city employees for their work.

6. Mr. Barr said that JYAA is wrapping up their baseball and soccer seasons, registration is open for fall sports (jyaa.org) and he believes they added a new golf program.

7. Mr. Green said Downtown Johnstown's Springfest is Saturday as well as the Johnstown Can Can 5K. Ms. Hollis said Saturday is also the Alumni Banquet.

8. Mr. Kobel asked about the trees along US62, some were dead. It was suggested that might be a good project for the Tree Commission, to remain a Tree City, \$2 per capita must be spent annually. The trees along US62 are Silk Lilac.

9. Ms. Hollis thanked the Police Department for their efforts, not just this past week, but always, but especially this past week as it has been a difficult week for the department and she extends her appreciation and say it didn't go unnoticed. Mayor Barnard agreed it was a rough few days and their work does not go unnoticed.

10. Mr. Selan said that Johnstown Elementary open gym for second and third graders alternating weeks for boys and girls, starts this Friday at night, a good opportunity for kids to get together over the summer and play in the gym. He added that Johnstown School District put something out on their Facebook site about free summer meals for children 18 and under. Also that a week from today, is CTEC's "Jill of all Trades" geared toward women grades 9-12 or recently graduated, for women going into the trades. This opportunity is 8:00 am - 3:00 pm at CTEC in Newark and is posted on their site. American Legion breakfast upcoming June 15th.

15. Adjourn

ACTION:

Donald Barnard moved to adjourn; Tiffany Hollis seconded and all were in favor. Motion passed 6-0.

The meeting adjourned at 8:45 pm.

Next Council Meeting June 18, 2024

Police Department Report - May 2024

	2023													2024												
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Calls for Service	270	238	324	290	386	326	322	355	296	282	255	249	3593	214	630	628	588	590								2650
Officer Initiated Calls	78	85	127	109	148	138	144	143	106	130	121	89	1418	84	442	470	410	422								1828
Dispatched Calls	192	153	197	181	238	188	178	212	190	152	134	160	2175	130	186	158	178	168								820
Case Reports	5	14	28	27	21	15	15	15	29	14	16	25	224	12	19	13	25	16								85
Crash Reports	12	10	9	7	8	11	6	8	9	7	6	8	101	9	6	7	8	10								40
Arrests	8	3	2	3	1	1	2	0	3	1	3	3	30	0	2	3	2	2								9
Traffic Citatitons	43	44	61	46	46	41	31	63	33	45	35	25	513	17	16	51	30	35								149
Parking Citations	7	1	2	5	1	8	4	3	1	2	1	3	38	2	0	1	2	2								7
Business Checks	2	4	1	5	4	25	29	23	16	23	30	17	179	20	313	302	255	216								1106
House Checks	0	0	2	5	23	9	5	2	4	0	0	8	58	16	53	30	54	30								183
Traffic Crashes	14	13	8	10	12	11	7	13	12	16	11	12	139	12	16	8	10	14								60
Traffic Stops	73	76	110	82	97	82	91	99	59	87	68	45	969	23	35	92	46	72								268
Theft	3	8	7	5	7	2	3	5	6	2	4	5	57	3	2	4	2	9								20
Domestic Violence	5	5	2	3	5	3	4	4	4	4	0	4	43	2	5	8	3	7								25
Assault	0	0	5	0	1	1	2	0	3	2	1	0	15	5	0	0	1	2								8
OVI	1	0	1	2	0	0	1	0	2	1	1	1	10	0	0	0	1	0								1
Vandalism	1	3	2	2	2	0	1	0	3	2	3	1	20	3	2	6	4	3								18
Juvenile Complaint	0	1	4	4	2	3	3	6	5	5	2	2	37	1	5	3	4	2								15
Trespassing	3	1	4	0	3	2	2	3	3	0	2	2	25	0	4	3	0	0								7
Other Agency Assist	3	6	4	3	3	4	4	3	7	2	6	2	47	16	15	5	6	13								55
Warrant	6	2	1	1	1	1	1	0	1	0	2	2	18	0	4	2	0	1								7
Overdose	0	2	0	2	1	1	1	0	1	2	0	1	11	0	0	0	0	0								0
Suicide Threat	1	2	1	2	1	0	2	1	2	0	2	2	16	3	2	1	2	2								10
Alarm Drops	11	7	10	8	18	8	10	10	3	17	7	10	119	15	10	16	17	14								72
911 Hang Up/Misdial	41	26	21	36	53	45	37	38	28	12	14	11	362	19	20	12	14	20								85

2024 Accidents

	DATE	DAY	TIME	LOCATION	NON INJURY	INJURY	UNOCCUPIED	HIT SKIP	CAD #
1	1/2/2024	TUES	1654	W COSHOCTON ST @ 8 W COSHOCTON ST	X				2024-0010
2	1/2/2024	TUES	1826	N MAIN ST @ 8 N MAIN ST	X				2024-0011
3	1/6/2024	SAT	1156	S KASSON ST @ E PRATT ST	X				2024-0056
4	1/8/2024	MON	1821	W COSHOCTON ST @ N MAIN ST	X				2024-0077
5	1/9/2024	TUES	600	W COSHOCTON ST @ 708 W COSHOCTON ST	X				2024-0080
6	1/9/2024	TUES	2144	W COSHOCTON ST @ CLARK DR	X				2024-0084
7	1/12/2024	FRI	1557	E JERSEY ST @ S MAIN ST	X				2024-0095
8	1/13/2024	SAT	1545	E COSHOCTON ST/N MAIN ST	X			X	2024-0104
9	1/23/2024	TUES	1433	14 S WILLIAMS ST	X		X	X	2024-0149
9					9	0	1	2	

1	2/7/2024	WED	2020	N MAIN ST @ 259 N MAIN ST				X	2024-0315
2	2/10/2024	SAT	1031	E COSHOCTON ST @ 80 E COSHOCTON ST	X				2024-0252
3	2/17/2024	SAT	1340	W JERSEY ST @ HILLVIEW DR	X				2024-0526
4	2/17/2024	SAT	1508	W COSHOCTON ST @ 65 W COSHOCTON ST	X				2024-0527
5	2/26/2024	MON	1649	W DOUGLAS ST @ S WILLIAMS ST	X				2024-0799
6	2/29/2024	THUR	1241	E CDOUGLAS ST @ S MAIN ST	X			X	2024-0839
6					5	0	0	2	

1	3/11/2024	MON	1653	W COSHOCTON ST @ CLARK DR	X				2024-1056
2	3/12/2024	TUES	657	W COSHOCTON ST @ CHEERYHILL RD	X				2024-1074
3	3/13/2024	WED	810	W COSHOCTON ST @ BIGELOW DR	X				2024-1238
4	3/18/2024	MON	804	E COSHOCTON ST @ 8 N MAIN ST	X				2024-1198
5	3/20/2024	WED	1428	E COSHOCTON ST @ 35		X			2024-1244
6	3/24/2024	SUN	1306	W COSHOCTON ST @ 296	X				2024-1335
7	3/29/2024	FRI	1226	E COSHCOTON ST @ N MAIN ST	X				2024-1437
7					6	1	0	0	

	DATE	DAY	TIME	LOCATION	NON INJURY	INJURY	UNOCCUPIED	HIT SKIP	CAD #
1	4/1/2024	MON	658	E COSHOCTON ST @ 425	X			X	2024-1482
2	4/5/2024	FRI	1635	W COSHOCTON ST @ S WILLIAMS ST	X				2024-1571
3	4/7/2024	SUN	1649	W COSHOCTON ST @ CLARK DR	X				2024-1609
4	4/8/2024	MON	1522	73 S WILLIAMS ST		X			2024-1628
5	4/13/2024	SAT	1613	W COSHOCTON ST @ 580	X				2024-1743
6	4/17/2024	WED	1402	W COSHOCTON ST @ N OREGON ST	X				2024-1834
7	4/20/2024	SAT	1925	W COSHOCTON ST @ S MAIN ST	X				2024-1896
8	4/27/2024	SAT	1738	MIDDLEBURN ST @ 319			X	X	2024-1992
8					6	1	1	2	
1	5/7/2024	TUES	657	S OREGON ST @ W JERSEY ST		X			2024-2171
2	5/12/2024	SUN	1030	S MAIN ST @ 241	X				2024-2274
3	5/15/2024	WED	1535	W COSHOCTON ST @ BIGELOW DR	X				2024-2346
4	5/19/2024	SUN	1830	E COSHOCTON ST @ 80		X			2024-2457
5	5/20/2024	MON	1420	S MAIN ST @ W JERSEY ST	X				2024-2469
6	5/21/2024	TUES	1347	E PRATT ST @ TRACK ST	X				2024-2490
7	5/21/2024	TUES	1442	N WILLIAMS ST @ W COSHOCTON ST	X				2024-2492
8	5/23/2024	THUR	1739	W COSHOCTON ST @ CLARK DR	X				2024-2525
9	5/25/2024	SAT	1031	N MAIN ST @ E COSHOCTON ST	X				2024-2546
10	5/31/2024	FRI	1816	W COSHOCTON ST @ MAIN ST	X				2024-2651
10					8	2	0	0	
40				2024 TOTALS	34	4	2	6	

- Complaints about motor vehicle speeds and stop sign violations in Creekside Preserve Subdivision were made. Based on the complaints received, a Selective Traffic Enforcement (saturation of the area) was requested by the Chief for 7 days. Attached are the results of the Selective Traffic Enforcement work completed by the Officers. This information was emailed to the subdivision HOA and was provided at the HOA meeting for attendees to review.



Johnstown Police Department

Selective Traffic Enforcement Form

Instructions: To be completed upon receiving a complaint of traffic violations from citizens, other city employees, or other members of the Department who recognize significant traffic concerns.

Enforcement periods are for five (5) days unless otherwise extended.

Enforcement #: **24-01**

<i>Complainant's Name:</i> Residents of Creekside Preserve	<i>Telephone Number:</i>
<i>Nature of Traffic Complaint:</i> Speeding and running stop signs in all the subdivision.	
<i>Location of Complaint:</i> Creekside Preserve Subdivision	
<i>Time(s) / Days of Week For Violations:</i> Before and after school; discretion over the weekend.	
Obtain Specific Times	
<i>Date Received:</i> 05/15/2024	<i>Received By:</i> Chief Smart

<i>Reviewing Supervisor:</i>	<i>Effective Date:</i> 05/16/2024	<i>Ending Date:</i> 05/22/2024		
<i>Enforcement Summary</i>				
<i>Assigned Officer</i>	<i>Date Worked</i>	<i>Time Worked</i>	<i>Citations</i>	<i>Warnings</i>
ALL OFFICERS	05/16 – 05/22	35 HOURS & 35 MINUTES	10	9



1. **NCA, TIF's & CRA ---**

- NCA—council needs to finalize the requirements set forth in the passage of the NCA.
- TIF – Currently assessing revenue generation/structure as it relates to infrastructure in the newly annexed area.
- CRA – Council approved establishment of the new boundaries as it relates to the PD District. Staff is currently working through a formula-based qualification model to be reviewed and approved by Council in the very near future.

2. **Annexation** – Council has and will continue to see small annexation initiatives associated with the original PD district. These are not of any substantial size and JLC has indicated they will likely be folded these parcels into the current PD master planning initiative.

3. **MKSK Comprehensive Plan** – A 3.0 draft was presented to the council for their review 2 weeks ago incorporating suggested changes by many parties. Seeing no edits in the comments portal the final draft is before council for their consideration.

4. **Personnel Review** – Nothing new

5. **HR** – The city currently uses Strategic HR on an as need basis.

6. **LCATS** – We will begin the process of shifting from the LCATS urbanized transportation area and moving to MORPC.

7. **TID** -- Selection for a consultant on the 62 & 37 intersection has taken place. American Structure point will be the lead on this work. We are excited to get started on this process and identify a variety of short mid- and long-term solutions.

8. **Township Compensation Agreement** – Waiting for a proposal from the Township.

9. **Union Negotiations** – Nothing new

10. **Code Enforcement-**

11. **Design Review Board** – The City has requested a proposal from MKSK to redo the design review guidelines. It will be forwarded to council for your review.

12. **MORPC**-- the city has reached out to MORPC informing them of council's desire to move into their urbanized area. They will have a draft resolution to share as a next step in the process.

13. **Johnstown Water & Sewer Partnership** – We currently have 3 initiatives we are working through.
- NPDES permit hearing on July 16th for the WWTP at Moots Run.
 - a) JAG submitted comments as it relates to the current NPDES application. We will be attending the hearing to reiterate some of those points.
 - 208 service area evaluation is still ongoing at the OEPA level.
 - a) JAG will be working to collectively demonstrate our ability to service the areas in and around our respective communities.
 - 15 County Water Study is currently underway with LC being first up for this initiative.
 - a) JAG's team of engineers and planner are compiling data for delivery to the consultants doing work for the project. We are on a very tight deadline and hope to have a fair amount of material over to them within the next three weeks.
14. **OEPA Licking County 208 Negotiations**– this engagement no longer has a mediator involved to formalize the discussion. This does not however impede the ability to continue actual meaningful conversations as they're necessary.
15. **Parks and Recreation** – I will be asking for a proposal from MKSK toward the 3rd or 4th quarter of 2024.
16. **Traffic signalization projects** –
- Leafy Dell Signal — pushed back 1 year will likely start in 2026, traffic agreement has been signed with Coughlin
 - Bigelow Dr. traffic signal – Committee and staff are currently reviewing a corridor study.

Respectfully Submitted,
Sean Staneart
Interim City Manager



ORDINANCE 13-2024

AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE JOHNSTOWN-MONROE LOCAL SCHOOL DISTRICT AND THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS; AND TO DECLARE AN EMERGENCY.

WHEREAS, Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the “*TIF Statutes*”) authorize this Council to declare the improvement to certain parcels of real property located within the City of Johnstown, Ohio (the “*City*”) to be a public purpose and exempt from taxation, require the owners of those parcels to make service payments in lieu of taxes, provide for the distribution of the applicable portion of those service payments to the Johnstown-Monroe Local School District and the Career and Technology Education Centers of Licking County (C-TEC), (each, a “*School District*”), establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of those service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, the parcels of real property identified and depicted in Exhibit A attached hereto (each, as now or hereafter configured on the tax list and duplicate of real and public utility property, a “*Parcel*”, and collectively, the “*Parcels*”) are located in the City, and this Council has determined to declare the Improvement (as defined in Section 1 of this Ordinance) to each Parcel to be a public purpose; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to each Parcel as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for thirty (30) years and to simultaneously direct and require the current and future owner of each Parcel (each such owner individually, an “*Owner*,” and collectively, the “*Owners*”) to make annual Service Payments (as defined in Section 2 of this Ordinance); and

WHEREAS, the City has determined that a portion of the Service Payments shall be paid directly to each School District in an amount equal to the real property taxes that School District would have received if the Improvement to the Parcels had not been exempted from taxation pursuant to this Ordinance; and

WHEREAS, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund in which there shall be deposited the remaining Service Payments distributed to the City; and

WHEREAS, this Council has determined to designate the public infrastructure improvements described in Exhibit B attached hereto (the “*Public Infrastructure Improvements*”) as public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, the Parcels; and

WHEREAS, this Council has determined to provide for the execution and delivery of one or more Tax Increment Financing Agreements (each, a “*TIF Agreement*”), which will more fully provide for the collection of Service Payments; and

WHEREAS, the Johnstown-Monroe Local School District has waived its rights to (i) receive notice of this Ordinance under Ohio Revised Code Section 5709.83, and (ii) approve this Ordinance;

WHEREAS, the Career and Technology Education Centers of Licking County (C-TEC) has received fourteen day advance notice of this Ordinance in accordance Ohio Revised Code Section 5709.83;

WHEREAS, this Ordinance constitutes an emergency measure necessary to provide for the public peace, health, safety and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to permit the immediate commencement of arrangements for the extension, development and financing of public infrastructure necessary to permit economic development to proceed on the Parcels;

NOW, THEREFORE, BE IT ORDAINED by the Council for the city of Johnstown, County of Licking, State of Ohio, that:

Section 1. Authorization of Tax Exemption. Pursuant to and in accordance with the provisions of Section 5709.40(B) of the Ohio Revised Code, one hundred percent (100%) of the increase in assessed value of each Parcel that is used or to be used for non-residential purposes and that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the “*Improvement*”), as further defined in Section 5709.40(A) of the Ohio Revised Code) is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property for that Parcel and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The real property tax exemption granted pursuant to this Section and the payment obligation established pursuant to Section 2 are subject and subordinate to any real property tax exemption granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

Section 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner of each Parcel to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Licking County, Ohio (the “*County Treasurer*”) on or before the final dates for payment of real property taxes. The service payment in lieu of taxes for each Parcel, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code, as the same may be amended or supplemented from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the “*Service Payments*”), shall be charged to each Parcel and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement to that Parcel if it were not exempt from taxation pursuant to Section 1 of this

Ordinance, all in accordance with Section 5709.42 of the Ohio Revised Code. The Service Payments, and any other payments with respect to the Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the "*Property Tax Rollback Payments*"), shall be allocated and distributed in accordance with Section 4 of this Ordinance.

Section 3. Tax Increment Equivalent Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Johnstown Gateway Tax Increment Equivalent Fund (the "*Fund*"). The Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 4 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement to each Parcel and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes and this Ordinance, as the same may be amended from time to time. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

Section 4. Distribution of Funds. Pursuant to the TIF Statutes, the County Treasurer is hereby requested and directed to distribute the Service Payments and Property Tax Rollback Payments as follows:

(i) to each School District, an amount equal to the amount the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance; and

(ii) to the City, all remaining amounts for further deposit into the Fund for payment of costs of the Public Infrastructure Improvements upon appropriation for that purpose by this Council. If so appropriated, such costs may, but shall not be required to include, debt service payable on debt issued by the City or The Johnstown New Community Authority (the "*Authority*"), as and if agreed to by Council, to pay for Public Infrastructure Improvements, all amounts owed to any fund of the City or Authority, as and if agreed to by Council, to reimburse that fund for the costs of any Public Infrastructure Improvements previously paid from that fund, including interest payable on those amounts, and all amounts owed by the City or Authority, as and if agreed to by Council, to any third party for the construction of Public Infrastructure Improvements, including interest payable on those amounts.

Section 5. Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

Section 6. Tax Increment Financing Agreement. This Council may approve and authorize the City Manager, for and in the name of the City, to execute and deliver one or more TIF Agreements with one or more owners of a Parcel or Parcels.

Section 7. Further Authorizations. This Council hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications. This Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 8. Filings with Ohio Department of Development. Pursuant to Section 5709.40(I) of the Ohio Revised Code, the City Manager or other appropriate officer of the City is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the exemption set forth in Section 1 of this Ordinance remains in effect, the City Manager or other appropriate officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under Section 5709.40(I) of the Ohio Revised Code.

Section 9. Tax Incentive Review Council. This council hereby designates the Tax Incentive Review Council created pursuant to Resolution R-46-2009 as the tax incentive review council responsible for reviewing annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that council, all in accordance with Section 5709.85 of the Ohio Revised Code.

Section 10. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 11. Effective Date. By reason of the emergency set forth in the preamble hereto, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Date of Introduction: May 21, 2024

Tabled: June 4, 2024

Date of Public Hearing/Vote: June 18, 2024

Effective Date:

By: _____

ATTEST TO:

Teresa Monroe, Clerk of Council

Mayor Donald Barnard

APPROVED AS TO FORM:

Yazan Ashrawi, Director of Law

EXHIBIT A

PARCEL MAP

The outlined areas on the attached map specifically identify and depict the Parcels and constitutes part of this Exhibit A.

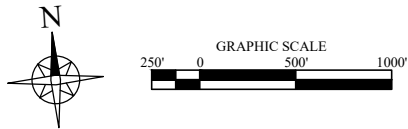
DRAFT

EXHIBIT B

PUBLIC INFRASTRUCTURE IMPROVEMENTS

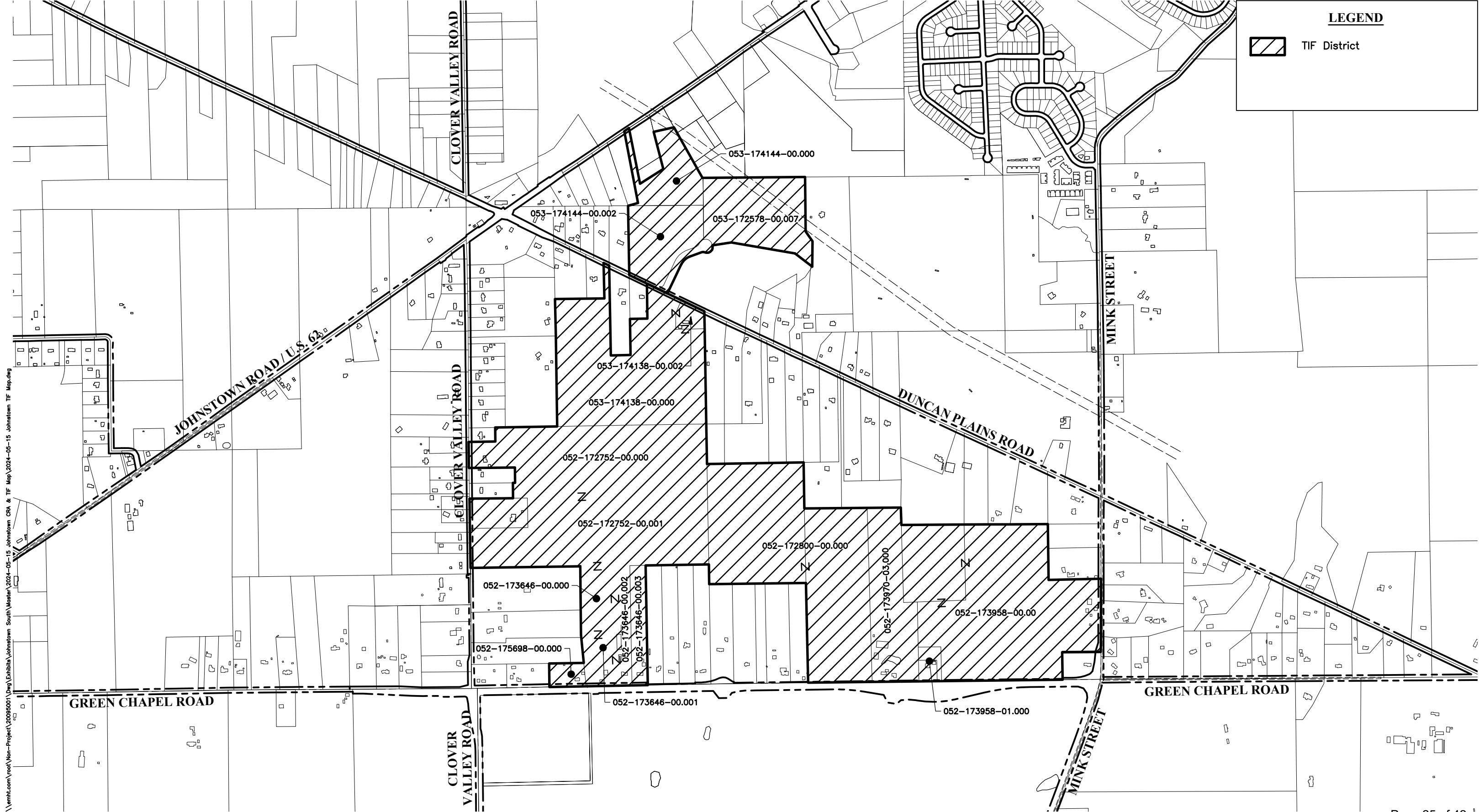
The Public Infrastructure Improvements include the acquisition and construction of the following improvements that will directly benefit the Parcels and all related costs of permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code), along with any other improvements subsequently designated by City Council, including any “public infrastructure improvements” defined under Ohio Revised Code Section 5709.40(A)(8) that directly benefit or serve the Parcels:

- public roads and highways (including street realignments);
- water and sewer lines;
- leisure trails and connections;
- parks and public facilities;
- environmental remediation projects;
- stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety and welfare;
- gas, electric and communications services facilities, including fiber optics;
- land acquisition, including acquisition in aid of industry, commerce, distribution, or research;
- demolition, including demolition on private property when determined to be necessary for economic development purposes;
- landscaping and signage, including brick retaining walls at roadway intersections; including in each case, design and other related costs (including traffic studies); any rights-of-way or real estate acquisition; curbs and gutters, medians, sidewalks, bikeways, and landscaping (including scenic fencing and irrigation); traffic signs and signalization (including overhead street signage); street lighting and signs; burial of utility lines (including fiber optics); erosion and sediment control measures; grading, drainage and other related work; survey work, soil engineering, inspection fees and construction staking; and all other costs and improvements necessary and appurtenant thereto.



LEGEND

 TIF District



Delivered via hand delivery

May 28, 2024

To: Board of Education of the Career and Technology
Education Centers of Licking County (CTEC)
Attn: Joyce L. Malainy, Ed.D. Superintendent
150 Price Road
Newark, Ohio 43055

Subject: Notice from City of Johnstown of Ohio Revised Code Section 5709.40 Proposed Tax
Increment Financing (TIF)

This letter constitutes notice to the Board of Education of the Career and Technology Education Centers of Licking County (CTEC) ("CTEC") of the intent of the City of Johnstown, Ohio (the City) to create a new tax increment financing area, and to declare certain improvements to parcels within the tax increment financing area to be a public purpose under Ohio Revised Code Section 5709.40(B). The following information is provided pursuant to Sections 5709.40 and 5709.83 of the Ohio Revised Code:

Parcels for which improvement is to be exempted: See Exhibit A of the attached proposed TIF Ordinance.

Estimated true value of the private improvements to the parcels: \$840,000,000.

Period for which the private improvements will be exempted from taxation: The private improvements will be exempted for a period commencing for each parcel with the first tax year that begins after the effective date of the proposed TIF ordinance and in which an improvement first appears on the tax list and duplicate of real and public utility property for that parcel and ending on the earlier of (a) 30 years after such exemption commenced or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 and all as further described in the attached TIF ordinance.

Percentage of the private improvements to be exempted/non-school TIF: One hundred percent 100%, provided the City will make provision in its TIF ordinance pursuant to Ohio Revised Code Sections 5709.40 and 5709.42 that the CTEC will receive, at the same time and in the same manner as real property tax payments, all amounts it would otherwise receive as real property tax payments from the improvement to each parcel absent the City's approval of the exemption pursuant to the proposed TIF ordinance. Since the CTEC will receive all amounts it would otherwise receive as real property tax payments from the improvement to each parcel, Ohio Revised Code Section 5709.40(D)(1) does not require the CTEC'S prior approval of the TIF ordinance.

The TIF Ordinance is accepted to be approved by the City Council on: June 18, 2024.

Upon receipt, please sign and date one copy of this notice and return the signed copy to my attention by emailing a signed, scanned copy to SStaneart@johnstownohio.org.

Sincerely,



Sean Staneart
City Manager

Attachment: Draft of Proposed TIF Ordinance

Receipt Acknowledged by the Board of Education of
the Career and Technology Education Centers of
Licking County (CTEC):

Date: May 29, 2024

By: Sheila Lewis

Title: Payroll officer



RESOLUTION 2024-24

**A RESOLUTION ACCEPTING AN ANNEXATION OF 4.0 +/- ACRES, MORE OR LESS,
FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN**

WHEREAS, a petition was filed with the Licking County Board of County Commissioners on February 29, 2024, requesting annexation to the City of Johnstown, Ohio of 4.0 +/- acres of land in Monroe Township owned by Michael A. and Elizabeth L. Signoracci and William and Laurie Turner (the "Property", a description of which is attached hereto as Exhibits "A" and "B" and made a part hereof); and

WHEREAS, the City of Johnstown Council approved Resolution 2024-13 on March 5, 2024 stating what services would be provided to the 4.0 +/- acres of land; and

WHEREAS, the Licking County Commissioners approved the annexation petition on March 28, 2024; and

NOW THEREFORE, be it resolved by the Council of the CITY OF JOHNSTOWN, Licking County, Ohio, as follows:

Section One: The petition for annexation of 4.0 +/- acres, more or less, to the City of Johnstown is hereby accepted.

Section Two: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the charter for the CITY OF JOHNSTOWN.

Section Three: This resolution shall take effect at the earliest date provided by law.

Date of Introduction/Public Hearing/Vote: June 18, 2024

BY: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

EXHIBIT "A"
PROPOSED ANNEXATION OF
4.0± ACRES

FROM: MONROE TOWNSHIP

TO: CITY OF JOHNSTOWN

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED ☒	CONDITIONAL ☐
APPROVED BY:	<i>[Signature]</i>
DATE:	2-1-24

Situated in the State of Ohio, County of Licking, Township of Monroe, in Section 23, Quarter Township 3, Township 3, Range 15, United States Military District, being comprised of all of the following tracts of land: that 2.00 acre tract conveyed to Michael A. Signoracci Jr. and Elizabeth L. Signoracci by deed of record in Instrument Number 201709130019537, and that 2.00 acre tract conveyed to Laurie Turner and William Turner by deed of record in Instrument Number 201908190017148 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Green Chapel Road (T.R. 63) and Clover Valley Road (C.R. 26);

Thence North 03° 31' 24" East, with the centerline of said Cover Valley Road, a distance of 1375.20 feet to a point;

Thence North 03° 08' 54" East, with said centerline and with the existing City of Johnstown corporation line (Resolution Number 2023-30, of record in Instrument Number 202401250001407), a distance of 801.17 feet to the northwesterly corner of that 5.133 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202312050022158, the TRUE POINT OF BEGINNING for this description;

Thence North 03° 08' 54" East, with said centerline and said corporation line, a distance of 349.78 feet to a southwesterly corner of that 107.577 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202312050022155;

Thence with the boundary of said 107.577 acre tract and said corporation line, the following courses and distances:

South 82° 23' 34" East, a distance of 213.51 feet to a point;

South 89° 53' 22" East, a distance of 304.96 feet to a point;

South 03° 06' 36" West, a distance of 174.77 feet to a point;

North 86° 48' 12" West, a distance of 25.33 feet to a point; and

South 03° 06' 36" West, a distance of 175.00 feet to a point in the northerly line of said 5.133 acre tract;

Thence North 86° 48' 12" West, with said northerly line, a distance of 492.30 feet to the TRUE POINT OF BEGINNING, containing 4.0 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Matthew A. Kirk
Professional Surveyor No. 7865

31 JAN 24

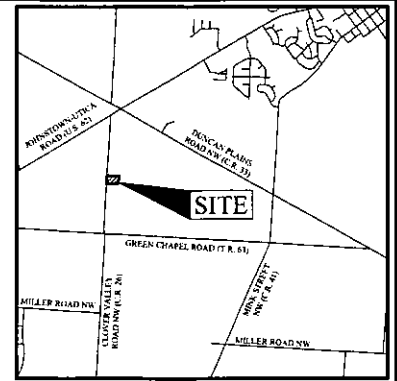
MAK: smh
4_0 ac 20240006-VS-ANNX-01.doc



EXHIBIT "B"

ANNEXATION OF 4.0 ± ACRES

TO THE CITY OF JOHNSTOWN FROM THE TOWNSHIP OF MONROE
SECTION 23, QUARTER TOWNSHIP 3, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

AREA TO BE ANNEXED

PROPOSED CITY OF JOHNSTOWN CORPORATION LINE
EXISTING CITY OF JOHNSTOWN CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 1735.65 feet, of which 1385.87 feet is contiguous with the City of Johnstown giving 80% perimeter contiguity.

Proposed Annexation
of 4.0 ± acres to the City of Johnstown

The within map marked exhibit "B" and made a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio, on 20 ____, under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

Agent for Petitioners

The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of Johnstown, Ohio, of the territory shown hereon and having given due consideration to the prayer of said petition, do hereby grant the same.

Board of Licking County Commissioners

Petition Received _____, 20____
Commissioner _____
Petition Approved _____, 20____
Commissioner _____
Commissioner _____

Transferred this ____ day of _____, 20____, upon the duplicates of this office.

Containing _____ acres.
Transfer Fee _____
Licking County Auditor

Received for Record _____, 20____, at _____ (AM-PM) and recorded _____, 20____, in plat ordinance, petition, etc. in Plat Book Volume _____, Page _____.

Plat Fee _____
Ordinance, etc. Fee _____
Licking County Recorder

Council for the City of Johnstown, Ohio, by ordinance _____ passed _____, 20____, and approved by the mayor on _____, 20____, did accept the territory shown hereon for annexation to the City of Johnstown, Ohio, a municipal corporation.

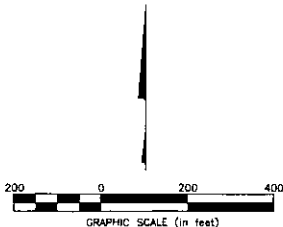
Attest _____
Clerk, City of Johnstown



By Matthew A. Kirk 31 Jan 24
Matthew A. Kirk
Professional Surveyor No. 7865
mkirk@emht.com Date

EMHT Evans, Mechwart, Hamilton & Titon, Inc. Engineers • Surveyors • Planners • Scientists 5500 New Albany Road, Columbus, OH 43254 Phone: 614.775.4500 Toll Free: 888.775.3648 emht.com		Date: January 31, 2024 Scale: 1" = 200' Job No: 2024-0006 Sheet: 1 of 1
REVISIONS		
MARK	DATE	DESCRIPTION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N03°08'54"E	349.78'
L2	S03°06'36"W	174.77'
L3	N86°48'12"W	25.33'
L4	S03°06'36"W	175.00'
L5	N86°48'12"W	492.30'





RESOLUTION 2024-25

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH NEW DAY FARMS, LLC FOR THE SALE OF WATER AND THE TREATMENT OF WASTEWATER

WHEREAS, City Council has previously passed several Resolutions authorizing the City Manger to enter into negotiations with potential customers of City water and wastewater facilities and currently desires to enter into new contracts that would supersede all previous contracts and synchronize the timing on both water and wastewater agreements; and

WHEREAS, the City of Johnstown currently uses 60 percent of the wastewater treatment and water treatment facility; and

WHEREAS, the City of Johnstown is seeking to add users to the water and wastewater system to spread operational costs over more customers to stabilize current rates; and

WHEREAS, the City of Johnstown charges \$.065per gallon of bulk wastewater and does not accept industrial bulk waste; and

WHEREAS, the City of Johnstown charges \$.012 per gallon of bulk water; and

WHEREAS, the City Charter allows the City of Johnstown to enter into contractual agreements pursuant to contractual constraints; and

WHEREAS, the City of Johnstown recognizes the long-term financial gain to the City by accepting wastewater and selling water to New Day Farms.

NOW, THEREFORE, Be it resolved by the City of Johnstown:

SECTION 1. That the City Manager is hereby authorized to enter into agreements on behalf of the City of Johnstown to be bound by all terms and conditions prescribed in the contracts in Exhibit A and Exhibit B and incorporated as if fully rewritten herein.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter of the CITY OF JOHNSTOWN.

Date of Introduction: June 18th 2024
Public Hearing/Vote

By:_____

Mayor

Res 2024-25

ATTEST TO:

Teresa Monroe, Clerk of Council

APPROVED AS TO FORM:

Yazan Ashrawi, Law Director

DRAFT

EXHIBIT "A"

Waterline Agreement **New Day Farms, LLC Layer No. 1**

This agreement for a water service (the "Agreement") is entered into as of this ____24th__ day of June 24, 2024, by and between, Daybreak Foods, Inc., with a mailing address of P.O. Box 800, Lake Mills, WI, 53551, and its wholly-owned subsidiary, New Day Farms, LLC (collectively "Customer"), and the City of Johnstown, with a mailing address of 599 South Main Street, Johnstown, Ohio 43031 (the "City").

WHEREAS, Customer sub-leases egg production facilities in Licking County, Ohio, known as "Layer No.2" and its operations requires the use of water; and

WHEREAS, the City operates a water treatment plant ("WTP") whereby it can provide City water to its residents and others;

NOW THEREFORE, in consideration of the promises, the mutual covenants and agreements hereinafter contained, it is agreed as follows:

1. This Agreement shall commence on July 1st, 2024 and shall terminate either: (1) if Customer no longer sub-leases or owns Layer No. 1; (2) if Customer no longer operates Layer No. 2; or (3) June 30th, 2026, which ever event occurs first.
2. The City shall design and install a waterline from Leafy Dell to Layer No. 2 and ensure that same is fully-operational (collectively, the "Installation Work"). The City shall be responsible for the design, installation, infrastructure, and maintenance of the proposed waterline, and ensuring the continuous and uninterrupted supply of the quantities of water referenced herein.
3. Subject to all other terms of this Agreement, Customer will have the right to use the waterline to obtain water for Layer No. 2. Customer shall use and pay for a minimum of 3,750,000 gallons per month, which amounts to 125,000 gallons per day provided, however, the City shall ensure that Customer has access to not less than 5,250,000 gallons per month, which amounts to 175,000 gallons per day.

Notwithstanding anything to the contrary contained herein, it is expressly agreed that the water supplied shall at all times meet or exceed the following pressure specifications:

1. Approximately 53 psi with 300 gpm of regular demand at the New Day facility;
2. A 1,300 gpm combined fire/demand will result in approximately 38 psi of residual pressure at the New Day facility;
3. A 1,000 gpm fire demand in the City at Parkdale Drive and Eagles Nest Ave will result in pressure of 43 psi at the New Day facility.

Further, upon written notice from Customer to the City, Customer shall have a right from time to time to reduce the Minimum Monthly Requirement and Minimum Monthly Payment to account for reduced usage needed for a cage-free facility or to proportionately reduce the then-current Minimum Monthly Requirements to account for a 40% reduction in the hens at Customer's subject facility.

4. Customer shall pay to the City for water at a rate of \$0.007 per gallon from the start of the Agreement through June 30, 2025. Beginning July 1st, 2025, the price shall be increased to \$0.00721 per gallon for the remainder of the term of this Agreement.
5. Additionally, Customer shall pay to the City an annual water access fee in an amount equal to \$64,000.00 per year falling within the period of January 1, 2021 through December 31, 2030 and \$45,000.00 per year falling within the period of January 1, 2031 through December 31, 2035. The City has the option of adding this to the standard water bill or to bill separately on an annual basis.
6. This Agreement may be modified only by mutual written agreement of Customer and the City.

This agreement shall be binding upon and inure to the benefit of the parties hereto, their respective representatives, successors and assigns until terminated. All notices required or permitted hereunder shall be addressed to the respective parties at the following addresses or such other address as any party may designate in writing, to wit:

Customer
Ram Almero
Daybreak Foods, Inc.
P.O. Box 800
Lake Mills, WI 53551

City
Sean Staneart
City of Johnstown, Ohio
599 South Main Street
Johnstown, Ohio 43031

7. Customer and the City agree to comply with all applicable environmental laws, and all local, County, State, and Federal rules and regulations relating to or arising from the activities set forth in this Agreement.
8. This Agreement shall be governed and construed in accordance with the laws of Ohio and all disputes must be heard and settled in Licking County, Ohio.
9. Customer shall indemnify and hold harmless the City, and all of its elected officials, officers, employees and agents from and against all claims, losses, suits, actions and expenses (including reasonable attorneys' fees) that arise due to the wrongful or negligent performance or non-performance of Customer, its contractors, subcontractors or its agents or employees, under the terms of this Agreement, including any and all proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor, subcontractor or agent, from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor, subcontractor or its agents or employees.
10. This Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the parties

Customer

By: _____

Name (Print): _____

Its: _____

The City of Johnstown, Ohio

By: _____

Name (Print): _____

Its: _____

Approved as to Form:

Yazan S. Ashrawi, City Law Director

EXHIBIT “B”
Wastewater Disposal Agreement
New Day Farms, LLC Layer No. 2

This agreement for wastewater disposal services (the “Agreement”) is entered into as of this 24th day of June, 2024, by and between, Daybreak Foods, Inc., with a mailing address of P.O. Box 800, Lake Mills, WI, 53551, and its wholly-owned subsidiary, New Day Farms, LLC (collectively “Customer”), and the City of Johnstown, with a mailing address of 599 South Main Street, Johnstown, Ohio 43031 (the “City”)

WHEREAS, Customer sub-leases egg production facilities in Licking County, Ohio, known as “Layer No. 2” and its operations generate wastewater; and

WHEREAS, the City operates a wastewater treatment plant (“WWTP”) as part of a wastewater treatment system that includes several lift stations;

NOW THEREFORE, in consideration of the promises, the mutual covenants and agreements hereinafter contained, it is agreed as follows:

1. This Agreement shall commence on July 1st, 2024 and shall terminate either: (1) if Customer no longer sub-leases or owns Layer No.2; (2) if Customer no longer operates Layer No. 2; or (3) June 30th , 2026, which ever event occurs first
2. The City grants customer the right to dispose of Customer’s Layer No. 2 wastewater at a lift station designated by the City subject to the terms and conditions herein contained.
3. Subject to all other terms of this Agreement:
Maximum Limits for Calander year 2024 and 2025: Not to Exceed Loadings from Layer No. 2 (unless otherwise modified and approved in writing by the City):

TABLE 1											
FLOW	FLOW	BOD		TSS		NH3		Phosphorous		TKN	
	MAX		Max		Max		Max		Max		Max
MAX	GPM/mi	Max	Lbs/da	Max	Lbs/da	Max	Lbs/da	Max	Lbs/da	Max	Lbs/da
MGD/Day	n	mg/L	y	mg/L	y	mg/L	y	mg/L	y	mg/L	y
0.0200	15	4796.2	800.0	1199.0	200.0	250	41.7	48.0	8.0	479.6	80

4. Flow quantities and concentrations can vary as long as the mass loading does not exceed 800 ppd. Flow maximum can exceed 15 gpm if the maximum day exceeds 20,000 gallons as long as the flow is introduced into the system equally over 24 hours. The City reserves the right to reduce maximum flow amount if the City determines wastewater strength exceeds maximum mass loading quantities. In order to manage flow, Customer has installed a force main connecting to the City's wastewater system. The City shall take over ownership and maintenance of the force main located within the public ROW. Customer's wastewater shall not contain any other liquids, solids, or gases without the express written permission of City. Any cost associated with the repairs, removal, and maintenance to the installed force main shall be performed and/or contracted through the city. All cost associated with the force main for repair, removal, and maintenance shall be reimbursable by New Day Farms within 90 days after receipt of itemized invoice present by the City. Additionally, Customer shall bear all costs and expenses relating to the maintenance of the holding tank.
5. Wastewater pH must be maintained in the range of 5.0 to 10.0. The City must be contacted and given notice if wastewater pH is not within this range.
6. BOD, NH3, phosphorous, TKN, and pH must be tested as City deems necessary. Customer grants the City's authorized personnel access to all wastewater for testing purposes. The City reserves the right to require or conduct additional testing to ensure no toxic elements exist in any wastewater, and reserves the right to request testing result information from Customer at any time. Upon request, Customer must provide City with available test results within three (3) business days.
7. Customer shall pay to the City a rate of .05 cents per gallon for the treatment of up to 7,900,000 of wastewater from the start of the agreement through June 30, 2025. Beginning July 1st, 2025, the price shall be increased to \$0.0515 per gallon for the remainder of the term of this Agreement.
8. This Agreement may be modified only by mutual written agreement of Customer and the City.
9. This agreement shall be binding upon and inure to the benefit of the parties hereto, their respective representatives, successors and assigns until terminated. All notices required or permitted hereunder shall be addressed to the respective parties at the following addresses or such other address as any party may designate in writing, to wit:

Customer
 Ram Almoro
 Daybreak Foods, Inc.
 P.O. Box 800
 Lake Mills, WI 53551

City
 Sean Staneart
 City of Johnstown, Ohio
 599 South Main Street
 Johnstown, Ohio 43031

10. Customer and the City agree to comply with all applicable environmental laws, rules and regulations relating to or arising from the activities set forth in this Agreement.

11. This Agreement shall be governed and construed in accordance with the laws of Ohio and all disputes must be heard and settled in Licking County, Ohio.

11. Customer shall indemnify and hold harmless the City, and all of its elected officials, officers, employees and agents from and against all claims, losses, suits, actions and expenses (including reasonable attorneys' fees) that arise due to the wrongful or negligent performance or non-performance of Customer, its contractors, subcontractors or its agents or employees, under the terms of this Agreement, including any and all proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor, subcontractor or agent, from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor, subcontractor or its agents or employees.

12. This Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the parties

CUSTOMER:

By: _____
Name (Print): _____
Its: _____

City

By: _____
Name (Print): _____
Its: _____



RESOLUTION 2024-26

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EMH&T FOR A JAG WATER AND SEWER MASTER PLAN PROPOSAL

WHEREAS, the City of Johnstown, Village of Alexandria and the Village of Granville (JAG) entered into an Intergovernmental Cooperation Agreement for the planning, development and provision of water and wastewater services in 2023; and

WHEREAS, this multi-jurisdictional plan was designed to facilitate the development and expansion of water and wastewater infrastructure, promote responsible growth and to create a partnership that recognizes the identity, aspirations, rights and duties of all jurisdictions and that develops methods of cooperation among the parties; and

WHEREAS, EMH&T has prepared a proposal to design a Master Plan for JAG; and

NOW, THEREFORE, Be it resolved by the City of Johnstown:

SECTION 1. That the City Manager is hereby authorized to enter into a contract on behalf of the City of Johnstown.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter of the CITY OF JOHNSTOWN.

Date of Introduction: June 18th 2024

Public Hearing/Vote:

By: _____

Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



AN ORDINANCE TO AMEND SECTIONS 1187.08 AND 1187.09 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Section 1187.08 of the City of Johnstown's Codified Ordinances lists criteria for evaluation of applications for Certification of Design Appropriateness in the City of Johnstown; and

WHEREAS, Section 1187.09 of the City of Johnstown's Codified Ordinances regulates demolition of structures in the City of Johnstown; and

NOW THEREFORE BE IT ORDAINED BY THE CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO, AS FOLLOWS:

Section 1. That Sections 1187.08 and 1187.09 are amended as shown in the exhibit attached; deletions are ~~struck~~; additions are *italicized*

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Johnstown, Licking County, Ohio.

Date of Introduction: June 18, 2024
Public Hearing/Vote:

BY: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

1187.08 CRITERIA FOR EVALUATION OF APPLICATION FOR CERTIFICATION OF DESIGN APPROPRIATENESS.

In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Board or Village staff member shall consider the following, as a part of its review:

(a) The compliance of the application with the Design Guidelines and Requirements. The proposed environmental change is to comply with the Design Guidelines and Requirements of the Village, incorporated by reference.

(b) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(c) The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.

(d) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(e) Each property shall be recognized as a physical record of its historic time, place and use. Alterations that have no historical basis and which seek to create an appearance inconsistent or inappropriate to the original integrity of the property shall be discouraged.

(f) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(g) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(h) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures if appropriate shall be undertaken using the gentlest means possible.

(i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(k) Significant archeological resources affected by a project shall be protected and preserved, if such resources must be disturbed, mitigation measures shall be undertaken.

(l) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved. (Ord. 05-2011. Passed 5-17-11.)

(m) Demolition of a structure shall follow the criteria for evaluation and submittal requirements outlined in section 1187.09 as well as all items in 1187.08 as it relates to consideration of the demolition of a structure.

1187.09 Demolition of Structures **Demolition Criteria**

Decisions approving or denying Certificates of Appropriateness for the demolition of structures will be guided by the following criteria, among other considerations.

- *The historic, architectural, or cultural significance of the structure.*
- *How the structure contributes to the identity of the district.*
- *The feasibility of reproducing the structure due to characteristics unique to the building, including design, materials, architectural details, etc.*
- *Whether the structure represents a specific example of period construction or is the one of the last remaining buildings from this period.*
- *Plans for the reuse of the property and how these plans affect the character and identity of the surrounding district.*
- *Whether the structure presents a clear danger to the health and safety of the public. This may include the possibility of unexpected collapse, existence and dissemination of pollutants, unauthorized use, etc.*
- *Whether there is clear evidence that alternatives to demolition have been explored.*
- *Whether there is benefit to the public to protect or demolish the structure based on the current or projected use of the property.*
- *Whether the structure has been altered to the extent that no historic or architectural relevance is*
- *Is there a reuse plan? A new structure would need to have conformity with the surrounding architecture.*
- *Is it legitimately in poor enough structural condition as to warrant demolition and not “demolition by neglect”*
- *Does the demolition negatively affect adjacent property owners?*
- *The **lot must be returned to turf** and landscape, and **anything posing a danger must be filled/remediated** like basements/foundations/septic tanks/cisterns etc. The DRB can also decide if they want to ensure that foundation slabs, driveways, walkways, fences, etc. are removed.*

Purposeful Neglect.

The Design Review Board will not approve applications where the willful neglect of a property is evident. In cases of intentional neglect, or damage, where the property has been allowed to deteriorate with the purpose of causing demolition, the owner may be held responsible for the cost to stabilize, repair, or replace the structure.

~~In cases where an applicant applies for a Certificate of Appropriateness to demolish a structure, the Planning and Zoning Commission or Village Manager shall grant the demolition and issue a Certificate of Appropriateness when at least one of the following conditions prevails.~~

- ~~—(a)—The structure contains no features of architectural and historic significance to the character of the individual precinct within which it is located.~~
- ~~—(b)—There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.~~
- ~~—(c)—Deterioration has progressed to the point where it is not economically feasible to restore the structure.~~