



Regular Council
Monday, July 15, 2024 - 5:00 PM
MINUTES

1. Call to Order

Mayor Donald Barnard called to Order the City of Johnstown Regular Council Meeting for July 15, 2024 at 5:06 PM.

2. Roll Call

Present - Mayor Donald Barnard, Tiffany Hollis, Dave Selan, Wesley Kobel, Jeff Barr, Bob Orsini, Ryan Green (absent at roll call, arrived at 5:12 pm)
Absent - None

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

Public present - Melissa Hartfield, Sean Barnes, Jeremy Johnson, Jeff Brown, Jordan Kosinski, Joel Hatfield, Kyle May, Tiara Pettway, Joseph Robertson, Zack Harkovy, Jamie McNally, Tim Swauger, Jeff Brown

3. Invocation

Jordan Kosinski with Grace Church Galena offered the invocation.

4. Pledge of Allegiance

After the pledge, Mayor Barnard said he would like to welcome Mayor Melissa Hartfield of Granville and Mayor Barnes of Alexandria, along with the Granville Vice-Mayor Jeremy Johnson, Johnstown-Monroe School Board President Tim Swauger and Granville Schools Superintendent Jeff Brown.

5. Approval of Agenda

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

Passed 6 - 0

6. Action on Minutes

a. July 2, 2024 Regular b. July 8, 2024 Special

ACTION: Dave Selan moved to approve as written, both July 2nd and July 8th; Bob Orsini seconded and all were in favor.
AYES: Jeff Barr, Tiffany Hollis, Mayor Barnard, Wesley Kobel, Dave Selan, Bob Orsini
NOES: None
ABSTAIN: None

Passed 6 - 0

7. Citizen comments on matters not on the agenda
No comments
8. Executive Session to discuss imminent court action

ACTION: Bob Orsini moved to amend the agenda order; Dave Selan seconded and the vote was as follows:

AYES: Jeff Barr, Ryan Green, Tiffany Hollis, Donald Barnard, Wesley Kobel, Dave Selan, Bob Orsini

NOES: None

ABSTAIN: None

Passed 7 - 0

ACTION: Mayor Barnard moved to enter Executive Session to discuss imminent court action, to include all of Council, the City Manager, the mayors of Alexandria and Granville, the Vice-Mayor of Granville, the superintendents of Johnstown and Granville schools, the School Board President, representative from EMH&T, City Attorney Steve Samuels, and representative from MKSK; Dave Selan seconded and the vote was as follows:

AYES: Mayor Barnard, Wesley Kobel, Dave Selan, Bob Orsini, Jeff Barr, Tiffany Hollis

NOES: None

ABSTAIN: None

Passed 6 - 0

Ryan Green arrived just after Executive Session began.

Council entered Executive Session at 5:11 pm and returned to Regular Session at 7:34 pm.

Upon council's return, Mayor Barnard said that the individual talking about the Comprehensive Plan on the agenda tonight has to leave and asked for a motion to alter the agenda and move it up to now.

ACTION: Bob Orsini moved to amend the agenda order; Dave Selan seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 7 - 0

- a. **RESOLUTION 2024-14** A RESOLUTION TO ADOPT THE PROPOSED COMPREHENSIVE PLAN AS PRESENTED. Tabled April 4, 2024

ACTION: Mayor Barnard moved to take from the table; Dave Selan seconded and the vote was as follows:

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

Passed 7 - 0

Mayor Barnard said that council has had this, zoning has had this, he believes all requested changes have been made. Kyle May with MKSK thanked council for the opportunity to work with them on this very important document, it has taken a while to get here but he hopes they see the priorities of the city and the public in it, it will be a good framework for the city to move forward with.

Some discussion on the downtown area and the need for updated design guidelines. Mr. May was asked when MKSK could get the city a proposal, he said he believes that is next and on their to-do list for the next ten days. Ryan Green said he wants to reserve the right to make amendments to this plan as they discover disjointed documents.

ACTION: Dave Selan moved to adopt the proposed Comprehensive Plan as presented; Wesley Kobel seconded and the vote was as follows:
AYES: Dave Selan, Ryan Green, Tiffany Hollis, Mayor Barnard, Wesley Kobel, Jeff Barr, Bob Orsini
NOES: None
ABSTAIN: None

Passed 7 - 0

9. Council Committee reports

- a. **Planning & Zoning:** Met 7/9/24; Next 7/23/24 @ 6:30 pm Council Chambers
Brief discussion on the new demolition language proposed for the zoning code, the board recommenced the legislation draft to council. Discussion on some future events.
- b. **Design Review Board:** 7/9/24 canceled; Next 7/23/24 @ 5:00 pm Council Chambers
- c. **Finance:** Next 8/6/24 @ 5:00 pm Council Chambers
Discussion on moving the start time to 4:30 pm; committee members in agreement in order to give Safety & Service more time for their committee meeting which follows.
- d. **Safety & Service:** Next 8/6/24 @ 5:45 pm Council Chambers

10. Director Reports

- a. Police Chief
Report included in the council packet. No questions asked by council members.
- b. City Manager

Report included in the council packet. No questions asked by council members.

11. Council decision on Zoning Map Amendment - TABLED June 18, 2024

Applicant has requested to keep this tabled.

12. Tabled Legislation

- b. **ORDINANCE 16-2024** AN ORDINANCE TO AMEND SECTIONS 1187.03, 1187.08 AND 1187.09 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES. Tabled July 2, 2024

ACTION: Ryan Green moved to remove from the table; Bob Orsini seconded and all were in favor.

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

NOES: None

ABSTAIN: None

Passed 7 - 0

Ryan Green said that the Planning Commission was in support of this legislation, it gives them a lot better criteria to review versus the three items before. The commission made no changes in their review and recommends approval by council.

ACTION: Ryan Green moved to approve as written; Bob Orsini seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 7 – 0

- c. **ORDINANCE 17-2024** AN ORDINANCE TO PROHIBIT CANNABIS DISPENSARIES; AND TO DECLARE AN EMERGENCY. Tabled July 2, 2024

ACTION: Dave Selan moved to take from the table; Donald Barnard seconded and all were in favor

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

NOES: None

ABSTAIN: None

Passed 7 - 0

Dave Selan said that in discussion with many citizens on the question of whether or not they would be favorable to a marijuana dispensary locating in the city, he said the good majority, two-thirds if not three-quarters replied no, that they were not ready for this. Mr. Selan added that Newark has three dispensaries now, and they have put a moratorium on additional. Other areas have put on moratoriums, and looking at the wave of opinion and action of other cities around us, this has showed a certain light. He said he also looked at the impact on the police department, they are stretched with staffing and this could cause additional strain, he said he is uncomfortable with that.

Bob Orsini asked where dispensaries fell in our current zoning. Mr. Staneart said that they do not, if a use is not stated, it is not permitted, however that could be challenged so the City Law Director advised that other communities have taken an additional step, and if there were a desire to prohibit or put a moratorium on dispensaries, that it would be helpful to definitively add the prohibition.

Ryan Green said this type of business is something that people in the city voted for, he thinks there is room to have this in the zoning code. The state already has a number of hurdles for these to jump through, if we have our own criteria and make it a conditional use, that means they have to show up to get the business in the city, he thinks there is the ability to put this into a part of the city where it won't be offensive.

Discussion on understanding how the approval process works, there are still many unknowns. Discussion on a moratorium until the end of the year or until it is known what the rules from the state will be, a moratorium will give council time to do some more research and examine options.

ACTION: Donald Barnard moved to table ordinance 17-2024; Tiffany Hollis seconded and the vote was as follows:
AYES: Mayor Barnard, Wesley Kobel, Jeff Barr, Bob Orsini, Dave Selan, Ryan Green, Tiffany Hollis
NOES: None
ABSTAIN: None

Passed 7 - 0 TABLED

ACTION: Donald Barnard moved to place a moratorium on cannabis dispensaries in the City of Johnstown until December 31, 2024.
AYES: Mayor Barnard, Wesley Kobel, Jeff Barr, Bob Orsini, Dave Selan
NOES: Ryan Green, Tiffany Hollis
ABSTAIN: None

Passed 5 - 2

- d. **RESOLUTION 2024-28** A RESOLUTION IMPOSING A TWELVE-MONTH MORATORIUM ON THE COMMERCIAL CULTIVATION AND PROCESSING OF ADULT-USE CANNABIS IN THE CITY OF JOHNSTOWN. Tabled July 2, 2024

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

Passed 7 - 0

Mayor Barnard said that the city received word that Curaleaf has has been granted a

provisional license from the state to cultivate and process adult use marijuana and because they have received this, this legislation would not affect Curaleaf, only future businesses.

ACTION: Ryan Green moved to table Resolution 2024-28 and convey to zoning; Tiffany Hollis seconded and all were in favor.
AYES: Jeff Barr, Ryan Green, Tiffany Hollis, Mayor Barnard, Wesley Kobel, Dave Selan, Bob Orsini
NOES: None
ABSTAIN: None

Passed 7 - 0

The Planning and Zoning Commission will work on a recommendation to council. Ryan Green said he and Dave Selan would handle the research on dispensaries.

13. Public Hearings of Legislation

a. **RESOLUTION 2024-29** A RESOLUTION AUTHORIZING THE CITY MANAGER TO MOVE FORWARD WITH PLANS FOR WATER TREATMENT PLANT EXPANSION

Sean Staneart read through the Resolution. Bob Orsini asked to clarify that the estimated cost of \$34 million dollars included a twenty percent contingency. Finance Director said that is what he recalled, because it could go down. Jack Liggett concurred and said that was also what he understood. Edits were made to the Resolution adding "which includes" a twenty percent contingency. Jack Liggett said it will be two and a half to three years before the plant comes online because engineering has to be completed, the EPA has to review and approve it and then construction can begin. This legislation gives the City Manager the ability to do the negotiation with Bowen (the General Contractor) to get the Guaranteed Maximum Price. Mr. Delande confirmed that the initial funding will come from the Enterprise Fund and the operations and debt would come out of water. Discussion on the need for the upgrade. Ms. Hollis said she wanted to clarify to the public that the city is not supplying water to Intel. Mr. Staneart said currently we have a plant that is thirty years old. If Johnstown residents want to have reliable water and sewer service, at some point, the plants must be upgraded. Mr. Barr asked if this would be a burden of existing customers to pay for. Mr. Orsini said that as reviewed in Finance Committee, it would require no additional changes than that of those currently in place, there is the inflationary growth already set in place, there are step rate increases, but that is separate and existed before this decision. Mr. Liggett said council would have one more chance to put the brakes on this when the Guaranteed Maximum Price comes in. Bob Orsini said they are authorizing Sean to spend some money to get them a Guaranteed Maximum Price. Mr. Staneart said these projections are based on pretty reasonable expectations.

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

ACTION: Jeff Barr moved to pass Resolution 2024-29 as edited; Bob Orsini seconded and the vote was as follows:
AYES: Jeff Barr, Bob Orsini, Dave Selan, Ryan Green, Tiffany Hollis, Mayor Barnard, Wesley Kobel
NOES: None

ABSTAIN: None

Passed 7 - 0

14. Introduction of Legislation

- a. **ORDINANCE 18-2024** AN ORDINANCE TO AMEND THE JOHNSTOWN GATEWAY PD DISTRICT MAP BY ADDING TWO PARCELS TOTALING + 9.0 ACRES TO SUBAREA ONE OF THE PD DISTRICT.

Jamie McNally was present and said that the two parcels have already been annexed into the City of Johnstown and today is the first reading for those to be rezoned to become a part of the PD District, they will be absorbed into Sub-Area 1, this will increase it by nine acres. Sub-Area 1 is currently zoned for Data Centers and Industrial.

Ryan Green noted the "Johnstown Gateway" name and asked where we were at on a new name. Mr. McNally said they have not made progress on that, they are not married to that name, and recognize that there is a desire to come up with a new one. As they figure out a vision for the area and establish some design standards they can revisit naming.

Second reading and vote August 6, 2024

15. Other Business

1. Mr. Staneart said that council will need to establish the NCA Board members soon. Some discussion on having Greg Stype come to discuss how other municipalities conduct their selection process for the initial board.
2. Mr. Green said they should also dive back into the CODA board and appointments.
3. Upcoming Events: Art in the Park on Saturday, Farmers Market Wednesday.
3. Thanks to Faith Life Church for Serve Day, many volunteers did a lot for the city on Saturday; power washing and painting fire hydrants.

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

ACTION: Donald Barnard moved to enter executive session to consider the compensation of a public employee, to include all council members, the city manager, the finance director and city legal council by phone if needed, with no business to follow; Bob Orsini seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 7 - 0

Council entered Executive Session at 8:55 pm and returned to Regular Session at 9:30 pm.

17. Adjourn

With no further business, the meeting adjourned at 9:30 pm.