



Regular Council
Tuesday, August 20, 2024 - 6:30 PM
MINUTES

1. Call to Order

Mayor Donald Barnard called to Order the City of Johnstown Regular Council Meeting for August 20, 2024 at 6:31 PM.

2. Roll Call

Present - Mayor Barnard, Tiffany Hollis, Ryan Green, Dave Selan, Wesley Kobel, Jeff Barr, Bob Orsini
Absent - None

Staff present - Sean Staneart - City Manager, Dave Delande - Finance Director, Rusty Smart - Chief of Police, Anthony Severyn - City Legal Counsel/Frost Brown Todd, Teresa Monroe - Clerk of Council

Public present - Terri Feters, Paul Grice, Jim Davidson, Daryl Wernette, Nick Hubbell, Jamie McNally, Greg Stype, Andrea Ford

3. Invocation - Johnstown Independent Baptist Church

4. Pledge of Allegiance

5. Approval of Agenda

ACTION: Bob Orsini moved to approve as written; Jeff Barr 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

6. Action on Minutes

a. August 6, 2024

ACTION: Dave Selan moved to approve; Jeff Barr seconded and the vote was as follows:

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

NOES: None

ABSTAIN: Wesley Kobel due to absence

Passed 6 - 0

7. Citizen comments on matters not on the agenda

1. Terri Feters

- Asked who was in charge of maintaining the mastodon site at the trailhead, it is not in

very good shape right now. There is a lot of water and moss growing on the bench.

Sean Staneart said that they believe a tile was severed at some point, it does have more water than it ever has before. The city is working with its engineer and the developer already on site. More than likely in the next month or so, there will be an under drain cut in the area to alleviate some of the water and allow that path to be more accessible.

8. Executive Session to discuss imminent court action

9. Executive Session to discuss imminent court action

ACTION: Donald Barnard moved to enter executive sessions to discuss imminent court action on two different items, to include members of council, the City Manager and the respective city attorneys; 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 6:40 pm and returned to Regular Session at 8:34 pm.

10. Council Committee reports

a. **Planning & Zoning:** Met 8/13/24; Next 8/27/24 @ 6:30 pm Council Chambers
Discussed marijuana legislation.

b. **Design Review Board:** Met 8/13/24; Next 8/27/24 @ 5:00 pm Council Chambers
An application for a new pavilion and pickleball court for Concord Crossing East was approved. Applications also approved for siding on a Greenscape Ct. commercial building, a residential garage addition and exterior improvements to the 62 Car wash. Applications remain tabled for a covered porch, a sun room addition and for solar panels. Mr. Staneart updated council on a position taken by the board, any solar panels visible from the street, they are not looking to approve. Jeff Barr asked if the applicant would have any kind of recourse if denied. Sean Staneart said that if the determination is made that the board will not approve an application, they would not issue a COA, and the applicant could follow the appeal process laid out in Section 1187. Mr. Barr said he is in favor of informing applicants who are denied that they have due process and there is an appeal procedure. Some further discussion, Mr. Orsini said for the sake of time, this could be discussed in Rules Committee.

c. **Finance:** 8/20/24; Next 9/3/24 @ 4:30 pm council chambers
Discussed the Local Waste contract ending. Cea Media has identified three subscriptions necessary that amount to \$75 per month, Mayor Barnard said he sees this as minimal; no objection from council.

d. **Safety & Service:** Next 9/3/24 @ 5:45 pm council chambers
Ryan Green said there was an issue with sidewalks in Leafy Dell and the construction project. This was remedied before school started, he thanked the service department. Wes Kobel said he does have a concern about kids walking home from school, he has noticed a lot of earth moving equipment active at that time of day; discussion on closing that side of sidewalk off from pedestrians.

Jeff Barr noted an issue with the function of the pedestrian crossing light on North Main Street at Edwards, one side working, the other not; service department to check into.

Tiffany Hollis added that the Economic Development committee met on July 10th with Tech Rubber, they have a large expansion under way. She said no need for discussion tonight, but they have asked what is the status of the road that was promised connecting their expansion to Commerce Blvd.

11. Director Reports

a. Chief of Police

Report included in the packet.

b. City Manager

Report included in the packet. Sean Staneart provided a recap update to council on making the move from LCATS to MORPC. Mr. Staneart also provided an update on the union negotiations, Ohio Council 8 has been elected to be the exclusive representative for the full-time employees of the city wastewater/sewer, streets and water department. That process has begun and within the next two to three months, the city will have the opportunity to engage in those negotiations with staff to put together an agreement for wages, hours, terms, conditions of employment etc.

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

Remains tabled at the applicants request.

13. Tabled Legislation

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

Anthony Severyn with Frost Brown Todd was in attendance as requested, to brief council members on what is known with the cannabis industry and changes in the law. The law allows cities like Johnstown to have a say in whether or not, and to what degree it will allow adult use cannabis and cannabis operations in their jurisdictions. Mr. Severyn let council know their options for regulating. He added that it is their opinion that council's previous vote for a moratorium on cannabis dispensaries until December 31, 2024 is in effect and that the failed vote on the written resolution did not invalidate the motion voted on by voice before. Bob Orsini said that his support for the moratorium was out of an abundance of caution to prevent any legal action should there be a challenge to the current zoning code, and it is not a no, it is a not right now, until there is more clarity at the state level. Some further discussion and questions answered by Mr. Severyn.

ACTION: Jeff Barr moved to take Ordinance 17-2024 from the table; Dave Selan seconded and the vote was as follows:

AYES: Jeff Barr, Dave Selan, Mayor Barnard, Wesley Kobel

NOES: Bob Orsini, Ryan Green, Tiffany Hollis

ABSTAIN: None

Passed 4 - 3

Dave Selan said that the impact on the Johnstown Police force for calls for service would

increase for property checks, impaired driving, loitering, theft, traffic and also response to calls from residents who will call-in concerns about the people that frequent these establishments.

That the vast majority of objection is the absolute increase for calls for service to our Police Department. 45.5% of the time there is one JPD Officer on duty. This past week, he said he visited both nearby locations, the Amplify store, 5304 N Hamilton Rd, Columbus, OH, and the Curaleaf location in Newark (150 N 21st St.). The one by Home Depot is serviced by Columbus Police. The general rule of thumb is that there are about 150 Officers assigned to each zone. Newark's location is in their 6th Ward (of 7), overall, NPD employs 78 Officers overall. These staffing levels are sufficient for these types of operations and even Newark has put a moratorium on more, recognizing the necessity to observe the impacts. If a city the size of Newark, that has medical marijuana experience, has called a pause, we should see the signaling of that action. Johnstown employs 9, including our Chief.

He said he understands the topic of zoning this in areas that we feel could compartmentalize the impact. Zoning it in our light industrial areas will actually create a bigger issue as those calls for service will pull our Police from the heart of the City, further away from where they already spend the majority of their time responding to calls. It will create longer response times to assist in Fire Department calls for service. Finally, if zoned into an area of light industry, we will see light/small vehicle traffic increased in an area that sees a good level of large, semi and box truck traffic. Smaller vehicles competing for space with larger trucks will increase the likelihood of accidents, something our City does not need either.

Traffic, as we have seen on 62 and 37 is already a burden between the hours of 3:30pm and 6:00pm. An added attraction of a recreational marijuana dispensary would only add to that traffic.

Finally, we do not see a significant increase in revenue from these establishments, the first bucket being the income tax on employees that work there. Like lottery, the vast majority of the revenue generated through taxes washes through the State's coffers and comes out the other side to statewide distribution. Confirmed through a member of the State's Commerce team, we would only see 30% of the 10% excise tax that is levied on marijuana sales.

Meaning, if a marijuana dispensary were to be in Johnstown, and sold \$1M of product, we would only see \$30,000.

For all these reasons, Mr. Selan said that he feels that right now, is not an ideal time to even consider the placement of a marijuana dispensary.

Council discussion on security of cannabis dispensaries and dispatched calls to the police department. Mayor Barnard asked Chief Smart if there were any issues with just the vape shops in town. Chief Smart said the issue has been with our youth, where there is access, there is opportunity. Underage sales have been an issue, fines are issued when underage sale has been found to be a crime. He said his issue with this is the youth, underage sales or breaking the glass to get what they want. Ms. Hollis asked if this has been an issue with alcohol, at the bars or wherever sold with underage sales. Chief Smart said not during his tenure but in the past yes; it is vaping now that has been large issue in the schools, and they can put marijuana in the vapes. Mr. Selan said again, for all the reasons he stated, he thinks that adding an unknown factor impact into our community is just not fair to our police department. Further council discussion on the ordinance before them. Ryan Green said his question is when it comes to types of use and what building goes where, there can be legal challenges if you don't zone a legal business into a certain situation. Mr. Severyn said that this is different, the state law makes it very clear that it can be prohibited outright, if you don't do that, you do put yourself in a position of having an incomplete answer in the zoning code. To

be fair, a moratorium can have the same effect for a period of time.

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

Jeff Barr said that he sent an email to fellow council members that he wanted to pull this off the table tonight because he would vote for the prohibition of cannabis dispensaries and declare an emergency for adult recreational use marijuana. He said he wants to be clear to all the position he is taking. Legal counsel said that if this prohibition ordinance passed, this action would mute the moratorium.

ACTION: Jeff Barr moved to declare an emergency for passage of Ordinance 17-2024; Dave Selan seconded and the vote was as follows:
AYES: Jeff Barr, Bob Orsini, Dave Selan, Ryan Green, Mayor Barnard, Wesley Kobel
NOES: None
ABSTAIN: Tiffany Hollis; stated that she is the VP of the Chamber of Commerce and she feels this could potentially be viewed as a conflict of interest.

Passed 6 - 1

Ms. Hollis moved from the council table and took a seat in the audience.

ACTION: Jeff Barr moved to pass Ordinance 17-2024; Dave Selan seconded and the vote was as follows:
AYES: Jeff Barr, Bob Orsini, Dave Selan, Ryan Green, Mayor Barnard, Wesley Kobel
NOES: None
ABSTAIN: Tiffany Hollis; conflict of interest.

Passed 6 - 1

- b. **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

Mayor Barnard said this was initially put in place because at the time there were no recreational marijuana cultivators but because of their inaction on this, they now have one that has been granted a provisional license and allowed to continue. Mayor Barnard asked legal counsel if there was a need now to have this legislation. Mr. Severyn said this moratorium would apply to future users that haven't gone through the state licensing process yet, this would not affect the current one. It was noted that the recommendation to Council by the Planning and Zoning Commission was to reject the moratorium and vote down this ordinance. Ryan Green said when discussing this in zoning, they want to make sure they update the code, nothing is listed for adult use. Ms. Hollis removed herself from the council table and sat in the audience.

ACTION: Jeff Barr moved to take Resolution 2024-28 off the table, tabled from July 2, 2024.
AYES: Jeff Barr, Ryan Green, Mayor Barnard, Wesley Kobel, Dave Selan, Bob Orsini

NOES: None
ABSTAIN: Tiffany Hollis; conflict of interest

6 - 0

Bob Orsini said the moratorium serves a purpose, allows time for gathering additional information and respond to the states evolving legislation of this matter, he thinks it is appropriate.

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

ACTION: Jeff Barr moved to pass Resolution 2024-28 Imposing a twelve-month moratorium on the commercial cultivation and processing of adult use cannabis in the City of Johnstown; Dave Selan seconded, and the vote was as follows:

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

NOES: Ryan Green

ABSTAIN: Tiffany Hollis; conflict of interest

Passed 5 - 1

14. Public Hearings of Legislation

- a. **ORDINANCE 20-2024** AN ORDINANCE TO ADD APPROXIMATELY +/- 9 ACRES TO JOHNSTOWN COMMUNITY REINVESTMENT AREA #4 AND DECLARING AN EMERGENCY.

Greg Stype and Jamie McNally present. Mr. Stype said council has previously accepted these nine acres into the city to complement the "missing pieces" of a prior annexation. At a prior meeting council adjusted the boundaries of the TIF district to include these nine acres. This Ordinance simply adjusts the boundaries of the CRA that was previously approved to also include these nine acres.

Mayor Barnard inquired on the need for the emergency. Mr. Stype said that if they had to wait thirty days for this to take effect, it would get in the way of a potential real estate sale and closing. This takes effect immediately so they can then move on to consider with council a real estate tax exemption in connection with that closing.

No debate by Council.

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

ACTION: Jeff Barr moved to waive the second reading and pass by emergency; Tiffany Hollis 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

ACTION: Jeff Barr moved to pass Ordinance 20-2024; Tiffany Hollis 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

b. **RESOLUTION 2024-31** RESOLUTION TO CREATE THE TOWNSHIP LIAISON COMMITTEE AND APPOINT MEMBERS

Mayor Barnard said this is something they have talked about establishing to work on with partners and the townships around us.

All seven Council members expressed interest in being appointed to three seats, Mr. Selan, Mr. Green, Ms. Hollis and Mr. Kobel made their case for appointment. Mayor Barnard, Jeff Barr, and Bob Orsini said they would withdraw their interest. After discussion, council decided to take some time to evaluate who would be appointed.

ACTION: Bob Orsini moved to table Resolution 2024-31; Jeff Barr seconded and the vote was as follows:
AYES: Bob Orsini, Dave Selan, Ryan Green, Tiffany Hollis, Mayor Barnard, Wesley Kobel
NOES: Jeff Barr
ABSTAIN: None

Passed 6 - 1

c. **RESOLUTION 2024-32** A RESOLUTION ACCEPTING THE BIGELOW DRIVE TRAFFIC SIGNAL

Mayor Barnard said he asked Mr. Liggett if he was good with accepting this traffic signal and that he stated yes. Sean Staneart said this legislation accepts the traffic light which then releases the bond, the bond is tied specifically to the traffic light, not in association with the rest of the development, there is still a punch list outstanding that needs to be taken care of, typically that punch list is taken care of and then the roads are accepted, so this is not an acceptance of the entirety, just of the traffic light. He added that the light has not been activated, they are still working through that with city engineers, it is also not striped for that reason, there has been a payment in lieu of striping made by the developer so that if the signal is activated we can complete that.

No debate by council.

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

ACTION: Donald Barnard moved to approve Resolution 2024-32; 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

15. Introduction of Legislation

- a. **ORDINANCE 21-2024** AN ORDINANCE TO ACCEPT CONVEYANCE OF RIGHT-OF-WAY, AND UTILITY AND STREETScape EASEMENTS, ALONG DUNCAN PLAINS AND CLOVER VALLEY ROAD

Sean Staneart said this is associated with the planned development currently being proposed, internally they have discussed the street typology and city expectation, any time a development happens, we need additional right-of-way to make sure we have the street-scape in line. This could allow for additional lanes, street trees, multi-use trails etc. Each roadway is classified as it stands right now through our Comprehensive Plan, so our expectation is that the developer would provide the necessary right-of-way so that we can do those street-scape projects as well as some easements that may be necessary. This would only be for the property owned by the Johnstown Land Company in association with their development.

Jamie McNally said that sums it up well, they are trying to set a standard for future growth along the triangle around their planned development, they think that the twenty-five foot street-scape and utility easement is appropriate for today and for future growth. They can't future proof the area entirely, but by having a one hundred foot street section on Duncan Plains and an eighty-foot street section at Clover Valley, that is consistent with what they have been doing in the business park in New Albany and is also based on learning from some mistakes made in the past by not getting enough easement area for utilities and street-scape. This has been reviewed with the TID and MKSK, they have given their blessing on the standards, hopefully this becomes the standard all along Duncan Plains.

Jeff Barr expressed concern that the agreement says that the grantee, aka the city, will be solely responsible for maintenance of the easement which could be a multitude of things, mowing grass, mulching beds, replacing trees as they die, pesticide/insecticide etc. Mayor Barnard asked Mr. McNally if he could come with some more clarification on this for the second reading, he said yes. Mr. Orsini said that it also says that we maintain it at our sole discretion, but at the same time we want it to be nice. Mr. Staneart added that it emphasizes the improvements, so there has to be improvements done before we are obligated. Mr. Barr said landscaping and mulch are not cheap. Mr. McNally said that there has been a business park association filed, which could address a lot of this, where the business operating on the property would maintain that land or the association. He added that when they come with a final development plan, they will work with the city on what every party wants when it comes to landscaping, screening, mounding, etc. He said the concern being called out was not the intent, they can clarify. Sean Staneart highlighted that Mink is not included in this, reasoning is because it is not associated with the particular development up for conversation at this point.

Second reading and Public Hearing on September 3, 2024.

- b. **ORDINANCE 22-2024** AN ORDINANCE TO REALIGN PERMANENT APPROPRIATIONS BY MODIFYING APPROPRIATIONS FROM ONE ACCOUNT TO ANOTHER WITHIN THE FUND AND AMENDING ORDINANCE 24-2023, TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

Mayor Barnard introduced the Ordinance. Second reading and Public Hearing on September 3, 2024.

16. Other Business

1. NCA Board appointment discussion. Mayor Barnard asked when the appointments needed to be made by. Jamie McNally said probably by September 4th. Tiffany Hollis to reach out to potential appointees previously discussed by council. Mr. McNally said that the NCA Board is a quasi-public-private board, the next few years will focus on having development pay for development. The developer will appoint three, the city will appoint four; at any point that there's a vote, the city has to have the majority present (3 of the 4 appointed). The time commitment for meetings the first year may be monthly, but after a while could be quarterly. The board will be stewards of the money and the funds. The first few years are really just about financing infrastructure, the timing of the infrastructure, the scope, understanding who pays for what when. Over time, once infrastructure gets built out, maybe a decade or multiple decades, there could be funds for other projects. Mr. Kobel asked who the developer appointees would be. Mr. McNally said himself, Molly Iams who is their General Counsel and Brent Bradbury who is their CFO. He added that Molly and Brad are also on other NCA's, they know the routine and can help get started. He added that Brent would be happy to be the Treasurer too for the first year to get it started and get proper procedures in place.
2. Ryan Green highlighted upcoming events: Historical Society Patsy Cline concert, Football Friday night in Zanesville, Cupola Classic car show, Fallfest and to catch adult softball on Sundays. Mayor Barnard added that the Johnstown Farmers Market is tomorrow night.
3. Jeff Barr thanked Mike Gianini and the Greater Johnstown Park and Recreation Board for putting on Art in the Park, they did a great job. Also highlighted a school math program that started with fifth graders this year, gave a shout out to all who got that up and running.
4. Dave Selan updated that the first week of school went well, the convocation held was phenomenal, CTEC and the Johnstown school district are doing a great job laying out career paths for our students.
5. Jeff Barr congratulated all the kids and parents who participated in the Hartford Fair.

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

- ACTION:** Donald Barnard moved to move to executive session to consider the appointment of a public official, with members of council, city manager and clerk of council with possible action to follow; Tiffany Hollis 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

Council entered Executive Session at 10:25 pm and returned to Regular Session at 10:41 pm.

18. Adjourn

With no action following Executive Session, Mayor Barnard moved to adjourn, Mr. Barr seconded and all were in favor. The meeting adjourned at 10:41 pm.

Next Council Meeting September 3, 2024