



Regular Council Meeting
Tuesday, October 15, 2024 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Approval of Agenda
6. Citizen comments on matters not on the agenda
7. Council Committee reports
 - a. **Planning & Zoning:** Met 10/8/24; Next 10/22/24 @ 6:30 pm Council Chambers
 - b. **Design Review Board:** Met 10/8/24; Next 10/22/24 @ 5:00 pm Council Chambers
 - c. **Finance:** 10/15/24; Next 11/6/24 @ 5:00 pm Council Chambers
 - d. **Safety & Service:** Next 11/6/24 @ 5:45 pm Council Chambers
8. Director Reports
 - a. Chief of Police
 - b. City Manager
9. Council decision on Zoning Map Amendment - Benedict Drive; TABLED June 18, 2024
10. Public Hearing; Zoning Map Amendment 670 W. Coshocton Street
 - a. P&Z Resolution
 - b. Transmission of PZ recommendation to Council
 - c. Public Notice
11. Tabled Legislation - None
12. Public Hearings of Legislation
 - a. **RESOLUTION 2024-38** A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Revised Code, Sections. 5705.34-5705.35
 - b. **RESOLUTION 2024-39** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION TO COMPLETE RESURFACING AND RELATED WORK INSIDE THE CITY OF JOHNSTOWN
 - c. **RESOLUTION 2024-40** A RESOLUTION ACCEPTING COMPLETE INFRASTRUCTURE FOR PULTE HOMES CREEKSIDE PRESERVE HOUSING DEVELOPMENT.
 - d. **RESOLUTION 2024-41** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH TECH INTERNATIONAL LLC AND IWR HOLDINGS LLC (COLLECTIVELY TRC)
13. Introduction of Legislation - None
14. Executive Session to consider the purchase or sale of property
15. Executive Session to discuss imminent court action
16. Executive Session to discuss Confidential Business Information of an Applicant for Economic Development Assistance
17. Other Business
18. Adjourn

Next Meeting Wednesday, November 6, 2024



Patrol Statistics

	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	593	731	667	698				5339
Officer Initiated Calls	78	85	127	109	148	138	144	143	106	130	121	89	1418	84	442	470	410	422	436	535	487	522				3808
Dispatched Calls	192	153	197	181	238	188	178	212	190	152	134	160	2175	130	186	158	178	168	157	196	180	176				1529
Case Reports	5	14	28	27	21	15	15	15	29	14	16	25	224	12	19	13	25	16	28	22	17	19				171
Crash Reports	12	10	9	7	8	11	6	8	9	7	6	8	101	9	6	7	8	10	8	11	8	5				72
Arrests	8	3	2	3	1	1	2	0	3	1	3	3	30	0	2	3	2	2	2	4	5	3				23
Traffic Citatitons	43	44	61	46	46	41	31	63	33	45	35	25	513	17	16	51	30	35	35	69	48	30				331
Parking Citations	7	1	2	5	1	8	4	3	1	2	1	3	38	2	0	1	2	2	0	7	0	2				16
Business Checks	2	4	1	5	4	25	29	23	16	23	30	17	179	20	313	302	255	216	305	312	248	360				2331
House Checks	0	0	2	5	23	9	5	2	4	0	0	8	58	16	53	30	54	30	8	31	35	8				265
Traffic Crashes	14	13	8	10	12	11	7	13	12	16	11	12	139	12	16	8	10	14	12	15	12	12				111
Traffic Stops	73	76	110	82	97	82	91	99	59	87	68	45	969	23	35	92	46	72	55	115	132	82				652
Theft	3	8	7	5	7	2	3	5	6	2	4	5	57	3	2	4	2	9	9	8	4	8				49
Domestic Violence	5	5	2	3	5	3	4	4	4	4	0	4	43	2	5	8	3	7	9	5	3	4				46
Assault	0	0	5	0	1	1	2	0	3	2	1	0	15	5	0	0	1	2	0	3	0	0				11
OVI	1	0	1	2	0	0	1	0	2	1	1	1	10	0	0	0	1	0	0	1	1	2				5
Vandalism	1	3	2	2	2	0	1	0	3	2	3	1	20	3	2	6	4	3	5	5	1	2				31
Juvenile Complaint	0	1	4	4	2	3	3	6	5	5	2	2	37	1	5	3	4	2	3	2	5	8				33
Trespassing	3	1	4	0	3	2	2	3	3	0	2	2	25	0	4	3	0	0	1	2	0	4				14
Other Agency Assist	3	6	4	3	3	4	4	3	7	2	6	2	47	16	15	5	6	13	6	10	9	10				90
Warrant	6	2	1	1	1	1	1	0	1	0	2	2	18	0	4	2	0	1	2	0	3	1				13
Overdose	0	2	0	2	1	1	1	0	1	2	0	1	11	0	0	0	0	0	1	1	0	1				3
Suicide Threat	1	2	1	2	1	0	2	1	2	0	2	2	16	3	2	1	2	2	1	2	3	3				19
Alarm Drops	11	7	10	8	18	8	10	10	3	17	7	10	119	15	10	16	17	14	7	24	17	10				130
911 Hang Up/Misdial	41	26	21	36	53	45	37	38	28	12	14	11	362	19	20	12	14	20	15	29	22	21				172

Accident Statistics

	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	

1	6/1/2024	SAT	1120	W COSHOCTON ST @ 370	X				2024-2660
2	6/11/2024	TUES	1337	W COSHOCTON ST @ WESTVIEW DR	X				2024-2841
3	6/13/2024	THUR	805	E COSHOCTON ST @ POST OFC ALLEY	X				2024-2882
4	6/14/2024	FRI	1000	W COSHOCTON ST @ 670	X				2024-2899
5	6/19/2024	WED	1720	W COSHOCTON ST @ 8	X				2024-3033
6	6/21/2024	FRI	1616	W COSHOCTON ST @ 907	X				2024-3077
7	6/21/2024	FRI	2049	PHALEN PL @ S WILLIAMS ST			X	X	2024-2030
8	6/28/2024	FRI	1831	N MAIN ST @ W COSHOCTON ST	X				2024-3198
8					7	0	1	1	

	DATE	DAY	TIME	LOCATION	NON INJURY	INJURY	UNOCCUPIED	HIT SKIP	CAD #
1	7/1/2024	MON	2329	W COSHOCTON ST @ 708	X				2024-3264
2	7/9/2024	TUES	1248	800 W COSHOCTON ST			X	X	2024-3414
3	7/10/2024	WED	1521	E COSHOCTON ST @ 425	X				2024-3436
4	7/17/2024	WED	1018	E COSHOCTON ST @ 429	X				2024-3616
5	7/19/2024	FRI	1020	W COSHOCTON ST @ 755		X			2024-3666
6	7/20/2024	SAT	1858	711 W COSHOCTON ST			X	X	2024-3695
7	7/21/2024	SUN	1442	W COSHOCTON ST @ FORD AVE		X			2024-3711
8	7/24/2024	WED	1516	S MAIN ST @ W COSHOCTON ST	X			X	2024-3793
9	7/26/2024	FRI	1845	STONE HEDGE ROW DR @ 299	X		X		2024-2846
10	7/28/2024	SUN	1506	BIGELOW DR @ W COSHOCTON ST		X			2024-3888
11	7/30/2024	TUES	553	WESTVIEW DR @ 60		X			2024-3927
11					5	4	3	3	

1	8/1/2024	THUR	2119	W COSHOCTON ST @ CLARK DR	X				2024-3991
2	8/3/2024	SAT	1120	E COSHOCTON ST @ POST OFC ALY	X				2024-4028
3	8/5/2024	MON	1553	S MAIN ST @ W COLLEGE AV	X				2024-4079
4	8/6/2024	TUES	2116	S MAIN ST @ E DOUGLAS ST	X				2024-4108
5	8/7/2024	WED	1155	W JERSEY ST @ HILLVIEW DR	X				2024-4121
6	8/15/2024	THUR	1117	W COSHOCTON ST @ 383	X				2024-4280
7	8/21/2024	WED	735	S MAIN ST @ 10	X				2024-4384
8	8/28/2024	WED	1320	S KASSON ST @ E COLLEGE AV	X				2024-4560
8					8	0	0	0	

1	9/6/2024	FRI	958	W COSHOCTON ST @ N MAIN ST		X			2024-4781
2	9/7/2024	SAT	759	EDWARDS RD @ N OREGON ST	X				2024-4803
3	9/13/2024	FRI	1824	W COSHOCTON ST @ 171	X				2024-4950
4	9/18/2024	WED	1816	W COSHOCTON ST @ MEADOW LN		X			2024-5070
5	9/23/2024	MON	1123	REAR OF 52 S MAIN ST	X				2024-5177
5					3	2	0	0	

72	2024 TOTALS				57	10	6	10	
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1. **NCA, TIF's & CRA ---**

- CRA district evaluation and structure review with legal: This is being done to maximize our negotiation position and create a more consistent set of expectations.

2. **Annexation** – Nothing new

3. **Personnel Review** – Nothing new

4. **HR** – Vehicle and Travel policy is drafted. We are currently confirming with legal if this can be adopted in its current form due to union negotiations.

5. **LCATS** – MORPC has verbally agreed to pick up the balance previously being covered by LCATS leafy Dell traffic signal. MORPC would award these funds in the spring of 2025. There is an attributable fund meeting which is slightly different than the funding meetings format the council is familiar with. If there is concern on this MORPC is happy to provide a memo or verbally explain this to the council. I will be scheduling a time for MORPC to present to and provide a better understanding.

6. **TID** – ASP has provided a fee proposal and a scope of Services agreement for the 62-37 mitigation study. This has been accepted by the LTID and the study should begin in the 4th Quarter of 2024.

7. **Union Negotiations** – The city is working to provide AFSCME with information items they requested. Date have been proposed for our initial meeting and will most likely begin in November. I would like to confirm which Council members would like to directly participate in this discussion, so we can coordinate times.

8. **Design Review Board** – the city has entered into a contract with MKSK and this process should likely start at the end of the fourth quarter 2024.

9. **Johnstown Water & Sewer Partnership** –

- Council members & JAG representatives meet on September 19 and discuss the proposal submitted to SWL. A majority of the items in the proposal seemed agreeable however two items are still under consideration. In an effort to build relationships a meeting will be held with all our operators to address specific questions presented by the committee. It will also be proposed that a neutral party and regional expert be present to help facilitate and inform the conversation.
- **Johnstown NPDES permit** -- Jersey Township submitted a letter requesting a hearing from the OEPA in regards to our NPDES permit associated with our sewer plant expansion. **This hearing will be held at Johnstown Independent Baptist Church, 7397 Johnstown-Alexandria Rd on Oct 22 @ 6:00pm.** It is This hearing will be a great opportunity for us to share information and data as it relates to our sewer plant expansion.

- EMH&T is continuing to work on the regional water and sewer utility master planning effort.
- **15 County Water Study**—nothing new
- 10. **Parks and Recreation** –I met with the president of JYAA last week to discuss current facilities and land planning initiatives. She will be reviewing some of our discussion with her board and provide feedback on these items.
- 11. **Schools Discussion** -- Good discussion has continued to take place as it relates to a high-level inventory and review of our current property and facility assets. Items of discussion included administrative buildings, classroom space, athletic facilities and open field space. We anticipate expanding this discussion with neighboring townships, currently Monroe so that our collaboration efforts are maximized.
- 12. **Leafy Dell Traffic Signal** – The City anticipates the RW Acquisition process later this year (Fall 2024). There is legislation for the Oct 15th Council meeting for your consideration.
- 13. **Brightspeed** -- met with bright speed last week to discuss the installation of fiber and relay the comments and concerns provided by the council. They have received these comments and will be reviewing the feasibility of addressing some of our concerns.
- 14. **Water and Wastewater Treatment Planning** – nothing new at this time.
- 15. **CEDA and JEDD** -- I have been in discussion with Mr. Stefanov from the city of New Albany in regards to a CEDA they are considering with Jersey Township as well as potential JEDD's as it relates to a 161 and Mink development.
- 16. **JEDD Agreement** -- I have received a draft JEDD agreement from Monroe Township, on property at the southern edge of the Township. Staff and legal are currently reviewing this document and should be able to provide feedback to Council and the Township in the coming weeks.
- 17. **Traffic signalization projects** – nothing new

Respectfully Submitted,
 Sean Staneart
 City Manager

CITY OF JOHNSTOWN
Planning & Zoning Commission
Resolution 2024-01

**A RESOLUTION BY THE PLANNING AND ZONING COMMISSION INITIATING AN
AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF JOHNSTOWN,
OHIO IN ACCORDANCE WITH SECTION 1137 OF THE CODIFIED ORDINANCES
OF JOHNSTOWN, OHIO.**

WHEREAS, it has been brought to the attention of members of council as well as members of the Planning and Zoning Commission that split zoning exists on the property located at 670 W. Coshocton Street, effectively splitting the property between residential and commercial zoning designations; and

WHEREAS, the rezoning of this particular parcel is consistent with the comprehensive land use plan showing it as commerce corridor; and

WHEREAS, the proposed change will allow the entirety of the parcel to be used in accordance with the proposed General Community Commercial (GCC-2) zoning district

NOW THEREFORE, in accordance with Section 1137 be it resolved by the Planning & Zoning Commission of the CITY OF JOHNSTOWN, Licking County, Ohio approval to forward to City Council the following recommendations:

Section 1. Amend the official zoning map of the City of Johnstown for **Parcel number 053-174270-00.000 (670 W. Coshocton St.)** from the split zoning designations GCC-2 and SR-1 to GCC-2 alone.

Section 2. It is found and determined that all formal actions of this City Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this City 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

Passage by the Planning and Zoning Commission: August 13, 2024

By: ___Coppel___



Jesse Coppel, Chairman

ATTEST TO:

APPROVED AS TO FORM:



Teresa Monroe, Clerk of Council



Yazan Ashrawi, Law Director

Teresa Monroe

From: Teresa Monroe
Sent: Wednesday, September 18, 2024 4:46 PM
To: Bob Orsini; Dave Selan; Donny Barnard; Jeffrey Barr; Ryan Green; Tiffany Hollis; Wesley Kobel
Cc: Sean Staneart; Jesse Coppel
Subject: Planning & Zoning Recommendation to council
Attachments: DOC091824-09182024131744.pdf

Council members,

In accordance with Chapter 1137.05 of the City Codified Ordinances (Review Procedure for zoning amendments), I am forwarding the Planning and Zoning recommendation to council made on September 10th, 2024, that an amendment be granted for 670 W. Coshocton St.; see attached PZ Resolution and Staff Report. I will plan to have this for your consideration on the October 15th, 2024 council agenda after the required public notice has been given.

Teresa Monroe
Clerk of Council
Executive Assistant

City of Johnstown
599 South Main Street
Johnstown, Ohio 43031

740-967-3177 (Office)
www.johnstownohio.org

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Johnstown City Council will hold a public hearing Tuesday, October 15, 2024, commencing at 6:30 p.m. in the City Council Chambers at 599 South Main Street, Johnstown, Ohio 43031, regarding:

An amendment to the official zoning map of the City of Johnstown, Ohio in accordance with Section 1137 of its Codified Ordinances.

To amend the official zoning map of the City of Johnstown for **Parcel number 053-174270-00.000 (670 W. Coshocton St.)** from the split zoning designations GCC-2 and SR-1 to GCC-2 alone.

BY ORDER OF THE CITY COUNCIL FOR THE CITY OF JOHNSTOWN, COUNTY OF LICKING, OHIO.

By: Teresa Monroe, Clerk of Council. September 20, 2024.

City of Johnstown
599 South Main Street
Johnstown, Ohio 43031
740-967-3177 (Office)



RESOLUTION 2024-38

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR
Revised Code, Sections. 5705.34-5705.35**

WHEREAS, The Budget Commission of Licking County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill limitation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO, AND A MAJORITY OF THE MEMBERS CONCURRING THAT:

Section One. That the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted and;

Section Two. That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten-mill limitation as shown in Schedule A and;

Section Three. That the Clerk of this Council be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County,

Section Four. 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 JOHNSTOWN, OHIO.

Date of Introduction/Public Hearing/Vote: October 15, 2024

Effective Date:

Passed for the next succeeding fiscal year commencing January 1st, 2025

By:

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES
2024 TAX YEAR COLLECTED IN 2025

FUND	Amount Approved by Budget Com- mission Inside <u>10m. Limitation</u>	Amount to Be Derived from Levies Outside <u>10M. Limitation</u>	County Auditor's Estimate of Tax <u>Rate to be Levied</u>	
			Inside 10M <u>Limit</u>	Outside 10M <u>Limit</u>
General Fund	560,447.00	0.00	2.300	0.000
TOTAL	560,447.00	0.00	2.300	0.000

	<u>Taxes</u>	<u>Total Rate</u>
GRAND TOTALS	560,447.00	2.300

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy
TOTALS	0.000	0.00



RESOLUTION 2024-39

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION TO COMPLETE RESURFACING AND RELATED WORK INSIDE THE CITY OF JOHNSTOWN

PRELIMINARY LEGISLATION

Participatory
PID No.: 101718

The following is a Resolution enacted by the City of Johnstown of Licking County, Ohio hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the STATE has determined the need for the described project:

Resurfacing and related work inside City of Johnstown. Installation of Northbound Right Turn Lane and Traffic Signal at S.R. 37 and Leafy Dell Road intersection.

NOW THEREFORE, be it resolved by the City of Johnstown of Licking County, Ohio.

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C.,

Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI Authority to Sign

The LPA hereby authorizes the City Manager of the City of Johnstown to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, City Manager to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Johnstown to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION VII 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 JOHNSTOWN, OHIO.

Date of Introduction/Public Hearing/Vote: October 15, 2024
Effective Date:

By:

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Johnstown of Licking County, Ohio

I, _____, as Clerk of the City of Johnstown of Licking County, Ohio do hereby certify that the foregoing is a true and correct copy of Resolution _____ adopted by the legislative Authority of the said City of Johnstown on the _____ day of _____, ____.

That the publication of such Resolution has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Resolution have been taken; and that such Resolution and certificate of publication thereof are of record in _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____ 2 _____.

(Clerk)

(SEAL)

City of Johnstown of Licking County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Johnstown of Licking County, Ohio.

Attested: _____ Date _____

For the State of Ohio

Attested: _____ Date _____

(Director, Ohio Department of Transportation)



RESOLUTION 2024-40

**A RESOLUTION ACCEPTING COMPLETE INFRASTRUCTURE FOR
PULTE HOMES CREEKSIDE PRESERVE HOUSING DEVELOPMENT**

WHEREAS, Pulte Homes has completed the required infrastructure as approved in the construction plans and requests ownership be transferred to the city; and

WHEREAS, inspection of the infrastructure was performed by CT Engineering in conjunction with the City Service Department staff pursuant to Chapter 1109 of the Codified Ordinances of the City of Johnstown; and

WHEREAS, the City Service Director and City Manager recommend acceptance of the development infrastructure to include, sidewalks, storm water, water and sewer infrastructure, curbs, gutters and street lighting; and

WHEREAS, Pulte Homes issues a one year warranty on all associated improvements commencing October 15, 2024 and ending October 15, 2025.

NOW THEREFORE, BE IT RESOLVED by THE CITY OF JOHNSTOWN

Section 1: The Council of the City of Johnstown hereby accepts all improvements associated with the roads, sidewalks, water, sewer, storm water systems and street lighting within the Pulte Homes Creekside Preserve development.

Section 2: The inspection and final walkthrough were completed on October 9, 2024 and the one-year warranty by Pulte Homes will begin upon acceptance, October 15, 2024; and

Section 3: It is found and determined that all formal actions of this City Council, concerning and relating to the recommendation of adoption of this Resolution, were approved in an open meeting of this City Council, and that meetings resulted in such formal action where meetings were 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.

Date of Introduction/Public Hearing/Vote: October 15, 2024

By: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



RESOLUTION 2024-41

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
DEVELOPMENT AGREEMENT WITH TECH INTERNATIONAL LLC AND IWR
HOLDINGS LLC (COLLECTIVELY TRC)**

WHEREAS, TRC is the owner of certain real property and improvements located on E. Coshocton St. / Johnstown Utica Rd., Johnstown, Ohio 43031, as more particularly identified as Licking County Parcel Numbers 053-172644-00.001, 053-172644-00.010, and 053-172644-00.003 (the “**Property**”); and

WHEREAS, TRC has been a long-standing corporate citizen in the City of Johnstown, and the City wishes for TRC to maintain and grow its presence in the City; and

WHEREAS, in exchange for TRC’s substantial investment in the Property, and continued operation in Johnstown, the City is prepared to reimburse TRC for a portion of a project as it relates to a commercial drive aisle on the property; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF JOHNSTOWN, STATE OF OHIO, AND THE MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING THAT:

Section One: The City of Johnstown Council authorizes the City Manager or designee to enter into the attached Development Agreement with Tech International and IWR Holdings LLC (collectively TRC) with the purpose of partially reimbursing TRC for the cost of constructing a commercial drive aisle.

Section Two: It is found and determined that all formal actions of this City Council, concerning and relating to the recommendation of adoption of this Resolution, were approved in an open meeting of this City Council, and that meetings resulted in such formal action where meetings were 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.

Date of Introduction/Public Hearing/Vote: October 15, 2024

By: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

Development Agreement

This Development Agreement (“**Agreement**”) is made as of this ____ day of October 2024 among **Tech International (Johnstown) LLC**, an Ohio limited liability company; **IWR Holdings LLC**, an Ohio limited liability company (collectively, referred to herein as “**TRC**”) and **the City of Johnstown, Ohio**, an Ohio municipal corporation, with its offices at 599 S. Main St., Johnstown, Ohio (the “**City**”).

A. TRC is the owner of certain real property and improvements located on E. Coshocton St. / Johnstown Utica Rd., Johnstown, Ohio 43031, as more particularly identified as Licking County Parcel Numbers 053-172644-00.001, 053-172644-00.010, and 053-172644-00.003 (the “**Property**”).

B. TRC has been a long-standing corporate citizen in the City of Johnstown, and the City wishes for TRC to maintain and grow its presence in the City.

C. In exchange for TRC’s substantial investment in the Property (the “**Project**”), the City is prepared to reimburse TRC for a portion of the Project as it relates to an commercial drive aisle on the Property.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the mutual receipt and sufficiency of which are hereby acknowledged and the parties intending to be legally bound, TRC and the City agree on the following terms and conditions:

1. Investment in the Property. TRC commits to invest at least \$20 million in the Property and the improvements on the Property consistent with the site plan attached as Exhibit A (“**TRC’s Commitments**”). In exchange for TRC’s Commitments, the City agrees to reimburse TRC for the cost of constructing the commercial drive aisle (labeled accordingly on the attached Exhibit A) at an amount not to exceed \$ _____. Any such reimbursement shall be made within sixty days of the City’s receipt of an invoice detailing the work performed on the commercial drive aisle.
2. Notices. All notices or other communications given hereunder or in connection with this Option Agreement shall be in writing and shall be deemed given when delivered by hand, electronic courier or electronic mail, overnight mail by a nationally recognized carrier, or sent by registered or certified mail, return receipt requested, addressed as follows:

To Landlord: Dan Layne, Chairman & CEO
9711 Sportsman Club Road, PO Box 486
Johnstown, OH 43031 US
740.967.3605

Email: dlayne@trc4r.com

To Tenant:

City of Johnstown, Ohio
Attn: City Manager
599 S. Main St.
Johnstown, OH 43031

With a copy to:
Frost Brown Todd LLP
Attention: Yazan S. Ashrawi
10 W Broad St., Suite 2300
Columbus, OH 43215
Email: yashrawi@fbtlaw.com

3. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed original, but all of which, together, shall constitute one instrument.
4. Interpretation and Governing Law. This Agreement shall be construed, interpreted, and governed by the laws of the state of Ohio.
5. Entire Agreement. This Agreement as may be hereinafter amended, constitutes the entire contract between the Parties and supersedes all previous agreements, written or oral, if any, of the Parties. Specifically, this Agreement satisfies and supersedes any previous discussions and commitments related to transportation or vehicular traffic improvements.
6. Severability. If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable such portion shall be deemed severed from this Agreement and if feasible the remaining parts shall continue in full force as though such invalid or unenforceable provision had not been part of this Agreement.
7. Parties Bound. No officer, director, shareholder, employee, agent, or other person authorized to act for and on behalf of either party shall be personally liable for any obligation, express or implied, hereunder.
8. Modification of Agreement. This Agreement may not be altered, modified, rescinded, or extended orally. This Agreement may be amended, supplemented or changed only by a writing signed or authorized by or on behalf of the party to be bound thereby.
9. Successors. The terms, covenants, agreements, provisions, and conditions contained herein shall bind and inure to the benefit of the parties hereto, their successors and assigns.

10. Construction. Whenever in this Agreement a pronoun is used, it shall be construed to represent either the singular or the plural, either the masculine or the feminine, as the case shall demand.
11. Nondisclosure. Neither Party shall voluntarily disclose the terms of this Agreement, the discussions related thereto, or a copy of the Agreement, unless required to do so under Ohio law.

IN WITNESS WHEREOF, **TRC** and **the City**, have each duly executed, or caused to be duly executed, this Agreement as of the date first written below.

Tech International (Johnstown) LLC, an Ohio limited liability company and **IWR Holdings LLC**, an Ohio limited liability company

By: _____
Name: Dan Layne
Title: President and CEO

TENANT:

City of Johnstown, Ohio, an Ohio municipal corporation

By: _____
Name: Sean Staneart
Title: City Manager

Approved as to Form:

Yazan S. Ashrawi, Law Director

Certificate of Availability of Funds

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