



Regular Council
Tuesday, May 4, 2021 - 6:30 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the Village of Johnstown Regular Council Meeting for May 4, 2021 at 6:30 PM.

2. Roll Call

Present - Mayor Chip Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Benjamin Lee, Sharon Hendren, Carol Van Deest

Absent - None

Staff present - Jim Lenner - Village Manager, Jack Liggett - Assistant Village Manager, Rusty Smart - Deputy Police Chief, Dana Steffan - Finance Director, Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - Bruce Tolle, Jim Barb, Jake Lusk, Brandon Mc Connell, John Luke

3. Invocation - Mr. Lee

4. Pledge of Allegiance

5. Mayor Proclamation - JHS Basketball

Mayor Dutcher read and presented a Proclamation for the JHS boys basketball season and presented it to Assistant Varsity Basketball Coach Tim Barb and Team Captains Jake Lusk and Brandon McConnell in attendance.

6. Action on Minutes

a. April 6, 2021

ACTION: Marvin Block moved to Approve; Benjamin Lee seconded and the vote was as follows:

AYES: Mayor Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Ben Lee, Sharon Hendren, Carol Van Deest

NOES: None

ABSTAIN: None

Passed 7 - 0

b. April 13, 2021 Special

Correction noted that Ms. Hendren came in late but was in attendance at this meeting; clerk to edit.

ACTION: Doug Lehner moved to Approve; Benjamin Lee seconded and the vote was as follows:
AYES: Cheryl Robertson, Doug Lehner, Marvin Block, Benjamin Lee, Sharon Hendren, Carol Van Deest, Mayor Dutcher
NOES: None
ABSTAIN: None

Passed 7 - 0

c. April 20, 2021

ACTION: Benjamin Lee moved to Approve; Doug Lehner seconded and the vote was as follows:
AYES: Marvin Block, Ben Lee, Sharon Hendren, Carol Van Deest, Mayor Dutcher, Doug Lehner
NOES: None
ABSTAIN: Cheryl Robertson due to absence

Passed 6 - 0

7. Correspondence

a. Department of Commerce - Division of Liquor Control

i. Notice - Objections to Renewal

The village has a yearly opportunity to object to any liquor permit renewals. No objections of Council at this time.

ii. Notice - Liquor Permit Application

Pending application for a D3 license for an establishment downtown. No objection by Council, no hearing requested.

8. Citizen comments on matters not on the agenda

No public comments

9. Council Committee reports

a. **Planning & Zoning:** Met 4/22/21 Special (draft minutes sent with packet) and 4/27/21 Regular; Next 5/11/21 @ 6:30 pm Hybrid

April 27th; approval of a lot split for a parcel located on US 62 next to Huntington Bank, the parcel has not yet been sold to a developer, Ms. Klimchak said there have been some

issues with it being in a flood plain making it hard to build on so the land owner wanted to do a lot split to split the land in the front corner that also holds the lift station; the new parcel will be in the flood plain, the old parcel will no longer be in the flood plain; after that the land owner gets a letter from FEMA, this will help in developing that parcel. The Board also approved an Ordinance amending Chapters 1155 and 1157 that are on for introduction tonight. A virtual special meeting has also been scheduled for May 6th to continue work on the Design Guidelines.

- b. **Safety & Service:** 5/4/21; Next 6/1/21 @ 5:00 pm Hybrid
Met tonight; reviewed construction project updates. Additional meeting with engineer and hydrologist on the 13th to get more clarification on the well field evaluations. Discussed proposed bike path parking lot on Concord Road and safety concerns. Dangerous trees in the village right of ways, assessment discussion, and topic forwarded to Tree Commission. Discussed the Mobility Hub concept, Resolution on tonight to accept a concept plan from HDR.
- c. **Finance:** Met 4/20/21 updated last time; Next 5/18/21 @ 5:00 pm Hybrid
- d. **Economic Development:** Met 4/1/21 updated previously; Next 5/6/21 @ 10:00 am Virtual
- e. **Park & Rec:** Met 4/8/21 updated previously; Next 5/13/21 @ 10:00 am Virtual
- f. **Events Committee:** Met 4/23/21 draft minutes sent with packet; Next 5/5/21 @ 4:00 pm virtual

Updates given on information from break-out sessions; Little Miss Firecracker and Miss Johnstown event participation, Health Department updates with regard to events etc. Larger meeting next to begin to finalize some details with participation from JYAA, School Board, Police and Fire Departments.

10. Director Reports

- a. **Service: Street, Water, Wastewater**

Jack Liggett provided an update to Council on current projects:

- Westview Drive; paving to continue when the rain stops and hopefully get the grass seed and straw down to complete the project.
- Water tower; all trees, stumps and additional dirt have been cleared from our lot and when rain stops Phoenix will move in to level the lot and put in the foundation for the tower.
- South Oregon; had the pre-construction meeting, company scheduled to come in after the 4th of July and said they could complete it this paving season.
- Mink Street Relief Sewer/US 62 sewer extension; Legislation on tonight's agenda for a change in contractor.

Mr. Liggett reviewed the reports for each service department.

- b. **Manager**

Jim Lenner highlighted items in his report. A community conversation on mental health and

suicide prevention will be hosted by the village on May 19th at 7:00 pm in council chambers and will also be livestreamed on Facebook. Panelists attending from the Mental Health Association of Licking County, Licking Memorial Hospital, Johnstown-Monroe Schools and Clergy from the Presbyterian Church.

Mr. Lee asked if the village had anything at this point on the development in Leafy Dell, other than the one page he linked. Mr. Lenner said no, they are allowed by zoning ordinance, and it will not be heard at Planning and Zoning or Council.

11. Tabled Legislation

- a. **ORDINANCE 07-2021** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE VILLAGE OF JOHNSTOWN. Tabled March 2, 2021

Legislation to remain tabled.

12. Public Hearings of Legislation

- a. **ORDINANCE 14-2021** AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$60,000 OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF ACQUIRING A POLICE CRUISER AND RELATED EQUIPMENT, AND DECLARING AN EMERGENCY

Second reading; bond funds for the purchase of a police cruiser. Deputy Chief Smart said as far as he knows it was ordered but is on backorder due to Ford having issues with the chips.

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

ACTION: Sharon Hendren moved to Approve; Benjamin Lee seconded and the vote was as follows:

AYES: Ben Lee, Sharon Hendren, Carol Van Deest, Mayor Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block

NOES: None

ABSTAIN: None

Passed 7 - 0

- b. **ORDINANCE 15-2021** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE VILLAGE OF JOHNSTOWN

Second reading; changes parcels on the Future Land Use Map. The first parcel located on US 62 changing from Industrial to Commercial and the second parcel on SR 37 changing for Residential to Commercial. This Ordinance is in conjunction with the following Ordinance for the Zoning Map.

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

ACTION: Carol Van Deest moved to Approve; Marvin Block seconded and the vote was as follows:

AYES: Sharon Hendren, Carol Van Deest, Mayor Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Ben Lee

NOES: None

ABSTAIN: None

Passed 7 - 0

c. **ORDINANCE 16-2021** AN ORDINANCE AMENDING THE ZONING MAP OF THE VILLAGE OF JOHNSTOWN

Second reading; Amends the Zoning Map for one parcel at 450 S. Main Street from SR-1 to GCC-1.

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

ACTION: Marvin Block moved to Approve; Benjamin Lee seconded and the vote was as follows:

AYES: Carol Van Deest, Mayor Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Ben Lee, Sharon Hendren

NOES: None

ABSTAIN: None

Passed 7 - 0

d. **ORDINANCE 17-2021** AN ORDINANCE UPDATING THE ORDINANCE REGULATING THE USE OR OCCUPATION OF ALL PUBLIC RIGHT-OF-WAYS IN THE VILLAGE OF JOHNSTOWN, THE ISSUANCE OF RIGHT-OF-WAY PERMITS TO PERSONS FOR SUCH USE OR OCCUPANCY AND TO SET FORTH THE POLICIES OF THE VILLAGE RELATED TO ITS PUBLIC RIGHTS-OF-WAYS (ROW) AND REPEALING ORDINANCE 37-2016

Second reading; this updates the Village ROW Ordinance and repeals Ordinance 37-2016. The village Right of Way Consultant Eric Sandine was present to review the changes and answer Council member questions discussed at introduction. Mr. Sandine said the major updates from 2020 to 2021 are items considered allowable expenses for recovery in the annual registration fee. Said minor changes requested by Columbia Gas

were 1) changing the timeframe for a municipality to notify utilities in the event of a municipal project from thirty days to ninety days before the start of a project and 2) allowing street cuts in a newly constructed road within twelve months instead of twenty four months (with approval of the Village Manager). Said once this ordinance is passed they will get another ordinance together for registration and construction fees for 2021 which is recovery for expenses in 2020.

Mr. Lenner expressed that he would not authorize a cut in a roadway within twelve months of it being paved; not going to happen, said that should not even be in there.

Mr. Block said last time we worked with them (Columbia Gas) they slowed the project up one year; they also made a cut in a new road and didn't even ask. Mr. Sandine said there is an enforcement arm in the Ordinance and he is more than happy to lead enforcement action and recovery against specific utilities if needed.

Mr. Lee said he is still hung up on the twelve to twenty-four month piece, he understands it still being at the discretion of the village but moving up the timeline puts the village in a position to have to justify why we are saying no.

Mr. Lenner proposed to make the changes with the exception of the twelve months to twenty-four.

Mr. Liggett referenced the section on utilities for "abandoning in place" and the Kasson Street project; noted a utility who refused to remove items then the village was billed for removal. Mr. Sandine said that could be put in the recovery model for this year. Discussion on other expenses that were able to be recovered.

Mr. Lee noted references to Chapter 97 throughout the document; said those should be amended to read Chapter 931. Also asked why passing a new chapter rather than just a strikethrough of changing sections; Mr. Sandine said most of his clients are statutory communities and the requirement for them is repeal of previous ordinance and to reenact the subsequent one.

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

ACTION: Benjamin Lee moved to Approve Ordinance 17-2021 with the noted amendments: keeping Section 931.16 (B)(2) at 24 months, not changing to 12 months and ensuring any references to Section or Chapter 97 are updated to Chapter 931 to accurately reflect our current ordinance numerology; Marvin Block seconded and the vote was as follows:

AYES: Mayor Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Ben Lee, Sharon Hendren, Carol Van Deest

NOES: None

ABSTAIN: None

Passed 7 - 0

Mr. Block asked if when a new company comes in and they tie on to AEP etc. should we be notified. Mr. Sandine said it depends on if they are an electric reseller or if they actually have infrastructure in the right-of-way; if they are using AEP's infrastructure then they are not relevant to this ordinance; if they put their own infrastructure in and they are regulated by the PUCO then they become subject to this ordinance. Discussion on other utilities and section on micro-cells.

- e. **RESOLUTION 2021-15** AN ORDINANCE AUTHORIZING THE VILLAGE PLANNER TO APPLY FOR THE NATUREWORKS GRANT THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCES

Bailey Klimchak said she needs to send in a signed copy of this Resolution with the application on June 1st.

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

Mr. Lee asked if this was for any specific project; Ms. Klimchak said we are applying for funds to pave the parking lot extension at the Trailhead.

ACTION: Carol Van Deest moved to Approve; Sharon Hendren seconded and the vote was as follows:
AYES: Cheryl Robertson, Doug Lehner, Marvin Block, Benjamin Lee, Sharon Hendren, Carol Van Deest, Mayor Dutcher
NOES: None
ABSTAIN: None

Passed 7 - 0

- f. **RESOLUTION 2021-16** A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH UNDERGROUND UTILITIES, INC. FOR THE MINK STREET/WEST JERSEY STREET RELIEF SEWER AND SR 62 SANITARY SEWER EXTENSION PROJECT

This rescinds Resolution 2021-11 which allowed the village to enter into an agreement with Elite Excavating for the project; Mr. Lenner said we are rescinding that and awarding to Underground Utilities Inc.

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

ACTION: Marvin Block moved to Approve; Carol Van Deest seconded and the vote was as follows:
AYES: Doug Lehner, Marvin Block, Benjamin Lee, Sharon Hendren, Carol Van Deest, Mayor Dutcher, Cheryl Robertson
NOES: None
ABSTAIN: None

Passed 7 - 0

g. **RESOLUTION 2021-17** A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO AWARD FOR THE JOHNSTOWN MOBILITY HUB CONCEPT DESIGN

The Village advertised for bids for consultants to help design the concept for the Mobility Hub. Mr. Lenner said he was a little disappointed we only received two responses but looking at both responses he believes the best choice is to go with HDR who has been involved with the Smart Columbus Initiative and is excited to get started; this authorizes awarding the contract to HDR for \$20,000.00.

Mr. Lenner added that there will be a half day work session with stakeholders, Council members, staff, Licking County Transit, COTA; he highly recommends anyone from Village Council to attend just to educate themselves. No date set at this time.

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

ACTION: Marvin Block moved to Approve; Sharon Hendren seconded and the vote was as follows:
AYES: Marvin Block, Ben Lee, Sharon Hendren, Carol Van Deest, Mayor Dutcher, Cheryl Robertson, Doug Lehner
NOES: None
ABSTAIN: None

Passed 7 - 0

13. Introduction of Legislation

a. **ORDINANCE 18-2021** AN ORDINANCE AMENDING CHAPTERS 1155 AND 1157 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES.

This amends the village GCC-1 and GCC-2 districts and moves gas stations from a

Permitted Use to a Conditional Use. Ms. Klimchak said this was brought on by the zoning map change discussed earlier in the meeting; she does not believe the use of 450 S. Main Street will change in the near future, it has been a church for a very long time, but said we did not want a precedent of allowing gas stations as a Permitted Use when some GCC parcels are so close to residential districts, thought that moving gas stations to a conditional use would allow the village to have more control over where future gas stations are located and base those permissions on how close they are to residential districts and the environmental impacts. **Public Hearing on May 18, 2021**

b. **ORDINANCE 19-2021** AN ORDINANCE AMENDING ORDINANCE 34-20, THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

This is to appropriate money for the Trailhead sidewalk and legal fees; Finance Director Ms. Steffan said we have gotten a lot of legal fees we can't cover in the previously budgeted amount and suggests increasing by \$30,000; and also \$4,500 for the Trailhead Park sidewalk which also includes grass fertilization and beautification services.

Public Hearing on May 18, 2021

14. Other Business

1. Sharon Hendren said she is so proud of our village, that the Newark Advocate wrote about us being the 15th safest in Ohio; Council discussion on recognition for the Police Department.
2. Marvin Block said fertilizer will be put down after the rain and a mow.
3. Bailey Klimchak said she got the final draft of the Active Transportation Plan (ATP) and it looks wonderful, she will review and plans to have to Parks and Rec next week and then Council the week after; she thanked Council for their comments on the draft.

15. Adjourn

ACTION:	Sharon Hendren moved to Adjourn; Ben Lee seconded and all were in favor
AYES:	Mayor Dutcher, Cheryl Robertson, Doug Lehner, Marvin Block, Benjamin Lee, Sharon Hendren, Carol Van Deest
NOES:	None
ABSTAIN:	None

Passed 7 - 0

Meeting adjourned at 8:00 pm

Next Council Meeting May 18, 2021