



Regular Council
Tuesday, June 1, 2021 - 6:30 PM
MINUTES

1. Call to Order

Mayor Chip Dutcher called to Order the Village of Johnstown Regular Council Meeting for June 1, 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, Abe Haroon - Chief of Police, Dana Steffan - Finance Director, Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - John Luke, Mary Queen Cool, Carolyn Fallon, Pat Dopp, Monna Holter, David Cool, Chyrel Cool, Laura Galleger, David S, Joan Clark, Jeffrey Barr

3. Invocation - Mayor Dutcher

4. Pledge of Allegiance

5. Action on Minutes

a. May 4, 2021

ACTION: Benjamin Lee moved to Approve as written; Cheryl Robertson 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

6. Proclamation

a. National Police Week 2021

Mayor Dutcher read a Proclamation in honor of National Police Week 2021.

b. Economic Development week 2021

Mayor's Proclamation included with the packet.

7. Citizen comments on matters not on the agenda

Prior to opening to public comment Councilman Block said he thought it would help to

have an explanation of the process a developer has to go through and what they have to come back to the village and do; building placement, easements, water drainage etc. Mr. Lenner said obviously we are talking about the Leafy Dell Apartments/Condos and the way it is going to work and the way it is set up in our Codified Ordinances is the developer wanting to create the apartments there will have to submit engineered drawings that show the location of anything under ground to above ground; placement of the buildings, landscaping, parking, lighting, storm water ponds, storm water pipes, water pipes, water laterals, sewer pipes, sewer laterals etc. The village will review to ensure plans meet the specifications and requirements of the Ordinances, he said that never happens the first time, there will be some back and forth, plans will be updated; Bailey Klimchak added that we use our engineer but the applicant pays for the review. Mr. Lenner said once approved, we progress to the construction phase and the developer pays for the inspection to ensure that whatever was approved is done in accordance with the approved plans, the inspector is the Village Engineer; just a brief snapshot of a twelve to eighteen month process. Ms. Klimchak added that before any shovels go into the ground and after engineering approval, the applicant must apply for and get an approved Zoning Permit and they must apply for and get an approved Certificate of Appropriateness; the Zoning Certificate because it is a permitted use does not need to go to the Planning and Zoning Commission, it can be approved internally. The Certificate of Appropriateness which is only on the design of the building exterior will go to Planning and Zoning which will be a public hearing.

Mayor Dutcher noted that the village has not received anything formally from this developer and opened the floor to comments from the public.

1. Carolyn Fallon - Resident of Villas of Leafy Dell

- Understands they are zoned AR-1 but questions the original zoning, said when it was originally applied for it was with the intent that condos were going in that entire area.

Mr. Lenner said that is what he understood historically but with the downturn in the economy they shelved the rest of the condos. Mr. Block said it was designed as condos when originally laid out but the Supreme Court of the State of Ohio ruled there is no difference between a condo and an apartment.

- If the number of units were going to remain the same it would be different but the density of the plan has gone up, where is that approval, that was not original intent.

Ms. Klimchak said when the project was approved it was approved under AR-1 which means you can have up to twelve units per acre so regardless of the condo developer's intent, they were allowed to have the twelve units per acre; regardless of the density of the condos, that owner is not building this project.

- Said the new plan will adversely affect everyone in the villas right now, monetarily.

Ms. Klimchak said regardless of whether they are condos, apartments or town homes, they are permitted under AR-1 zoning; that is something that happened fifteen years ago and cannot change.

- Once approved there will be more traffic on Leafy Dell which is already bad from the school.

Mayor Dutcher said it may be possible to negotiate to build less, that he feels for the condo owners and knows the situation they are in but also the situation the village is in and that our hands are somewhat tied but said the village will have a say in this; added that they will not use the condo private roads or the existing retention pond.

2. David Cool - 108 Maple Leaf Drive

- An overlay of the plan shows buildings that sit on their streets or on an easement or utility lines
- Concern for the lift station capacity, not indented to have extra units
- Said there is a direct relationship between density and safety.
- Traffic flow is already an issue
- View from their condos will not be good, will need fencing of some kind
- Would like to see building density lowered
- Setbacks are inconsistent, they are set back twenty five feet
- Everyone coming with an argument said wait until election time; don't just wash your hands of this, you need to dig in and think about the folks in your face because there isn't anyone he has talked to who likes this, you are dealing with a real mess of stuff.

Mayor Dutcher commented that Council is aware, they are trying to sort their way through their side of this, they here them loud and clear and he too is not happy about what is proposed and they will do what they can within the rules to help come to some accommodation that solves concerns.

Councilman Block asked Mr. Cool to explain what he meant about the election. Mr. Cool said if there is a presumption that Council is not defending the existing members of the community then their political life is in jeopardy. Mr. Block said he has gone out of his way to cooperate and give them advise; he does not make his decisions on the threat of election and he is disgusted with him mentioning it, he does not like being threatened. Mr. Cool said not to consider it a threat but a reality; added that the administration has been very cooperative with them. Mayor Dutcher said their comments have been heard; Mr. Lenner said they will continue to be transparent with everything.

3. Lora Galleger - Homeowner in Leafy Dell

- Thanked Council for the opportunity to come and express concerns
- Understands the concerns, knows people don't want to see growth sometimes but also gets that economic development is good, she sees both sides.
- Her biggest concern is traffic; twice a day Leafy Dell comes to a stop
- Said she had concern for flooding, noted the flooding in the field on school grounds; Staff explanation of the storm pond and its function.
- Referring to the retention pond behind the condos and that the insurance is paid through the HOA, wonders if having more people closer to a retention pond increases risk and could increase the HOA dues.
- Density concerns; having more people in a constrained area, more children playing, traffic, children with little green space and not a lot to do may get into mischief.
- Hopes to be able to give input as the plan develops.

Councilman Lehner asked if the condo HOA has met with the HOA for Leafy Dell; Ms. Galleger said she did not know. Mr. Lehner said he speaks as a resident of Leafy Dell, has been there for almost twenty one years and they have someone on Council that is fighting for that; not just about density but to also work hand in hand with the schools. Feels that if all HOA's would come together as a united front to the developer, that may hold more weight than what they can do from this front. Said concerns are being heard; it is their job to make the right decisions that benefit the most residents they can.

Discussion on next steps with HOA's and the developer; Mr. Lenner said Connie Klema represents the developer, Ms. Klimchak said the condo HOA and Leafy Dell HOA-1 has her contact information. Further discussion on the number of HOA's in Leafy Dell.

4. Mary Queen Cool - Condo resident

- Thanked council and zoning for being helpful
- Doesn't want apartments there but understands the zoning, said she thinks we should just do the best we can to get the best result; added she liked zoning's comment that they like green space and would push the rural character of Johnstown
- Traffic and congestion concerns; said it does not matter where you send them, they will make a left turn across two lanes of traffic to get onto Leafy Dell Drive, school traffic and the rest on Leafy Dell Drive is a disaster plus kids will be trying to cross. Also pot holes everywhere on Leafy Dell Drive.
- Noise is a big concern; currently has none, but eighty units will bring a lot of kids and they don't fence or do something, the safest place for them to play is on their road and property and they don't want that.
- Safety; thinks the number of police calls at the apartments by comparison to the number of calls to the condos - has a feeling they will see the police there on a regular basis.

- Hopes for more greenspace than the little tiny dog park
- Can't believe the school is not upset because these people have kids that will be going to the school
- Against the apartment project and it towering over them

Discussion on the long range traffic plan for Leafy Dell and North Main Street and potential for round-a-bout because they are much less expensive to maintain long term; Mr. Lenner later confirmed construction is three years out, State fiscal year 2026 construction in 2025.

Ben Lee expressed the importance of green space in the community and said he would continue to emphasize it in this plan.

4. Chyrel Cool - 108 Maple Leaf Drive

- Because they have so many units per acre, then green space is introduced, How does that affect the units per that acre

Ben Lee said any area that deviates from what is being proposed right now that would be non buildable as in green space would decrease the density. Said right now the closest crosswalk would be Parkdale and Leafy Dell, there is another playground at the other apartments so there is a concern about pedestrians across Leafy Dell as it stands now and as a representative of Planning and Zoning will make sure concerns are brought up because they are sound points.

Jim Blair said Maronda only has two more lots to sell before they will built out of Leafy Dell.

5. David Scolnik - New resident

- Asked if any of the apartments low income or section eight; Mr. Lenner said he was told that a one bedroom is like \$1300 per month and does not think there are any subsidies whatsoever; Ms. Klimchak added not that she was aware of.
- How will accountability be addressed for these tenants, said he recently left a property because he saw what offense multiple housing had on the property by the lack of concern and security that was put upon the new tenants and the consecutive fall of property value is concerning to him. left Asks what procedures will be set in place to guarantee these people don't move in relatives who are unwanted, don't sprawl. Mr. Block said he was asking something completely out of the realm of Council's abilities, he cannot come up to the condos and tell him his grandkids can't come in, that is up to the condo association and owners just like an apartment; cannot ask Council to control something that is the Landlord's problem. Mr. Lenner said there are two mechanisms, Jim Blair enforces property maintenance and the new Police Chief is very active and very concerned about the safety of everyone, if there are issues, our police department will take it seriously; added that Council will be voting tonight for funding for another Police Officer.

- Another concern is light pollution, hopes the village pays close attention to the design.
- Said they are all concerned with safety, environment and impact on their investment because naturally property values fall when low income or multi-family residences are established.

Mr. Block said what they "put on a napkin" and what will be seen in the final product could be a radical difference, they cannot promise that now; rent prices at \$1500 - \$1600 per month will solve a lot of what type of person moves in.

Mr. Lee said lighting is a valid concern, down lighting off of adjoining properties has been a consistent point from Planning and Zoning. The Certificate of Appropriateness for exterior will be held to the same high standards as its surroundings are, be it the condos, the single family homes or the apartments.

Mr. Lehner provide a contact for Leafy Dell HOA-1; Associa in Dublin 614-766-6500

Jim Blair noted that monthly rent for the Redwood apartments on Jersey Street start at \$1346 and goes up to \$1636 and he has never received a complaint, they are five years old.

6. Mary Queen Cool

- Noted that the Redwood and the Leafy Dell apartments are not even comparable, Redwood is run very well.
- Reached out to HOA-1 and HOA-2 when this started, told them their Board had already met with the attorney; HOA-1 said they would set up a meeting and last she heard they were still working on it so don't seem as willing to have the second meeting. HOA-2 is not responsive.

Sharon Hendren said listening to this she is quite concerned and she really feels for these people because she still does not know what is happening with the Rice property; asked why we can't have condos like Concord Crossing, they are very nice and always maintained. Said people build the apartments and how do we keep them from turning them into section eight. Mr. Lenner said any private property owner can go through the steps to get anything turned into section eight or government subsidized housing; obviously the money turn on apartments is better because they are higher density; zoning does not preclude anybody from going through the proper steps through the Fair Housing Act to create equitable housing for people, we can't do it.

Chief Haroon said the police department does have liaison officers assigned to management of the apartments; those apartment managers want to know what is happening in the community and they want to keep the community as safe as they possibly can so at their request they do provide them with reports on units they have gone to or have something concerning. In addition, he is also starting a new program working

with the community HOA's so an office is present for a lot of these meetings; is subject to manpower hours. Added that he has an open door policy and to reach out with any concerns.

Mayor Dutcher closed Public Comments saying that residents are welcome any time and they appreciate them coming, it is important to get some feedback from their citizens and they hear what is being said.

8. Council Committee reports

- a. **Planning & Zoning:** Met 5/11/21 draft minutes attached & 5/25/21; next 6/8/21 @ 6:30 pm Hybrid

Draft minutes included with packet materials. Commissioners considered an application for a map change on US 62 for Light Manufacturing to GCC-2 which was approved, legislation will be on next agenda. Design Standards completed and should be to Council in the next couple weeks.

- b. **Safety & Service:** 6/1/2021; Next 7/6/21 @ 5:00 pm Hybrid

Updates were given on construction projects around town. Reviewed goals. Trailhead parking lot paving discussion moved to next Finance Committee. Discussed reengaging the storm water management program and working on getting letters out to property owners with ponds. Discussed Ordinance on Council agenda for adding a new Police Officer to staff, hiring the new officer passed 3-0 in both Finance and Safety Service Committees.

- c. **Finance:** Met 5/18/21 draft minutes attached, 5/20/21 draft minutes attached & 5/26/21 special; Next 6/15/2021 @ 5:00 pm Hybrid

Draft minutes were included with packet materials. On the 18th committee approved plan to fund sewer expansion analysis at \$35,000 coming out of the bonded monies set aside, power outage cut meeting short and met again on the 20th and discussed the Lexipol request by the police department on for consideration by Council tonight as well as the updated well field and water plant expansion considerations. Reviewed other various purchases through already approved monies for the Fireworks event. Special meeting on the 26th was discussion on the ordinance on tonight for the new police department hire later this year.

- d. **Economic Development:** Met 5/6/21 draft minutes attached; Next 6/3/21 @ 10:00 am Virtual

Draft minutes were included with packet materials.

No further updates given.

- e. **Park & Rec:** Met 5/13/21 draft minutes attached; Next 6/10/21 @ 10:00 am Virtual
Draft minutes were included with packet materials. No further updates given.

- f. **Tree Commission:** Met 5/25/21; Next 6/22/21 @ 5:00 pm

Mr. Block said after discussion on dangerous trees in the village he made contact with

Dawes Arboretum and got several names to call; commission was in favor of approving a certified arborist to come and give an assessment of village trees on Main Street North and South, the oak tree in the proposed Dog Park and Rolling Meadows. Committee approved five hours at \$85 per hour; would like to establish a report with an arborist and possibly put them on as a consultant for the village trees. Mr. Block also reports that Dawes Arboretum was very happy about the mastodon site and are working on a potential plan to team up with Johnstown to do something like plant trees there.

- g. **Events Committee:** Met 5/5/21, 5/19/21, & 5/25/21 all draft minutes attached; Next TBD All draft minutes were included with packet materials. Mr. Lee summarized all three meetings as having had conversations with the Licking County Health Department, school and JYAA representatives and working out points of contact for each organization; Chief Haroon and Deputy Chief Smart doing a tremendous amount of work with the security plan. Worked to finalize day of scheduling; have three food trucks confirmed.

Mayor Dutcher added that the mental health program done as a village was well received and there has been lots of good feedback, the program is available on line and he urges all to take some time to watch.

Mayor Dutcher also thanked the American Legion and Auxiliary for the Memorial Day program the held at Green Hill Cemetery to honor our veterans and those who gave the ultimate sacrifice, also thanked the High School Band and was homered to give remarks on behalf of Council; said he is grateful to the Legion for all they do.

9. Director Reports

a. Chief of Police

Chief Haroon briefly highlighted items in his report that was included with the packet.

b. Finance Director

Dana Steffan highlighted items in her May report, noted that in April we collected a \$64,000 payment in lieu of taxes from New Day Farms and is included in the withholding taxes; also received \$60,000 as a bonus payment which went to the water account for a total of \$124,000. Mr. Lenner asked to confirm the \$64,000 was in the General Fund; Ms. Steffan said it was.

c. Service Department: Water, Wastewater, Street

Jack Liggett highlighted items in reports for Street, Water and Wastewater departments. Added that repairs noted in the street department report were done without penetrating the street. Marvin Block asked how many people were in the street department; Jack said Street Supervisor Mike Gutridge and four others; discussion on staffing shortage at key times of the year; mowing, hot patching, snow removal and plowing. Discussion on staffing for water and sewer expansion; Mr. Lee said if additional staffing is needed in the departments they can start looking at that sooner rather than later; Mr. Liggett added that just keeping up with the day to day work has been a task. Mr. Lee added that another piece as stated many times is that we continue to operate at one percent, which is far under what any of our other contemporaries are in the immediate region and that also has

its constraints, said we work very hard to deliver what we can within that one percent; services continue to increase when the population increases. Mr. Liggett said the water and sewer money easily supports that staff as we sell more water; it is getting the cut out of the General Fund for staffing that he thinks about.

d. Village Manager

Jim Lenner reviewed his report with Council; added that GROW Licking County Assistant Director has also resigned; he has been involved with the search committee for the new director. Ms. Robertson said we did not get the funding for East Jersey and asked if they gave indication why the village scored low; Mr. Lenner said not directly, he would share the score sheet but no verbal conversation on why we scored so low.

10. Tabled Legislation

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

11. Public Hearings of Legislation

- a. **ORDINANCE 18-2021** AN ORDINANCE AMENDING CHAPTERS 1155 AND 1157 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES.
Moves gas stations from a permitted use to a conditional use in both GCC-1 and GCC-1; this was driven by some environmental concerns, the village wants to have more background prior to permitting them.

Public Hearing: No comments either for or against.

No debate by Council.

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

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

NOES: None

ABSTAIN: None

Passed 7 - 0

- 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 appropriates funds for legal fees and for sidewalk and landscaping at the Trailhead Park.

Public Hearing: No comments either for or against.

No debate by Council.

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

Passed 7 - 0

c. **RESOLUTION 2021-18** A RESOLUTION TO ADOPT THE ACTIVE TRANSPORTATION PLAN. [Plan Link](#)

This approves the Johnstown Active Transportation Plan (ATP), Johnstown developed this plan in partnership with Licking County Area Transportation Study, Bailey Klimchak said she would like to thank them for their help on it. The plan contains the guidelines and goals of the village to invest and improve in our active transportation network. Ms. Klimchak thanked Council for their feedback as well.

Public Hearing: No comments either for or against.

No debate by Council.

ACTION: Marvin Block moved to Approve; Carol Van Deest 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

d. **RESOLUTION 2021-19** RESOLUTION APPOINTING MEMBERS TO THE JOHNSTOWN TREE COMMISSION

Two members of the Tree Commission had terms that expired at the end of 2020, the Tree

Commission is requesting to reappoint those members until December 31, 2023 and their appointments have been backdated to January 1, 2021. Both members have agreed to the reappointment.

Public Hearing: No comments either for or against.

Mr. Lee confirmed the update was only to Section One.

ACTION: Ben Lee moved to Approve; Marvin Block 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

- e. **RESOLUTION 2021-20** A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ADVERTISE FOR PROPOSALS FOR DESIGN SERVICES FOR THE WATER TREATMENT PLANT EXPANSION

The village has experienced a tremendous amount of growth and water usage has gone up a lot over the last fifteen years. The village would like to seek proposals for engineers to come in and look at the plant. Jack Liggett said we have an idea we would like to follow but thought it would be good to have them come in and look to find the most cost efficient way to get the next million gallons into Johnstown; this is step one of the planning stage. Jim Lenner said there are three phases, this asks for phase one, will not have the full scope of design fees at this point; there is no cost to the village for the RFP at this time.

Public Hearing: No comments either for or against.

Pre-RFP tour of the Water Treatment Plant on June 8th.
Editorial correction noted.

ACTION: Doug Lehner 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

12. Introduction of Legislation

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

This is money going to the Restricted Police Fund from monies collected internally; Dana Steffan said Chief submitted some bills but there was no money appropriated from that fund at the beginning of the year in the budget, there is about \$9,000 in the fund and she is appropriating \$5,000 for the year. Public Hearing June 15, 2021

- b. **ORDINANCE 21-2021** AN ORDINANCE AMENDING ORDINANCE 34-20, THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

As discussed at last Finance Committee meeting, decision to hire a new Police Officer; Ms. Steffan said at a half a year at the base rate the personnel cost is about \$37,000 and that includes insurance, Ohio Police and Fire pension, payroll tax etc. Public Hearing June 15, 2021

13. Other Business

1. Marvin Block said we have talked before about new projects coming to town to let developers keep and maintain the streets under the Homeowner's Association and wondered if Council was interested in having Jim Lennner look into that to see what legalities are. Council was in favor.

2. The village is soliciting community members to give ideas for a city flag, Johnstown has never had one; contest is open to the end of the month, there will be a public voting period but Council will have final say. One entry has been received for the City Flag Contest

14. Executive Session: Confidential Business Information of an Applicant for Economic Development Assistance

Mayor Dutcher asked for a motion to enter Executive Session for the purpose of Discussing Confidential Business Information of an applicant for Economic Development Assistance; with members of Council, Jim Lenner, Dana Steffan and Jack Liggett.

Mr. Lenner said there will be no action after.

ACTION: Ben Lee moved; Doug Lehner 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

Executive Session began at 8:55 p.m. and ended at 9:12 pm

15. Adjourn

ACTION: Benj Lee moved to Adjourn; Doug Lehner 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 9:12 pm.

Next Council Meeting June 15, 2021