



## Village of Johnstown Regular Council Meeting Minutes Tuesday, February 4, 2014

### **CALL TO ORDER**

Mayor Sean Stanearth Called to Order the Village of Johnstown Regular Council Meeting for Tuesday, February 4, 2014 at 7:03 p.m.

**ROLL CALL:** Cheryl Robertson; present, Bill Van Gundy; present, Bob Orsini; present, Sharon Hendren; present, Mayor Sean Stanearth; present, David Keck; present, Carol Van Deest; present.

**IN ATTENDANCE – PUBLIC:** Mike Rush – Johnstown resident, Dave Riepenhoff – Village Legal Counsel

**IN ATTENDANCE – STAFF:** Jim Lenner- Village Manager/Planner, Jim Blair- Zoning Inspector, Jack Liggett-Service Director, Don Corbin-Chief of Police, Glen Hacker-Service Department, Newt Long-Service Department, Teresa Monroe-Clerk of Council

**INVOCATION:** Given by Bill Van Gundy

### **PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:** January 21, 2014

David Keck motioned to approve the minutes as presented. Mayor Stanearth seconded and the vote was as follows: Cheryl Robertson; yes, Bill Van Gundy; abstain, Bob Orsini; yes, Sharon Hendren; yes, Mayor Stanearth; yes, David Keck; yes, Carol Van Deest; yes.

**The motion passed 6-0 with 1 abstention**

**PUBLIC COMMENTS:** Mayor Stanearth opened the floor for public comment.

I. Mike Rush resides at 11577 Duncan Plains Road and came to the Council meeting because he read the article in the Johnstown Independent last week about the proposed corporate park on the old Beazer property on Duncan Plains Road. Mr. Rush is a fourteen year resident of Johnstown and he said that his opinion of a proposed corporate park is much better than the previously proposed housing development with four hundred homes in it. He said the reason he is here tonight is a few small concerns that are the consensus of he and his neighbors. First, he said the south side of the road is zoned Light Industrial and that zone could allow smokestacks. Secondly if there are warehouses, you could have diesel trucks out there idling for long periods of time. The hope of Mr. Rush and his neighbors is that Jim Lenner and Village Council will communicate and work with them as this process proceeds. Another concern mentioned was if there were ponds installed throughout the corporate park property that they use a safety pond

design in which there is a shallow shelf around the water edge to give some extra protection to small children. Mr. Rush provided a copy of a previous development agreement that was negotiated between Duncan Plains Road residents and Beazer homes in 2006. Mr. Rush especially noted a portion of this agreement that upped the millage and produced extra tax for the schools. Mr. Rush encouraged Village Council and Mr. Lenner to negotiate good things for Johnstown when talking to new developers.

II. Jack Liggett-Service Director asked for Village Council's direction on plowing and snow removal. This is a year with more snow than average and Mr. Liggett said that he receives many phone calls from people upset that their vehicles get plowed in when they are parked on the street or in lots. Ordinance 351.15 states that in order to facilitate the cleaning of streets vehicles may not park on the street or in the businessman's parking lot when there is more than two inches or more of snow. How aggressively should the Police Department enforce this ordinance? If we are not going to or are unable to enforce the ordinance, should the ordinance be changed? David Keck said reasonable notice should be given to the public before enforcement, Carol Van Deest said she questions the two inches of snow part of the ordinance. Chief Corbin said that most village or city ordinances have four inches as a standard. It would be an aggravation to our residents to wake them at 1:00 or 2:00 in the morning to move their cars, and it would be absolutely impossible to tow them all if they didn't. Chief Corbin said he is unsure why the Service department would receive complaints regarding this ordinance and not the Police department. It is a large circle that affects everyone; he said that he knows it is difficult for the Service department who is doing the plowing but it is equally difficult to enforce an ordinance that we know we cannot because we don't have the equipment. For the imminent snowfall expected tonight and by this weekend, Mayor Stanart and Council recommend that the Police Department first issue warnings for vehicles parked on streets so they will be moved and the service department can attend to the streets without obstacles. If the vehicles are not moved then the Police Department should proceed with the enforcement of the ordinance by ticketing. Bob Orsini assured Mr. Liggett and Chief Corbin that Council would look at the ordinance to ensure that it is something that can work and can be enforced.

There were no other comments and Mayor Stanart closed the floor for public comment.

**VILLAGE MANAGER'S REPORT TO COUNCIL:** Jim Lenner went through his manager report of February 4<sup>th</sup>, 2014 for Council members

### **Council Committee and Commissions**

**Planning & Zoning** will meet February 5<sup>th</sup> at 6:30pm to discuss future goals and projects.

**Economic Development Policy Committee** – We are waiting on commitments from others before setting a meeting date.

**Rec Center/American Legion Lease Committee** – Will meet on February 18<sup>th</sup> at 6:00pm in Village Council.

### **Economic Development**

Mr. Keck and I recently attended the Licking County Chamber's Groundhog Breakfast.

We are working with the Village Engineer to determine specific costs related to the concept master plan for the new business park.

## **Private Development**

The Greens of Kyber Run is 75% completed. There have been a few issues that we continue to work with the developer to correct.

## **Capital Improvement Projects**

**SR-37 Repaving** – The curb plans have been submitted to ODOT on January 28<sup>th</sup>, 2014. We have learned we needed preliminary legislation (see Resolution #2014-09) and final legislation. Due to this I would ask we hold a special council meeting on February 7<sup>th</sup> with a time to be determined. The timeframes given to me by ODOT severely hampers our ability to hold the meeting any other day.

**Downtown Streetscape Phase I & II** – Substantial cracking has occurred on the east side of the project. We have notified the contractor and ODOT and will ensure a fix this spring.

**Raccoon Creek Pedestrian Bridge** – The Village Engineer has started engineering on the bridge. Engineering will be completed in 2014 and construction will begin in 2015. The engineer has sent notification letters to the effected property owners and has only heard from one.

**US 62 Two Way Left Turn Lane** – We received eight (8) letters of interest. I must now go through each one, score and interview the top candidates. A recommendation will be made to Village Council in the future.

**Park & Recreation Master Plan** - I have been in contact with Monroe Township who requested more information. I have provided that information.

## **Administration**

**2014 Annual Budget** – Our 2013 books will close on January 9<sup>th</sup>, 2014. Final revenue and expenditure numbers will be available after.

**Moving Ohio Forward Grant** – The Village successfully demolished three structures in the Village in 2013. We have received 100% reimbursement on the first and awaiting reimbursement on the final two.

**Transportation Asset Management Plan** – The project has been completed. The findings and recommendations from the project will be reported to Council on January 7<sup>th</sup>, 2014. We are putting together a funding package and further analyzing recommendations made by Council on January 7<sup>th</sup>.

**Holbrook Annexation** – I spoke to Mr. Holbrook after we delivered letter of termination to his businesses. He stated concerns in which I have started researching.

**Land Development** – Maranda has indicated their intent to construct another phase of Leafy Dell. This will include the Croton Road connector. We have reviewed the plans and provided comments to their engineer. We will wait to review and issue permits accordingly.

**Personnel** – Congratulations to Rich Fitch who recently earned her Class I EPA waste water operator license. Resolution #2014-06 increases his salary based on the license as is procedure with the water and wastewater employees.

Mr. Lenner said following the legislation he asks that the first Executive Session include Attorney Dave Riepenhoff and Chief of Police Corbin. The second Executive Session will only include Council members and himself.

## **LEGISLATION**

### **RESOLUTION NO. 2014-06 - A RESOLUTION AMENDING THE WAGE AND SALARY STRUCTURE FOR AN EMPLOYEE OF THE VILLAGE OF JOHNSTOWN** *Introduction/Public Hearing/Vote*

Mayor Stanart introduced the resolution; Richard Fitch has passed the Ohio EPA exam to become certified as a Class I Wastewater Operator and will receive a wage increase.

#### *Discussion:*

No one spoke for or against the resolution and David Keck motioned to approve. Mayor Stanart seconded and the vote was as follows: Cheryl Robertson; yes, Bill Van Gundy; yes, Bob Orsini; yes, Sharon Hendren; yes, Mayor Stanart; yes, David Keck; yes, Carol Van Deest; yes. **The motion passed 7-0**

### **RESOLUTION NO. 2014-07 - A RESOLUTION AMENDING RESOLUTION 2014-05 AUTHORIZING THE VILLAGE MANAGER TO INITIATE THE TERMINATION OF WATER SERVICE**

*Introduction/Public Hearing/Vote*

Jim Lenner introduced the resolution; this resolution is a minor amendment to Resolution 2014-05. The change is in the wording of the sixth whereas line as recommended by the Village Law Director

#### *Discussion:*

No one spoke for or against the resolution and Bill Van Gundy motioned to approve. Bob Orsini seconded and the vote was as follows: Cheryl Robertson; yes, Bill Van Gundy; yes, Bob Orsini; yes, Sharon Hendren; yes, Mayor Stanart; yes, David Keck; yes, Carol Van Deest; yes. **The motion passed 7-0**

### **RESOLUTION NO. 2014-08 - A RESOLUTION ACCEPTING THE RESIGNATION OF A PUBLIC EMPLOYEE** *Introduction/Public Hearing/Vote*

Jim Lenner introduced the resolution; the resignation of an employee will not be official until it is accepted by Village Council. Mr. Lenner said that Marvin Gifford indicated his resignation to him on January 31, 2014 and Mr. Lenner recommends acceptance.

#### *Discussion:*

Bob Orsini questioned if this resolution did anything more than accept the resignation; Mr. Lenner said that it did not. David Keck asked if it were reasonable to assume that acceptance by Council would not cause discontent with any party involved and would be acceptable to resolve all issues. Mr. Lenner said yes, that would be a reasonable assumption. Mr. Keck said that he did not want to find out later that someone else that this negatively impacted thought this was not the way to resolve this. Bill Van Gundy asked if the department head was aware of the resignation; Mr. Lenner said yes. Mr. Van Gundy addressed Chief of Police Corbin and asked if he supported the resignation; Chief Corbin said yes.

Bill Van Gundy motioned to approve. David Keck seconded and the vote was as follows: Cheryl Robertson; yes, Bill Van Gundy; yes, Bob Orsini; yes, Sharon Hendren; yes, Mayor Stanearth; yes, David Keck; yes, Carol Van Deest; yes. **The motion passed 7-0**

**RESOLUTION NO. 2014-09 - A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE PRELIMINARY LEGISLATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL CURBING WORK AS PART OF THE SR 37 PAVING PROJECT (PID NO. 83111)**

*Introduction/Public Hearing/Vote*

Jim Lenner introduced the resolution. This is just preliminary legislation that ODOT requires. There is no dollar amount on here at this time; we will get that on Friday with the final legislation. Legislation will go to ODOT tomorrow, it will be received and processed at their central office, and we will get the new legislation Thursday to give to Council at the Special Council meeting on Friday. Final legislation will need to be back to ODOT on Monday.

*Discussion:*

No one spoke for or against the resolution and Mayor Stanearth motioned to approve. Cheryl Robertson seconded and the vote was as follows: Cheryl Robertson; yes, Bill Van Gundy; yes, Bob Orsini; yes, Sharon Hendren; yes, Mayor Stanearth; yes, David Keck; yes, Carol Van Deest; yes. **The motion passed 7-0**

**ORDINANCE 01-2014 - AN ORDINANCE AMENDING ORDINANCE 07-12, THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS AND DECLARING IT AN EMERGENCY**

*Introduction/Public Hearing/Vote*

Jim Lenner introduced this ordinance as an emergency; this is moving funds- overages in some of the accounts for benefits such as PERS and OP&F. This is to make sure the books are right, it is not asking for more money, just moving line items within a budget, everything is a zero balance.

*Discussion:*

Bob Orsini said that it is a reallocation of money within a department, within their budget, net zero; Mr. Lenner said yes.

Bob Orsini motioned to approve. Mayor Stanearth seconded and the vote was as follows: Cheryl Robertson; yes, Bill Van Gundy; yes, Bob Orsini; yes, Sharon Hendren; yes, Mayor Stanearth; yes, David Keck; yes, Carol Van Deest; yes. **The motion passed 7-0**

**EXECUTIVE SESSION:** Conference with an attorney/Pending Court Action

Mayor Stanearth asked to include Jim Lenner, Chief Corbin, and Village Legal Counsel Dave Riepenhoff in the session.

Bill Van Gundy motioned to adjourn to Executive Session. David Keck seconded and the vote was as follows: Cheryl Robertson; yes, Bill Van Gundy; yes, Bob Orsini; yes, Sharon Hendren; yes, Mayor Sean Stanearth; yes, David Keck; yes, Carol Van Deest; yes. **The motion passed 7-0**  
Executive session began at 7:54pm

Executive Session ended and Chief Corbin and Mr. Riepenhoff were dismissed.

**EXECUTIVE SESSION:** Personnel/Discussion of employment, discipline, or dismissal of a public employee

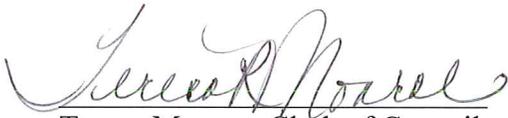
David Keck motioned to adjourn to Executive Session. Carol Van Deest seconded and the vote was as follows: Cheryl Robertson; yes, Bill Van Gundy; yes, Bob Orsini; yes, Sharon Hendren; yes, Mayor Sean Stanearth; yes, David Keck; yes, Carol Van Deest; yes. **The motion passed 7-0**  
Executive session ended at 10:05pm

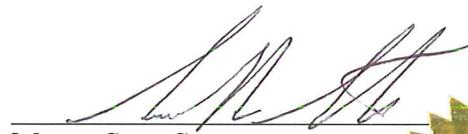
**ADJOURNMENT:** There being no further business to come before Council, Bill Van Gundy motioned for adjournment. Mayor Stanearth seconded and all were in favor.  
**Motion passed 7-0.**

Thereupon, the meeting adjourned at approximately 10:10 p.m.

RESPECTFULLY SUBMITTED

APPROVED AS PRESENTED

  
Teresa Monroe, Clerk of Council

  
Mayor Sean Stanearth



**3/31/06**

## **Duncan Plains Rd & Beazer Agreement - added to Developer's Agreement**

*DPR REQUEST* - Their answer

*Keep it dark, minimize street lights* - Street lights are determined by village ordinances and the zoning bd. Beazer will be glad to minimize lighting.

*Buffer zones around all residences* - Beazer has put buffers around every property. If you look at the attachment and blow it up you can see 20-30' buffers around all properties. Some buffers do not disturb zones owned by the homeowners, they are hatched on the map. All buffers will be mounded unless it interferes with drainage or is not desirable in the particular location. All buffers will have 6' white pines placed at an interval of no more than 25' apart.

*No encroachment into buffer zones by homeowners* - In many places there will be split rail fencing marking the buffer zones, during construction there will be a management company that each of us will have the contact info to report encroachments into our yards or buffer areas. Eventually the Home Owners Assoc. will be the enforcer.

*Maintenance of DPR during construction* - We will have contact info to Doug Talford the local Beazer executive to voice any issues regarding construction and road concerns. If the road falls into disrepair as a result of Beazer's construction activity, Beazer will perform such maintenance as is required by the Village and/or County, as applicable. This has occurred in the past at other construction sites.

*Other issues* -

Beazer is willing to be neighborly and assist with any issues, if possible, with adjacent property owners.

Beazer will work with adjacent property owners to allow them to tap into water and sewer lines, once they are installed or during construction. We will assist them in getting bids for extending lines to/from the dwelling, and will pay for that cost. However, we will not do the actual work on adjacent property due to liability issues. (Still waiting for Sarah to call back on Village policy for this issue.)

Beazer will try to preserve as many trees as possible but some will be cut down.

### *NEW ITEMS*

Beazer has agreed to up the millage on the CDA from 5 mills over 30 yrs to 7 mills over 20 yrs. On an avg price of \$225k the homeowner will pay an extra \$551 a year in taxes for the schools. At 5 mills the owner would pay \$393. The overall CDA @ 7 mills will produce ~\$3,296,475 over 20yrs. The 20 yr time frame for the CDA will be on a house by house basis. It is not on a community time frame.

Beazer is giving an extra 5 acres to the schools. The original 10-acre site wasn't big enough to get state funding for the size of a school that will be needed. The extra acreage reduces them on the Daley property (formally Dini's). Until a school is built the plan is to have a FFA student farm the land.