



Village of Johnstown Regular Council Meeting Minutes Tuesday May 21, 2013

CALL TO ORDER AND ROLL CALL

Mayor Sean Stanart Called to Order the Village of Johnstown Regular Council Meeting for Tuesday May 21, 2013 at 7:02 p.m.

Roll Call: Mr. Kevin Riffe: present; Mrs. Joyce Evans: present; Ms. Sharon Hendren: present; Mayor Sean Stanart: present; Mr. David Keck: present; Mrs. Carol Van Deest: present.

IN ATTENDANCE – PUBLIC: Neal Long

IN ATTENDANCE – STAFF: Jack Liggett-Service Director, Jim Blair-Planning & Zoning Inspector, Glen Hacker-Service Department, and Teresa Monroe-Clerk of Council

INVOCATION: Given by Mr. Kevin Riffe

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS – None

CORRESPONDENCE

- a. Letter from Charles Parker thanking the Village of Johnstown Police Department for watchful eye on their home while they were out of town – Special mention, Officer Rusty Smart
- b. Copy of Resolution 2013-2 strongly opposing the passage of Ohio House Bill 5, passed by the City of Heath

APPROVAL OF MINUTES – May 7, 2013

Mr. Keck motioned to approve as presented; Ms. Van Deest seconded. The vote was as follows: Kevin Riffe; yes, Joyce Evans; yes, Sharon Hendren; yes, Mayor Sean Stanart; yes, David Keck; yes, Carol Van Deest; yes.

The motion passed 6-0

POLICY DISCUSSION – Waiver of Fire Suppression Capacity and Tap fee

Jack Liggett, sitting in for Jim Lenner, reviewed the waiver draft with Council. The purpose of the waiver is to assist any future building owner within the historic downtown Johnstown district to make needed repairs or improvements to their buildings therefore promoting economic development of the core downtown area when they are investing a minimum of \$400,000. Jack said that the attorney suggested to Jim Lenner that criteria should be laid out in an ordinance to avoid future Councils making inconsistent rulings on who is eligible for the waiver. Village Council would be informed but it would not require a vote, the business would either qualify, or it would not. Mayor Sean Stanearth said causing consistency should be the goal and that possibly tying the waiver to a Certificate of Appropriateness might be good. A Certificate of Appropriateness is good for 2 years and activity or progress could be monitored by the Village. David Keck and Kevin Riffe both expressed that the time frame allowed would need to be very specific and had some concern on what would constitute “activity”. Questions arose about what would happen if a project went on for more than 2 years or part way through could not meet the financial criteria. Jack answered that if the minimum investment had not been met and the fire suppression tap fees were due and not paid then utility shut off procedures would proceed. Mr. Keck said this should be included in the wording. Kevin Riffe said he would like to see a time frame or limit in the wording as well. David Keck also mentioned the waiver should have a sentence that accepts people already in the process, or are applying for this at the time of passage. An adjusted draft or ordinance may be ready for Council by next meeting.

LEGISLATION

Resolution 2013-22 - A Resolution Approving and Committing Capital Improvement Funds for US 62 Two Way Left Turn Lane (LIC-62 4.17)

Discussion: Mayor Stanearth opened the public hearing. Jack reviewed the 2 phases for the center turn lane discussed at last meeting, phase 1 being Oregon Street to the bridge (Westview) and phase 2 being from the bridge to Clark Drive. ODOT has determined that phase 2 is not necessary because it does not have as many residences and driveways or stops and turns to stop traffic. Jack explained that when ODOT looked at this project they determined that they will only consider phase 1 of the project and they want the funds originally discussed to stay the same for only the one phase. The Village’s contribution will be paid from the General Capital Improvement Fund, Water Capital Improvement Fund, and/or Wastewater Capital Improvement Fund in equal proportion of the work to be completed. In the printed Resolution presented today, Johnstown’s financial commitment reads as follows:

Phase	Fiscal Year	Johnstown	LCATS	ODOT Safety	Total
Environmental	SFY2016	\$100,000	N/A	\$215,000	\$315,000
Detail Design	SFY2017	\$100,000	N/A	\$35,000	\$135,000
R/W	SFY2018	\$100,000	N/A	N/A	\$100,000
Construction	SFY2019	\$400,000	\$800,000	\$2,255,200	\$3,455,200
	Total	\$700,000	\$800,000	\$2,505,200	\$4,005,200

Jack said in year 2018 Johnstown would pay \$300,000 and in year 2019 Johnstown would pay \$200,000. The total dollar amount is unchanged, just the timing of the payments. Resolution 2013-22 will need to be revised.

Jack said that he and Jim Lenner have reviewed the CIP through years 2019, and they have found the money from the various departments for each year for us to proceed with this capital improvement project. Jack did re-clarify that the project is now phase 1 only. No further questions were asked and Mayor Stanearth closed the public hearing and called for a motion. David Keck motioned to approve and Joyce Evans seconded.

Mr. Riffe stopped the roll call before the vote and said he had a question. He asked if it was a conflict of interest for him to vote on this because he lives on St. Rt. 62. Joyce Evans and Sean Stanearth said they would have the same issue and believed they would need to abstain as well. Mayor Stanearth said he believed that technically they should all three abstain. Mr. Keck suggested Council consult with David Wigginton before proceeding with the vote. Mayor Stanearth said they could table the motion until they checked. Jack said that this was not a crisis vote and did not have to be passed at this meeting, and there was time because they still had to let the county and ODOT know, yes or no, whether we would go ahead with the project.

Mr. Keck said that with the approval of the seconder, he would change the motion to table. Mayor Stanearth asked for a motion to table. Mr. Keck moved to table Resolution 2013-22. Ms. Evans seconded. The vote was as follows: Kevin Riffe; yes, Joyce Evans; yes, Sharon Hendren; yes, Mayor Sean Stanearth; yes, David Keck; yes, Carol Van Deest; yes.

The motion to table Resolution 2013-22 passed 6-0

Mayor Stanearth said we can check also to see if there needs to be a majority of Council voting or just passage. Council members were still unsure whether or not only 3 could vote and have the resolution pass with a majority. Clerk of Council, Ms. Monroe, read Section IX, Rule 9.02 of the Village of Johnstown Council Rules of Procedure that states; A vote to abstain will not be counted as a “yes” or “no” vote. A majority of those voting shall prevail. Mr. Keck said he would rather just be sure and check with David Wigginton before voting.

Resolution 13-23 - A Resolution to authorize the Village Finance Director to issue a payment to a Service Department employee for assumption of duties of the Service Director Introduction/Public Hearing/Vote – May 21, 2013

Discussion: Jack Liggett explained that Glen Hacker took on the position of Service Director for the three month period between when Jack retired and when he returned to the Village as an employee. Prior to Jack retiring, there was no discussion of a stipend for Glen taking on these additional responsibilities. Upon Jack’s return as Service Director he got approval from Jim Lenner to ask Council for the payment of \$3500.00 to Glen Hacker. Jack said the money was available because it had already been budgeted for Jack’s salary. Mr. Keck asked how this figure was determined and Jack said that a step down from what Jack receives as stipend for filling in for Jim Lenner warranted roughly a \$50.00 per day amount. This amount is well below the difference in salaries but a step up for Glen. Mayor Stanearth said that he had assumed an arrangement had already been made where Glen would have been making a higher salary during that time and did not realize that he had not been. Mayor Stanearth expressed that he was in favor of the payment to Glen. Jim Blair, Carol Van Deest, and Joyce Evans expressed that Glen had done a great job.

Ms. Evans made a motion for approval. Ms. Hendren seconded. The vote was as follows: Kevin Riffe; yes, Joyce Evans; yes, Sharon Hendren; yes, Mayor Sean Stanearth; yes, David Keck; yes, Carol Van Deest; yes.

The motion passed 6-0

ANNOUNCEMENT

Mayor Stanearth made sure that all councilmembers were aware of Mr. Chris Speck's resignation from Village Council. Mr. Lenner laid out the following timing of events for filling the open Council seat to review with Council:

Letter of interest accepted by Clerk of Council until Noon May 31, 2013

Public Notice to be run in Independent on May 26th. Notice posted to Village website, Village Office, Park National Bank and Library.

Letters of Interest forwarded to Council in June 4, 2013 Council Packet

Interviews take place June 4, 2013 at Council Meeting

Final Decision and Swearing In June 18, 2013

Clerk of Council drafted a Public Notice and Mayor Stanearth reviewed with Council. Village Council advised Ms. Monroe to proceed with the Public Notice as read and the timing of events set forth.

OTHER BUSINESS

1. Mayor Stanearth shared a letter sent from the Village of Alexandria advising that at this time they will be maintaining ownership of their utilities.
2. Mr. Riffe inquired on any requests known from the American Legion Post 254 in wishing to ask Council for funding help at Bigelow Cemetery. Ms. Monroe advised that Mr. Hartsock had expressed that the American Legion wishes to meet with the Babcock Foundation before coming back to Council with numbers.
3. Kevin Riffe asked about the entrance change at Bigelow Cemetery; Jack Liggett said progress is being made on the Rec center side to make the entrance accessible and visitor friendly, and before he goes digging up and/or adding signs that he just needs direction. Joyce Evans said she thought it was a great idea to move the marker. Carol Van Deest said she thinks we should move the large historical marker on the State Route 62 side to the new entrance, but made a point of asking if we were allowed to move it. David Keck said a marker or sign should still be in place there because that is the only way some would even be aware that there is a cemetery back there; not necessarily that marker, but there should be signage identifying the cemetery with direction to the new entrance. Sharon Hendren agrees that there should be more signs identifying the cemetery and its entrance. Jim Blair said that the American Legion Post 254 has made it known that the name of the cemetery has been established as Bigelow Cemetery. Mayor Stanearth said that he believes we have our consensus and direction.
4. Carol Van Deest said the mastodon sign on N. Main St. needs retouched, it is faded and peeling. Mr. Keck says that he thinks it would be expensive to have the sign restored. Ms. Van Deest thought that we should at least take down the worn sign until a decision is reached. Mayor Stanearth agreed. Carol volunteered to try to re paint the sign.

5. Ms. Hendren shared a letter from Joe Ethier quoting three estimates for removal of Ash trees and replanting a different kind of tree. The replanting topic prompted a need to check our tree replanting ordinance for proper location.

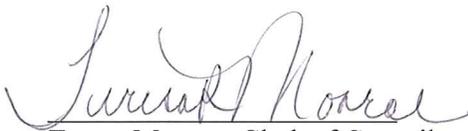
ADJOURNMENT

There being no further business to come before Council, Joyce Evans made a motion for adjournment; Mr. Stanearth seconded the motion. Motion passed 6-0. Thereupon, the meeting adjourned at 7:48 p.m.

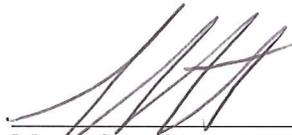
Next Village Council Meeting – June 4 2013

Respectfully submitted

APPROVED AS PRESENTED



Teresa Monroe, Clerk of Council
Administrative Assistant



Mayor Sean Stanearth

