Village of Johnstown
Regular Council Meeting Minutes
Tuesday August 6, 2013

CALL TO ORDER AND ROLL CALL
Mayor Sean Staneart Called to Order the Village of Johnstown Regular Council Meeting for Tuesday August 6, 2013 at 7:00 p.m.

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

IN ATTENDANCE – PUBLIC: American Legion Post 254-Gordon Cromwell, Bruce Tolle, Jim Sponaugh, Harry Galbraith, Mr. and Mrs. Urvin Hartsock, Jim Wolfe; Planning and Zoning Chairman- Marvin Block; and This Week News-Tom Sheehan.

IN ATTENDANCE – STAFF: Jim Blair-Planning & Zoning Inspector, Don Corbin-Chief of Police, Jack Liggett-Service Director, Jim Lenner-Village Manager/Planner, and Teresa Monroe-Clerk of Council

INVOCATION: Given by Mr. Tom Fagan

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS:

1. Marvin Block asked Council if there was anything they could do about a problem with dog feces in Bigelow Park. He said people are not picking up after their dogs. Also the benches in the park have some damage, one has a pretty good chip in it and one has a crack; he thought skateboarders may have been using the benches for sport but was not certain. Mr. Lenner said that in the past there had been two different ideas discussed with regard to the dog waste such as patrolling the park and possibly fining for offenses. Mr. Lenner said that he would consult with the Village Law Director. Mr. Keck suggested maybe one sign that lists the "Rules of the Park". Mayor Staneart asked Jim Lenner to check on a cost for a "doggie waste" bag station for the park. Mr. Block said he believes that most of the dogs being walked in the park belong to the apartment residents across the street as they have no other green space close. Mayor Staneart believes the right track is ticketing and fining people for offenses.

2. Gordon Cromwell, Commander-American Legion Post 254 expressed to Village Council the need for a new Post location. Mr. Cromwell said they have outgrown their current building space and it is stifling their growth. Many of the activities they host, such as the pancake breakfasts, must be held at other locations due to space restrictions. They would like to build a new building at a new location here in Johnstown. They envision having space for a playground, a pavilion picnic area for family friendly events. It would give the community another location to host gatherings or fundraisers as well. They hope to have a brick walkway with bricks that could be purchased and engraved with names for a fundraiser. They hope to build a building with a good size kitchen and meeting room. Mr. Cromwell said they will be organizing many fundraisers to generate money to pay for the building and will also be seeking help from many local corporations and other veterans' organizations including other American Legion Posts, D.A.V., V.F.W., and Am-vets. Mr. Cromwell said that American Legion Post 254 was at the meeting to ask Village Council to consider giving them a land donation or a long term lease of a parcel for $1 or $2 per year. Mr. Cromwell asked if the Village-owned property next to the Council Chambers could be considered. Mr. Cromwell said he knows it is asking a lot and thanked Village Council for all their past and present support and welcomed any discussion or questions.

Ms. Hendren inquired as to whether or not there was enough acreage for their plans. Mr. Cromwell said that whatever they got, they would adapt the building and spacing around the property size.

Ms. Van Deest inquired what plans they had for their existing building. Mr. Cromwell said they have already sold the building on a land contract to Teri Hensen. The building needed more repair than the Legion could keep up with and pay for, and they had an opportunity to sell when Mr. Hensen expanded the bar.

Mr. Fagan asked what the new building would look like. Mr. Cromwell said he had a meeting with 64 Metals next month to look at some designs. Ultimately they would like to have a metal building for cost savings and maintenance.

Ms. Hendren asked if Council would have a say in what the building looked like. Mr. Lenner responded yes, they would need to comply with Planning and Zoning and it would fall under a Certificate of Appropriateness.

Ms. Van Deest asked how much acreage is next door to the Council building. Mr. Lenner said 3 total acres were there, and 1 acre may be considered if Council wishes to further consider the request. Mr. Lenner said that he would suggest appointing 3 Councilmembers plus himself to a committee for further meetings with American Legion Post 254 regarding planning and review of this request because it is a big decision to consider selling off this portion of land. Mr. Lenner said there are many things to consider; one being the location switch with the Monroe-Township Fire Department that was brought up a few years ago, and part of this discussion needs to be going back to the Fire Department and finding out if this is still something they want to consider. If that land portion were to be sold off, it would squash those plans. Mr. Lenner advised Council to take their time on this decision, not only to help the Legion and the community, but also to not hinder the Villages options for the future.

Ms. Van Deest asked Mr. Cromwell if they had studied any other properties. Mr. Cromwell said they have talked with a realtor and looked at some plot plans, however those choices come with a hefty price tag and they just don't have the ability to pay for it right now so that is why they were seeking the donation from the Village.

Mr. Riffe asked if they had a time frame in mind that they were targeting. Mr. Cromwell replied that they would love to be groundbreaking in the spring. Also that they were applying for a 501C3 which would give a 100% tax break for donations. Currently they are a 501C19 which only allows 40%.

Ms. Van Deest asked about the longevity of their Post 254 Legion membership. Mr. Cromwell said they have a pretty active membership of 160-180 currently. They are in a drive for new membership and the new Post center would assist that effort.

Ms. Hendren asked if the Post membership were to dwindle in the future, to the point where that Post would dissolve, or if they would bankrupt; what would happen to the land or building. Mr. Cromwell answered that the lease or donation paperwork could be drawn up so the land and building stays in custody of the Village of Johnstown.

Mayor Staneart closed the discussion saying that this is a lot to digest and a lot of discussion will be needed. Ms. Van Deest said that Council very much appreciates all that Post 254 does for this community.

APPROVAL OF MINUTES

July 16, 2013 Regular Council
July 22, 2013 Special Council

Mr. Lenner noted that Mr. Conard's letter be added to the July 16th minutes.

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

The motion passed 7-0

MAYOR REPORT

Mayor Staneart said the O.D.O.T. State Route 62 paving project will be wrapping up within the month, and the Streetscapes project is scheduled to begin after Hartford Fair. Also he had been contacted by a gentleman who wanted to have a bicycle event through Johnstown and would like to use the square as a rest stop for the cyclists. Contact information will be given to Teresa Monroe for follow up and a Bigelow Park reservation form.

VILLAGE MANAGER REPORT

Council Committee and Commissions

Planning & Zoning will meet on August 7th to hear a variance for 8 N. Main Street for multiple building signs.

*Mr. Lenner noted at the Council meeting that there will also be an application for Certificate of Appropriateness for 96 E. Coshocton St. for lighting fixtures.

The next **School Liaison** group has not scheduled their next meeting.

Economic Development

We are working with Grow Licking County to develop a list of targeted industries for potential future employers in the Village.

Private Development

Greens of Kyber Run have started erecting buildings and have four under roof. We have received complaints for early start time and mud on the streets. We have worked with the developer and have the situation rectified. They will start construction of the streets in the near future.

*Mr. Lenner noted at the Council meeting that the 20 straight days of rain put them behind schedule and he has authorized an early start time of 6:15 a.m. for 2 days this Thursday and Friday to try to get them in and out for paving sooner so there is less mud and rocks in the roadway.

We continue to work with the developers of Leafy Dell to get the infrastructure accepted. There is one issue with the sanitary sewer that must be resolved. Testing of this section of the sewer will take place August 1, 2013. We have received an executed copy of the deed to the center property. This deed will be recorded by the school district at their schedule.

The Village Law Director has recommended forming an agreement with the HOA's of Leafy Dell to conduct maintenance of the entrance island. I have not made contact with the HOA's as of August 1, 2013 but will do so in the near future.

*Mr. Lenner added that 12 of the 22 homes in section 5-2 are sold or in construction. Also we have received and are reviewing the connector to Croton Road which they will be starting. The deed for the school property is being reviewed by legal counsel.

*Mr. Fagan said that there has been fill dirt, debris, and concrete dumped in the center property area. Mr. Lenner said thank you, he was not aware of that and Mr. Blair said he would check it out.

Capital Improvement Projects

US-62 Repaving – The curb work has been completed with minimal disruption to traffic patterns. The special duty officers did a great job getting traffic through town.

*Mr. Lenner noted at Council that O.D.O.T. will be coming back through on State Route 62 with a final asphalt layer.

Downtown Streetscape Phase I & II – The project will start August 12th after the Hartford Fair has ended.

US 62 Two Way Left Turn Lane Improvements – A preliminary meeting has been scheduled with ODOT on August 7th at 1:00pm.

Rolling Meadows Park – We are working with Munson Machine to fabricate new equipment for the park using the funds made available to us through FEMA.

Rec Shelter – We have reviewed the plans for the shelter house. The shelter house will be 40'x50 under roof with a 40'x20' exposed slab. The roof color will be red and accents will be gray.

*Mr. Lenner asked Council if there was any opposition or change needed to the color choices. The colors choices and plans were reviewed and after some discussion, a quick vote determined that the Council majority agreed with the color scheme and the location of the shelter.

*Mr. Keck said he would like to have a public event or dedication for the completed shelter. Mr. Lenner said Council could maybe sponsor a shelter naming event.

Raccoon Creek Pedestrian Bridge –We are working with ODOT on a determination of acquiring right of way for the project. If we are required to acquire right of way, the project may be scaled down to include a sidewalk and bridge connecting Westview Drive and Bigelow Drive. Currently the project connects Westview Drive and Clark Drive.

Meadow Drive Drainage – A new basin has been installed in anticipation of the US 62 paving project. We will work with three property owners to secure easements to install storm pipe from US 62 down Meadow to an existing catch basin. This is the last known drainage problem on US 62.

*Mr. Lenner said we budgeted $100,000 out of the estate tax fund and approximately $22,000 will be used for that project because our capital improvements fund was exhausted. Mr. Lenner said this was not a scheduled project and he believed it was necessary because it is the last piece of the drainage fix and the new asphalt would not have to be torn up later. Mayor Staneart said as a side note, that he had reservations about dipping into a fund that is no longer replenishing itself and we may want to increase the percentage of the 1% for C.I.P. Mr. Lenner said that he agreed.

*Mr. Block asked where the money came from to build the shelter house. Mr. Lenner replied that 28% of our income tax is used for capital improvement projects and we planned last year for this shelter house to be done this year. Out of that 28% we had to pay debt with about 14% of that and the other half was used for improvements. Mr. Block said that a considerable amount of money in the estate tax fund came from Pauline Chamber's estate and he would like to see the shelter house named after her or at least have her name on something here in town. Mayor Staneart said there had been talks in the past on that note and that thought needed to be brought back to the forefront.

Administration

Clerk of Council Teresa Monroe has received her State of Ohio Notary. Certificate is attached.

*It was noted that Megan Ward received her Notary commission as well.

I met with the American Legion about the work being completed in the Cemetery. The Legion is asking for $1,725 for setting new markers and $2,255 for the new cemetery sign. The Village has $1,600 budgeted in the "Babcock" Fund which would leave $2,380 that could be paid from the Estate Tax fund. The entire project has been funded to this point by the Legion ($3,500) and Mary E. Babcock Fund ($10,000).

*Mr. Lenner noted that the numbers as of this meeting have changed and the $2,255 amount for the sign has decreased by $150 which puts that number at $2,105 and brings the amount needed out of the Estate Tax fund, or other fund that is decided, down to $2,230. Mr. Lenner recommends that we pay this in light of contributions already made by the Legion and by the Babcock Foundation, and given that it is Village property and our cemetery and the Legion has taken the bull by the horns at this point and has done a fabulous job with all the legwork and everything so far. Mr. Lenner said it did not necessarily need to be paid out of the Estate Tax fund, but he could figure out where to bring the $2,230 from. Mr. Galbreth said that the only thing really pending right now is the sign, because at the rate the headstones are coming in, it will be next year before we get them all. Mayor Staneart said it could possibly come from the Rec center on next year's budget; Mr. Lenner agreed; the interior work done this year depleted the Recreation Center's budget.

*Ms. Hendren asked how much the fee was to rent the Rec center. Mr. Lenner said it depends on whether it is rented hourly or daily; all day for residents was $130.00. Ms. Hendren said she thought that was expensive. Mayor Staneart said that he believed the charge was based on our costs for heating, cooling, and maintenance. Mr. Lenner said they could review and do a cost analysis.

MOTION

*Ms. Evans made a motion **to give American Legion Post 254 the money for the cemetery sign in the amount of $2,230.00.** Mr. Riffe seconded and the vote was as follows: Kevin Riffe; yes, Joyce Evans; yes, Mr. Fagan; yes, Sharon Hendren; yes. Mayor Sean Staneart said he wanted to make sure the procedure was right; did they need to amend the budget? Mr. Lenner said that he thought he could find the money in the budget, it may be pulled from different funds, but if ultimately he could not then he would come back to Council for an amendment to the budget. Mayor Staneart then voted yes, David Keck; yes, Carol Van Deest; yes.

The motion passed 7-0

The Zoning Inspectors report for July is attached.

*The July report failed to be attached, Clerk of Council will get a copy to Councilmembers and they will be added to the official record.

I reached out to Licking County Communities regarding the allowance of food carts/trucks in their community. Below are responses:

> ***Pataskala:*** Our code has a temporary use section that can be applied to these situations. It is unfortunately not specifically geared towards Food Trucks (and related uses), and this is something we will need to adjust.
>
> As far as what we can apply, in our non-residential zones, we can issue a temporary use permit for "parking Lot" sales or "seasonal, outdoor" sales. The difference is that parking lot temp use would only give them up to two weeks of total use, and the seasonal/outdoor sales would be for up to 3 months. As you can see, this is open to interpretation. The rest of the code stipulates that they have to follow proper parking, sign, and sanitary regulations.
>
> We have been requested to allow temporary food carts on the Square and on private

property. Our current ordinances do not address temporary food carts in particular. I am asking for guidance from Council as to the ability to allow or regulate temporary food carts.

Granville: We have a sidewalk permit for all events. As a subset, we allow many "non-profit" groups to sell during special weekends. All permitting is lost during the July 4th week.

We generally don't support any private commerce on the R-O-W which competes w/ tax paying stores.

***Buckeye Lake*:** Really haven't dealt with it yet. We did have some vendors set up for the 4th of July (to my knowledge) without any consent.

Heath: The City of Heath does allow temporary food vendors to sell on public and private property. The conditions are

1. The vendor must obtain all pertinent State and/or local food sales permits.
2. The vendor must obtain a vendor permit from the city ($100 permit fee plus a $500 bond which is returned when the vendor terminates his operation). The permit is issued for 30 days.
3. The vendor provides signed authorization from the property owner that he has permission to utilize the property.
4. The use of public property is very restricted and limited to only a very few events.
5. The Zoning Department issues the permit but the ordinance is enforced by the police department.

The "Transient Merchant" Ordinance, which is five pages long, is on the city website. Go to www.heathohio.gov, select Building & Zoning, select Codified Ordinances, and look for Chapter 721.

Hebron: We have no Village legislation to address that in any respect that I am aware of.

*Mr. Lenner recommend as of right now we just continue as we have for now and revisited this topic at a later date.

Johnstown American Legion Post 254 has requested time with Village Council to discuss the possibility of securing a long term, renewable lease for a new Legion Hall/Community Center. Post Commander Mr. Gordon Cromwell will be attending the August 6th meeting for more details.

We will be tearing down the dilapidated shelter house near the Rec Center and replacing it with a new one in Hannah's Park. The new shelter house will have a concrete floor and overlook the existing playground facility. We may accept reservations for the shelter house like we do for Bigelow Park for family or other events (yet to determine if this will happen). Tearing down the old shelter house will reduce the tendency for people to congregate in the area.

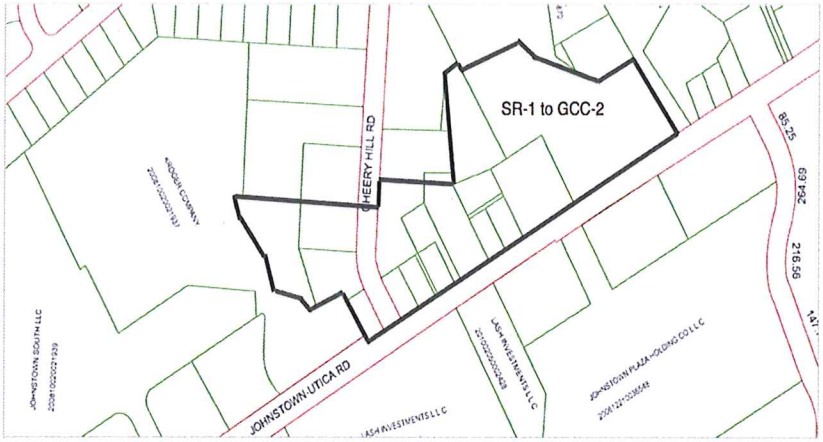
We have started to crack seal our roads. Crack sealing greatly improves the life of the road by sealing the cracks preventing water to penetrate the asphalt and reduce the freeze/thaw effect. Having limited funding for complete road repaving, we believe crack sealing will prove very beneficial and cost effective.

*Mr. Riffe asked how the crack sealing went at the tennis courts. Jack Liggett responded that he thought the sealant they tried did not work well; it remained soft and could be easily dented. In his opinion, the concrete worked better and is paintable and the crack sealant they tried was not.

We have initiated a performance management system. As part of the system, we will track performance measures such as lane miles of snow plowing, lane miles of crack sealing, phone calls received, traffic stops made, budget costs, revenues, etc. The purpose of the program is to heighten awareness among supervisors and employees of the importance of good performance and favorable results, establish performance expectations, and increase awareness of performance gaps. The program starts August 1st.

Legislation

Ordinance #08-2013 – This is the third reading for the ordinance. It will change the properties highlighted below from SR-1 (residential) to GCC-2 (commercial). There were discrepancies between zoning maps and this will clean up the problems with the maps.



Ordinance #09-2013 – This will correct an omission in the 2013 budget. The omission occurred when the salary of the staff member was not calculated in the Excel spreadsheet. The line item will be increased $17,528.78 for salary purposes of one employee.

Respectfully Submitted,

Jim Lenner

LEGISLATION

ORDINANCE 08-2013 - AN ORDINANCE RECOMMENDING TO THE VILLAGE COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF JOHNSTOWN IN ACCORDANCE WITH SECTION 1135 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF JOHNSTOWN. *3rd–final reading/Vote*

Joyce Evans moved to approve Ordinance 08-2013. David Keck seconded. The vote was as follows: Kevin Riffe; yes, Joyce Evans; yes, Tom Fagan; yes, Sharon Hendren; yes, Mayor Sean Staneart; yes, David Keck; yes, Carol Van Deest; yes.

The motion passed 7-0

ORDINANCE 09-13 – AN EMERGENCY ORDINANCE AMENDING ORDINANCE 07-12, THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS. *Emergency/Introduction/Public Hearing/Vote*

Discussion: Mr. Lenner referred to his manager report and explained that he found the mistake in the 2013 budget.

Mayor Staneart opened the floor for public hearing; no one spoke for or against, Mayor Staneart closed the public hearing.

David Keck motioned to approve Ordinance 09-13. Mayor Staneart seconded. The vote was as follows: Kevin Riffe; yes, Joyce Evans; yes, Tom Fagan; yes, Sharon Hendren; yes, Mayor Sean Staneart; yes, David Keck; yes, Carol Van Deest; yes.

The motion passed 7-0

OTHER BUSINESS

1. Teresa Monroe said she had a resident question the date for this year's Trick-or-Treat.

2. Jim Lenner handed out the Village of Johnstown Statement of Financial Assets and said we are saving more money.

Statement of Financial Assets

Date	Cash	Investments	Money Market	Total
5/7/13	$580,000.00	$2,860,000.00	$49,038.00	$3,489,038.00
6/4/13	$624,686.45	$2,860,000.00	$49,326.78	$3,534,013.23
7/16/13	$605,761.90	$2,680,000.00	$234,739.99	$3,520,501.89
8/6/13	$658,964.84	$2,680,000.00	$236,790.63	$3,575,755.47

3. Mayor Staneart said that Park National Bank held a breakfast; Jim Lenner was in attendance to give a State of the Village address. Jim Blair and Marvin Block also attended. Mayor Staneart added that last year Carol Van Deest was the recipient of the "Community Member of the Year" award and this year the award was given to John Neighbarger. Park National Bank donates $500 to an organization of the recipients choosing. Mr. Neighbarger chose to give to

both The Babcock Library and Cornell School. Last year Carol chose Cornell School. Mayor Staneart said he was happy to see Park National Bank doing this.

MOTION

Carol Van Deest went back to the Trick-or-Treat topic and said that the 31st of October is a Thursday night and a decision should just be made. Ms. Van Deest made a motion **to designate October 31, 2013 as Halloween/Trick-or-Treat/Beggar's Night for Johnstown and the hours will be 5:30 p.m. to 7:30 p.m.** Mayor Staneart seconded. The vote was as follows: Kevin Riffe; yes, Joyce Evans; yes, Tom Fagan; yes, Sharon Hendren; yes, Mayor Sean Staneart; yes, David Keck; yes, Carol Van Deest; yes.

The motion passed 7-0

ADJOURNMENT

There being no further business to come before Council, Joyce Evans made a motion for adjournment; Mr. Staneart seconded the motion. All were in favor. Motion passed 7-0. Thereupon, the meeting adjourned at approximately 8:15 p.m.

Respectfully submitted

Teresa Monroe, Clerk of Council
Administrative Assistant

APPROVED AS PRESENTED

Mayor Sean Staneart