Regular Council Meeting
Tuesday, November 21, 2023 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation - Pastor Larry Griffin, Johnstown Baptist Church
4. Pledge of Allegiance
5. Action on Minutes
   a. November 8, 2023
6. Correspondence
   a. Notice to Legislative Authority - Ohio Division of Liquor Control
7. Citizen comments on matters not on the agenda
8. Council Committee reports
   a. **Planning & Zoning:** Met 11/14/23; Next 11/28/23 @ 6:30 pm Council Chambers
   b. **Design Review Board:** Met 11/14/23; Next 11/28/23 @ 5:30 pm Council Chambers
   c. **Safety & Service:** Next 12/5/23 @ 5:00 pm Admin conference room
   d. **Finance:** 11/21/23; Next 12/5/23 special @ 5:30 pm Admin conference room
   e. **Park & Rec:** Met 11/6; next 12/4/23 @ 1:00 pm Admin conference room
   f. **Events Committee:** Met 11/15/23 @ 5:30 pm Council chambers
   g. **Tree Commission:** Next 11/30/23 @ 5:00 pm Council Chambers
9. Director Reports
   a. Chief of Police
10. Application # 10-10-2 Temporary Use; 480 W. Coshocton St.
    a. Application & Staff Report
11. Tabled Legislation - None
12. Public Hearings of Legislation - None
13. Introduction of Legislation - None
14. Other Business
15. Adjourn

Next Council Meeting December 5, 2023

Regular Council
Wednesday, November 8, 2023 - 6:30 PM
MINUTES

1. Call to Order

   Mayor Donald Barnard called to Order the City of Johnstown Regular Council Meeting for November 8, 2023 at 6:46 PM.

2. Roll Call

   Present - Mayor Donald Barnard, Jon Merriman, Charlie Campbell, Nicole Shook, Bob Orsini, Ryan Green, Sharon Hendren
   Absent - None

   Staff present - Sean Staneart - Acting City Manager, Dave Delande - Finance Director, Jack Liggett - Service Director, Rusty Smart - Chief of Police, Thad Boggs - Law Director/Frost Brown Todd, Chris Hermann - City Planner/MKSK, Teresa Monroe - Clerk of Council

   Public present - Lewie Main, Dave Selan, Keith Ryan, Jamie Hartsough, Nick Shaner, Terri Fetters, Cyndi Duke, Jeff Barr, Wesley Kobel, Connie Ryan, Daryl Wernette, Andrea Ford, Franz Stein, Glenn Ronken, Frank Cea, Craig Moncrieve, Jamie McNally, Aaron Underhill, Tom Ruby

3. Invocation - Pastor Tim Swanson, Faith Fellowship

4. Pledge of Allegiance

   Mayor Barnard recognized incoming 2024 council members Jeff Barr, Tiffany Hollis, Dave Selan and Wes Kobel.

5. Action on Minutes

   a. October 17, 2023

ACTION:	Nicole Shook moved to approve; Bob Orsini seconded and the vote was as follows:
AYES:	Sharon Hendren, Ryan Green, Donald Barnard, Jon Merriman, Nicole Shook, Bob Orsini, Charlie Campbell
NOES:	None
ABSTAIN:	None
	Passed 7 - 0

6. Citizen comments on matters not on the agenda

   1. Daryl Wernette

      - Made a request to continue working on the Greater Johnstown Parks & Recreation District (GJPRD) role and building a plan aligned with the city comprehensive plan. They have had a chance to be interviewed by MKSK which was valuable and share learnings they have had through their partnership with the Pizzuti Group on the role

that they play. It is important to understand how the joint district has a role in extending the capabilities of this council beyond the reach of the boundaries of the city and how it gives power to the schools to take control of land, not for school development, but to provide for the community and the roles of parks.
- Encourages council to think about how to put in the right policies to make sure we capture opportunities for land or money for the community as we grow, as people come in to develop.
- As they work to move their group to continuity of existence as opposed to being renewed every ten years, many are aware, it would move them to a group that can work for the people of the city and would be how they can get people to join and submit their time for parks and rec.

Mayor Barnard spoke about getting JYAA, the schools, the city, and GJPRD together and figuring out how each can fit and blend as a puzzle piece for the city and work together. Mr. Orsini said the park piece of the annexation and PD development are conversations they have had with the developer. They want to make sure it is accounted for fairly and equitably and can last over time. There has been communication on how to model that, it was not lost, it is a primary point of discussion.

2. Frank Cea

- Introduced himself, he is on the JYAA Board and supports the same things Daryl spoke about. Thinks it is phenomenal to see what we all have in front of us to grow and develop, cannot wait to support whatever the plans look like.
- Encourages a look at the economic opportunities for all the sporting programs, he has been in talks with those that run competitive leagues in the state and is aware of the Ohio Soccer Association's desire to have a world class facility located in central Ohio.

7. Council Committee reports

a. **Planning & Zoning:** 10/24/23 canceled; Next 11/14/23 @ 6:30 pm Council Chambers

b. **Design Review Board:** 10/24/23 canceled; Next 11/14/23 @ 5:30 pm Council Chambers

c. **Safety & Service:** Next 12/5/23 @ 5:00 pm Admin conference room

d. **Finance:** 11/8/23 special; Next 11/21/23 @ 5:00 pm Admin conference room
Action from the special meeting tonight, a resolution has been added to tonight's council agenda. Additionally, heard a presentation from Rankin & Rankin on some changes in city health insurance that could save the city up to $150,000 per year.

e. **Park & Rec:** Met 11/6/23; Next 12/4/23 @ 1:00 pm Admin conference room
Ms. Hendren said they had discussion on the Miles Estate, many are frustrated that it is taking so long. Also discussed the grant for an amphitheater, action would need to be taken by June 2024, many would like to see this moved along. Next meeting is scheduled

for December 4, 2023 at 1:00 in the admin offices.

Mayor Barnard added that there will be a meeting on Friday with the members of the trust to discuss some legal changes with the Miles Estate.

f. **Events Committee:** Next 11/15/23 @ 5:30 pm Council Chambers

8. Director Reports

a. Service Departments: Water, Sewer, Street, Director project updates
Director reports were included in the council packet, no questions or discussion from members of council. Mr. Liggett reviewed the project report also included.

9. Tabled Legislation

a. **RESOLUTION 2023-30** A RESOLUTION ACCEPTING AN ANNEXATION OF 285.93 +/- ACRES, MORE OR LESS, FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN. Introduction and Public Hearing held on October 3, 2023

ACTION:	Mayor Barnard moved to take from the table; Jon Merriman seconded and the vote was as follows:
AYES:	Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren
NOES:	None
ABSTAIN:	None

Passed 7 - 0

Mayor Barnard said that the applicant has asked this to be removed from the table and looked at by council tonight, with that being said, there are other things that need to take place. Discussion on the order of the agenda and legislation for vote, decision to move to Public Hearings of Legislation. Order of legislation for consideration will be Ordinance 20-2023, Ordinance 21-2023, Resolution 2023-30, then Ordinance 19-2023.

**After passage of Ordinances 20-2023 and 21-2023, Mayor Barnard returned to this one and said that this annexation will enlarge the acreage of our city by approximately twenty percent.

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

ACTION:	Donald Barnard moved to approve Resolution 2023-30 conditionally upon the passage of Ordinance 19-2023; Nicole Shook seconded and the vote was as follows:
AYES:	Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook
NOES:	None

ABSTAIN: None

Passed 7 - 0

10. Public Hearings of Legislation

a. **ORDINANCE 20-2023** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMPENSATION AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND THE JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT

Second reading, council review of updated agreements for both Ordinance 20-2023 and Ordinance 21-2023 with last minute changes made read by city legal counsel Thad Boggs. Mr. Staneart said they have been engaged with Johnstown-Monroe Schools in conversations, they want to be "lock step" with them as much as possible; the school will be looking at this at their November 13th meeting. Discussion on some financial components of the agreement relative to property tax abatement.

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

ACTION: Bob Orsini moved to approve corrections in language jco to jlc; Jon Merriman seconded and the vote was as follows:
AYES: Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren
NOES: None
ABSTAIN: None

7 - 0

b. **ORDINANCE 21-2023** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT INCENTIVES AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND THE JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT

Changes reviewed under Ordinance 20-2023 discussion. Thad Boggs said that if the will of council is to adopt the ordinance approving this agreement, it would want to move with the condition that non-substantive edits requested by the school district and agreed upon by the City Manager could be entered. Mr. Boggs said he would decide if items were substantive or not. Sean Staneart said this is an agreement between the City of Johnstown, the school district and the property development company for a development incentive agreement so these are locked into place ahead of time. Mr. Boggs said he would add the requirement for JLC (Johnstown Land Company) Properties to join the NCA which is the lynchpin of the agreement. Discussion on future developments and how agreements could be executed. Examples discussed.

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

ACTION: Bob Orsini moved to approve ordinance 21-2023 as amended to give the acting City Manager authority to make any non-substantive changes agreed to with the school district; Jon Merriman seconded and the vote

was as follows:

AYES: Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell

NOES: None
ABSTAIN: None

**Resolution 2023-30

c. **ORDINANCE 19-2023** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF JOHNSTOWN, REZONING APPROXIMATELY 407.3+/- ACRES TO PLANNED DEVELOPMENT DISTRICT

This legislation will rezone four hundred and seven acres to the new PD District. Sean Staneart reviewed some minor changes to the final version, Council discussion and further edits.

Public Hearing

1. Lewie Main

- This is being zoned, not rezoned, it has never been zoned.
- This is the ideal time to make an official zoning map, there have been many changes that are not reflected on the zoning map. He publicly requests the creation of an official zoning map.

Mayor Barnard asked city legal counsel Mr. Boggs about using zoning versus rezoning. Mr. Boggs said it exists in Monroe Township now and has that regulation, he does not see a legal consequence using one or the other.

2. Jeff Barr

- Asked for clarification, that there would not be storage units there for individual use. Mayor Barnard said that was correct.
- Asked for clarification, that the only utility would be a substation for electric. Mayor Barnard said the only facility you would be able to see are substations for electric, Jack Liggett said he believed there would be one lift station, roughly the size of the Westview lift station and would be fenced in some fashion.

Mr. Orsini asked Mr. Staneart to review the final language on how parkland is distributed and accounted for in the land bank. Mr. Staneart explained and said that in this associated PD district are, forty-two acres would have to be carved out for a park, to be identified in the area. However, a payment in lieu of can be made; this is tied to a $45,000 per acre price point and that would go into the city's fund and then the city would distribute that with the intent of it going to other parks in more acceptable areas. Whether to have a park there or payment in lieu of does not need to be decided tonight, that will be something done

during final development. Aaron Underhill for the applicant said that is six months to a year out, they want the major employment piece to come first, the multi-family or mixed-use development that will trigger that will come later and will be a public process as part of the development plan review. He said they are well aware on their side that this is very important to the city so they expect to come with proposals for the site unless council chooses to look at something else.

Thad Boggs said he has one recommended condition that is a result of the discussion tonight relative to retail being a conditional use for MPI, and then one as a staff recommendation. After discussion of these and the recommendations made by the Planning Commission Mr. Boggs read the conditions as follows:

1. This Planned Development shall be required to participate in a city-approved New Community Authority for the entirety of the zoning district.
2. Additional details shall be provided for required application materials, including:
    a. A Utility Impact Analysis that provides Rough Order of Magnitude estimates (likely a range) of the projected demand of water and sanitary sewer service by this development.
    b. A traffic study with the expectation noted that additional dedication for ROW is likely to be required to accommodate necessary road improvements and bike/pedestrian facilities, which will result in adjusting the setback lines accordingly.
    c. Generalized street typologies and streetscape in illustrative form that corresponds with each street type.
    d. A typical landscape buffer/screening for perimeter, parking lots, streetscape etc. in illustrative form with associated planting materials.
3. That an annotated “framework diagram” (also referred to as a bubble diagram) be provided generally highlighting:
    a. Natural areas expected to be preserved.
    b. Proposed access points described in the PD zoning text along with any potential roadways internal to the development that would connect to the existing roadway network (can be described as connecting points A to B).
    c. Organization of proposed uses, generally (i.e. residential, mixed-use, employment, open space, etc.) arranged around the proposed roadway and access network.
4. That park and open space be integrated in the final development plans as place making and natural feature protections.
5. That a “Fiscal Impact Statement” be provided that includes estimates on revenues to be expected, or otherwise detail the anticipated economic return to the city
6. 1164.07(a)(5) Proposed uses must be in the proper location within the city. PD zoning will not be effective until the property is annexed.
7. That for Manufacturing, Production and Industrial (MPI) uses, that ancillary retail be a conditional use where MPI uses are permitted. (Added condition from discussion tonight)

    Parties discussed streetscape, easement and Right of Way. Mr. Underhill recommended a condition that with the first application and site review, a streetscape plan shall be presented which once approved will serve as a basis for the entire streetscape along Duncan Plains Road within the PD district. Once

approved it will become the standard by which everybody is measured and has to live by for all subsequent applications.

ACTION:	Donald Barnard moved to approve with seven conditions listed; Nicole Shook seconded and the vote was as follows:
AYES:	Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini
NOES:	None
ABSTAIN:	None

Passed 7 - 0

Mayor Barnard said this is a historic day for Johnstown, with this annexation, the PD District, and the impact it will make for years to come financially. Congratulations to everyone.

d. **ORDINANCE 22-2023** AN ORDINANCE AMENDING ORDINANCE 22-2022, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS AND DECLARING AN EMERGENCY

Finance Director Delande said this is an annual "clean up". He reviewed sections for council. This reappropriates funds to the correct "buckets", the emergency is because this needs to be done as quickly as possible to get the appropriations fixed. Staff answered council member questions on line items.

Public Hearing

1. Lewie Main

- Said that the Water and Sewer Improvement Funds show the same fund. Staff agreed and will correct the sewer fund in the ordinance to read 5702.
- Asked why we have a company that pays one fifth of the water bill that the public pays. Said we paid to run a water line outside the village, the ordinance says they should pay 150%, meanwhile the publics rate goes up five percent a year. Mr. Orsini said this specific water contract has been actively discussed in committee meetings and they are looking at different opportunities to amend the situation. Mayor Barnard said there is a contract that was signed before any of the present council was here, that put that agreement in place, the city is stuck in a contract and cannot change it until the contract is up. Mr. Staneart added that this was a contract discussed openly, passed by a resolution of a former council and signed by a former city manager, he agreed it is not a great contract for the city and he is having legal counsel look at it, they are actively looking to correct the situation. Mr. Main said he wanted the new council to be aware of the fact, and they should go back to see if council ever approved it. Mr. Staneart said he would defer to the Clerk of Council (later confirmation this was passed by Resolution 2020-09).

ACTION: Bob Orsini moved to waive the second reading of ordinance 22-2023;

Donald Barnard seconded and the vote was as follows:

AYES: Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman

NOES: None

ABSTAIN: None

Passed 7 - 0

ACTION: Bob Orsini moved to approve ordinance 22-2023 as an emergency with the correction of the sewer improvement fund to 5702; Donald Barnard seconded and the vote was as follows:

AYES: Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard

NOES: None

ABSTAIN: None

Passed 7 - 0

e. **RESOLUTION 2023-32** A RESOLUTION OF APPROVAL TO AMEND APPROPRIATIONS AND REALIGN THE PERMANENT APPROPRIATION ORDINANCE 22-2022, BY MODIFYING APPROPRIATIONS FROM ONE ACCOUNT TO ANOTHER WITHIN THE FUND

Mr. Delande said there is no increase or decrease in the net effect of any funds, it realigns line items within the General fund and others, more end of year housekeeping.

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

ACTION: Donald Barnard moved to approve resolution 2023-32; Nicole Shook seconded and the vote was as follows:

AYES: Sharon Hendren, Charlie Campbell, Nicole Shook, Bob Orsini, Mayor Barnard, Ryan Green

NOES: None

ABSTAIN: None

Passed 6 – 0 (Jon Merriman had temporarily left the room)

f. **RESOLUTION 2023-33** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT FOR DESIGN OF WASTEWATER TREATMENT FACILITY

This resolution came out of Finance Committee this evening. Mayor Barnard said the city is at a point where it needs to enter into a contract for the new wastewater treatment plant. This is needed due to the increasing number of residents and what will be coming online in the future, this is a first phase of multiple phases and is for design only.

Public Hearing

1. Lewie Main

- Said council passed a resolution that the city had adequate capacity for the new annexation, so why are we building on to the plant. Mr. Staneart said that we have the capacity, all the capacity from this new plant is not needed for the new development, he recommends not waiting until we reach maximum capacity levels before we start planning. It is future planning, whether this development came online or not and his belief is that the prior council was already looking at adding additional capacity for developments already under way; Concord East, Leafy Dell apartment complex and other expansions within the city including industry in our business park.

2. Andrea Ford

- Asked what is the location of this. Mr. Liggett said at the existing location, eighteen years ago, full buildout on that site was 2.4 million gallons a day. Today, with the new technology we are looking at, we could go to 4.8 on the same site, same footprint and do not have to buy additional ground. Mr. Staneart discussed the method for planning, revenues and debt service.

ACTION:	Donald Barnard moved to move resolution 2023-33 forward; Charlie Campbell seconded and the vote was as follows:
AYES:	Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell
NOES:	None
ABSTAIN:	None

Passed 7 - 0

11. Introduction of Legislation - None

12. Other Business

1. Jon Merriman highlighted some boards and committees that will have openings at the start of the year, suggestion to get notice out for open seats.
2. Lewie Main said that he heard the city was going to pay $300,000 for a parking lot. Mr. Merriman said that the city did not buy the property.

13. Executive Session to consider the purchase of property

Mayor Barnard said there are four individuals who have been elected and will begin council terms in January. The members elected are not sworn to any oath, there has been hesitancy to allow them into Executive Sessions, they would be asked to sign a non-disclosure agreement if attending.

ACTION: Mayor Barnard moved to go into Executive Session to consider the purchase of property; with members of City Council, Mr. Staneart, Thad

Boggs, Mr. Delande, the four elected members (contingent upon signing an NDA) and Jack Liggett; Jon Merriman seconded and the vote was as follows:

AYES: Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell

NOES: None

ABSTAIN: None

Passed 7 - 0

Mayor Barnard said there is potential for action after. Council to take a five minute recess. Council entered Executive Session at 9:10 pm and returned to regular session at 10:33 pm.

a. **RESOLUTION 2023-34** TO AUTHORIZE THE ACTING CITY MANAGER TO SUBMIT AN OFFER AND ENTER INTO FURTHER NEGOTIATIONS WITH THE VILLAGE OF ALEXANDRIA

Mayor Barnard introduced Resolution 2023-34.

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

ACTION: Donald Barnard moved to approve resolution 2023-34; Jon Merriman seconded and the vote was as follows:

AYES: Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Sharon Hendren, Charlie Campbell, Nicole Shook

NOES: None

ABSTAIN: None

Passed 7 - 0

14. Adjourn

With no further action, a motion to adjourn was approved 7-0 and the meeting adjourned at approximately 11:00 pm.

Next Council Meeting November 21, 2023

Ohio | Department of Commerce

Division of Liquor Control

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sheryl Maxfield, Director

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You **must**, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing; or
- Ask for your one-time only, 30-day extension.
    - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered **timely**, your above response **must** be faxed, emailed, or mailed to the Division no later than the postmark deadline date given on the form. To speed up processing times and reduce paper, the Division respectfully asks that you either fax or email your response. Please send your response to:

FAX: (614) 644 – 3166

EMAIL: LiquorLicensingMailUnit@com.state.oh.us

MAIL: Ohio Division of Liquor Control
Attn: Licensing Unit
6606 Tussing Road
PO Box 4005
Reynoldsburg, Ohio 43068-9005

Please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to https://www.comapps.ohio.gov/liqr/liqr_apps/PermitLookup/PermitHolderOwnership.aspx and enter the permit number listed on the legislative notice; or

- Contact your police department or your county sheriff if you are a township fiscal officer or county clerk. The Division sends the applicable law enforcement agency the pertinent ownership information when it notifies them of the permit application.

Thank you in advance for your cooperation,

Division Licensing Section

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD
P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005

NOTICE TO LEGISLATIVE AUTHORITY

TO

6584066 PERMIT NUMBER	New TYPE	ORR ENTERTAINMENT LLC DBA STROKES VIRTUAL SPORTS 670 W COSHOCTON JOHNSTOWN OH 43031
ISSUE DATE		
9/28/2023 FILING DATE		
D3 PERMIT CLASSES		
45 TAX DISTRICT / 088 / A / D094609 RECEIPT NO.		

FROM

10/26/2023

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT / RECEIPT NO.		

MAILED 10/26/2023 RESPONSES MUST BE POSTMARKED NO LATER THAN. 11/25/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES NEW A 6584066
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title) ☐ Clerk of County Commissioner (Date)
☐ Clerk of City Council
☐ Township Trustee

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CLERK OF JOHNSTOWN CITY COUNCIL
599 SOUTH MAIN ST
JOHNSTOWN OHIO 43031

DLC 4053 REV. 7/10

1813

JOHNSTOWN POLICE DEPARTMENT

JOHNSTOWN OHIO

POLICE 1813

Director's Report October 2023

Training

State-mandated continued professional training (CPT):

- Ohio School Threat Assessment, Arrest, Search, and Seizure, Legal Updates.

Officer Fife completed 80 hours of Subject Control Instructor training.

Social Media

Facebook

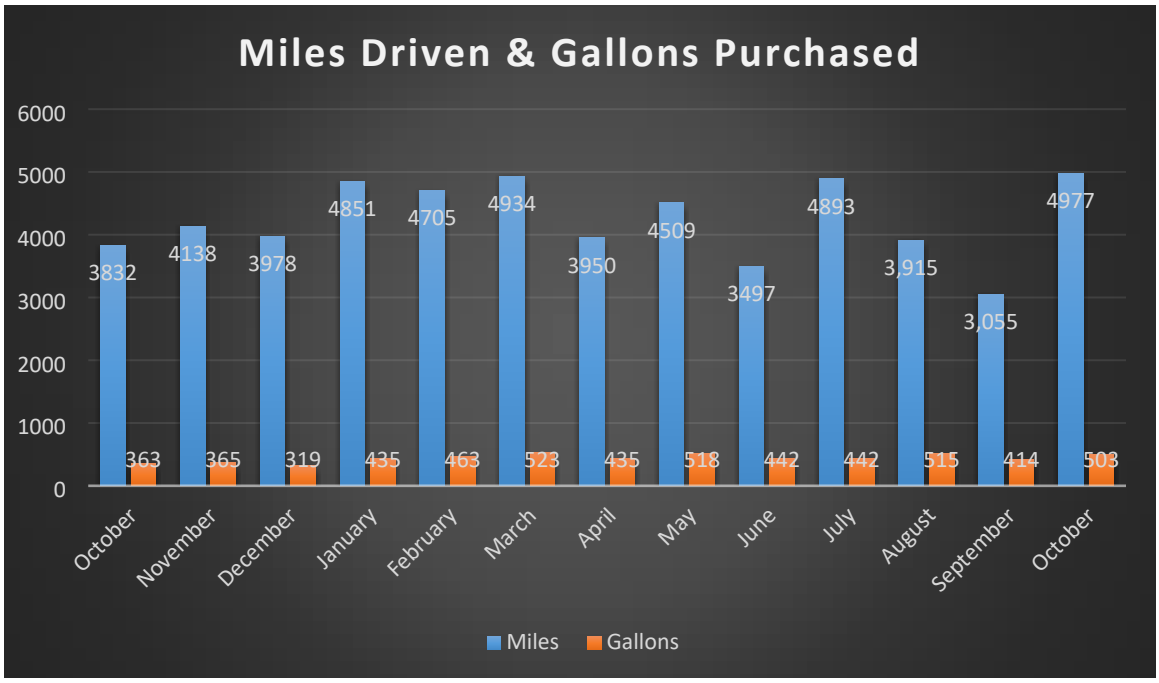
People reached: 46,354

Post engagements: 7,487

New Followers: 81

Total Followers: 6,726

Fuel & Miles



Fleet

All marked patrol cars drove a total of 4,977 miles within the City of Johnstown.

1. Idling time: 347 hours
2. Total engine on time: 574 hours
3. Engine off: 1077 hours
4. Daily average that a cruiser drove was 33 miles. The daily average driving time for a vehicle was 1 hour 32 minutes.

Statistics

	2022						2023												
	JUL	AUG/SEPT	OCT	NOV	DEC	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Vehicle Accident	9	21	11	12	9	62	12	10	8	7	8	10	6	9	9	7			86
Theft	4	21	5	7	6	43	3	8	7	5	7	2	3	5	6	2			48
Domestic Violence	7	16	14	6	5	48	5	5	2	3	5	3	4	4	4	4			39
Assault	1	2	2	1	0	6	0	0	5	0	1	1	2	0	3	2			14
OVI	0	3	0	0	2	5	1	0	1	2	0	0	1	0	2	1			8
Burglary Alarm	16	50	11	25	17	119	11	7	10	8	18	8	10	10	3	17			102
Vandalism	2	18	5	3	0	28	1	3	2	2	2	0	1	0	3	2			16
Juvenile Complaint	1	9	3	2	0	15	0	1	4	4	2	3	3	6	5	5			33
Trespassing	1	6	0	3	0	10	3	1	4	0	3	2	2	3	3	0			21
Other Agency Assist	10	22	2	10	5	49	3	6	4	3	3	4	4	3	7	2			39
Warrant	1	2	1	2	2	8	6	2	1	1	1	1	1	0	1	0			14
Overdose	0	4	0	2	1	7	0	2	0	2	1	1	1	0	1	2			10
Suicide Threat	2	10	1	0	0	13	1	2	1	2	1	0	2	1	2	0			12
911 Hang Up/Misdial	31	70	29	30	38	198	41	26	21	36	53	45	37	38	28	12			337
Arrest	3	15	2	1	5	26	8	3	2	3	1	1	2	0	3	1			24
Traffic Stop	93	94	47	34	31	299	66	65	106	76	89	76	85	94	55	82			794
Citations	26	52	27	16	14	135	43	44	61	46	46	41	30	63	33	45			452

2023 Accident Statistics (86)

	DATE	LOCATION	NON INJURY	INJURY	UNOCUPPIED	HIT SKIP	CAD #
1	1/5/2023	W COSHOCTON ST @ 211 W COSHOCTON ST	X				2300007
2	1/5/2023	S MAIN ST/W PRATT ST		X			2300010
3	1/7/2023	N MAIN ST @ 8 N MAIN ST	X			X	2300014
4	1/7/2023	N MAIN ST /W COSHOCTON ST	X				2300020
5	1/11/2023	S MAIN ST/CONCORD RD		X			2300026
6	1/12/2023	S MAIN ST/CHAMBERS WAY	X				2300028
7	1/17/2023	W COSHOCTON ST/CLARK DR	X				2300034
8	1/21/2023	E COSHOCTON ST/SPORTSMAN CLUB RD	X				2300039
9	1/22/2023	NORTHVIEW DR @ 64 NORTHVIEW DR	X				2300040
10	1/24/2023	W COSHOCTON ST @ 233 W COSHOCTON ST	X				2300041
11	1/26/2023	SUNSET DR @ 186 SUNSET DR	X				2300043
12	1/28/2023	W COSHOCTON ST/N MAIN ST	X				2300048
12			**10**	**2**	**0**	**1**	

1	2/2/2023	N MAIN ST/E COSHOCTON ST	X				2023-312
2	2/2/2023	S MAIN ST/E COLLEGE AV	X				2023-315
3	2/3/2023	N MAIN ST/W COSHOCTON ST	X				2023-328
4	2/5/2023	W COSHOCTON ST/CLARK DR	X			X	2023-336
5	2/8/2023	POST OFFICE ALLEY @ 53 S KASSON ST	X				2023-357
6	2/12/2023	800 W COSHOCTON ST	X			X	2023-391
7	2/15/2023	E COSHOCTON ST @ 95 E COSHOCTON ST	X				2023-412
8	2/22/2023	W COSHOCTON ST/WOODGATE CT		X			2023-483
9	2/22/2023	W COSHOCTON ST/MEADOW LN	X				2023-484
10	2/27/2023	E COSHOCTON ST/N MAIN ST	X				2023-539
10			9	1	0	2	

	DATE	LOCATION	NON INJURY	INJURY	UNOCUPPIED	HIT SKIP	CAD #
1	3/2/2023	S MAIN ST @ 65 S MAIN ST	X			X	2023-565
2	3/9/2023	211 W COSHOCTON ST		X			2023-632
3	3/13/2023	W COSHOCTON ST @ 708 W COSHOCTON ST	X				2023-673
4	3/13/2023	W COSHOCTON ST @ BENEDICT DR	X				2023-528
5	3/15/2023	N OREGON ST @ E MAPLE ST	X				2023-693
6	3/20/2023	S MAIN ST @ E COSHOCTON ST	X				2023-770
7	3/21/2023	N MAIN ST @ W COSHOCTON ST	X				2023-777
8	3/23/2023	725 W COSHOCTON ST			X	X	2023-788
8			6	1	1	2	

1	4/2/2023	W COSHOCTON ST @ CLARK DR		X			2023-899
2	4/6/2023	BIGELOW DR @ 125	X		X		2023-935
3	4/8/2023	W COSHOCTON ST @ S MAIN ST	X				2023-963
4	4/14/2023	8 N MAIN ST	X				2023-1018
5	4/16/2023	E COSHOCTON ST @ 129	X				2023-774
6	4/20/2023	W COSHOCTON ST @ S MAIN ST	X				2023-1078
7	4/21/2023	S KASSON ST @ E COLLEGE AVE	X				2023-1087
7			6	1	1	0	

1	5/8/2023	W COSHOCTON ST @ N OREGON ST	X				2023-1241
2	5/9/2023	S MAIN ST @ E COSHOCTON ST	X				2023-1253
3	5/11/2023	S KASSON ST @ 132	X				2023-1284
4	5/17/2023	FOX DR @ RED FOX CT	X				2023-1349
5	5/19/2023	S MAIN ST @ 16	X				2023-1373
6	5/20/2023	E COLLEGE AVE @ S KASSON ST	X				2023-1392
7	5/25/2023	W COSHOCTON ST @ S WILLIAMS ST	X				2023-1480
8	5/30/2023	W COSHOCTON ST @ N OREGON ST	X				2023-1541
8			8	0	0	0	

	DATE	LOCATION	NON INJURY	INJURY	UNOCUPPIED	HIT SKIP	CAD #
1	6/3/2023	W JERSEY @ 146	X				2023-1576
2	6/5/2023	W COSHOCTON ST @ N MAIN ST	X				2023-1593
3	6/11/2023	N MAIN ST @ W COSHOCTON ST	X				2023-1652
4	6/12/2023	800 W COSHOCTON ST	X			X	2023-1671
5	6/14/2023	W COSHOCTON ST @ 907	X				2023-1696
6	6/14/2023	E COSHOCTON ST @ POST OFC ALLEY	X				2023-1689
7	6/17/2023	W COSHOCTON ST @ N MAIN ST	X				2023-1725
8	6/23/2023	495 E COSHOCTON ST	X				2023-1795
9	6/26/2023	E COSHOCTON ST @ N MAIN ST	X				2023-1840
10	6/29/2023	W COLLEGE AV @ S OREGON ST	X				2023-1859
10			10	0	0	1	

1	7/7/2023	E COSHOCTON ST @ N MAIN ST	X				2023-1956
2	7/11/2023	N MAIN ST@ W COSHOCTON ST	X			X	2023-1999
3	7/13/2023	N MAIN ST@ W COSHOCTON ST	X				2023-2014
4	7/19/2023	E COSOCTON ST @ 8 N MAIN ST	X				2023-2081
5	7/21/2023	W COSHOCTON ST @ 370	X				2023-2100
6	7/23/2023	W COSHOCTON ST @ 800	X				2023-2119
6			6	0	0	1	

1	8/4/2023	W COSHOCTON ST @ 708	X				2023-2222
2	8/4/2023	W COSHOCTON ST @ 907		X			2023-2224
3	8/6/2023	PARKSIDE DR @ NORTHVIEW DR	X				2023-2249
4	8/9/2023	N MAIN ST @ E MAPLE ST		X			2023-2296
5	8/10/2023	W COSHOCTON ST @ CLARK DR	X				2023-2313
6	8/15/2023	N MAIN ST @ W COSHOCTON ST	X				2023-2372
7	8/17/2023	E COSHOCTON ST @ POST OFC ALLEY	X				2023-2376
8	8/19/2023	W COSHOCTON ST @ MEADOW LN		x		x	2023-2408
9	8/21/2023	W COSHOCTON ST @ 907	X				2023-2451
9			6	3	0	1	

	DATE	LOCATION	NON INJURY	INJURY	UNOCUPPIED	HIT SKIP	CAD #
1	9/1/2023	S MAIN ST @ 390		X			2023-2568
2	9/13/2023	N MAIN ST @ PERSHING DR	X				2023-2695
3	9/15/2023	W COSHOCTON ST @ S OREGON ST	X				2023-2712
4	9/17/2023	S MAIN ST @ W COSHOCTON ST	X				2023-2724
5	9/19/2023	429 E COSHOCTON ST	X			X	2023-2745
6	9/21/2023	N MAIN ST @ 8	X			X	2023-2764
7	9/24/2023	MEADOW LN @ 66	X				2023-2806
8	9/26/2023	233 W COSHOCTON ST	X				2023-2817
9	9/30/2023	802 COLE DR	X				2023-2847
9			8	1	0	2	

1	10/1/2023	S MAIN ST @ 65	X				2023-2860
2	10/19/2023	ELM ST @ RICE ST	X				2023-3012
3	10/20/2023	W COSHOCTON ST @ N MAIN ST	X				2023-3024
4	10/21/2023	W COSHOCTON ST @ N MAIN ST		X			2023-3040
5	10/25/2023	SARATOGA DR @ MEADOW LN	X				2023-3074
6	10/27/2023	800 W COSHOCTON ST		X			2023-3094
7	10/28/2023	W COSHOCTON ST @ 730	X				2023-3110
7			5	2	0	0	

City of Johnstown
Administrative Offices
johnstownohio.org

CITY OF JOHNSTOWN, OHIO

599 S. Main Street
Johnstown, Ohio 43031
Telephone: 740-967-3177

Temporary Use Permit Application

Fees:
Fee of $xxxx Paid: _____/_____/_____ Check/cash:_____

The undersigned is applying for Temporary Use Approval; said approval to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct and agrees to follow all applicable regulations, refer to **Chapter 1132.**

Applicant Name: Mid-Ohio Pipeline Phone: 1-567-241-9756

Mailing Address 4244 State Route 546 Lexington, OH 44904

Email address: ryan.raber@mopipeline.us

Property Owners (If different from Applicant): Racoon Creek Johnstown, LLC

Property address of proposed use: 480 West Coshocton Street Johnstown, Ohio

Zoning District: GCC-2

Proposed duration of temporary use: 5 months
(not to exceed 6 months)

In addition, the following items must accompany this application:

1. A site plan, drawn to scale, illustrating the location of proposed structures, parking areas, ingress/egress for vehicles and pedestrians, setbacks from all property boundaries, and where materials will be staged/stored.
2. Plans/specifications for any temporary structures including utility connection points (as applicable).
3. Topography map indicating contours as well as any water bodies or intermittent streams and/or stands of trees. Any planned grading must be indicated on this map, as well as any changes or obstructions to water flow.
4. Specifications/photographs of materials that will be used to prepare the site for temporary use including, but not limited to, vehicular/pedestrian circulation materials, visual screening products, lighting, access control, and site security.
5. Signed owners' authorization form allowing the applicant to utilize said property for the intended temporary use and timeframe.
6. For undeveloped sites, proof of performance bond (or ability to secure at time of approval) to return the site to original condition prior to the commencement of the temporary use.

Review Process. See Chapter 1132.07 for review and approval procedures.

I certify the information contained in this application and attachments is true and accurate.

Applicant's signature: Ryan Raber *Date:* 10 / 18 / 23

Office use only: **Date received in office:** 10 / 25 / 23

City Manager review **(within 10 business days of receipt):** 10 / 8 / 23

Manager recommendation to the Planning and Zoning Commission:

Approval ✓ Denial _____

Recommended conditions of approval or reasons for denial:

see attached documents

Planning Commission review **(within 10 business days):** 11 / 14 / 23

Planning Commission recommendation to City Council:

Approval ✓ Denial _____

Recommended conditions of approval or reasons for denial:

see attached documents

Permit forwarded to City Council for review: 11 / 21 / 23

Permit was approved on date: _____/_____/_____

Conditions placed if any:

Permit was denied on date: _____/_____/_____

Mayor Signature: _____

Storage
Storage
Storage
Parking
Office 2
Storage
Storage
Storage
Storage
Storage
Dumpster
Storage
Parking
Office 1
Parking
Entrance
Parking
Pipe Storage
Raccoon Creek

VILLAGE OF JOHNSTOWN
STAFF REPORT

Application Number: 10-10-2 **Applicant:** Ryan Raber
Property Address: 480 W Coshocton Street **Zoning District:** GCC-2
Commission Date: 11/14/2023

Project Narrative:
The applicant is applying for a Temporary Use Permit for a laydown/construction site. Site is roughly 3.5 acres.

CHAPTER 1132
Temporary Uses

1132.01 Purpose and Intent
1132.02 Definitions
1132.03 Applicability
1132.04 Permit Required
1132.05 Duration of Temporary Uses
1132.06 Procedures
1132.07 Review Procedures
1132.08 Development Standards, Generally
1132.09 Allowable Temporary Uses

1132.01 PURPOSE AND INTENT

The purpose of this chapter is to establish regulations for uses of private property that are temporary in nature. These provisions place restrictions on the duration of the temporary use, location and development standards, and application and review standards. The intent of these regulations is to ensure that the temporary use does not adversely impact permanent or permitted-by-right uses of the same or neighboring properties. Furthermore, the purpose of these temporary use regulations is to:

Allow review by elected and appointed officials to ensure all necessary conditions are applied to maintain a harmonious environment within the City of Johnstown.

Maintain life, health, safety and welfare of surrounding properties and persons interacting with the temporary use.

Review mitigation measures to minimize impacts to mobility (vehicles, bicycles, pedestrians) and surrounding properties.

Ensure temporary uses and activities are consistent with the purpose and intent of the city's comprehensive plan and codified ordinances of Johnstown, Ohio.

1132.02 DEFINITIONS

(a) *"Temporary Use"* - means a use or structure on improved or unimproved real estate which is of a short-term nature or fixed duration, which do not require permanent construction and which are approved with a specific time limit in which said use may be conducted.

1132.03 APPLICABILITY

(a) The regulations of this chapter apply to the temporary use of property within all city zoning districts.

1132.04 PERMIT REQUIRED

(a) Except as otherwise provided in this zoning code, the temporary uses listed in this chapter shall require the issuance of a Temporary Use Permit (TUP) from the designated approving authority prior to establishment of the use. The process for accepting, reviewing, and approving or denying a TUP shall be as described in Chapter 1132.06 – Procedures.

Applicants seeking a TUP for a time period longer than otherwise allowed by this chapter may submit an application for a Conditional Use Permit (CUP) for said activity provided the proposed use complies with all other relevant development and operational standards (other than time duration) for the use as provided in this chapter. Any request for a CUP shall be processed in accordance with Chapter 1131 of these regulations.

1132.05 DURATION OF TEMPORARY USES

(a) The applicant for a TUP, as part of the application, must specify the time needed to conduct the proposed temporary use. City Council, in their sole discretion, may condition the approval of a TUP to align with the timing needs of the proposed temporary use.

The duration of a TUP shall not exceed six (6) months from the approval of the TUP unless extended by City Council for up to an additional six (6) months. In no case shall a TUP be active for more than twelve (12) months from the initial approval date. Requests for extensions to the initial TUP shall be reviewed using the criteria established in Chapter 1132.07.

The site of the temporary use must be returned to original condition prior to expiration of the TUP.

1132.06 PROCEDURES

(a) Application. All applicants for a TUP must submit a completed application (including all required submittals), along with applicable fees, for review by the City of Johnstown. TUP applications are available at the City Clerk's office.

(b) Fees. Prior to any review by Johnstown staff or officials or commencement of any temporary use, payment must be submitted to the City of Johnstown. A fee schedule is maintained by the city and is available at the City Clerk's office.

(c) Application Submittal Requirements. In addition to the application and fee, the items listed below, at a minimum, shall be submitted to aid in the review of the request by the City of Johnstown. Additional submittal materials are encouraged to assist in the review of the request by the City of Johnstown. Minimum submittal requirements for a TUP are as follows:

(1) A site plan, drawn to scale, illustrating the location of proposed structures, parking areas, ingress/egress for vehicles and pedestrians, setbacks from all property boundaries, and where materials will be staged/stored.

Plans/specifications for any temporary structures including utility connection points (as applicable).

Topography map indicating contours as well as any water bodies or intermittent streams and/or stands of trees. Any planned grading must be indicated on this map, as well as any changes or obstructions to water flow.

Specifications/photographs of materials that will be used to prepare the site for temporary use including, but not limited to, vehicular/pedestrian circulation materials, visual screening products, lighting, access control, and site security.

Signed owners' authorization form allowing the applicant to utilize said property for the intended temporary use and timeframe.
For undeveloped sites, proof of performance bond (or ability to secure at time of approval) to return the site to original condition prior to the commencement of the temporary use.

(d) Review Process. See Chapter 1132.07 for review and approval procedures.

1132.07 REVIEW PROCESS

The City Manager, or their designee(s), shall review the request and provide a recommendation to the Planning and Zoning Commission within ten (10) business days of receipt of a completed application for a TUP. The recommendation shall clearly state any conditions of approval or reasons for denial. Within ten (10) business days of the recommendation of the Planning and Zoning Commission, the findings of staff and the Planning and Zoning Commission shall be forwarded to City Council for review. The City Council, may approve, approve with conditions, or deny the request for a TUP.

(a) Findings. The City Manager, or their designee, shall recommend to approve, approve with conditions, or deny a TUP after making all of the findings below. If the City Manager, or their designee, does not make all of these findings, he or she shall recommend denial of the TUP.

(1) The establishment, maintenance, and operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

(2) The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

(3) Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of potential permanent uses otherwise allowed by this zoning code.

Conditions. In approving a TUP, the City Council may impose conditions to ensure that the required findings can be made. Such conditions may include but shall not be limited to the following:

(1) Measures to minimize impacts on adjacent uses, such as buffers and screening, stormwater run-off best management practices, hours of operation, lighting requirements, and/or parking measures.

(2) Property maintenance requirements to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.

(3) Appropriate performance guarantees/security may be required before initiation of the use to ensure proper cleanup after the use is finished.

(4) Other conditions of approval deemed reasonable and necessary to ensure that the approval complies with the findings above.

Requests for TUP time extension. Requests to extend the initial TUP approval timeframe shall utilize the same findings as established in Chapter 1132.07(a). Additionally, the reviewing body shall consider any code enforcement complaints when reviewing any requests for extending a TUP past the initial approval timeframe.

1132.08 DEVELOPMENT STANDARDS, GENERALLY

(a) Each use granted a TUP shall comply with all applicable regulations and development standards outlined in the city's Codified Ordinances. In addition to the temporary use-specific requirements established in this chapter, all temporary uses must adhere to the regulations established below:

(1) Measures for removal of the temporary use and site restoration, to ensure that no changes to the site would limit the range of potential permanent uses otherwise allowed by the existing zoning.

(2) Limitation on the duration of approved temporary structures to a maximum of one year, so that temporary structures do not become permanent structures.

(3) General site order and maintenance.

(4) Other requirements as appropriate to minimize any adverse impacts of the use.

The physical permit, granted by approval of a TUP request, must be placed on the site of the TUP in a manner that is visible to the users of the site, and City personnel.

1132.09 ALLOWABLE TEMPORARY USES

The temporary uses listed below may only be established after first obtaining a valid (TUP). Uses that do not fall within the categories defined below shall comply with the use and development regulations and permit requirements that otherwise apply to the property.

(a) Construction Yard – Off Site.

(1) *Definition:* A "Construction Yard – Off Site" is a parcel, or portion thereof, that is used for the temporary storage of materials, vehicles, and/or equipment related to a construction project that is not located on the same parcel. An example of a Construction Yard – Off Site is a parcel utilized to store materials and equipment to support infrastructure improvements within or adjacent to public rights-of-way which lack sufficient space to store these goods without impeding vehicular and pedestrian traffic and/or creating public safety concerns.

(2) *Allowable Zoning Districts:* A Construction Yard – Off Site is only allowable as a temporary use within the General Community Commercial (GCC-2), Light Manufacturing (LM), and Planned Development (PD) zoning districts (so long as the governing PD district allows for Temporary Uses in the approving zoning text).

(3) *Development Standards.* The minimum standards necessary for a Construction Yard – Off Site are as follows:

Setbacks. Front: forty (40) feet
Side: twenty-five (25) feet
Rear: twenty-five (25) feet

Screening. All Construction Yard – Off Site uses must be enclosed by a fence a minimum of six (6) feet in height fitted with screening panels to block views of materials and equipment within the site to the general public. The screening material shall be kept in good order and securely attached to the fence through the duration of the TUP.

Ingress/Egress. Unless otherwise required by Fire/EMS access, a Construction Yard – Off Site shall have one access point, equipped with a gate or other access management device. This entry point shall be set back far enough from the adjacent sidewalk or roadway so that vehicles waiting to enter the site do not impede traffic flow on the adjacent sidewalk or roadway.

Where stabilized pavement does not exist, gravel or other stabilization systems must be used to stabilize storage and vehicular circulation areas in order to control erosion of soils, prevent permanent site damage, and minimize dirt and debris leaving the site of the temporary use.

Recommendation: Recommended Conditions of Approval:

(1) Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of potential permanent uses otherwise allowed by this zoning code.

The Planning staff recommends a performance bond be secured by the applicant that is sufficient to cover the costs of restoration of the site to pre-use condition. This includes removal of all structures, materials, fencing/screening (that was installed to facilitate the temporary use), and gravel/stabilization materials. Prior to this temporary use, the site was covered in a mix of trees and grass and should be restored to this condition.

Recommended Conditions of Approval:

1- Screening, as required by 1132.09(a)(3)b., be installed along the perimeter of the use that is adjacent to U.S. 62.

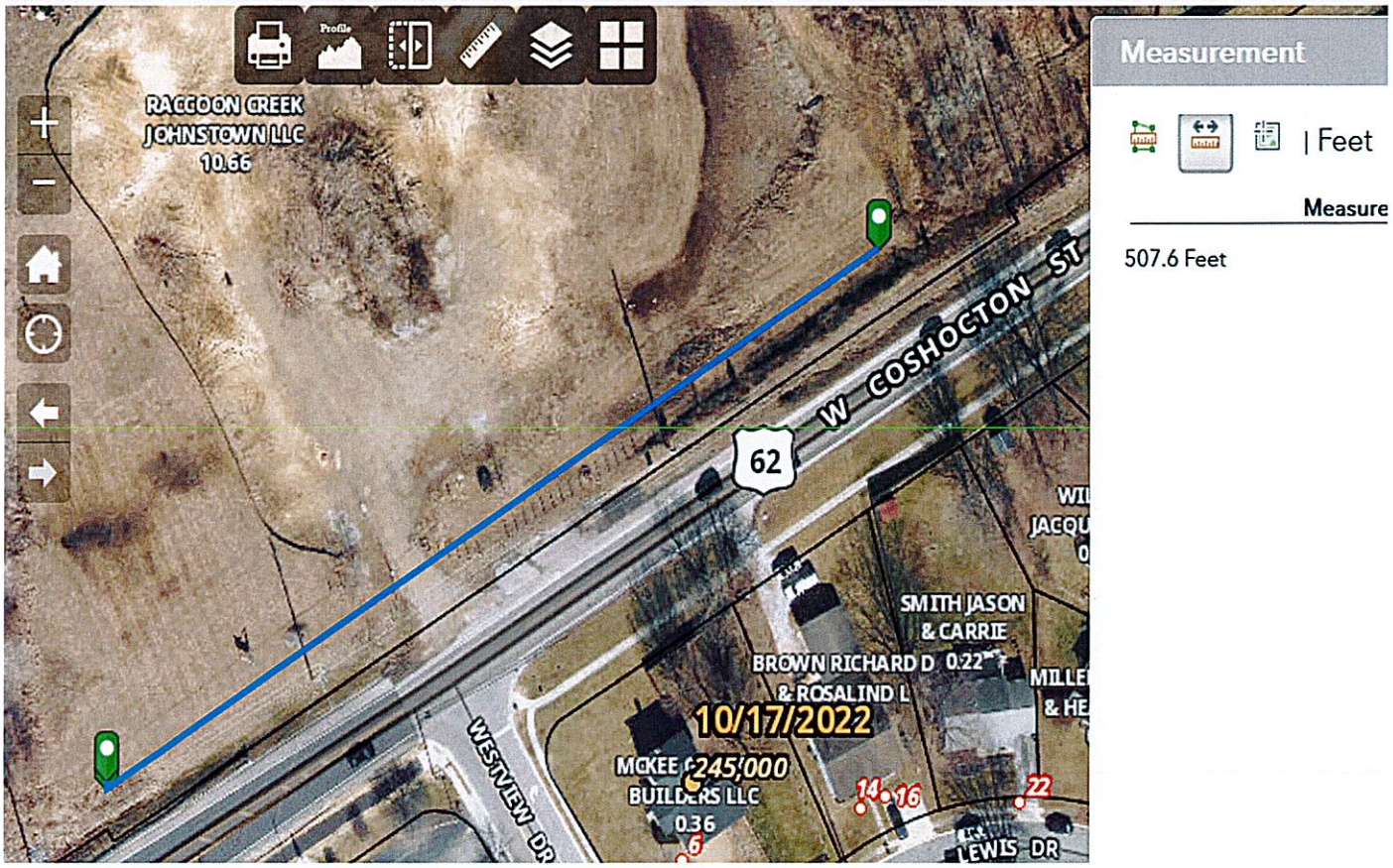
2- A performance bond, as required by 1132.07(b)(3), for an amount acceptable to the City, for restoration of the site to pre-use conditions be secured by the applicant and proof presented to the City Manager. This should include costs to remove structures, any fencing not previously in place, all materials, and gravel/ground stabilization installed to support the use.

3- This use ceases after the requested five (5) month permit expires. This use has been in operation for more than six (6) months and the intent of the city is to keep these types of uses temporary in nature.

https://www.lickingcountyohio.us

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

BOR CAUV Dog License Downloads



Planning & Zoning Commission recommendations for approval of Temporary Use Application #10-10-2

1. Screening, as required by 1132.09(a)(3)b., be installed along the perimeter of the use that is adjacent to U.S. 62. Install roughly five hundred feet of chain link fence with black or neutral mesh screen along frontage of US 62 and bracket the ends twenty feet off of each corner. Exhibit provided.

2. A performance bond, as required by 1132.07(b)(3), for an amount acceptable to the City, for restoration of the site to pre-use conditions be secured by the applicant and proof presented to the City Manager. This should include costs to remove structures, any fencing not previously in place, all materials, and gravel/ground stabilization installed to support the use. Commission recommends $20,000 to ensure the site is returned to pre-use condition.

3. This use ceases after the requested five (5) month permit expires. This use has been in operation for more than six (6) months and the intent of the city is to keep these types of uses temporary in nature.

4. Have a letter on file from the parcel owner noting the allowability of the use and referencing Chapter 1132.

5. All current remediations specific to 1132 and outside of that ordinance as well as the plans for remediation once the permit expires.