



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

1. Call to Order

Mayor Donald Barnard called to Order the City of Johnstown Regular Council Meeting for November 21, 2023 at 6:41 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, Teresa Monroe - Clerk of Council

Public present - Jamie Hartsough, Wesley Kobel, Dave Selan, Kyle Cook, Tiffany Hollis, Jeff Barr, Marvin Block, Sheila Howell

Mayor Barnard noted that council members elected to wear red and black this evening in honor of Tuscarawas Valley School. Ms. Hendren is accepting contributions to be sent to the school this week.

3. Invocation – Mayor Barnard

4. Pledge of Allegiance

5. Action on Minutes

a. November 8, 2023

ACTION: Bob Orsini moved to approve as written; Charlie Campbell 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

6. Correspondence

a. Notice to Legislative Authority - Ohio Division of Liquor Control

The local legislative authority gets notice when a liquor permit is applied for. Sean Staneart said the business that applied is still working through their zoning permit, it has not been

issued yet. Also added that the applicant received notification from the state that the site is dry, they would need to go to the voters with a ballot initiative. After discussion, council unanimously requested their option for a one-time thirty-day extension to further research the business and give the business a chance to finish their applications. Clerk of Council to notify the Division of Liquor Control.

7. Citizen comments on matters not on the agenda
No public comments
8. Council Committee reports
 - a. **Planning & Zoning:** Met 11/14/23; Next 11/28/23 @ 6:30 pm Council Chambers
Temporary Use permit application forwarded to council with recommended conditions.
 - b. **Design Review Board:** Met 11/14/23; Next 11/28/23 @ 5:30 pm Council Chambers
COA for 29 E. Coshocton, Create Joy Art Studio, approved sign permit and door paint color. COA for 848 W. Coshocton Street, Elements Dental, conditionally approved replacement signage. COA for material changes to residential home exterior, 49 S. Williams.
 - 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
Discussed Budget 2024 and the failed tax proposal, Finance Committee urges incoming council members to attend the next meetings, there are decisions to be made.
 - e. **Park & Rec:** Met 11/6; next 12/4/23 @ 1:00 pm Admin conference room
Discussed the amphitheater and water park, Ms. Hendren said that some would like to go forward with the grant, they have until June 2024 if they pursue that. Mr. Orsini asked if the committee could provide projections and costs as soon as possible so they can look at it as part of the budget. He does not believe there is a line item for those projects.
 - f. **Events Committee:** Met 11/15/23 @ 5:30 pm Council chambers
 - g. **Tree Commission:** Next 11/30/23 @ 5:00 pm Council Chambers
Last meeting of the year for this committee.
9. Director Reports
 - a. Chief of Police
Included in the packet, there were no comments or questions on the report.
10. Application # 10-10-2 Temporary Use; 480 W. Coshocton St.
 - a. Application & Staff Report
This is the first application under the new Temporary Use Permit process passed by council. It was noted that this first one may differ from subsequent ones as this use has existed for a time and is the reason the permit was put in place. The applicant is applying for a temporary use permit for a lay-down/construction site of roughly 3.5 acres on US 62, zoning does not allow for that use in the GCC-2 district, they were notified when they began to operate. The application has been through the Planning and Zoning Commission; board and staff recommended conditions are as follows:

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.

*Sean Staneart discussed condition number two. The applicant asked if they would be required to take the entire site back to grass because there was an operation that existed there prior to them. Mr. Staneart said that they just needed to get it back to what it was prior to them moving in. The applicant believes they will be off the site by February or March, then they would come in after the fact to seed areas.

Sean Staneart reviewed the permit fee, \$1500 per half acre on three 3.5 acres. Mr. Orsini said he would like to see an added procedure for photographic documentation of starting condition so there is no ambiguity about what that is. Mr. Staneart said this one is awkward because it already exists, this will be a provision for new applications. Further discussion on the application and the performance bond amount.

Mayor Barnard opened the floor to public input on the application.

Public Hearing:

1. Jeff Barr

- Asked if the \$20,000 would restore the entire area with grass. Mr. Staneart said it will be to take the site back to what it was before and what it was before was a variety of things.
- Recommends that it is taken completely back to grass, rye or fescue, it is a watershed going into the creek.

No further public comments on the application.

Nicole Shook noted that the permit requires the temporary use to have fencing completely around it and would they need a variance. Sean Staneart said that council created the ordinance and has discretion on the requirements per case. Mr. Green said this was discussed in Planning & Zoning, there is silt fence around to capture runoff, and there are trees around the site.

Ryan Green moved to approve as written, Sharon Hendren seconded. The clerk asked for

clarification on including the Planning Commission recommendations for approval.

After further discussion, council was in favor of adding to the record that, in light of the fact that there is screening by natural vegetation and because of the topography, these supplement the need for a fence back there. Mr. Green withdrew his motion in order to re-state.

ACTION: Ryan Green moved to approve with the record note on the fencing and the planning commission recommended conditions list; Sharon Hendren 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

11. Tabled Legislation - None

12. Public Hearings of Legislation

a. **RESOLUTION 2023-35** A RESOLUTION TO APPROVE THE JOB POSITION AND SALARY RANGE FOR PUBLIC WORKS FOREMAN

This resolution was moved to council by the finance committee and introduced by Mayor Barnard. Sean Staneart provided background on the staffing situation; the Street Superintendent position has become vacant, replacing this salary position with an hourly foreman position has some advantages for the situation we are in and is something we can utilize as we start to grow. This also creates a bit of a cost savings for the city and the hourly piece could also incentivize overtime for the individual in a snow event. Removing the "street" portion in the title speaks to the variety of work employees do rather than specifically streets and better reflects what this position will be. Discussion on the position requirements that will be included with a job description such as a Class B CDL, experience in running heavy equipment, valid Ohio drivers license and some training that would be needed and paid for by the city. Mr. Staneart reviewed the pay range listed in the resolution and the logic behind it.

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

ACTION: Bob Orsini moved to approve resolution 2023-35 as written; Donald Barnard 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

13. Introduction of Legislation - None

14. Other Business

1. Mayor Barnard said there have been complaints regarding children crossing Jersey Street after school from the intermediate and middle school, jumping traffic etc. and asked if there was anything the city could do like crosswalks to make that a little safer. Opinions and recommendations discussed. Mayor Barnard said he would reach out to the school PTO.
2. Council discussion and decision to interview for and make appointments to board and committee vacancies at the first meeting in January. Deadline for applications extended to December 15th.
3. Jon Merriman said he would like to come to a consensus on amending city ordinance 509.031, Disturbing the Peace. Currently, our zoning code states just church bells, other municipalities state sounds created by church bells or chimes or calls to worship from places of worship. The church bells currently in the city are actually a speaker, not a bell so the ordinance should be amended to include speakers. Discussion on decibels, grandfather clause and other potential scenarios. Council consensus that this topic has the potential for litigation, decision to contact the Law Director for direction and opinion.
4. Jon Merriman asked if they could look into conditional occupancy permits, Pulte Homes example discussed, when winter comes there are things they can forgo, they should look into a performance bond to protect residents from not getting things completed by the builder. Sean Staneart said that a performance bond is for infrastructure that the city would have to replace no matter what. If we are talking driveways and sod, that is something else, recommend getting a recommendation from MKSK.
5. Mr. Block inquired on the big mound of dirt along Bigelow Drive. Mr. Staneart said from what he has heard, the EPA has come out and is requiring the property owner to put in the appropriate silt fences. Mr. Staneart said the city followed up when the mound started to appear, he has had initial discussions with the property owner and let him know what has been allowed in the past is not permitted going forward, it does not meet Title 13 requirements, soil disturbance has to have a plan with the State of Ohio and EPA (SWPPP), that the city will enforce the codified ordinances, he has seen no activity since. He will continue to find out what the game plan is and try to mitigate things with the property owner first.
6. Sean Staneart said there are minor edits needed to the compensation agreement with the school, grammar and some language. City legal counsel was aware of the fluidity of the documents upon passage, Mr. Staneart said that the agreements were passed by council in a way that allowed the city manager to add or remove some additional provisions as long as the content and intent stayed the same. Mr. Staneart said that the school would like to get this passed on their end, he asked council members if they would prefer to see the edits prior. Mayor Barnard said he is fine if the city attorney has said that there is nothing structural changing. Bob Orsini said that Mr. Staneart has always done an excellent job whenever there is an opportunity for him to take something on, he is confident that if there were something that he was not sure that council would be agreeable to, he would look for confirmation from them, consensus of council was that they are comfortable with it. Mr. Green said he is concerned with the speed with which some of these come to them, when they voted on this, they were receiving information on this the morning of and there are changes now. He wonders why they are not seeing more fleshed out completed documents before they vote on them. Mr. Staneart said council is getting them within hours of him receiving them, in this situation, they are operating in the realm of "operating at the

speed of business". Mr. Staneart said he got this email from the Law Director earlier today, he is counting on his direction and verbiage. Mayor Barnard said if there is anything of substance changing it will come back to council.

15. Adjourn

With no further business, Mayor Barnard moved to adjourn, Mr. Orsini seconded and all were in favor. Motion passed 7-0. The meeting adjourned at 8:30 pm

Next Council Meeting December 5, 2023