



## **COUNCIL MINUTES**

### **January 23, 2023 at 6:30 PM**

### **Council Chambers**

**Mayor:** Jody Carney **Administrator:** Haley Lupton  
**Director of Finance:** Renee' Sonnett **Director of Law:** Paul-Michael La Fayette  
**Council Members:** President J. Sintz, M. Terry, J. Eudaily, K. Ferguson, F. Reed, J. Rucker.

#### **Call to Order:**

Mayor Carney called the meeting to order at 6:30pm, followed by the Pledge of Allegiance.

Present: J. Carney, J. Sintz, M. Terry, J. Eudaily, K. Ferguson, F. Reed, and J. Rucker.

Absent: None.

#### **Approvals:**

Agenda: Council Meeting – January 23, 2023

Mr. Terry motioned to approve the January 23, 2023 agenda, seconded by Mr. Sintz. All in favor.

Minutes: Council Meeting – January 9, 2023

Mr. Eudaily motioned to approve the January 9, 2023 minutes, seconded by Ms. Ferguson. All in favor.

#### **Presentation from Mayor Carney: Youth Recognition**

Mayor Carney presented her Youth Spotlight award to Ms. Lucy Harriman and Mr. Daniel Hensley. She noted that these are the first two recipients of this award and wants to highlight the actions these two young residents have taken to help others in the community. Ms. Harriman organized a Christmas caroling event to raise money and collect canned goods for the Plain City Food Pantry. Since 2020, she has collected over 300 canned items and \$400 which have been donated to the Plain City Food Pantry. Mayor Carney presented the second award to Mr. Hensley for his organization of the "Santa Danny for Dogs" program in which he collected donated dog items to give to the Canine Collective for dogs who would not have a

home during the Christmas season. Mayor Carney encouraged those in attendance to let her know if there are other young residents who are making a difference in the community and she will recognize them accordingly.

### **Proclamation:**

None.

### **Visitors:**

Mr. Josh Cross introduced himself to Council and thanked them for their time. He works with the Regional External Affairs for Ohio Edison and provided a brief overview of what he does and offered his availability to answer any questions from Council and residents. He stated that he understands determining who owns streetlights in a municipality can be a tricky situation and he's more than willing to help whenever needed. Additionally, he said there are no major projects that Ohio Edison has planned at the time in the area but that he would notify Council if anything arises. The Mayor thanked him for his time and availability.

Ms. Christy Syfert introduced herself and stated that she is here in regards to the noise ordinance discussion item tonight. She said that since May 2022, Council has discussed the noise ordinance numerous times and she believes that the time for discussion is over and asked that Council take action in regards to residents' concerns.

### **Reports:**

- Mayor: Mayor Carney thanked the public works crew for their service and time during the snow storm this past weekend. Mayor Carney requested that Councilmembers send committee reports to Haley for inclusion in her weekly Friday letter.
- Finance Director: Nothing to report.
- Police Chief: Chief McKee thanked the Plain City Polar Bear Plunge for their \$500 donation to the Police Department. Additionally, he attended the Union County Advisory Board meeting at the Union County Sheriff's office. He also thanked Signature Financial for the presentation to police staff about the public employee retirement program and options.
- Village Administrator: Ms. Lupton also thanked the public works crew for their work this past weekend and thanked them in advance for the coming snowstorm this week. She added that public works will be replacing bricks in front of Lovejoy Plaza and some traffic may be impacted. The Maple Street Bridge RFP was posted today.
- Council President: Mr. Sintz said that he, Ms. Lupton, and Mayor Carney will be meeting with a representative from Congressman Carey's office in the near future. Also, a work session planning meeting is scheduled for this week with staff. This past Friday was the second Coffee with a Councilman event and it went well.
- Law Director: Ms. Ashley Hetzel was in attendance in place of Mr. La Fayette, nothing to report.
- Marketing & Communications: Last meeting was last week, nothing to report.

- BZA: The Board met last week, no applications had been received but the Board conducted housekeeping tasks and elected the Chair and Vice-Chair for the year.
- Planning & Zoning: Mayor Carney said that the Commission met last Wednesday and had discussion about the zoning code rewrite and the Commission said they would like more input and a firm direction from Council in regards to the noise ordinance. The Commission also had representatives from Wilcox Communities provide a brief overview of their proposed development called Maren Reserve. This development would be directly west of Madison Meadows on Lafayette Plain City Road. Mr. Hutchinson added that more updates will be available at Council's next work session.
- Parks & Recreation Committee: Their last meeting was on January 10<sup>th</sup> and the Committee conducted annual housekeeping items. They also discussed the vision for Pastime Park at the behest of Council. The Committee will continue to work on establishing that vision.
- Personnel & Finance/CIP: Nothing to report.
- Fire: The next meeting is February 2<sup>nd</sup>.
- Design Review Board: The January meeting has been cancelled and the next one is scheduled for February 22<sup>nd</sup>.

#### **Public Hearing:**

None.

#### **Motion:**

None.

#### **Old Business:**

**2<sup>nd</sup> Reading Resolution 01-2023:** Authorizing the Execution of a Contract with Govdeals, Inc. For Internet-Based Auction Services for 2023.

Mr. Terry motioned to approve Resolution 01-2023, seconded by Mr. Sintz. All in favor.

#### **New Business:**

**1<sup>st</sup> Reading Ordinance 01-2023:** Setting the Costs for the Certificate of Registration Fee and the Construction Permit Fees for Right-of-Way Program.

**1<sup>st</sup> Reading Resolution 02-2023:** Authorizing the Participation in the Ohio Department of Administrative Services Cooperative Purchasing Program for 2023.

Mr. Sintz asked if the annual membership fee referenced in this Resolution is \$100, as noted elsewhere in the Resolution. Ms. Lupton said that is correct.

**1<sup>st</sup> Reading Resolution 03-2023:** Amending the Rental Rates for Facilities Owned by the Village of Plain City.

**1<sup>st</sup> Reading Resolution 04-2023:** Establishing the Economic Development Committee.

### **Discussion Items:**

#### Zoning Code Update: Noise Regulations

Mr. Hutchinson thanked Council for their time. He said that he would like to be proactive about the noise ordinance and believes that there will be more issues about this that arise as more commercial development takes place in the future. He wants to make sure he is following Council's direction in this issue. He knows decibel readings have been discussed as a potential solution and noted that that would have to be listed in the General Offenses section of the Codified Ordinances, not the zoning code. He stated that another solution would be to implement a permitting process in which entities could apply for a predetermined amount of permits in a year which allow them to have amplified music or sound on those permitted event days. Residents would then know ahead of time when an event would occur.

Mr. Terry asked what is the benefit of having this in the zoning code. Mr. Hutchinson said that it would make more sense to have it removed from the zoning code and it be a standalone ordinance. Mr. Terry agrees and would like to see it removed from the zoning code.

Mr. Reed agrees with Mr. Terry's suggestions but does not believe that would solve the problem of the noise ordinance being inadequate to protect residents. He believes the noise ordinance needs revised, regardless of where it resides in the Codified Ordinances. Mr. Hutchinson said that one option to keep it in the zoning code would be through a permitted use process since zoning inherently does not regulate sound. Mr. Reed asked if the Planning & Zoning Commission would be alright with that topic being removed from the zoning ordinance. Mr. Hutchinson said they would be fine with that.

Chief McKee asked, if the zoning code is changed, would Uptown businesses be grandfathered in. Mr. Hutchinson said he would have to consult with legal counsel. Mr. Reed said that, in his opinion, he does not believe those businesses would be grandfathered in. Ms. Hetzel said that if the noise ordinance is located in the General Offenses code, there would be no grandfathering in.

Mr. Terry reaffirmed his desire to have these items separate and to not delay the zoning code adoption any further.

Mr. Eudaily stated that since we already have a noise ordinance, Council should move to strengthen it or change it such that it addresses residents' concerns.

Chief McKee said that there is currently a case before the Madison County Municipal Court and the attorney for the appellant said the noise ordinance is unconstitutional. The Police Department is currently waiting to hear back from the Ohio Attorney General and the next trial

date is scheduled for February 21<sup>st</sup>. Mr. Hutchinson reaffirmed his belief that the noise ordinance should be separate from the zoning code.

Mayor Carney said that since we're waiting on results from the court, she and Mr. Sintz and Ms. Lupton will discuss this on Thursday at their work session planning meeting. Mr. Hutchinson said that he's willing to do whatever research is necessary to help.

#### Zoning Code Update: Sidewalk Bump-Outs

Mayor Carney said that this topic was also discussed at the Planning & Zoning Commission and, at the request of residents, she has brought this to Council as a discussion item tonight. She noted that the original ordinance was passed during the COVID pandemic with the intent of encouraging outdoor dining. She said that residents expressed concern about future bump-outs and pedestrian safety in regards to the vehicular traffic in the Uptown area. Mr. Hutchinson said he understands the desire to have the previous ordinance but wanted to know Council's direction in terms of where it should be located in the proposed zoning code. Mr. Terry asked if it could be a conditional use. Mr. Hutchinson said yes, it could be. Mr. Terry said that, not knowing what the Uptown will look like in the future, he believes one bump out looks odd and believes that it would be the best option to give the administration oversight on this topic and not implement strong verbiage that prohibits or encourages sidewalk bump-outs.

Mr. Eudaily asked how the current bump-out was approved by ODOT since historically those structures take some time to receive approval. Mr. Reed said that he's not sure ODOT reviewed it but that the Design Review Board (DRB) did review it and approved it. Mr. Rucker noted that the DRB reviews it from the design perspective only.

Mr. Rucker stated that he likes Mr. Terry's previous comments and prefers guidelines and not set regulations. Mr. Terry reminded the Council members that appeal processes are in place for instances such as this if the need arises.

Mr. Reed asked Mr. Terry if he believes bump-out applications should go through the DRB. Mr. Terry said from a design perspective, yes but the applicability of whether to have them or not does not pertain to the DRB. Mr. Reed noted, in his opinion, that bump-outs are not historic and therefore should not be reviewed by the DRB.

Mr. Terry stated that, for the requested guidance for the Planning & Zoning Commission's, he prefers guidelines be implemented that allow for review on a case-by-case basis depending on the location and overall situation since there would be so many variables present.

Mr. Hutchinson said that typically any issue in the right-of-way is not within the jurisdiction of the zoning code but would reside in the streets and utilities code. He added that typically variance applications also require proof of undue hardship if the variance request is not approved. Bump-outs would require a variance request.

Mr. Terry reiterated that the overall guidance from Council is to not have set regulations but rather guidelines.

Mr. Hutchinson reminded Council about the importance of being proactive about this situation. Mr. Eudaily agrees that this topic should be on the work session agenda. Council agreed and stated that they are directing the Planning & Zoning Commission to remove the noise ordinance from the zoning code and that bump-outs will be discussed at the next Council work session.

#### Campground Length of Stay

Ms. Linda Granger, the Parks and Recreation Director, thanked Council for their time tonight. She provided a brief explanation of her staff report which outlines the revenue from the campground. She noted that the revenue is enough to fund the Parks Department. Additionally, the Parks & Recreation Committee will have further discussion about the length of stays at their next meeting. She stated that, traditionally, Pastime Park has not had length of stay requirements but the Park also didn't offer winter/year-round camping.

Ms. Granger stated that most of the year-round campers are retired citizens who travel the US and are full time campers. Others are remote workers who travel or construction workers who may be in the area for a project. Ms. Granger said that she understands the dilemma with year-round camping but encouraged Council to look at the amount of revenue generated from that opportunity. She acknowledged the negatives which consist of people attempting to enroll their children in the Jonathan Alder School District and use the campground as their residency address as well as situations that turn into tenant-landlord relationships. Ms. Granger said that her department is looking into instituting an agreement form that potential campers would be required to sign that would prohibit these situations from occurring. She has also researched other campgrounds and their length of stay policy. She, with Council's approval, would like to take this topic back to the Parks & Recreation Committee and implement stronger verbiage to address these issues in the agreement forms.

Ms. Ferguson asked if Ms. Granger has ever had people who are displeased from not being able to stay at the campground for a single weekend due to year-round campers reserving all available sites. Ms. Granger said she has not had that happen unless there is a large event in which the campground is fully booked regardless, and most of whom are only staying for the event. Mr. Reed asked if the campground is fully booked if there is not a large event taking place. Ms. Granger said generally it isn't and that on average, 35% of the grass sites are reserved and 70-80% of the gravel sites are reserved.

Mayor Carney asked if age of the camper trailer restrictions could be implemented. Ms. Granger said that state park campgrounds do not have those restrictions but that private campgrounds do. She would have to defer to legal counsel for that topic since Pastime Park is part of a government entity.

Mayor Carney asked if there are design standards in regards to the type of insulation used to insulate the bottom of the campers during the winter. Ms. Granger said there is not and acknowledged the overall unsightliness of those insulative skirts.

Mr. Reed asked if any issues have arisen from the cold weather and infrastructure breaking as a result. Ms. Granger said they only had one yard hydrant break so far this year and believes it

is due to the proactive measures taken by park staff and the campers to prevent additional issues.

Mr. Reed noted that Council does not want Pastime Park to become a mobile home park with long term campers. Ms. Granger agreed. Mr. Terry stated that while Pastime is not a mobile home park currently, he believes that since this topic is being discussed at the Council level, that is the proof that there is a problem. Since some campers stay close to six to nine months, a policy must be implemented to address this situation.

Mr. Terry stated that, no matter what happens with the campground, revenue would be made available to the Parks & Recreation department to ensure that no services would be cut. Ms. Granger said that historically the revenue aspect has always been prioritized.

Mayor Carney said that she believes a policy that allows for longer stays, around 3 months, during the winter time and then restrict stays to a shorter time during the popular summer months would be feasible.

Ms. Granger said that very few campgrounds in the area offer year-round camping. She stated that the Parks & Recreation Committee will discuss it further. Mr. Rucker and Mr. Eudaily said that it's important to include the revenue aspect in that discussion and they understand that historically it has been difficult to fund the Parks & Recreation Department. Mr. Terry stated that he believes with the revenue projection the Village is on, there will be funds available for the Parks Department regardless of what happens to the campground. Mr. Terry also noted that he agrees with the Mayor's comments in regards to allowing longer stays during the winter and shorter stays during the summer.

Mr. Eudaily stated that as the Pastime Park vision is established, it may help Council determine what next steps should be taken. Mr. Reed agreed and stated that he feels the campground is doing well.

Mr. Sintz asked for clarification if the park would definitely lose revenue if long-term stays are prohibited. Ms. Granger said revenue would definitely be lost since most campers who stay long-term during the winter would not stay there at all if they're restricted to stays of a month or less. She believes that prohibiting long-term stays will result in a loss of winter campers.

Ms. Granger thanked Council for their input and stated that she will take their comments to the Parks & Recreation Committee for more discussion and will bring those results back to Council.

### **Adjourn:**

Mr. Rucker motioned to adjourn, seconded by Mr. Sintz. Meeting adjourned at 7:48pm.