



## **COUNCIL WORK SESSION MINUTES**

### **May 3, 2023 at 6:30 PM**

### **Council Chambers**

**Mayor:** Jody Carney **Administrator:** Haley Lupton  
**Police Chief:** Dale McKee **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:**

Mr. Sintz 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, and F. Reed.

Absent: J. Rucker.

#### **Approvals:**

Agenda: Council Work Session – May 3, 2023

Mr. Terry motioned to amend the agenda, adding "Design Review Board Appeal Process" as a discussion item, seconded by Ms. Ferguson. All in favor to approve the agenda as amended.

Minutes: Council Meeting – April 24, 2023

Ms. Ferguson motioned to approve the April 24, 2023 minutes, seconded by Mr. Terry. All in favor.

**Old Business:** None.

**New Business:** None.

**Discussion Items:****Establishing a Community Improvement Corporation (CIC)**

Mr. Jason Stanford, the Development Manager, thanked Council for their time and began his presentation on the Community Improvement Corporation (CIC) topic. He defined what a CIC is and gave a brief history on CIC's in Ohio. Mr. Stanford described the process in which a CIC operates, the authority and responsibilities thereof, and how a CIC would benefit the Village.

Mr. Terry asked if a CIC defaults on a loan, would that responsibility fall back on the Village for repayment. Mr. Stanford said that since it is a separate entity, all repayment responsibilities would remain with the CIC.

Mr. Reed asked if the mission of a CIC is determined and set by the Ohio Revised Code (ORC). Mr. Stanford confirmed that is true.

Mr. Stanford provided details on the creation process of a CIC. A few of those steps include establishing the Articles of Incorporation and appointing the Board of Directors.

Mr. Stanford gave several examples of projects that a CIC may conduct in the Village. One example is a CIC acquiring parcels as part of a larger planned development and advancing the economic development of those parcels. Another example is a CIC accepting funding from the county or state to further general economic development projects in its operating area.

Mr. Stanford provided a definition of a "port authority" and how it differs from a CIC. He gave examples of existing port authorities in the area and noted that there are notable differences between a port authority and CIC. He stated that a CIC would better serve the Village when compared to a port authority.

Mr. Stanford emphasized that he believes the Village would greatly benefit from creating a CIC. He noted that the Village will have an Economic Development Strategy completed in the near future which would go hand in hand with directing the CIC and its projects. He provided several short-term economic development goals and objectives that the Village should pursue, including creating a CIC. Other short-term goals are remedying utility issues and identifying sites for development.

Mr. Stanford stated that, if Council approves, staff can have legislation before Council at their next meeting authorizing staff to take the next steps to create a CIC. He provided details on the overall timeline that the Village could expect in creating a CIC.

Mr. Stanford detailed the potential Board structure and outlined the term limit and length. He noted that these are preliminary suggestions and are able to be modified if needed. He emphasized that the appointment of the Board of Directors is imperative to the creation of the CIC.

Mr. Terry asked which of the positions on the Board are determined by the ORC. Mr. Stanford said that all of the Village employee positions on the Board are mandated by the ORC. Mr. Terry stated that he does not want a CIC and the recently formed Economic Development

Committee (EDC) to unnecessarily overlap and prefers that Council discuss the topic to ensure that any overlap does not occur. Mr. Reed believes that a CIC is separate enough from the Village that there would not be overlap. Mr. Terry agreed but stated that if four Village employees are serving on the Board, it would still require a significant time commitment from those staff members. He reiterated that, in the future, it may be beneficial to have either a CIC or the EDC, not both.

Mr. Stanford stated that the Board of Director's influence and direction would be the primary factor in how quickly the CIC conducts projects and formulates procedures. Mr. Stanford reiterated that he would prefer Council review legislation to authorize staff to create a CIC. Mr. Terry said that he prefers to have the concept reviewed by the EDC first and allow ample time for research and to answer any questions Council may have. Mr. Reed agreed and would also prefer to have more time to research the concept.

Council discussed the potential public misperception about creating a CIC so soon after the EDC has been established. All of Council agreed, though, that the primary solution to that issue is to have an understanding and foundation for why both entities should exist and how both entities would benefit the Village. Mr. Stanford acknowledged Council's comments and said that his preference is to keep the EDC operating in its current advisory role. Mr. Sintz acknowledged that the EDC is an advisory committee and the CIC is action-driven and project-based.

Mr. Reed stated that he would like Council to retain majority control of the CIC Board of Director's and hopes the structure reflects that. Mr. Terry noted that Village employees serving in that role would retain Council's direction and control. Mr. Reed disagrees and believes that it is imperative for Council to have majority seats on the Board of Director's. Mr. Reed wants to ensure that decisions made by the CIC are in line with Council's goals and objectives. Staff stated that major projects and decisions made by the CIC, such as rezoning a parcel for new development, would still need to go through the proper Village procedures which are often subject to final approval by Council. Mr. Stanford stated that there are other procedures that can be implemented to ensure that a CIC does not go counter to the Village's plans and objectives.

Mr. Eudaily asked, if a CIC is created, would Plain City have to remove itself from the Union County CIC. Mr. Stanford stated that such an action would not be required and that the Village can participate in both at the same time. A lead CIC would need to be designated which, in this case, would be the Plain City CIC. Mr. Stanford also provided estimates on initial start-up funding and examples of future non-tax revenues to financially support the CIC.

### Long-Term Camping

Ms. Lupton addressed Council and stated that several documents related to this discussion topic have been placed at each of their seats for their review. She provided a brief history, as compiled by Karen Kile Vance, of how Pastime Park came to be and when the campground was established. Ms. Lupton stated that the Village does not currently have a length of stay limit with the exception of tent camping, which is a fourteen-day limit. Ms. Lupton acknowledged several of the concerns brought forth by residents, Council members, and staff in not having a length of stay limit. Ms. Lupton detailed the advantages of long-term camping, such as a

steady source of revenue for the park. Also, in general, the longer a camper reserves a campsite, the more likely they are to take care of the campsite. However, staff believes that it is appropriate to enact a length of stay limit for non-tent campers. Ms. Lupton noted that the revenue from the campground financially supports itself and the entire Parks and Recreation Department. Staff is aware that revenue may decrease if long-term camping is shortened. Ms. Lupton stated that the Parks and Recreation Committee has recommended implementing a six-month stay limit to begin on January 1, 2024. Ms. Linda Granger, the Director of Parks and Recreation, noted that the January 1, 2024 implementation deadline was chosen to provide an equitable advance notice to all current and future campers. Ms. Granger said that she has completed extensive research of other campgrounds in regards to their length of stay limits and determined that six months is generally the recommended limit. Ms. Granger stated that a six-month length of stay limit would eliminate people from attempting to use the campground as a place of residency to enroll their children in the Jonathan Alder School District. Staff believes that, with a six-month limit, revenue would not decrease significantly. Mr. Eudaily said that a six-month limit may allow people who aren't normally able to reserve a campsite for a shorter stay, due to long-term campers, be able to do so.

Mr. Sintz asked if there are plans to expand the gravel campsites to replace the existing grass sites. Ms. Granger said plans are not currently in place since it would require expansion of water and electric utilities to those sites which would require a significant capital investment.

Mr. Reed stated that the Parks and Recreation Committee acknowledged the issue of people reserving a campsite for longer than six-months but not paying Plain City taxes and enrolling their children as students in the school district without paying the applicable taxes.

Ms. Granger reiterated that the campground supports itself and the entire Parks and Recreation Department financially. She also noted that the Police Department does an excellent job of patrolling the campground and keeping it safe. Mr. Reed asked Chief McKee if the Police Department has received complaints from the campground in the past. Chief McKee said he has received complaints.

Mr. La Fayette noted that people staying at the campground do so under a license and agreement from the Village when they agree to the Terms of Service to reserve a campsite. That agreement allows the Village to prohibit certain behavior and implement a removal process if people violate the Terms of Service.

Mr. Terry strongly advocates that the six-month length of stay limit be lowered to two-months.

Ms. Ferguson asked Ms. Granger what percentage of campers does she expect to be long-term versus short-term. Ms. Granger said that that is difficult to estimate given the uncertainty that the pandemic caused in the campground industry and how that is still impacting the industry today. She also acknowledged that it is difficult to know the exact number of people that stay more than six-months due to the limit of system capabilities.

Mr. Terry believes that the Village would greatly benefit in several aspects from reducing the length of stay limit to less than six months and believes the lost revenue would be replaced elsewhere as the Village continues to grow.

Mr. Eudaily supports the six-month limit and believes that two-months would be too restrictive and that the lost revenue would be significant. Ms. Granger reiterated that her primary concern is how to replace the lost revenue if the stay limit is lowered to two months or less.

Mr. Terry noted that the campground policy is approved by Council but set administratively. Mr. La Fayette confirmed. Mr. Terry stated that he is concerned with the particulars of the six-month determination and made it clear that he is not in favor of the six-month limit and would prefer two-months. Mr. Terry also stated that he would prefer to remove winter camping as an option for the campground. Winter camping is generally considered to be the timeframe from November through January. Mayor Carney agrees with Mr. Terry's comments.

Chief McKee stated that he would like to implement stricter language in the campground policy to enable the Police Department to remove people from the campground if they have been arrested within the campground. Mr. La Fayette agreed that that should be an option and is legal to do so. Mr. Sintz acknowledged that particular topic is separate from the length of stay limit topic but does need to be addressed. Council agreed.

Chief McKee listed the type of complaints received about the park during the past three years. Mr. Sintz noted that many of the comments and complaints he has received from residents has pointed to completely eliminating the campground, mostly due to similar complaints that the Police Department has received. He asked what policy needs to be enacted to enable the Parks and Recreation Department and the Police Department to remove disorderly people as quickly and responsibly as possible. Staff stated that a policy could be written rather quickly and would just need final approval from Council. Ms. Ferguson would also like to see, as accurate as possible given the previously discussed uncertainty, an analysis of how long people are staying and the overall percentage of long-term campers versus short-term campers. For example, a percentage of campers who stayed at the campground six-months or longer.

#### Design Review Board Appeal Process

Mr. La Fayette updated Council on the amendment made to the Design Review Board (DRB) code section which included revisions to the appeal process. He explained how the process was before the amendment and what it is now. This included a description of the current parameters and process Council would adhere to for an appeal. He stated that Council's review of the appeal is limited to the evidence submitted at the DRB hearing and record of proceedings. A new hearing does not occur during Council's review. Mr. La Fayette also noted that the Council crossover to the DRB would not be permitted to vote in the final determination of Council's review of the appeal.

Mr. La Fayette recommended that Council consider implementing a time limit in which a Certificate of Appropriateness applicant would not be able to start a project, if approved, until a thirty-day "waiting period" has passed. The thirty-day waiting period would have to coincide with the appeal timeframe as well. The current requirement is that an appeal must be filed within thirty days of a decision by the DRB. Implementing a waiting period would prevent an applicant from beginning a project only to have it reversed in the event that an approval is

overturned by Council during an appeal review. Mr. La Fayette provided an example of what that amendment language may look like to implement the waiting period time.

Mr. Terry asked legal counsel if there is a way for Council to prevent unnecessary appeals from occurring. For example, if an appeal has no merit or basis, Council should not have to review it. Mr. La Fayette said that some filtering could be done administratively but acknowledged that may not be the ideal solution. Mr. La Fayette said that he would conduct more research on how to prevent unnecessary appeals. He noted that potential appellants could be limited to those who live within 250 feet of the application (i.e., those properties that would have received a legal notice about the original DRB hearing) or those who provided comment, on the record, during the original hearing. Council stated that they also prefer to implement a fee for filing an appeal. Council also agreed that "aggrieved party", as it is written in the DRB code, should be explicitly defined.

Mr. Stanford stated that he and Mr. Hutchinson would like to approach Council in the future to ask for their direction on the topic of painting exposed brick structures in the Uptown Historic District. Mr. Terry said that he thought that topic would be part of the zoning code update but encouraged staff focus on having the code written as clearly as possible to enable easier interpretation.

Mr. La Fayette said that the standards and evaluative criteria in the DRB code should be clarified to make it easier and more standardized for Board members to use while reviewing applications. Council agreed.

Mr. Stanford said that staff hopes to implement additional guidelines, such as the use of historic paint colors, to assist property owners in understanding what colors buildings could be painted as it relates to the construction date of that building. He noted that none of those details are listed in the code currently.

Mr. Stanford advocated for a 90-day moratorium on painting buildings in the Uptown Historic District to allow staff and Council time to review the code and make changes as needed. Mr. La Fayette said, as legal counsel, he would not oppose a moratorium.

Mr. Reed noted that he believes the purpose of the DRB code is to preserve the Uptown Historic District as it was and is. He understands that paint colors are an important factor for the District. He believes that the interpretation of what paint colors could be used has been stretched over time.

Mr. La Fayette said that, if Council agrees to amend the DRB code, the overall process and requirements should be streamlined. This could include allowing certain decisions to be made administratively, if appropriate. Doing so would also decrease the number of discretionary appeals that Council would have to review.

Mr. Terry asked if the zoning code update includes amending the DRB code section. Mr. Stanford said that he would consult with Mr. Hutchinson first and would let Council know. Ms. Lupton stated that the DRB code is located in the building code section and not the zoning code.

Mr. Terry said that if staff would like Council to consider a 90-day moratorium, he prefers that a clear timeline is in place to amend the code to ensure that the code is not the same, and has been amended, once the moratorium is lifted.

Mr. Eudaily stated that the DRB should be involved in the amendment process in order to provide input and guidance. Council agreed.

Mr. La Fayette stated that the pending DRB appeal will be held before Council on May 22, 2023.

#### Setting Date for Council Retreat

Mayor Carney stated that, based on past discussions, Council would like to have a retreat for members to talk about general goal-setting. She would like to set a date and time for that meeting, which would be a public meeting. Mr. Terry suggested that Mr. Sintz and Mayor Carney decide a date to keep things streamlined. Council agreed that it would be advantageous to plan for the meeting to occur on a weekday in July or August.

#### **Adjourn:**

Mr. Eudaily motioned to adjourn, seconded by Ms. Ferguson. Meeting adjourned at 8:44pm.