



COUNCIL MINUTES
December 12, 2022 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 M. Terry, J. Eudaily, K. Ferguson, F. Reed, J. Rucker, J. Sintz

Call to Order:

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

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

Absent: M. Terry.

Approvals:

Agenda: Council Meeting – December 12, 2022

Mr. Reed motioned to approve the December 12, 2022 agenda, seconded by Mr. Sintz.
All in favor.

Minutes: Council Work Session – December 7, 2022

Mr. Sintz motioned to approve the December 7, 2022 minutes, seconded by Ms. Ferguson. 4 yeas and one abstention from Mr. Eudaily.

Minutes: Council Work Session – August 10, 2022

Ms. Ferguson motioned to approve the August 10, 2022 minutes, seconded by Mr. Sintz. 4 yeas and one abstention from Mr. Eudaily.

Minutes: Council Work Session – June 1, 2022

Mr. Eudaily motioned to approve the June 1, 2022 minutes, seconded by Ms. Ferguson. 4 yeas and one abstention from Mr. Rucker.

Minutes: Council Work Session – May 4, 2022

Mr. Sintz motioned to approve the May 4, 2022 minutes, seconded by Mr. Eudaily. 4 yeas and one abstention from Mr. Rucker.

Minutes: Council Work Session – April 6, 2022

Ms. Ferguson motioned to approve the April 6, 2022 minutes, seconded by Mr. Sintz. 4 yeas and one abstention from Mr. Rucker.

Minutes: Council Work Session – March 10, 2022

Mr. Sintz motioned to approve the March 10, 2022 minutes, seconded by Mr. Eudaily. 4 yeas and one abstention from Mr. Rucker.

Proclamation:

Visitors:

Reports:

- Mayor: Mayor Carney informed Council that this would be their last meeting for the year due to the December 26, 2022 Council meeting being cancelled. She wished everyone happy holidays. She added that she is working on filling all committee and board vacancies for 2023. She updated Council on the Christmas donation drives and how successful they have been. She thanked staff members for a wonderful employee appreciation luncheon last Friday. Lastly, she told Council members that she and Mr. Stanford will be attending the Jonathan Alder strategic planning meeting next Tuesday on December 20th.
- Finance Director: Nothing to report. Ms. Sonnett thanked Council and staff for their understanding with the death in her family.
- Police Chief: Chief McKee and several officers volunteered with the Union County Shop with a Hero event this past weekend. Over 100 participants attended and over 150 first responders were present. Additionally, all officers have completed their taser qualifications and will be conducting active shooter training on December 27th. Chief McKee stated his gratitude to the Union County Prosecutor's Office for their financial assistance in regards to the new fingerprinting machine. He noted that the Village did not have to pay out of pocket for the new equipment thanks to the generosity of the Prosecutor's Office. He also thanked everyone, Council and staff, for their excellent work in 2022 and said that he believes this is the best time and best team he's ever

seen at the Village. Mayor Carney thanked Chief McKee for the kind words and asked him what citizens should do to request background checks. He replied that they would have to make appointments with Ms. Elsmore. He said that the volume of requests for fingerprinting/background checks have increased drastically since they have received the new equipment. Chief McKee added that having this machine also speeds up onboarding for new employees. Mr. Reed thanked Chief for his work in acquiring the new equipment, he believes that the high volume of requests shows the need.

- Village Administrator: Ms. Lupton stated that she and staff are finalizing administrative tasks for the end of the year and she is exceptionally excited for January and the start of new projects. She updated Council on the pre-construction meeting for the Uptown Streetscape Project that took place today. She said that construction should begin in March or April of 2023. She also thanked staff and Council for their great work and attendance at the employee appreciation luncheon. It was a good capstone on a great year and she appreciates everyone's hard work.
- Council President: Ms. Ferguson spoke on behalf of Mr. Terry due to his absence at the last Council work session meeting. She stated that Linda Granger, the Village Parks and Recreation Director, updated Council on the proposed rental policy and fees which is on the agenda as a second reading tonight. She also informed those in attendance about the staff presentations from Mr. Stanford and Mr. Hutchinson in which they provided updates about economic development and zoning, respectively.
- Law Director: Nothing to report.
- Marketing & Communications: Next meeting is this Tuesday.
- BZA: Next meeting is December 20th.
- Planning & Zoning: The meeting for December is cancelled due to lack of member attendance but the Mayor is looking forward to the Commission commencing meetings in January 2023.
- Parks & Recreation Committee: No meeting in December. The next meeting is scheduled for the second Tuesday in January 2023.
- Personnel & Finance/CIP: Ms. Ferguson stated that their last meeting was November 30th in which Ms. Lupton updated the committee on the employee handbook update and the supplemental budget. Their next meeting is scheduled for February 15, 2023.
- Fire: Mr. Sintz said that runs are at an increase of over 16% compared to this time last year. Also, he attended the ED411 conference last Friday with several staff members and said that it was a great conference and very informative.
- Design Review Board: Next meeting is December 21st. Their previous meeting was November 30th and the Board approved a walk-in cooler addition for Mike's Pit Stop at 233 W Main Street.

Public Hearing:

Motion: To Set The Public Hearing For An Ordinance Authorizing An Addition To The Codified Ordinance Part Eleven: Planning And Zoning Code As It Relates To Build-To-Rent Communities In The Village Of Plain City for January 23, 2023

Mr. La Fayette addressed Council and spoke about the concerns raised in regards to the expansion of short-term rentals in the Village. He specified that this is primarily in regards to the new subdivisions that are being built and acknowledged that some of the houses are being used as Airbnb's or similar operations. He believes that Council and the Planning & Zoning Commission should consider the "pros and cons" of passing ordinances that regulate short-term rentals and what kind of scope Council wants to pass in terms of restrictions for rentals. He stated that, at a national level, case laws for short-term rentals are favorable to local governments to restrict or even ban these types of rentals. However, depending on the type of restriction proposed, the legality must be considered. For example, what constitutes a short-term rental (i.e. is a 30 to 60 day rental period considered a short-term rental, or is a rental period of two weeks considered short-term).

Overall, Mr. La Fayette believes there are several options for Council to consider. Those options are: an outright ban by zoning districts, or creating a permit process that regulates the owners of short-term rental properties which could include bed taxes, fees, inspections, etc., or regulations be made that are tied to specific geographic locations instead of a type of zoning district. Mr. La Fayette said that in the zoning text for planned residential districts, Council could add language that only allows single family residential uses and no short-term rentals.

Mr. La Fayette clarified that throughout this discussion, he is using the term "Airbnb" generically and in a manner as it applies to all short-term rentals, not in such a way that is specific to only Airbnb operations.

Mr. La Fayette stated that in certain zoning areas, such as the Uptown Historic District, there may be other types regulations that would be more suitable.

He stated that if Council feels that this is an immediate concern, especially in regards to the Madison Meadows and Darby Station subdivisions, he would need to look carefully at their subdivision regulations to see what type of language is included as it pertains to short-term rentals.

Mr. La Fayette added that Council could also consider a brief moratorium on short-term rentals if members agree that this issue is pressing enough to do so. He added that he would like to have more time to research this issue carefully to ensure that Council approves legislation that is logical and efficient. He does not want Council to inadvertently pass something that is too restrictive or not restrictive enough.

Mr. Reed asked Mr. La Fayette if Airbnb is considered a commercial operation. Mr. La Fayette responded it would not be considered a commercial operation. Mr. Reed thanked Mr. La Fayette for the clarification and stated that he understands the

difference between having the right to lease your own property to others but also the need for regulations.

Mr. La Fayette noted that, in his preliminary research, it appears that legislation focuses on short-term rentals that are for periods of less than a year. He acknowledged the concern that with short-term rental terms of less than two weeks, there are generally a rise in property maintenance issues or complaints.

Mayor Carney said that there are currently Airbnb's in the Village and she believes it is a good opportunity for property owners but would like to see standards enacted to make sure that these types of operations are in the appropriate areas within the Village.

Mr. Sintz asked Mr. La Fayette if HOA's could further restrict Airbnb-type operations if the Village already has some type of restrictions in place in the zoning code. Mr. La Fayette responded yes and that any restriction the Village has in its zoning text would take priority over a restriction an HOA may have.

Mayor Carney asked Mr. La Fayette if the motion needs to be made tonight to set the public hearing. Mr. La Fayette said that the motion does not need to occur tonight if Council chooses and not setting the public hearing would allow himself and staff time to conduct more research. He added that he would prefer to have more research completed and to look into deed restrictions currently in place at Madison Meadows and Darby Station.

Mr. La Fayette added that it would be worthwhile for Council to consider a moratorium. Mayor Carney asked if that would have to go through Planning & Zoning Commission first for discussion and a recommendation. Mr. La Fayette responded yes and that it would come back to Council for final approval. Mr. Reed asked how long it may take the Commission to deliberate on a moratorium. Mayor Carney responded that it would most likely take until March to adequately consider the issue. Ms. Lupton added that it could be a part of the zoning code update. Mr. La Fayette verbalized his agreement with Ms. Lupton.

Mr. Reed stated that he would like to see reports from the law director and staff about the progression of this discussion as it takes place within the Commission and encouraged other Council members to attend the Commission meetings.

Mayor Carney directed staff to send this topic to the Planning & Zoning Commission to integrate it into the comprehensive zoning code update. As a result, Council did not vote to set the public hearing.

Old Business:

2nd Reading Ordinance 29-2022: Approving 2022 Supplemental Budget Update

Ms. Ferguson motioned to approve Ordinance 29-2022, seconded by Mr. Sintz. All in favor.

2nd Reading Resolution 25-2022: Amending the Village of Plain City Employee Handbook

Ms. Ferguson motioned to approve Resolution 25-2022, seconded by Mr. Eudaily. All in favor.

2nd Reading Resolution 26-2022: Approving a Citizen Recognition Award to Donnie Nickey

Mr. Sintz motioned to approve Resolution 26-2022, seconded by Mr. Rucker. All in favor.

2nd Reading Resolution 27-2022: Amending the Rental Rates for Facilities Owned by the Village of Plain City

Mr. Reed stated that he would be voting no on this resolution due to the belief that it is incomplete. He believes that it should include more policies as it relates to how the Village offers its facilities to the public. He cited several local businesses as an example of entities that provide their meeting spaces at no charge and stated that he believes the Village should do so as well. Mr. Reed believes that the rate page of the proposed resolution should include stipulations for free rentals to residents and other civic organizations. He added that several surrounding townships are known for providing their facilities at no charge if being used for a civic-minded event.

Mr. Reed stated that he would like to see this proposal tabled to give staff time to research and include policies about free rentals.

Ms. Ferguson asked Ms. Lupton if she has completed rate comparison research. Mr. Lupton answered that she has and that the Village has, in the past, provided certain facilities for free to local organizations in specific circumstances. Mr. Reed said that he understands the counterpoints but would like to see a written policy added so that non-profits and civic clubs can know just by looking at the rate page that they are allowed to rent certain facilities at no charge.

Mayor Carney asked Mr. La Fayette what the legal ramifications of such a policy would be. He responded that it is legally intricate to enact this type of policy. In his experience it is not always practical to have restrictions for certain organizations versus others, generally it is an "all or nothing" type of restriction or policy. He added that the Village would have to be very careful and diligent in the wording of a policy that governs who could use the public facility versus who could not.

Mr. Eudaily stated that this resolution only sets the rental rates and does not enact any formal policy. Mr. La Fayette agreed and emphasized that a local government needs to be careful about legislation that governs access to a public facility and potentially restricting it. Also, Mr. La Fayette stated that the Village would need to be conscientious in how it handles discounts to probable renters. He advised that there are potential constitutional issues at stake depending on the policy and how it is

drafted. He acknowledged that, in general, people agree that it is acceptable to allow good, reputable, civic-minded organizations to use a facility for free but it is still legally complex since it is inherently subjective as to what constitutes a "good" organization.

Mr. Reed asked Mr. La Fayette if he would be able to write a policy that would include Mr. Reed's stipulations. Mr. La Fayette said that he could but it would take considerable research and time since it must be content neutral and there cannot be any difference in how certain people are treated versus others (in terms of free rentals to some organizations and not to others). Mayor Carney asked if restrictions could be based on organizations within Village corporation limits. Mr. La Fayette said that could potentially work but that he would need to research it more.

Mr. La Fayette reiterated that passing Resolution 27-2022 tonight only sets rental rates and has no impact on this discussion.

Mr. Reed acknowledged Mr. La Fayette's comment and asked if something could be voted upon that directs the Village Administrator to present a potential policy that captures what this discussion has construed. The Mayor and other Council members said that they can verbally direct the Administrator to pursue that course of action. Mr. Reed obliged.

Ms. Ferguson motioned to approve Resolution 27-2022, seconded by Mr. Eudaily. All in favor.

New Business:

Discussion Items:

Adjourn

Mr. Rucker motioned to adjourn, seconded by Ms. Ferguson. Meeting adjourned at 7:14pm.