

**GRANVILLE VILLAGE COUNCIL
MINUTES
January 3, 2024
7:30 P.M.**

1. CALL TO ORDER

Mayor Hartfield called the Wednesday, January 3, 2024 Council meeting to order at 7:30pm.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Clerk Klein conducted roll call. Those present were Councilmember Demarest, Councilmember Keethler Ball, Councilmember Leithauser, Councilmember Mickelson, Councilmember Olbur, Vice Mayor Johnson, Mayor Hartfield, Manager Koehler and Law Director Mattes

4. APPROVAL OF AGENDA

Mayor Hartfield stated that Resolution No. 2024-02 was amended to remove a few of the projects on the resolution.

Motion to approve the agenda as amended by Councilmember Keethler Ball, second by Councilmember Olbur

Motion passed by a vote of 7-0

5. CITIZENS COMMENTS

Candi Moore, President of the Bryn Du Commission, 405 E. College St., stated that they received a bid for their barn project and it was reviewed by their architect, Northpoint Ohio Architecture and according to the letter that they received and Council received the bid complied with the bid specifications. The board requests that Council accepts and awards the contract to Robertson Construction.

There were no more comments from citizens, Mayor Hartfield closed that section.

6. OLD BUSINESS

- A. APPEAL HEARING DELIBERATION FOR THE OCTOBER 12, 2023 DECISION OF THE BOARD OF ZONING AND BUILDING APPEALS TO GRANT A**

CONDITIONAL USE PERMIT FOR 228 EAST ELM STREET AS A SHORT-TERM RENTAL

Mayor Hartfield stated that Council is in the deliberation phase of this hearing tonight, Council can either affirm, remand, reverse or modify the decision of the BZBA. Council will announce our decision tonight and that decision must be formalized within forty-five days.

Councilmember Keethler Ball asked for an explanation of what remand, reverse and modify meant.

Mayor Hartfield stated that remand means sending it back to the BZBA for reconsideration with conditions of what Council would like them to look at. Reverse is the same as a denial. Council could set conditions with the approval. Affirming means that Council agrees with what the BZBA decided.

Mayor Hartfield highlighted the points that both sides made at the hearing from the last meeting. She stated that one of her concerns was that the conditional use approval goes with the property and the only thing that the next property owner has to do is apply with the planning department for administrative approval. That means that none of the neighbors get a say at the conditional use permit approval.

Councilmember Mickelson asked if that was the case with any Conditional Use permits.

Debi Walker-Yost stated that there are limits, they have one year to commence the use effectively, then if it isn't used or discontinued for two years the approval goes away and would have to be reapplied for all over.

Law Director Mattes stated that was the case for all Conditional Use permits.

Vice Mayor Johnson stated that he reviewed the "host" definition because it is confusing. Section 1182.03 (b) 2 says a short-term rental property in the Village Residential District shall have a short-term rental host whose primary residence is located in the Village of Granville or Granville Township. That is one of the pieces that we are being asked to look at, and if you go to the definitions in the section 1182.02 (s) the definition of a short-term rental host means the owner, operator, or permanent occupant etc. Owner is clear, permanent occupant is clear and then operator is defined in 1182.02 (m) which says operator means any natural person who operates a short-term rental in a capacity to facilitate the offering of guestrooms to guests. That becomes really general. I was struggling to get the exclusion of the parents as an acceptable host based on that

progression because they do live in the Village on the immediate adjacent home. Just under the term operator it's not exclusive to the owner.

Councilmember Mickelson stated that she remembers when Council was creating this ordinance and the discussion that they had about wanting the host to be the owner. I remember that being the intent, especially in the residential districts. I don't know why we didn't catch that operator piece. It was a lot to go through and we went through many renditions but I keep coming back to, what was our original intent? When Councilmember Montgomery was here, he kept saying that we need to take into consideration keeping the vitality of our neighborhoods because that is what makes us who we are, that is our sense of place in the community. It doesn't say that in the ordinance, but I just wanted to say that because there are three members of Council who weren't here when we created this ordinance.

Manager Koehler stated that the reason that it is written that way, is we did have a case that is now shut down as a short-term rental on East College where the occupant of the home was a long-term renter and was the operator on behalf of the owner for a separate short-term rental in an attached garage. The long-term renter wasn't the owner but was operating the short-term rental on behalf of the owner that lived out of state.

Councilmember Olbur asked, if the applicant ultimately fulfilled all of the rules that we have in place right now?

Vice Mayor Johnson stated that he agrees with Councilmember Mickelson on what Council's intent was, what it actually says is owner, operator, or occupant in the actual definition and the only one that isn't abundantly clear has a separate definition that makes it clearer no matter our intent.

Councilmember Olbur stated that he wanted to make sure that what they were reading when they went for it, went with the rules.

Mayor Hartfield stated that when you look at the Residential District, a short-term rental property in the Residential Districts states it shall have a short-term rental host whose primary residence is located in the Village of Granville or Granville Township. The reason that I wanted there to be conditional approval in a residential district was for the reason that has transpired with this, which is the neighbors get a right to say if they don't want that in the neighborhood. When we have a variance go in front of BZBA a lot of times staff will say that none of the neighbors contested it, and that is good, but when the neighbors do come up and do contest it and say "no thank you" that in my opinion really has to weigh in on what happens in the neighborhood. I look at the criteria in 1145.03 (d) and (e)

that says the proposed use will not be detrimental or disturbing to existing neighboring uses, and will not entail a use, structure or condition of operation that constitutes a nuisance or a hazard to any person or property. The proposed use will not significantly diminish or impair established property values within the surrounding area. I can't say that it will, and I think that Larry and Vee would do a wonderful job, but I worry about what would happen if they weren't there and what that plan is. I admit that the definition of host is not clear but I go back to I know what my intent was for a conditional use and that was to allow for the neighbor's rights to weigh in.

Councilmember Mickelson stated that she had some of the same thoughts that Mayor did and agrees with her that it's not always about when you have neighbors come out. It is good to get community input. I do want to make sure that we take that into consideration when they do come out otherwise why are we putting it in the Code in the first place? It is a conditional use and I know that we don't have density criteria specifically written into this Code, however because it is a conditional use, I think that it should be considered.

Councilmember Demarest stated that it seemed to him that before Council even goes to evaluating the criteria here for reviewing the BZBA decision we have to evaluate the prima facie application itself to determine whether the applicant is a qualified host because without that valid application the criteria is immaterial. I would give my perspective on the host definition. On my first glance through here starting with Village Residential District requirements, Village Residential District shall have a short-term rental host whose primary residence is located in the Village of Granville or Granville Township. Then you look at the definition of short-term rental host, including those three components owner, operator or permanent occupant of the rental. It is obvious what the owner is, it is obvious what a permanent occupant of the rental is but then there is the hanging question there of what is an operator. We have the definition of operator but the way that I look at that definition is through the lens of 1182.09 (a) and that is where we set out some additional requirements for the identity and practice of short-term rental hosts, namely subsection (a), the short-term rental host shall provide to the Director one form of proof of identity and, as applicable two pieces of evidence that the dwelling is the host's primary residence. Which circles back to short-term rental host meeting those three components of owner, operator, or permanent occupant. That checks off the owner category, two pieces of evidence that the host's primary residence or two pieces of evidence the host is the owner of the dwelling. Then there is the third component, permanent occupant of a short-term rental who offers the short-term rental for temporary lodging. That to me reads that operator is couched somewhere under those other two terms and I

don't think that an operator can be just this other third party that doesn't fit into the additional layers of the requirements in 1182.09. At first glance operator does allow for another role to be involved there and could mean that the prima facie application is valid because it has a valid host but without that I don't think that we even get to the analysis of these other factors.

Councilmember Keethler Ball stated that she thinks that the legal definitions are really important but she was concerned about how quickly it can go bad. Most people come into Granville to celebrate things like weddings, and graduations. If the dwelling has three separate bedrooms with three king size beds that could mean as many as three couples. That many people sitting outside enjoying the porch and sharing drinks in a residential neighborhood could get loud and out of hand quickly. I would hate to see Larry and Vee have to deal with that. I'm not against Air BnB's, they are fine on Broadway, that is a commercial area. In this particular historic area, it would be next to someone's residence. This residence would also be sitting empty when no one is staying in it and then the people who are there are transitory. I don't see either thing a very positive addition for the neighborhood.

Councilmember Olbur stated that he feels completely comfortable with the hosts, they live right there. I don't want to be fearful, them living next door takes care of that in my mind. There are other things I need to think about.

Law Director Mattes stated just to clarify a point on the record 1182.12 states that the permits are not transferable, and they terminate automatically upon the sale or change of ownership of the property.

Mayor Hartfield stated but that is only the permit.

Law Director Mattes which would require the permit holder to reapply.

Mayor Hartfield stated that they only have to reapply administratively. The permit for that use would just go in front of staff. It wouldn't go in front of Planning Commission or BZBA. Let's say down the road there is a whole new set of neighbors and no one knows any of this happened. There will be no other hearing for new neighbors or new owners to go through which means new neighbors don't have a chance to have a say about what is happening in the neighborhood in the event the house sells. I want to make sure that we don't set people up in the future for problems.

Vice Mayor Johnson thanked Councilmember Demarest for bringing this to Council's attention. I think that it bolsters the intent that Councilmember Mickelson talked about. I think that we mis-stepped with the operator definition.

Our goal has been to make the Code clearer so that investors and residents know what the expectation is, even with our best efforts sometimes we don't always get it abundantly clear. I think this adds a little more clarity to operator.

Councilmember Demarest stated that even though operator as defined is written very broadly, that operator it seems still needs to comply with those additional requirements of providing two pieces of evidence that it is their primary dwelling or that they are the owners of that dwelling.

Councilmember Mickelson stated that the definition is different depending on whether it is the Village Business District. That doesn't necessarily need to be the owner like it does in residential districts, for me that is where that distinction is along with looking at the map on paper and seeing the density. Fifteen isn't that many in the whole scheme of the Village, however when you start seeing them all in one or two blocks that's where it starts to become a concern for me. If we need to go back and look at it then we do. With it being under a conditional use that is when BZBA should have maybe considered it further.

Councilmember Olbur stated that he thinks that it needs to be more clearly defined, we owe it to the Village. On paper, when someone is going through an application process and it goes to the board and it is a three to one vote and they get it approved, I think that we need to relook at that pretty hard because that is a lot of time and energy that has been put into that.

Councilmember Mickelson stated that with any code you roll it out, you do the best you can with what you know at the time and then you see how it plays out within your own Village. When we see things that need to be changed that is what we do, we go back to the table and make the changes. I think that we need to go back to that original intent.

Vice Mayor Johnson stated that looking at Section 1145.03 (d) and (e) in the criteria, but still within the density section I do think that we didn't contemplate what I would call sub-districts or sub-neighborhoods within a district when we talked about a percentage for density so theoretically without some control mechanism which is the conditional use, you could have all five percent in a block. It goes to density although I don't think 1182 speaks specifically to where that density can be but that could also come into play with the 1145 criteria, is this right for the neighborhood? It is the progression here of trying to proactively get involved with this so that we maintain our residential neighborhood character. It is a little concerning to me and I think that is because it's not implicit in 1182 that I found you have to look at 1145 to say that we got five of these in this

neighborhood. Some are grandfathered, some are new but we have five in this block.

Councilmember Keethler Ball stated that one of the neighbors expressed a concern using the word short-term rental ghetto, referencing a concentration that would be detrimental because it would be too many in one spot.

Vice Mayor Johnson stated that we do have to be mindful, I thought about this since our last meeting, as to whether it was okay to have this many short-term rentals in this specific neighborhood. It is sort of last person in penalty if this were to get overturned. We have to be mindful of that and what we want for these different neighborhoods.

Councilmember Leithauser stated that for him it goes back to the intent. As we can see this is slightly different than other short-term rentals we have in our Village. I get that houses are expensive, you have to pay for maintenance, and upkeep and the mortgage while having money come in to defray that while preparing your family to live here but declining the option to put in a sunset date made me feel uncomfortable.

Councilmember Mickelson asked how something like that would play into a conditional use.

Law Director Mattes stated that the conditional use would go away in three years if that was the modification was made.

Vice Mayor Johnson asked if Council has the ability to limit a conditional use issuance.

Law Director Mattes stated that Council can modify the current award before you, you can remand the decision back down to the BZBA to look at certain factors that you wish for them to issue a finding of fact on. You can reverse the decision or you can affirm the decision. A modification could include a sunset.

Vice Mayor Johnson asked if in general on any conditional use permit does BZBA have the purview and legal authority to put a sunset on a conditional use.

Law Director Mattes stated that they could have put any restriction, conditional use that they felt was required under the Code or existing common law in the State of Ohio.

Councilmember Mickelson stated this doesn't pertain specifically to this appeal but I do want to say we should also consider the future and as Intel is moving in and people are moving in and houses are becoming more expensive, what is our

priority as far as retaining our neighborhood feel in our Village? It is important to think about if we go back to the table to make some adjustments in the Short-Term Rental Code.

Law Director Mattes stated that is a topic for the retreat.

Motion by Councilmember Mickelson to reverse the BZBA decision, second by Councilmember Keethler Ball

Mayor Hartfield called for a roll call vote. Councilmember Demarest (yes), Councilmember Keethler Ball (yes), Councilmember Leithauser (yes), Councilmember Mickelson (yes), Councilmember Olbur (no), Vice Mayor Johnson (yes), Mayor Hartfield (yes)

Motion passed by a vote of 6-1

7. NEW BUSINESS

- A. **RESOLUTION NO. 2024-01** A RESOLUTION TO AWARD THE BID FOR THE BRYN DU BARN RENOVATION PROJECT TO ROBERTSON CONSTRUCTION SERVICES, INC AND TO AUTHORIZE THE VILLAGE MANAGER TO ENTER INTO A CONTRACT THERETO

Vice Mayor Johnson recused himself.

Councilmember Demarest introduced and made a motion to adopt Resolution No. 2024-01, second by Councilmember Mickelson

Councilmember Demarest stated that this is a result of some last - minute effort on behalf of the Bryn Du Commission to try to get this resolved after a prior complication. This is moving us in the right direction and is consistent with our support of the project overall.

Councilmember Leithauser stated that this is going to be great, I saw the renderings and it looks fantastic. It will be a great addition to the community.

Law Director Mattes stated that Candi Moore advised the Village Manager that the State award grant has been awarded but the funds will not be in hand. We will be able to certify that we have the funds available and the State grant has been awarded. Council just needs to understand that the \$175,000 won't be in hand.

Motion passed by a vote of 6-0-1

- B. **RESOLUTION NO. 2024-02** A RESOLUTION TO AUTHORIZE THE VILLAGE MANAGER TO ADVERTISE FOR BIDS FOR VARIOUS VILLAGE PROJECTS AND ITEMS THROUGHOUT THE YEAR 2024

Councilmember Mickelson introduced and made a motion to adopt Resolution No. 2024-02, second by Vice Mayor Johnson

Manager Koehler stated that the amended version has the lime sludge storage building, Weaver Drive/River Road pedestrian path and a Thornwood Drive pedestrian path connector were not in the budget passed by Council a few months ago, staff will have to come back to Council for those.

Motion passed by a vote of 7-0

- C. **RESOLUTION NO. 2024-03** A RESOLUTION TO APPOINT MEMBERS TO VARIOUS BOARDS, COMMISSIONS AND COMMITTEES ESTABLISHED PURSUANT TO THE CHARTER OF THE VILLAGE OF GRANVILLE AND THE OHIO REVISED CODE

Councilmember Demarest introduced and made a motion to adopt Resolution No. 2024-03, second by Councilmember Mickelson

Motion passed by a vote of 7-0

- D. **ORDINANCE NO. 01-2024** AN ORDINANCE ADOPTING THE PERMANENT ZONING OF INSTITUTIONAL DISTRICT (ID) FOR THE PROPERTY OWNED BY DENISON UNIVERSITY THAT IS APPROXIMATELY 31.317 +/- ACRES LOCATED ALONG NEW BURG STREET

Councilmember Mickelson introduced ordinance No. 2024-01 and set the public hearing for January 17, 2024, second by Councilmember Leithauser

Vice Mayor Johnson stated that in the annexation agreement there are some agreements about reduction in density that would be allowed under this Institutional District, does that need to be codified in the zoning ordinance or does it default back to annexation agreement? There was a limitation on the number of units. In twenty years when none of us are here doing this will the annexation agreement prevail or the zoning ordinance? We are establishing permanent zoning and with everything going on in the world it seems that zoning is a pretty heavily weighted item. Should we further codify what we already have in the agreement?

Law Director Mattes stated that he will look into that. We may need to look into putting a restriction on the property itself that will run with the land.

8. REVIEW AND APPROVAL OF MINUTES

Minutes from the Village Council Meeting of December 20, 2023

Motion by Councilmember Mickelson to approve the minutes, second by Councilmember Keethler Ball

Motion passed by a vote of 7-0

9. COMMITTEE / COMMISSION / BOARD REPORTS

Granville Community Foundation (Olbur) stated that he is on the marketing committee for the foundation and they met today with all of the committees to lay out the calendar for the year. I think that you will see a lot of fun new funding initiatives coming with the Foundation this year potentially supporting the children's bike ride and parade.

Granville Recreation District (Johnson) stated that they were working on a schedule for Concerts on the Green and getting ready for spring sports registration.

Planning Commission (Mickelson)

Granville Arts Commission (Keethler Ball) stated that they are looking for two positions on the commission. Jurgen Pape resigned his position at the end of this month and we would like to thank him for his long-time commitment to the committee. It is a good commission to getting started with if someone is new to board/commission activities because it isn't a high level of commitment.

Bryn Du Commission (Demarest) – No Report

Open Space Committee (Mickelson) – No Report

Tree & Landscape Commission (Koehler) – No Report

Union Cemetery- No Report

Environmental Sustainability Committee (Mickelson) – No report

10. OTHER COUNCIL MATTERS

Mayor Hartfield asked other members of Council to help her to watch what is playing out in Union Township in regards to the Grand Pointe Road and the entrances and exits on St Rt 37. It's not in our township but or our Village but we need to pay more attention to that because there is a potential for housing there that would flood the school and Grand Pointe Road isn't that far from town, it could affect traffic patterns.

Councilmember Olbur stated that someone reached out to him about the front part of Village Hall where the bookstore was and the police department is going asking if something could be done with those windows to make them look more appealing.

11. OTHER STAFF MATTERS

Manager Koehler stated that they are very close with the documents for Council to consider regarding the JEDD.

Our AFSCME negotiation is getting closer which means our non-bargaining compensation packages will follow right behind it.

As I have in years past, I will send out a survey in advance of the retreat to help organize our priorities.

Councilmember Mickelson asked if Council would receive surveys showing what other communities are paying with regards to the non-bargaining employees.

Manager Koehler stated that staff would provide that.

12. EXECUTIVE SESSION- Pursuant to O.R.C. 121.22(G) (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. -8:29pm

Motion by Councilmember Keethler Ball to enter into executive session, second by Councilmember Mickelson

Mayor Hartfield called for a roll call vote. Councilmember Keethler Ball (yes), Councilmember Leithauser (yes), Councilmember Mickelson (yes), Councilmember Olbur (yes), Councilmember Demarest (yes), Vice Mayor Johnson (yes), Mayor Hartfield (yes)

Motion passed by a vote of 7-0

Motion by Councilmember Demarest to leave executive session, second by Councilmember Olbur

Mayor Hartfield called for a roll call vote. Councilmember Leithauser (yes), Councilmember Mickelson (yes), Councilmember Olbur (yes), Councilmember Demarest (yes), Councilmember Keethler Ball (yes), Vice Mayor Johnson (yes), Mayor Hartfield (yes)

Motion passed by a vote of 7-0 8:35pm

13. ADJOURNMENT- 8:36pm

Motion to adjourn by Councilmember Demarest, second by Vice Mayor Johnson

Motion passed by a vote of 7-0

A handwritten signature in blue ink that reads "Autumn Klein". The signature is written in a cursive style and is positioned above a horizontal line.

Autumn Klein, Clerk of Council

A handwritten signature in blue ink that reads "Melissa Hartfield". The signature is written in a cursive style and is positioned above a horizontal line.

Melissa Hartfield, Mayor