

GRANVILLE VILLAGE COUNCIL

Minutes

May 1, 2024

7:30 P.M.

1. CALL TO ORDER

Mayor Hartfield called the Wednesday, May 1, 2024, Council meeting to order at 7:30pm.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

4. APPROVAL OF AGENDA

Councilmember Mickelson made a motion to approve the agenda, second by Councilmember Olbur

Motion passed by a vote of 7-0

5. SWEARING IN OFFICER DARREN FIELDS

Mayor Hartfield swore in reserve officer Darren Fields.

6. PRESENTATION OF STUDENT ARTS AWARDS TO ROXY WAGGONER & LYNDY VAN HORN

Members of the Arts Commission along with Mayor Hartfield presented awards to Roxy Waggoner for visual arts and Lyndy Van Horn for literary arts.

7. CITIZENS COMMENTS

There were no comments from citizens.

8. PUBLIC HEARING

- A. **ORDINANCE NO. 08-2024 AN ORDINANCE TO AUTHORIZE THE VILLAGE MANAGER TO SIGN A JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT BETWEEN THE VILLAGE OF GRANVILLE AND THE BOARD**

OF TOWNSHIP TRUSTEES OF GRANVILLE TOWNSHIP TO ESTABLISH A
JOINT ECONOMIC DEVELOPMENT DISTRICT IN GRANVILLE TOWNSHIP

A public hearing was not held, the attorney for the JEDD was unable to attend due to an unexpected medical situation. A hearing will be rescheduled for a later date to be announced when determined.

9. OLD BUSINESS

- A. **ORDINANCE NO. 08-2024** AN ORDINANCE TO AUTHORIZE THE VILLAGE MANAGER TO SIGN A JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT BETWEEN THE VILLAGE OF GRANVILLE AND THE BOARD OF TOWNSHIP TRUSTEES OF GRANVILLE TOWNSHIP TO ESTABLISH A JOINT ECONOMIC DEVELOPMENT DISTRICT IN GRANVILLE TOWNSHIP

Councilmember Mickelson made a motion to table Ordinance No. 08-2024 until a time to be determined and announced at a later date, second by Councilmember Demarest

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

Motion passed by a vote of 7-0

10. NEW BUSINESS

- A. **RESOLUTION NO. 2024-39** A RESOLUTION ESTABLISHING A MORATORIUM ON THE ISSUANCE AND PROCESSING OF PERMITS RELATED TO THE CULTIVATION, PROCESSING, OR DISPENSING OF RECREATIONAL MARIJUANA WITHIN THE VILLAGE OF GRANVILLE, OHIO

Councilmember Olbur introduced and made a motion to adopt Resolution No. 2024-39, second by Councilmember Mickelson

Manager Koehler stated that at the retreat we discussed a couple of alternatives to handling issue 2, recreational marijuana, in the Village. What you have before you is a full moratorium across the Village but it does have an option in the future to modify it as Council sees fit. If Council would like to see opportunities for recreational sales in the Village staff would recommend it be limited to the Planned Commercial District which is the area south of ST RT 16, basically between Arby's

and just past Bob Evans. This is very similar to what other municipalities have done while the State of Ohio gets their plans squared away.

Councilmember Keethler Ball stated that she was at the planning and zoning retreat this past weekend and there was a fair amount of discussion about this. Jeff Gill made some interesting comments, he was talking about looking at how people voted. Which precincts voted yes and no. If we didn't want it downtown and we want pushed it out to the edge, did downtown voters say yes and the outside edge people said no yet we push out there. As time goes on we might want to look at who voted yes or no for not in my backyard kind of thing.

Councilmember Leithauser stated that his question is the wording around permits, we don't issue the permits, do we? The State does to grow and process.

Law Director Mattes stated that the Village will issue zoning permits.

Manager Koehler stated that the State has said that they hope to start issuing permits within ninety days but that has been like twenty days ago. They will likely start out with medical marijuana dispensaries first before new ones are entertained.

Vice Mayor Johnson stated that we talked about a couple of different things at the retreat and I'm not sure where we stand on them. One was the moratorium on dispensaries and the other one was public consumption. Has there been any more discussion on that or information from the State?

Law Director Mattes stated that we are waiting on the rules and regulations that have to go through the various forms of government at the state level before we can mirror those.

Manager Koehler stated that the only reason that Council is seeing this is because of the recent announcement that they intended to issue permits within ninety days.

Vice Mayor Johnson asked if he thought that the State would issue permits before they issued guidance.

Law Director Mattes stated that he suspects the holdup is the rules being enforced. They have to pass the Ohio Administrative Code provisions.

Vice Mayor Johnson stated that if Council wanted to pass something along those lines it would just have to be revised if the Ohio Administrative Code came out with something contrary.

Law Director Mattes correct, the Ohio Administrative Code and Ohio Revised Code would supersede ours.

Vice Mayor Johnson stated that his point was that he didn't want the Village to be hamstrung by the State if they dilly dally with this. Whether we decide to do something or not, obviously it would take a majority of Council, I am thinking about the outdoor cafes. I would like to be ahead of it instead of behind it.

Manager Koehler stated that the read that we are getting, as limited as it is, would likely mirror the tobacco smoking standard.

Motion passed by a vote of 7-0

- B. **RESOLUTION NO. 2024-40** A RESOLUTION TO AMEND RESOLUTION NO. 2024-28 TO EXTEND THE CONTRACT FOR GROUND MAINTENANCE FOR 2024, TO LEGEND LAWN AND LANDSCAPE, AND TO AUTHORIZE THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT THEREFORE

Vice Mayor Johnson introduced and made a motion to adopt Resolution No. 2024-40, second by Councilmember Mickelson

Manager Koehler stated that our contract with Legend Lawn and Landscape had a provision in it that the rate could increase equal to the consumer price index but it required the contractor to request it. They neglected to request it this year then realized their mistake after the fact. This is more of a housekeeping issue because it is the right thing to do.

Motion passed by a vote of 7-0

- C. **RESOLUTION NO. 2024-41** A RESOLUTION TO APPOINT MEMBERS TO THE ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Councilmember Mickelson introduced and made a motion to adopt Resolution No. 2024-41, second by Councilmember Olbur

Councilmember Mickelson stated that the committee is very excited, there were six applicants and we got lucky, we have some experience at the table.

Motion passed by a vote of 7-0

- D. **ORDINANCE NO. 10-2024** AN ORDINANCE TO AMEND ORDINANCE NO. 23-2023 PROVIDING FOR ADJUSTMENTS OF THE ANNUAL BUDGET FOR THE FISCAL YEAR 2024 AND REVISING SUMS FOR OPERATING EXPENSES

Councilmember Demarest introduced Ordinance No. 10-2024, and set the public hearing for May 15th, second by Councilmember Keethler Ball

11. REVIEW AND APPROVAL OF MINUTES

Minutes from the Village Council Meeting of April 17, 2024

Councilmember Mickelson made a motion to approve the minutes, second by Councilmember Olbur

Motion passed by a vote of 7-0

12. COMMITTEE / COMMISSION / BOARD REPORTS

Granville Community Foundation (Olbur) stated he didn't have a report their retreat was cancelled.

Granville Recreation District (Johnson) stated that they are replacing the water lines at the garden, it is costing them about \$6,000. They are also experiencing a major shortage in officials for the spring sports.

Councilmember Olbur asked if there had been any discussion about the grounds at Wildwood Park because it is awful.

Vice Mayor Johnson stated that they are in the middle of a lawsuit with the people who put it down. They put it in, it started failing, they did some repairs, which are not holding, but they have been advised by their counsel they have to leave it until it gets resolved. The challenge is the money has to come from the people who put it in. They have a newsletter coming out and they are going to put that in it so people know what is going on.

Planning Commission (Mickelson) stated that the lot split at the Mill District was approved, there were two items that were tabled. One was the Presbyterian Church's application for the installation of a louver, the conversation reflected around historical integrity because it was going to be on the east side, lower window. There wasn't a picture to show how much it was going to cover up. The suggestion was to see if they could move it to the other side. The Lot wanted to change their outdoor seating and part of that entailed drilling into the sidewalk to have a bar railing type of set up. The concern was that it would then be more permanent, the owner wasn't there to answer questions, so they table it as well.

The retreat was great, Commissioners Gill and Burriss would like to see the Village take a look at diversity of housing and the affordability, maybe organize a committee

to study that, awareness of historical integrity when folks are updating. There was a lot of discussion around the enforcement of the Short-Term Rental Code. We had a lively discussion about conditional uses and variances. There were some different takes on that. Some of the takeaways were regarding the Duncan Criteria they don't always have the ability to say no or feel they can say no based on the way that they are written. Also, this feeling that they need to change the perspective of Granville always saying no to updates. It was also mentioned that they have never seen a Council member at a BZBA meeting.

Mayor Hartfield stated that Councilmembers should not be at those meetings.

Law Director Mattes stated that they are a judicial body and Council is the appellant body for any of their rulings.

Mayor Hartfield stated unless you are there for something personal, we should not be sitting in those meetings.

Councilmember Mickelson stated that maybe that is a discussion that needs to happen because there is maybe a disconnect between us and BZBA, expectations of what we have versus what their responsibilities are.

Law Director Mattes stated that he would be happy to show up at a meeting and discuss that.

Councilmember Keethler Ball stated that one of the things that they were saying was that so many things come up for variances because there is almost no households within the Village exactly fit what the standards are. Jeff Gill gave an example of an applicant who had thirty-foot side of the house and the setback was four feet when it was supposed to be ten so they got a variance to build an ADA compliant bathroom by just following the same line of the house.

Councilmember Mickelson stated that she understood that they go through a process and don't just rubber stamp things through and I hope they know that's not what I was saying but if you go by that and everybody wants to build an addition then you have wall to wall houses.

Mayor Hartfield stated that there is a lot of discussion around the word conditional. When we sit here on Council and we discuss legislation, weren't not going to have it be a permitted use it is going to be conditional. Then you jump back to another body that says we had to approve it because it met Code. If it is conditional, it shouldn't be that if it meets the four Duncan criteria send it through. If it is conditional and you have to approve something conditional, why do we even have that?

Law Director Mattes why do we have conditional use? So that it isn't an automatic "I qualify". If the Code allows it, it is a permitted use. If it is conditional per the Code then it is conditioned upon the approval of the appropriate authority.

Mayor Hartfield stated that they do have the wherewithal to say no, even outside of the Duncan principles.

Law Director Mattes answered correct.

Vice Mayor Johnson stated that he was at BZBA last month with a client on a matter that he recused himself on and would do again if it comes back to Council, and I thought that they did a really good job of going through the Duncan Criteria very diligently. It was for GCA and it almost didn't get approved. In fact, the conditional use was conditional approved. They were asked to come back in December to prove that they don't have a traffic issue. The other time that I had to go to BZBA was about ten years ago that I recused myself, and it was completely different they had overlooked some process, Council discussed the matter and determined that there wasn't enough record, so we remanded it back and they had to go back through it. They now go through each standard and have each member state their opinion on each one, they record all of that, but they don't necessarily use that as their vote. I think that you have to go through that process diligently, but it does not need to resolve in a yes.

Mayor Hartfield stated that was her point, she doesn't think that it is clear to them on some occasions where the delta is on that.

Law Director Mattes stated that he has found them to be judicious.

Mayor Hartfield stated that she was not saying that they weren't but didn't one or two of the members say they wished they could have voted no on the STR that we just heard the appeal on?

Councilmember Mickelson stated that there was one other member that said they wished they didn't have to put it through.

Law Director Mattes stated that there is no requirement for them to approve a conditional use.

Mayor Hartfield stated that was her point, I think that there is a grey area for one or two members that need to understand where the difference is.

Vice Mayor Johnson stated that the legislation that we postponed due to being near to an election will be really helpful because the night that I attended there were only four of the five members present and I know people have lives and they spend a lot of

time doing this, so I understand when they have to miss but I think that an increase in the number of members will provide a diversity in perspective and will be helpful.

Councilmember Mickelson stated that she thinks taking down the comments for each member regarding each criteria is helpful, Planning Commission was moving in that direction but I'm not so sure if we are moving in that direction. I didn't mean for it to sound like they were rubber stamping everything, it is just something that I heard through Council so I thought that I would bring it up at the retreat.

Mayor Hartfield stated that if there is somebody that thinks the four criteria mean yes explicitly then they need to know what the rules really are.

Law Director Mattes stated that conditional means conditional, they don't have to approve it. They have to examine the factors and they have to state their reasons on the record. Conditional is not automatic, it doesn't qualify under the Code, it may qualify under the Duncan criteria but they can vote no.

Councilmember Keethler Ball stated that she thought that the clarification for the body would be good and I know that they have said that they would like to have more legal advice than we have set them up with.

Law Director Mattes stated that he couldn't be in a position where he can't then advise Council.

Vice Mayor Johnson stated that sitting on those boards you do need some sort of guidepost. In the past the advice of our legal counsel was that the different criteria don't have to have equal weight. In any given case one of those criteria may be weighed more by the judicial body than another. There is not a rubric that is straight forward for every case. The AROD standards for the Planning Commission are the same way.

Courtney Ruppert stated that she had the opportunity to sit through the meeting of all three of these boards and all three of you have a wealth of talent and you are all working towards the same thing, the greater good of Granville. I think that BZBA and GPC could use some guidance not only from the Law Director but that we are all working towards the same goal and remind them that we are all not in our own silos and the Village Manager is already working on a way to do that so there isn't this angst. I don't think that what happened at the retreat on Saturday was negative.

Law Director Mattes stated that those edges are always going to be in a deliberative body that has to appeal to Council. To echo what Vice Mayor Johnson said there is no

100% fool-proof method of you have one factor but not the other three but that one factor is pretty darn important, so I am going to vote no and that is fine.

Granville Arts Commission (Keethler Ball) stated that they awarded students tonight and that was a good effort on Billie Zimmers part because she wanted to raise the profile of the commission. She thanked the Mayor for presenting the awards.

Bryn Du Commission (Demarest) thanked everyone who attended the groundbreaking ceremony at the Bryn Du barn.

Councilmember Keethler Ball added that the green was filled with seniors all in plastic hard hats dancing to “celebrate” prior to the groundbreaking.

Open Space Committee (Johnson) stated that there was a meeting, no recommendations were made they mainly discussed signage making sure it was up and that the website was up to date. They were in executive session for a while talking about future opportunities.

Tree & Landscape Commission (Leithauser) stated that Arbor Day was successful and offered to sit in for the Mayor again if she needs someone to.

Union Cemetery (Demarest) stated that we just had a joint meeting with Lyn Boone’s report.

Environmental Sustainability Committee (Mickelson) stated that they meet again May 14th.

Education Foundation (Leithauser) stated that the school is going through the budgeting process, the Foundation is more focused on the alumni that will be coming into downtown during the 4th of July celebration. They are preparing for the Blue, White and Boom.

13. OTHER COUNCIL MATTERS

There were no other Council matters discussed.

14. OTHER STAFF MATTERS

Manager Koehler stated that in the budget amendment there was \$4,500 requested for a software called Go Notify. This is going to help us migrate ourselves away from active social media which has been causing some problems for a while. It will be a mobile and desktop application that will communicate with our residents in a way that protects us from the perils of social media.

Councilmember Keethler Ball inquired about why a certain Facebook comment couldn't be removed.

Law Director Mattes stated that it is a public record.

Manager Koehler stated that residents won't be able to comment, but can register questions/concerns, and staff will just be making posts to communicate road closures, construction updates and things like that. It has a lot of capability, we looked at three but this is the most affordable for the capabilities.

He asked Council to decide when they would like to move the June 19th Council meeting since it is on a Federal holiday, Juneteenth. Tuesday, June 18th or Wednesday, June 26th. The Council meeting on July 3rd would be closed and we want to avoid going five weeks between meetings.

Councilmembers had least conflict with the June 26th and the Clerk will announce accordingly.

15. **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.

Vice Mayor Johnson made a motion 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 8:21pm

Councilmember Demarest made a motion 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 8:49pm

16. ADJOURNMENT- 8:50pm

Councilmember Demarest made a motion to adjourn the meeting, second by Councilmember Olbur

Motion passed by a vote of 7-0

A handwritten signature in blue ink, appearing to read "Autumn Klein", written over a horizontal line.

Autumn Klein, Clerk of Council

A handwritten signature in blue ink, appearing to read "Melissa Hartfield", written over a horizontal line.

Mayor, Melissa Hartfield