



**COUNCIL MINUTES**  
**November 14, 2022 · 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, M. Terry, J. Eudaily, K. Ferguson, F. Reed, and J. Sintz.

Absent: J. Rucker

**Approvals:**

Agenda: Council Meeting – November 14, 2022

Mr. Sintz motioned to approve the November 14, 2022 agenda, seconded by Ms. Ferguson. All in favor.

Minutes: Council Work Session – November 2, 2022

Mr. Eudaily motioned to approve the November 2, 2022 minutes, seconded by Mr. Sintz. All in favor.

**Proclamation:**

**Bernard Vance:** The Mayor presented the proclamation to Mr. Vance and thanked him for his service both to the Village of Plain City as well as our country. All members and residents in attendance gave Mr. Vance a standing ovation.

**Three Bridges Gospel Group:** The Mayor presented the proclamation for the Three Bridges Gospel Group and stated that it would be mailed to a representative of the group.

**Visitors:** Patrick Shenk

Mr. Shenk introduced himself and stated that he would be talking about the rapid growth of Plain City. He stated that Plain City is growing very quickly and that farmland is being consumed just as quickly. He presented several statistics for farmland lost to development across the country and that he hopes Plain City can sustain the current growth in a reasonable manner and in such a way as to minimize the farmland lost to developments. Mayor Carney thanked Mr. Shenk for his

comments and stated that with the proposed zoning code update, it is the hope that growth within the Village will be done in an appropriate and sustainable manner. She thanked Mr. Sherk for his time and input.

### **Reports:**

- Mayor: Mayor Carney updated Council members on the recent blood drive and thanked everyone who participated. She stated that 38 people took part in the blood drive, including several staff members. Mr. Reed commented that Mayor Carney also gave blood and thanked her for the donation. Additionally, the Mayor thanked all staff who were involved in the Veteran's Day ceremony. The Mayor stated that the coloring contest is nearing its end date. Lastly, she informed everyone on upcoming Christmas activities around the Village.
- Finance Director: Ms. Sonnett updated Council on the health insurance increase for staff which, instead of the expected 5.9% increase, will be only 0.02%.
- Police Chief: Nothing to report.
- Village Administrator: Ms. Lupton updated Council on the website RFP and stated that it is staff's plan to have the bid awarded soon. She also updated Council on the Maple Street bridge repair grant. Lastly, Ms. Lupton introduced Derek Hutchinson, the new Village Planner.
- Council President: Mr. Terry stated that Council would have their work session on December 7, 2022 but that he would be absent. He said that he would communicate with Mr. La Fayette accordingly on his notes and thoughts for the work session.
- Law Director: Mr. La Fayette stated that he is currently reviewing several proposed contracts and easements.
- Marketing & Communications: Mr. Sintz stated their next meeting would be November 15, 2022 at 6:30pm.
- Board of Zoning Appeals: Mr. Eudaily stated that the Board of Zoning Appeals did not have a meeting in October but that he attended the Union County LUC and updated Council on the next steps for the Union County Comprehensive Plan.
- Planning & Zoning: Mayor Carney stated that the Planning & Zoning Commission did not have an October meeting.
- Parks & Recreation Committee: Mr. Reed stated that the committee last met on November 8, 2022 and finalized their work on the capital budget. He believes that they fit a lot within the budget and prioritized projects well. He added that the committee had a short discussion about adding an event centered around arts in the community sometime in the future. This could include a theater group and craft activities. He updated Council members on Christmas events and activities that would be taking place in the near future.
- Personnel & Finance/CIP: Ms. Ferguson stated that their next meeting would be November 30, 2022 at 6:30pm.
- Fire: Mr. Sintz stated that they last met on November 4, 2022. He stated that October and November have been a busy month for fire education and provided details about the several educational events that occurred around the Village. Lastly, he updated Council on repair work being done on one of the fire trucks.
- Design Review Board: Mr. Hutchinson stated that the Design Review Board would have their next meeting November 30, 2022.

**Public Hearing:** An Ordinance Authorizing Comprehensive Amendments to The Codified Ordinance Part Eleven: Planning And Zoning Code And Zoning Map For The Village Of Plain City

Mayor Carney opened the public hearing at 6:52pm.

Mr. Hutchinson gave several brief comments about the status of the zoning code update. He stated that there are several items that warrant review and potential modifications but none that put the timeline significantly behind. He noted that there will most likely be several modifications as it relates to commercial establishments. Mr. Terry asked when Mr. Hutchinson thinks a first reading could take place. He answered early January. Mr. Terry asked Mr. La Fayette if a public hearing at the Planning & Zoning Commission would be required. Mr. La Fayette answered yes if substantial changes occur. Mr. Terry said that he believes a first reading would most likely occur in February then. Mr. La Fayette concurred. Mr. Terry stated that he would rather it be done right the first time even if it takes more time. Mr. Hutchinson agreed and said that he plans to address all concerns and comments as comprehensively as possible.

Eric Medici introduced himself and said that he's glad there will not be voting until February as he sees several issues with the zoning code draft. Mr. Medici asked Council about the conditional use aspect of the new code and if it follows the property owner or tenant. He noted that he feels his questions were not answered at the Planning and Zoning Commission public hearing. Mr. Medici asked Mr. La Fayette if the conditional use follows the property owner, tenant, or sublet. Mr. La Fayette stated that the use goes with the property itself and said that it is similar to an easement in how it follows the property. Mr. Medici asked if the tenant did not use the drive-through for 12 months would it be discontinued. Mr. La Fayette said yes. Mr. Medici said he hopes that Council is hearing him on his concerns. He has invested a lot of money and time into the drive-through at the Farmer's National Bank and does not want to lose that investment. Mr. La Fayette acknowledged Mr. Medici's concerns and stated that he would have to research more but believes an extension could be granted if applied for. An extension request would have to go through the Board of Zoning Appeals (BZA) if the use expires. Mr. Medici stated that he fears that if a conditional use request is not approved then his financial investment would be wasted. Mr. Terry said that he believes the details of a financial investment and associated details would be considered during a BZA hearing.

Mr. Medici reminded Council about the property use problems in regards to the Plain City Animal Hospital that were presented at the Planning & Zoning Commission public hearing. Mr. La Fayette reiterated that the use follows the property and is not attached to the property owner. If a property is nonconforming, it would remain nonconforming. Mr. Medici said that he has other changes he would like to see but that he will communicate his thoughts with Mr. Hutchinson outside of Council.

Mr. Medici also stated that he would like to see the Village become a Certified Local Government (CLG). He is concerned that a historic district overlay would not qualify for a CLG selection. Mr. Hutchinson noted that the historic district overlay is currently in the Codified Ordinances and in the same section as the Design Review Board code. Mr. Medici said he believes that a CLG is needed in order for property owners to have access to state and federal grants. He thanked Council for their time.

Heather Doherty with the ODNR Scenic River Program introduced herself and thanked Council for their invitation and time. She said that she served on the advisory council for the zoning code update and is pleased with the details listed in the 2018 Comprehensive Plan that protect the Big Darby.

She said that her two main goals are to protect the existing areas the Village currently have and then, in the new areas, build smart developments that have low runoff and low impact to surrounding protected areas. She noted that a key part of smart development is keeping the new area as close to the original as possible. Ms. Doherty presented her concerns on the conversation development section in the proposed zoning code. She believes that it does not incentivize developers to opt in to that type of development and that the potential benefits of a conversation style development would be lost assuming that most developers will want to build as many units as possible. She recommends that the proposed zoning code go back to the previous language that allows for smaller lot sizes in a conservation development which would incentivize developers to use that tool. Ms. Doherty gave Mr. Dreier copies of her detailed notes to distribute to Council members.

After no one came forward to give additional public comment, Mayor Carney closed the public hearing at 7:17pm.

Mr. Terry said he believes staff is 95% done with the zoning code update and that he believes all comments will be taken care of appropriately. He understands that this is a large undertaking and has full confidence in staff to proceed accordingly.

Mr. Eudaily said he feels it is important to address the historical district and take care of the buildings in the Uptown. He wants to make sure that protection language is added accordingly. Mayor Carney asked Mr. Hutchinson if there will be a Planning & Zoning Commission meeting in December. Mr. Hutchinson said yes and thanked everyone for their comments and told Council that comments are being heard and addressed. He specifically thanked Mr. Medici for his comments and said drive-through's will be addressed.

**Public Hearing:** An Ordinance To Amend The Codified Ordinance Of The Village Of Plain City, Ohio; Enacting Part Seventeen Nuisance And Property Maintenance Code: Title One Public Nuisances And Title Three Property Maintenance Code

Mr. Dreier gave a brief overview of the property maintenance code and public nuisance code drafts. He explained that both drafts would be an additional tool that the Village could use to solve violations and abate nuisances. Mr. Reed asked if this would constitute adopting an entire code or a document. Mr. Dreier responded that he envisions adopting the document with specific verbiage changes where appropriate. Mr. Reed asked what timeline he has in mind. Mr. Dreier answered that he hopes to have it passed in concordance with the zoning code. Mr. Reed noted that it seems that it may necessitate a longer timeframe for the zoning code update to be passed if this will be passed at the same time. Mr. Hutchinson and Mr. Dreier said that it should not delay that zoning code update.

Mr. Terry asked if this would replace the current ordinances in place. Mr. Dreier responded that it would where applicable but that the proposed public nuisance code does not contain noise regulations.

Mayor Carney noted that these drafts primarily deal with nuisance and blight issues.

Mayor Carney opened the public hearing opened at 7:26pm.

Mayor Carney noted that no one came forward to speak for the public hearing and closed it at 7:27pm.

### **Old Business:**

**2<sup>nd</sup> Reading Ordinance 23-2022:** An Ordinance Amending Sections 1327.10 And 1327.11 of the Codified Ordinances

Mr. Terry motioned to approve Ordinance 23-2022, seconded by Mr. Sintz. 4 yeas, 1 nay from Mr. Reed.

**2<sup>nd</sup> Reading Ordinance 24-2022:** An Ordinance Approving the Vacation of a Public Alley Within the Village of Plain City Running Between Main Street and Bigelow Avenue

Ms. Ferguson motioned to approve Ordinance 24-2022, seconded by Mr. Sintz. All in favor.

**2<sup>nd</sup> Reading Ordinance 25-2022:** An Ordinance Establishing and Entering into a Community Monument Easement and Maintenance Agreement for the Clock Tower Property At 101 S Chillicothe Street

Mr. Sintz motioned to approve Ordinance 25-2022, seconded by Mr. Eudaily. All in favor.

### **New Business:**

**1<sup>st</sup> Reading Ordinance 26-2022:** An Ordinance Amending Water And Sewer Rates For The Village Of Plain City, Ohio Beginning March 1, 2023

**1<sup>st</sup> Reading Ordinance 27-2022:** An Ordinance Authorizing The Village Administrator To Award The Contract For The Village Of Plain City Uptown Streetscape Project To Danbert Inc And Declaring An Emergency and Requesting a Waiver of the Second Reading

Mr. Terry motioned to waive the second reading of Ordinance 27-2022, seconded by Mr. Sintz. 4 yeas, 1 nay from Mr. Reed. Mr. Terry noted that the waiver of the second reading failed. Mr. Eudaily asked Mr. Reed why he voted nay to waive the second reading. Mr. Reed stated that he is concerned with the amount of work this ordinance puts on the streetscape plan and said that it uses ARPA funds. He said that ARPA funds were not planned to be used for this project and he feels that using it for this project bypasses other projects like sidewalks and bike trails and safety issues such as the lack of sidewalks on West Avenue and Perry Pike. Mr. Reed would like to see the ARPA funds used for a social safety net that were caused from the COVID pandemic. He would prefer to go back to the original plan for the streetscape.

Mr. Terry acknowledged Mr. Reed's comments and said that it will pass regardless and that Mr. Reed is using delay tactics. Mr. Reed asked Ms. Ferguson and Mr. Sintz if they feel differently than Mr. Terry and Mr. Eudaily, noting that the latter have expressed their support of this ordinance. Ms. Ferguson stated that, as she said at the last meeting, she believes it is important to perform a good faith effort to support property owners so that the Village streetscape will look great for residents and visitors. She believes that everyone wins when the Uptown is beautiful and revitalized and that this ordinance would help accomplish that objective. Mr. Sintz stated that he agrees with Ms. Ferguson and that this proposal is a good use of these funds and believes the Uptown will be a safer place if this ordinance passes. Mr. Reed acknowledged Mr. Terry's comments.

Mr. Reed made a motion to reconsider the previous vote, seconded by Mr. Terry seconded. All in favor.

Mr. Terry motioned to waive the second reading of Ordinance 27-2022, seconded by Ms. Ferguson. All in favor.

Mr. Terry motioned to approve Ordinance 27-2022 and declare an emergency, seconded by Ms. Ferguson. All in favor.

**1<sup>st</sup> Reading Resolution 22-2022:** A Resolution for Final Appropriations for Current Expenses and Other Expenditures of the Village Through December 31, 2023

Mr. Terry stated that he would like to have the opportunity for Council members to discuss the compensation study and would like to see it added as a discussion item or potentially an old business item. He would like to hear more details from Ms. Lupton and Ms. Sonnett about their thoughts on the study. Additionally, Mr. Terry noted that he wants to make sure he understands what the supplemental budget will be in order to effectively pass the overall budget. Mr. Terry acknowledged the complexity of the situation. Mr. Reed stated his agreement with Mr. Terry's final comment.

**1<sup>st</sup> Reading Resolution 23-2022:** A Resolution Accepting Determinations of Compensation Plan Update

**1<sup>st</sup> Reading Resolution 24-2022:** A Resolution Amending The Village of Plain City Citizen Recognition Policy and Award Application

**Discussion Items:**

None at this time.

**Executive Session**

**Adjourn:**

Mr. Sintz motioned to adjourn, seconded by Mr. Terry. Meeting adjourned at 7:45pm.