

**GRANVILLE VILLAGE COUNCIL
TENTATIVE AGENDA
JANUARY 6, 2021**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. CITIZENS COMMENTS
6. PUBLIC HEARING

MEETING DIAL-IN INFORMATION

DIAL: 646-749-3122

ACCESS CODE: 340-533-685

- A. **ORDINANCE NO. 24-2020** AN ORDINANCE TO ESTABLISH CHAPTER 1182 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GRANVILLE, OHIO, REGARDING SHORT-TERM RENTAL OPERATIONS
 - B. **ORDINANCE NO. 28-2020** AN ORDINANCE TO ACCEPT CERTAIN INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE MIDDLETON SENIOR LIVING COMMUNITY FOR PUBLIC MAINTENANCE AND OPERATION BY THE VILLAGE OF GRANVILLE
 - C. **ORDINANCE NO. 29-2020** AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES
 - D. **ORDINANCE NO. 30-2020** AN ORDINANCE TO AMEND ORDINANCE NO. 29-2019 PROVIDING FOR ADJUSTMENTS OF THE ANNUAL BUDGET FOR THE FISCAL YEAR 2020 AND REVISING SUMS FOR OPERATING EXPENSES
- 7. OLD BUSINESS**
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8. NEW BUSINESS

- A. **RESOLUTION NO. 2020-01** A RESOLUTION TO (RE)APPOINT A MEMBER TO THE GRANVILLE TREE AND LANDSCAPE COMMISSION
- B. **RESOLUTION NO. 2020-02** A RESOLUTION TO APPOINT AND (RE) APPOINT MEMBERS TO THE GRANVILLE ARTS COMMISSION

9. REVIEW AND APPROVAL OF MINUTES

Minutes from the virtual Council Meeting of December 16, 2020 Virtual Council Meeting.

10. COMMITTEE / COMMISSION / BOARD REPORTS

- A. Granville Community Foundation (Lerner)
- B. Granville Recreation District (Johnson)
- C. Planning Commission (Montgomery)
- D. Granville Arts Commission (Mickelson)
- E. Bryn Du Commission (Demarest)
- F. Open Space Committee (Mickelson)
- G. Tree & Landscape Commission (Lerner)
- H. Union Cemetery (McGowan)

11. OTHER COUNCIL MATTERS

12. OTHER STAFF MATTERS

13. MEETING ANNOUNCEMENTS

- | | | | |
|----|------------|-----------------------------|-----------|
| A. | January 7 | Granville Rec District | 6:00 P.M. |
| B. | January 11 | Planning Commission | 6:00 P.M. |
| C. | January 11 | Arts Commission | 7:00 P.M. |
| D. | January 12 | Tree & Landscape Commission | 7:00 P.M. |

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|----|------------|-------------------------------|-----------|
| E. | January 14 | BZBA | 6:30 P.M. |
| F. | January 21 | Granville Recreation District | 6:00 P.M. |
| G. | January 25 | Planning Commission Meeting | 6:00 P.M. |
| H. | January 28 | Bryn Du Commission | 7:00 P.M. |

14. ADJOURNMENT



To: Village Council
From: Herb Koehler - *Handwritten signature*
Date: December 31, 2020
Re: Council Meeting Agenda Items – January 6, 2021

Providing background and Staff recommendations on agenda items for the January 6, 2021 Council Meeting as follows:

Ordinance No. 24-2020. This Ordinance includes a number of edits based on the last two Council Meetings, separate input from Councilmembers, and resident feedback. The Law Director has sent some explanation separately to Council as background on the latest version. **Staff understands that the public hearing and ensuing discussion may warrant further revision of the ordinance and/or tabling of this item to allow staff to make adjustments.**

Ordinance No. 28-2020. This is an ordinance to accept the infrastructure improvements at the Middleton Senior Living Community. The Middleton Senior Living sanitary sewer line extension, waterline extension and pedestrian pathway extension have been installed to the satisfaction of the Village Engineer. The acceptance and confirmation of the infrastructure requirements for the installation of a sanitary sewer line, waterline and pedestrian pathway are consistent with the public interest of the Village of Granville. **Staff is still awaiting exhibit documents from the Middleton attorney. Staff recommends tabling again and setting public hearing for January 20, 2021.**

Ordinance No. 29-3030. This ordinance authorizes the update of the Village of Granville's codified ordinances. **This is a housekeeping item, staff recommends approval.**

Ordinance No. 30-2020. This is an additional appropriation ordinance to add \$220,436 to the Ohio Water Development Authority Loan (OWDA) Fund, and to add \$33,527.75 to the Capital Project OWDA Fund. An explanation of these appropriations is below. **Staff recommends approval.**

D02-7-A-260 – Ohio Water Development Authority Loan Fund – Several years ago, former Village Manager Steve Pyles applied for a loan through the Ohio Water Development Authority (OWDA) for various improvements at the water plant. Because of staff turnover, this loan process was delayed. In June of

this year, the Village was awarded a \$220,436 loan for design of water treatment plant improvements and a storage tank. A second loan was to be issued for the construction phase of the project and the two loans would then be combined into one. Staff had initially thought that second loan for the construction phase of the project would be approved yet this year; therefore, we were waiting on amending the budget so that we could account for both loans in one budget amendment.

Because of various scheduling concerns, the water tank project was delayed until next year and the Village held off receiving the loan funds for the construction portion of the loan. Because the design loan was approved this year, the village's budget must reflect the incoming loan revenue of \$220,436 and the repayment of the \$220,436. While we are not actually paying off the loan, the State of Ohio requires us to account for the revenue and payment upon receipt on the loan. **Staff is asking for an appropriation of \$220,436 to properly account for this design loan.**

D01-7-A-270 & D01-7-A-250 – Capital Project OWDA Fund – As mentioned above, the Village was awarded a loan from the Ohio Water Development Authority for the design of water treatment plant improvements and a storage tank. The OWDA charged a service fee on the loan in the amount of \$2,936.00. In addition, V-3 Companies (formally Bird & Bull), has invoiced the village \$30,591.75 for engineering services related to this project which has been paid from the Water Fund. While this amount has already been paid from the Water Fund, it can be reimbursed through the loan fund. **Staff is asking for an appropriation of \$33,527.75 to account for the \$2,936 service fee from OWDA and to reimburse the Water Fund \$30,591.75 for payments made to V-3 Companies.**

Resolution No. 2021-01. This resolution to reappoint Linda Reynolds to the Tree & Landscape Commission. **Staff recommends approval.**

Resolution No. 2021-02. This is a resolution to appoint Cory Camp to the GAC to replace Mickey Smith as the Township Trustee representative and to reappoint Lois Foreman Wernet as Village Council representative. **Staff recommends approval.**

Staff does not anticipate the need for an Executive Session.

BY:

ORDINANCE NO. 24-2020

AN ORDINANCE TO ESTABLISH CHAPTER 1182 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GRANVILLE, OHIO, REGARDING SHORT-TERM RENTAL OPERATIONS

WHEREAS, the Council of the Village of Granville, Ohio, has determined that a short-term rental operations ordinance should be established for the Village of Granville as part of the Planning and Zoning Code; and

WHEREAS, the maintenance of Granville's existing residential neighborhoods is essential to its continued vitality and economic strength; and

WHEREAS, special regulation of these uses is necessary to ensure that they will be compatible with surrounding uses and will not act to harm and alter the neighborhoods in which they are located; and

WHEREAS, the chapter is necessary to prevent unreasonable burdens on services and unreasonable impacts on residential neighborhoods posed by short-term rental operations; and

WHEREAS, it is the intent of this chapter to benefit the general public by minimizing adverse impacts of short-term rental operations on the local housing supply at all income levels, and to minimize adverse impacts of the transient and semi-commercial character of short-term rental operations on adjacent residential uses.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Granville, Licking County, Ohio that:

Section I. The Granville Village Council does hereby establish a short-term rental operations ordinance as part of the Codified Ordinances of the Village of Granville as Chapter 1182.

Section II. The purpose of Chapter 1182 is to prevent unreasonable burdens on services and unreasonable impacts on residential neighborhoods posed by short-term rental operations; to ensure that they will be compatible with surrounding uses and will not act to harm and alter the neighborhoods in which they are located; to benefit the general public by minimizing adverse impacts of short-term rental operations on the local housing supply at all income levels; and to minimize adverse impacts of the transient and semi-commercial character of short-term rental operations on adjacent residential uses.

Section III. Chapter 1182 "Short-Term Rental Operations" is adopted as attached hereto and incorporated herein as Exhibit A.

Section IV. This Ordinance shall take effect and be in force from and after the earliest date permitted by law.

Passed this _____ day of _____, 2020.

Melissa Hartfield, Mayor

ATTEST:

Autumn Klein, Clerk of Council

APPROVED AS TO FORM:

Michael King, Law Director

CHAPTER 1182
SHORT-TERM RENTAL OPERATIONS

1182.01 PURPOSE

This chapter regulates the operation of short-term rental properties in the Village of Granville. The provisions of this chapter are necessary to prevent unreasonable burdens on services and unreasonable impacts on residential neighborhoods posed by short-term rental operations. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of Granville's existing residential neighborhoods is essential to its continued vitality and economic strength. It is the intent of this chapter to benefit the general public by minimizing adverse impacts of short-term rental operations on the local housing supply at all income levels, and to minimize adverse impacts of the transient and semi-commercial character of short-term rental operations on adjacent residential uses.

1182.02 DEFINITIONS

The following words and phrases, when used in this article, shall have the meaning ascribed to them by this section:

- (a) "Booking Service" means any mechanism for a reservation and/or payment service provided by a hosting platform that facilitates a short-term rental transaction between a short term rental host and a prospective short-term rental guest, and for which the hosting platform collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.
- (b) "Calls for Service Ratio" means the number of calls for service divided by the number of sleeping rooms in service at the short-term rental.
- (c) "Calls for Service" means any and all calls, including but not limited to those to law enforcement and/or the fire department, when those calls:
 - (1) result in a representative being dispatched or directed to the short-term rental;
 - (2) allege evidence of criminal activity;
 - (3) result in an arrest, charge or citation; or
 - (4) find an imminent threat to the health, safety or welfare of person(s) or property.
- (d) "Director" means the director of the Village of Granville Planning Department, or his or her authorized designee.

- (e) "Dwelling" means any building, structure, or unit, on the same tax parcel, or sharing the same mailing address, which is occupied or intended for occupancy in whole or in part as a home, residence or sleeping place for one (1) or more persons.
- (f) "Employee" means any person who earns qualifying wages, commissions or other type of compensation from the owner or operator of a short-term rental property in connection with its operation or maintenance.
- (g) "Guestroom" means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping and access to a full bath.
- (h) "Hosting Platform" means a person or entity that participates in the short-term rental business by providing and collecting or receiving a fee for booking services through which a short-term rental host may offer a short-term rental to a short-term rental guest. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows a short-term rental host to advertise the short-term rental through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential short-term rental guest reserves a guestroom(s) and arranges or makes payment, whether the short-term rental guest pays rent directly to the short-term rental host or to the hosting platform.
- (i) "Interception device" as used in this chapter refers to the definition found in Chapter 2933.51(D) of Revised Code.
- (j) "Manager" means the general manager, shift manager, or any person in any supervisory position regarding the operation of a short-term rental property.
- (k) "Operator" means any natural person who operates a short-term rental in a capacity to facilitate the offering of guestrooms to guests.
- (l) "Owner" means a corporation, firm, partnership, association, organization and any other group acting as a unit, or a person who has legal title to any structure or premises with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises.
- (m) "Permanent Occupant" means a person who resides in a dwelling more than 51% of the time during a calendar year, and the dwelling in which a person so resides shall be referred to as their primary residence.
- (n) "Primary Residence" means a dwelling which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.
- (o) "Short-Term Rental Guest" means a person renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for a fee, for less than thirty (30) consecutive days.

- (p) "Short-Term Rental Host" means the owner, operator or permanent occupant of a short-term rental who offers the short-term rental for temporary lodging, for a fee, for less than thirty (30) consecutive days.
- (q) "Short-Term Rental Operation" means the occupancy of any room or dwelling of any short-term rental.
- (r) "Short-Term Rental" means any dwelling or guestroom that is rented in whole or in part for less than thirty (30) consecutive days for temporary lodging of persons other than the permanent occupant or owner, from which the permanent occupant or owner receives monetary compensation. A traditional bed and breakfast, which is permitted and regulated as a Home Occupation under Chapter 1181 of the Planning and Zoning Code, is not a short-term rental for purposes of this chapter. A boarding house or lodging house, a rooming house, and a hotel, motel or apartment hotel, all of which are separately defined in Section 1135.01, are not short-term rentals for purposes of this chapter.

All terminology used in this chapter and not specifically defined above, shall retain its meaning in conformance with the latest volume of Webster's Collegiate Dictionary.

1182.03 ZONING DISTRICTS; DENSITY; LIMITATIONS

Short-term rental operations shall be permitted only in the following Zoning Districts, and with the density and use limitations set forth below.

No short-term rental operation shall be conducted in any accessory building.

(a) Village Business District

- (1) Short-term rental operation is a Conditional Use in the Village Business District, and subject to the provisions of Chapter 1145 of the Planning and Zoning Code in addition to the provisions of this chapter.
- (2) A short-term rental operation in the Village Business District shall not be configured so as to convert a conforming single-family or two-family dwelling into a non-conforming multi-family dwelling.
- (3) Subject to the grandfathering/phase-in provisions of this chapter, the number of short-term rental properties in the Village Business District shall not exceed ten percent (10%) of the total number of properties on which a residential use lawfully exists in the Village Business District.

(b) Village Residential District

- (1) Short-term rental operation is a Conditional Use in the Village Residential District, and subject to the provisions of Chapter 1145 of the Planning and Zoning Code in addition to the provisions of this chapter.
- (2) 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. A short-term rental operation in the Village Residential District shall not be

configured so as to convert a conforming single-family dwelling into a non-conforming two-family or multi-family dwelling.

- (4)(3) Subject to the grandfathering/phase-in provisions of this chapter, the number of short-term rental properties in the Village Residential District shall not exceed five percent (5%) of the total number of residential properties in the Village Residential District.

(c) Suburban Residential District

- (1) Short-term rental operation is a Conditional Use in the Suburban Residential District, and subject to the provisions of Chapter 1145 of the Planning and Zoning Code in addition to the provisions of this chapter.
- (2) A short-term rental property in the Suburban Residential District shall have a short-term rental host whose primary residence is located in the Village of Granville or Granville Township.
- (3) A short-term rental operation in the Suburban Residential District shall not be configured so as to convert a conforming single-family dwelling into a non-conforming two-family or multi-family dwelling.
- (4) Subject to the grandfathering/phase-in provisions of this chapter, the number of short-term rental properties in the Suburban Residential District shall not exceed five percent (5%) of the total number of residential properties in the Suburban Residential District.

(d) Planned Development Districts

- (1) Short-term rental operation is a Conditional Use in the Planned Unit District and the Planned Commercial District, and subject to the provisions of Chapter 1145 of the Planning and Zoning Code in addition to the provisions of this chapter.
- (2) A short-term rental property in the Planned Unit District shall have a short-term rental host whose primary residence is located in the Village of Granville or Granville Township.
- (3) A short-term rental operation in the Planned Unit District shall not be configured so as to convert a conforming single-family dwelling into a non-conforming two-family or multi-family dwelling.
- (4) Subject to the grandfathering/phase-in provisions of this chapter, the number of short-term rental properties in the Planned Unit District shall not exceed five percent (5%) of the total number of residential properties in the Planned Unit District, and the number of short-term rental properties in the Planned Commercial District shall not exceed ten percent (10%) of the total number of residential properties in the Planned Commercial District.

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1182.04 PERMIT REQUIRED

- (a) No short-term rental host shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the Village of Granville, a short-term rental operation without obtaining a valid permit in accordance with this chapter. It shall

be prima facie evidence of a short-term rental operation if a short-term rental is offered on a hosting platform, or if a short-term rental guest is found to be occupying or using a short-term rental.

- (b) An application for a new permit may be submitted at any time to the Director. If the application is approved and a valid permit is issued, the permit shall take effect on the day of issuance, and shall expire two calendar years from the day of issuance. If a valid permit is issued in conjunction with and contingent upon an explicit and consensual term lease agreement, as contemplated in Section 1182.08, the permit shall take effect on the day of issuance and shall expire upon the last day of the applicant's leasehold term or at the end of two calendar years from the day of issuance, whichever occurs first.

1182.05 OCCUPANCY

In approving any permit application, the Director shall specify the maximum number of occupants allowed in each short-term rental. The maximum number of occupants in a short-term rental shall not exceed the lesser of:

- (a) Three persons per off-street parking space; or
- (b) Two persons, plus two persons per sleeping room.

1182.06 PARKING

In the Village Residential District, Suburban Residential District and Planned Unit District, all off-street parking required for a short-term rental shall be located on the same lot (e.g., in the garage or driveway) as the short-term rental. In the Village Business District and Planned Commercial District, all off-street parking required for a short-term rental shall be located on the same lot (e.g., in the garage, driveway or parking lot) as the short-term rental, or parking may be leased in accordance with Section 1183.04(e) of the Planning and Zoning Code.

1182.07 LOCAL CONTACT PERSON/PROPERTY MANAGER

(a) A designated property manager, who may be the owner of the short-term rental property or the owner's agent, shall maintain a primary residence in Licking County, Ohio or a contiguous county.

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(b) The property manager shall be available 24 hours per day to ensure that the property is maintained and operated as required by this chapter and the Granville Codified Ordinances, including but not limited to:

- (1) Ensuring that the number of occupants does not exceed the limitations of Section 1182.04.
- (2) Responding to incidents of disorderly conduct, disturbing the peace, littering, vandalism or other occurrences that affect the health, safety and welfare of nearby residents.

1182.08 APPLICATION FOR PERMIT

(a) Application for a new short-term rental permit, and/or for renewal of a valid permit, shall be made to the Director, on approved forms. The Director shall establish associated permit

fees and costs, with approval of the Village Manager.

(b) The application for a permit to operate a short-term rental shall contain the following information:

(1) Name of the applicant, including mailing address, telephone number, and email address. If the applicant is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;

For properties in the Village Residential District, the Suburban Residential District and the Planned Unit District, the short-term rental host shall provide sufficient information to demonstrate compliance with the primary residency requirement as outlined in Sections 1182.02 and 1182.03.

(2) Description of the short-term rental, including property address.

(3) The legal owner or owners of the property, including mailing address, telephone number, and email address. If the property owner is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation as well as the mailing address, telephone number, and email address of an individual who is the statutory agent, president, or a managing individual, the state in which the company is incorporated or registered, and the entity or corporation registration number.

(4) If an owner of the property has executed a land contract, lease agreement, management agreement, or any other agreement separating the owner from control over the property and/or the short-term rental, the applicant shall include a copy of said agreement along with the application. In order to receive a permit, such documentation must explicitly provide consent for short-term rental operations. The absence of such a clause, or the express prohibition of short-term rental operations, shall be grounds for a denial of a permit.

(5) The descriptions and addresses of any other short-term rentals located in Village of Granville that the applicant or property owner has any interest in, including, but not limited to, ownership, licensure, or management.

(6) Name of the short-term rental host, including mailing address, telephone number, and email address.

(7) The number of separately rentable units, and the number of sleeping rooms in each unit in service in the short-term rental property.

(8) The names of all hosting platforms on which the applicant has successfully been registered to list a short-term rental, documentation confirming hosting platform registration(s), and proof of general liability insurance for the short-term rental as required by Section 1182.09.

(9) Affirmation that the short-term rental host and short-term rental are in compliance with all applicable local, state, and federal laws and regulations.

(10) At the time of application or renewal, all of the following persons are required to provide the results of a fingerprint-based background check performed by a provider approved by the Ohio Bureau of Criminal Investigation: the applicant, the 24-hour emergency contact for the property as required by this chapter, and if applicable, the property manager. If the applicant is a domestic business organization other than a general partnership, then the applicant must provide a copy of the organization's articles of incorporation, articles of organization, statement of partnership authority, certificate of limited partnership, or statement of domestic qualification filed with the Ohio Secretary of State. If the applicant is a foreign business organization other than a foreign general partnership, then the applicant must provide a copy of the foreign business organization's license, registration, or qualification filed with the Ohio Secretary of State authorizing it to do business in Ohio. For all business organization applicants, an individual who is either the statutory agent, a partner, the president, or in the case of an LLC, a managing individual who is also a member, must submit to and provide the results of a BCI background check.

(c) The applicant must notify the Director of any change in information contained in the permit application within ten (10) days of the change.

(d) The Director shall serve written notice of any new or renewal application on all adjacent property owners of record not less than ten (10) business days prior to approving the application. In the event that a party with standing under applicable Ohio law objects to a new or renewal application in writing, the Director shall consider the merits of the application and the objection and either approve or deny the application in accordance with this Chapter. Any denial of an application shall state the reason(s) for the denial in writing. The Director shall serve written notice of the decision to approve or deny an application on the applicant and on any party who objected to the application in writing.

(e) Any change in ownership of the property, the dwelling or the business, change in operator, or change in identity of the short-term rental host shall void the current permit and shall require submission of a new application and the issuance of a new valid permit.

(f) If approved, a short-term rental shall be assigned an individual permit account number that the short-term rental host shall list with the short-term rental on any hosting platform. Only a valid permit shall be listed on a hosting platform. Upon a valid permit's expiration or revocation, a short-term rental host shall immediately remove the short-term rental from being listed on any hosting platform and shall not engage in any short-term rental operations. Those found to be

operating with an expired or revoked permit are in violation of Section 1182.04 and are subject to the penalties as provided for in Section 1182.99.

1182.09 SHORT-TERM RENTAL HOSTS AND HOSTING PLATFORMS: REQUIREMENTS

(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 or two pieces of evidence the host is the owner of the dwelling.

(b) One short-term rental permit shall be required for each short-term rental dwelling.

(c) If a short-term rental host is not the property owner or owner's agent, but a permanent occupant of the dwelling, the host shall provide written permission from the property owner to register the dwelling on any hosting platform for use as a short-term rental.

(d) Short-term rental hosts shall provide written notice to the short-term rental guest(s) of any known, non-obvious, or concealed condition, whether man-made or artificial, which may present a danger to the short-term rental guest(s), together with a local 24-hour emergency contact for the property.

(e) Short-term rental hosts must comply with Section 2933.52 of the Revised Code. Such compliance shall also include known, non-obvious or concealed surveillance equipment, including, but not limited to, digital video cameras/recorders/monitors, streaming video security cameras, audio recorders/monitors, or any other electronic means of secretly watching, listening, or recording. In the event a short-term rental host utilizes an indoor and/or outdoor interception device(s), or any specific or similar aforementioned device, the short-term rental host shall notify the short-term rental guest. In the event the short-term rental guest does not consent to the short-term rental host utilizing an indoor interception device(s), or any specific or similar aforementioned device for the duration of the short-term rental period, the short-term rental host shall deactivate the indoor interception device(s) and shall not intercept, listen, monitor, record, or like thereof, any activity inside the dwelling.

(f) Short-term rental hosts shall comply with all applicable hotel/motel/short-term rental excise tax requirements.

(g) Rentals for thirty (30) or more consecutive days by the same guest(s) are not subject to short-term rental regulations or excise taxes.

(h) All short-term rental hosts shall obtain liability insurance for each short-term rental. Each short-term rental shall at all times maintain the following insurance coverage meeting all of the following requirements:

- (1) A general liability insurance policy or certificate that shall provide the minimum coverage;

A. Not less than one hundred thousand dollars (\$100,000) per individual and three hundred thousand dollars (\$300,000) per occurrence. Such policy or certificate must be issued by an insurance company that is admitted to do business in the state of Ohio or by an eligible surplus lines company or risk retention group.

B. The policy or certificate shall provide notice of cancellation of insurance to the Director at least ten (10) days prior to cancellation.

C. Any cancellation of insurance required by this section shall result in an automatic revocation of the respective short-term rental permit.

(2) In the event that a hosting platform provides liability insurance to a host, such insurance would be deemed acceptable for submission provided the insurance meets the requirements of paragraph (1)(a) above.

(i) No short-term rental host shall engage in a short-term rental operation located within the Village of Granville without listing the valid short-term rental permit number associated with the short-term rental on any medium used by the short-term rental host to advertise the short-term rental.

(j) No hosting platform shall provide, and collect a fee for, booking services in connection with any short-term rental operation located within the Village of Granville unless the short-term rental host has provided to the hosting platform a valid short-term rental permit number associated with the short-term rental being rented.

(k) Records required.

(1) Short-term rental hosts who engage in short-term rentals and hosting platforms that engage in booking services shall maintain and provide records documenting the following information:

(A) The short-term rental physical address;

(B) The name of the person who registered the short-term rental on the hosting platform or who listed the short-term rental using any medium; and

(C) The dates and duration of stay in a short-term rental, the number of persons who were scheduled to stay each night, and the daily rate charged for each short-term rental.

(2) Hosting platforms and short-term rental hosts shall retain records for a period of at least four (4) years.

(3) In order to determine whether a short-term rental host or hosting platform is in compliance with the requirements of this chapter, the Director may request that any records required to be kept by this section be provided for inspection. If such request is

denied, the Director may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

(l) Nothing in this section shall be construed as permitting any person to obtain a permit or offer a short-term rental, where prohibited by any other provision of law.

1182.10 GROUNDS FOR DENIAL OR NON-RENEWAL OF PERMIT

(a) The Director shall issue a new permit, or grant the renewal of an existing permit, except as provided in divisions (b) or (c) of this section.

(b) The Director shall deny any application for a new permit, or renewal of permit, if any of the following are shown to have occurred at or in connection with the short-term rental property:

(1) The applicant makes a material misrepresentation of fact on the application.

(2) The applicant or any owner of the short-term rental has been convicted of violating Section 1182.04(a).

(3) Any owner, applicant, operator, or manager of the short-term rental has been convicted of the act of prostitution or soliciting for prostitution, or human trafficking, or an act that would constitute a felony drug abuse offense as defined in Ohio Revised Code Chapter 2925, on the premises of the short-term rental or any other short-term rental in which that individual has any interest, including, but not limited to, ownership, licensure, or management.

(4) The property on which the short-term rental is located, or the short-term rental host is not in good standing with the Village of Granville Income Tax Division.

(c) The Director may deny any application for a new permit, or renewal of permit, if any of the following are shown by a preponderance of the evidence to have occurred at or in connection with the short-term rental property:

(1) The short-term rental has outstanding orders from the Granville Township Fire Department, the Village of Granville Planning Department or the Licking County Building Department that have not been corrected.

(2) A pattern of felony drug related activity.

(3) A pattern of prostitution related activity or evidence of human trafficking.

(4) A pattern of gang related activity as defined in Ohio Revised Code Section 2923.41 .

(5) Calls for service ratio greater than 1:2 during a consecutive twelve-month period where at least one of the twelve months occurs within the calendar year in which an objection to the permit is lodged.

(6) A documented history of repeated offenses of violence as defined in Ohio Revised Code Section 2901.01.

(7) The owner, applicant, operator, or manager, or short-term rental host has not made a good faith effort to correct violations of Sections 1182.09 and 1182.10 of this chapter, or has obstructed or interfered with correction of the violations.

(8) The owner, applicant, operator, or manager or short-term rental host has engaged in the act of prostitution or soliciting for prostitution, or an act that would constitute a felony drug abuse offense as defined in Ohio Revised Code Chapter 2925, on the premises of the short-term rental or any short-term rental in which that individual has any interest in, including, but not limited to, ownership, licensure, or management.

(9) The owner, applicant, operator or manager or short-term rental host maintains a nuisance or has a documented history of engaging in or allowing conduct or conditions that endanger the health, safety or welfare of neighboring residents.

(d) Evidence of unlawful conduct under divisions (b) and (c) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial except where specifically indicated.

1182.11 OBJECTION, SUSPENSION AND REVOCATION; APPEAL

(a) An adjacent property owner or a party with standing under applicable Ohio law may submit an objection to the Director regarding a new permit application, an existing permit or a renewal application, based on any activity set forth in Section 1182.10(b) or (c) that is shown to have occurred at or in connection with the short-term rental.

(b) At any time during the calendar year, the Director may suspend and/or revoke a short-term rental permit if it is determined that activity set forth in Section 1182.10(b) or (c) is shown to have occurred at or in connection with the short-term rental. In addition, suspension, revocation and/or other penalties may occur if a short-term rental unit is listed on a hosting platform without the required permit account number as required under Section 1182.08(e).

(c) Decisions of the Director may be appealed to the Board of Zoning and Building Appeals pursuant to Section 1139.04 of the Planning and Zoning Code.

1182.12 PERMITS NON-TRANSFERABLE

Short-term rental permits shall be granted solely to the Applicant and shall not be transferable to any other person or legal entity. The short-term rental permit shall include a non-transferability clause and the use shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.

1182.13 RELATIONSHIP TO OTHER ORDINANCES

Each short-term rental is subject to applicable hotel/motel/short-term rental excise tax and income tax ordinances, and shall comply with applicable building, electrical, plumbing, fire, health, planning and zoning code requirements as an express condition of the short-term rental permit.

1182.14 DISCRIMINATION PROHIBITED

(a) An owner, permanent occupant, short-term rental host, or operator shall not:

- (1) Decline a transient guest or short-term rental guest based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.
- (2) Impose any different terms or conditions based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.
- (3) Post any listing or make any statement that discourages or indicates a preference for or against any transient guest or short-term rental guest on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

1182.15 SEVERABILITY

In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

1182.16 GRANDFATHERING/PHASE-IN PERIOD

Any short-term rental operation that was previously approved pursuant to any other provision of the Granville Planning and Zoning Code, including but not limited to those that were previously approved as a bed and breakfast, boarding house, hotel/motel/apartment hotel, lodging house, or rooming house, shall be administratively converted to a permitted short-term rental pursuant to this chapter, PROVIDED, that an application for such conversion that includes all of the information required by Section 1182.08(b) is received by the Director on or before December 31, 2021. Any conditional use permit that was issued in connection with the prior approval shall be deemed effective as to the short-term rental operation.

The limitations on the number of short-term rental operations in each respective zoning district shall not take effect until January 1, 2022. On and after that date, no new short-term rental permit shall be issued in excess of those limitations, and available permits shall be offered to qualifying applicants in the order that all required information and application fees were received by the Director.

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1182.99 PENALTY

(a) Any short-term rental host who rents a short-term rental for a short-term rental operation in violation of Section 1182.09(i), or any hosting platform that provides a booking service for a short-term rental operation in violation of Section 1182.09(j), without correcting or remedying the violation in a reasonable and timely manner, shall be guilty of an unclassified misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00), in addition to any other remedies imposed by this chapter or provided by law. Each dwelling rented for a short-term rental operation in violation of these provisions shall constitute a separate offense.

(b) Any short-term rental host who rents a short-term rental for a short-term rental operation in violation of Section 1182.04(a), without correcting or remedying the violation in a reasonable and timely manner, shall be guilty of an unclassified misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00). Upon subsequent conviction, the offense shall be a misdemeanor of the third degree punishable by a fine of not more than five hundred dollars (\$500.00) or incarceration for not more than sixty (60) days, or both, in addition to any other remedies imposed by this chapter or provided by law. In addition, all gross revenue from short-term rental transactions that are unlawfully obtained in violation of Section 1182.04(a) shall be remitted to the Village of Granville, subject to local and state laws governing forfeiture.

BY:

ORDINANCE NO. 2020-28

AN ORDINANCE TO ACCEPT CERTAIN INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE MIDDLETON SENIOR LIVING COMMUNITY FOR PUBLIC MAINTENANCE AND OPERATION BY THE VILLAGE OF GRANVILLE

WHEREAS, Section 723.03 of the Ohio Revised Code and Section 1121.02 of the Granville Subdivision Regulations authorizes the Village Council to accept improvements for public maintenance and operation upon final inspection and approval by the Village of Granville; and

WHEREAS, the Middleton Senior Living sanitary sewer line extension, water line extension and pedestrian pathway extension, located in Granville, as shown in the location maps (Exhibit A), have been installed by Middleton and its contractor to the satisfaction of the Village Engineer, as demonstrated in the Engineer's Certification (Exhibit B) and a satisfactory Agreement for conveyance of the improvements is in place (Exhibit C); and

WHEREAS, the acceptance and confirmation of the infrastructure requirements for the installation of a sanitary sewer line, water line and pedestrian pathway are consistent with the public interest of the Village of Granville.

NOW THEREFORE BE IT ORDAINED by the Council of Granville, Ohio that:

Section 1: That the sanitary sewer line, water line and pedestrian pathway improvements to the Middleton Senior Living community, and as shown in Exhibit "A," are formally accepted and confirmed for public maintenance and operation, all without prejudice to any rights of the Village to look to the contractor thereof for correction of defects therein, now known or later discovered.

Section 2: This Ordinance shall take effect and be in force from and after the earliest period permitted by law.

Passed this 2nd day of December, 2020.

Mayor Melissa Hartfield

ATTEST:

Autumn Klein, Clerk of Council

APPROVED AS TO FORM:

Michael King, Law Director

BY:

ORDINANCE NO. 29-2020

**AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY
ADOPTING CURRENT REPLACEMENT PAGES**

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State Law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW THEREFORE, be it ordained by the Council of the Village of Granville, State of Ohio that:

Section I: The ordinances of Granville, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2020 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section II: The following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
335.091 Operating Without Dealer or Manufacturer License Plates. (Added)

General Offenses Code

505.04 Abandoning Animals. (Amended)
537.17 Reserved. (Previously "Criminal Child Enticement")

Section III: The complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section IV: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Municipality and its inhabitants, and for the further reason that there exists an imperative necessity for the earliest publication and distribution of the current Replacement Pages to the officials and residents of Granville, so as to facilitate the administration and daily operation of Granville and avoid practical and legal entanglements. Wherefore, this ordinance shall be in full force and effect from and immediately after its passage.

Passed this 18th day of November, 2020.

Melissa Hartfield, Mayor

ATTEST:

Autumn Klein, Clerk of Council

APPROVED AS TO FORM:

Michael King, Law Director

Summary of 2020 Model Amendments

Traffic Code

335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (License plate and temporary license placard to be displayed on the rear of vehicle.)

335.091 Operating Without Dealer or Manufacturer License Plates. (Adds new section regulating operating a manufacturer or dealer vehicle without license plates or placards.)

General Offenses Code

505.04 Abandoning Animals. (Amended to update penalty wording to match ORC and ORC reference.)

537.17 Criminal Child Enticement. (Deleted. This section was based on ORC 2905.05. The Ohio Supreme Court held that ORC 2909.05(A) was unconstitutionally overbroad in violation of the First Amendment.)

BY:

Ordinance No. 30-2020

AN ORDINANCE TO AMEND ORDINANCE NO. 29-2019 PROVIDING FOR ADJUSTMENTS OF THE ANNUAL BUDGET FOR THE FISCAL YEAR 2020 AND REVISING SUMS FOR OPERATING EXPENSES

WHEREAS, pursuant to the provisions of Section 2.08 of Article II of the Charter of the Village of Granville, Ohio, the Village Council is authorized to adopt the municipal budget for the fiscal year beginning January 1, 2020 and ending December 31, 2020, and;

WHEREAS, the Village Manager has recommended appropriations to supplement previously made appropriations; and

WHEREAS, adjustments would be made to accommodate the following needs:

- a. OWDA Loan Fund:
 \$220,436 – OWDA Loan
- b. Capital Project OWDA Fund:
 \$2,936 – Contractual Services
 \$30,591.75. – Transfers Out

NOW, THEREFORE, be it ordained by the Council of Granville, Ohio that:

Section I: The annual budget of the Village of Granville, as established by Ordinance No.29-2019, be amended by the Council, as recommended by the Finance Director, and is hereby adopted.

Section II: To provide for operating expenditures during the fiscal year ending December 31, 2020, the following additional appropriations are hereby made to the following funds:

<u>Account</u>	<u>Description</u>	<u>Additional Appropriation</u>
OWDA Loan Fund		
D2-7-A-260	Debt Service	\$220,436
Capital Project OWDA Fund		
D01-7-A-230	Contractual Services	\$ 2,936
D01-7-A-270	Transfers Out	\$30,591.75

Section III: This ordinance shall take effect and be in full force upon the earliest date allowed by law.

Passed this 1st day of January, 2021.

Melissa Hartfield, Mayor

ATTEST:

Autumn Klein, Clerk of Council

APPROVED AS TO FORM:

Michael King, Law Director

BY:

RESOLUTION NO. 2021-01

A RESOLUTION TO (RE)APPOINT A MEMBER TO THE GRANVILLE TREE AND LANDSCAPE COMMISSION

WHEREAS, on October 18, 1967, by Resolution No. 67-24, the Council of Granville, Ohio, established an Improvement Board for the Village of Granville, and,

WHEREAS, on April 19, 1989, by Resolution No. 89-20, the Council of Granville, Ohio, increased the membership of the Granville Improvement Board to five members, and,

WHEREAS, on August 19, 1992, the Council of the Village of Granville adopted Resolution No. 92-45, changing the title of the Granville Improvement Board to the Granville Tree and Landscape Commission,

WHEREAS, the term of Linda Reynolds, who is current member of the Tree and Landscape Commission, is scheduled to expire on January 31, 2021.

NOW, THEREFORE, be it resolved by the Council of Granville, Ohio, that:

Section I: Linda Reynolds is hereby appointed to the Tree and Landscape Commission with said term to commence on February 1, 2021 and expire on January 31, 2024.

Section II: BE IT FURTHER NOTED that the Granville Tree and Landscape Commission membership is as follows with terms expiring as indicated:

<u>Member</u>	<u>Term Expires</u>
<u>Linda Reynolds</u>	January 31, 2024
Lynne Kishler	January 31, 2022
Don Hostetter	January 31, 2024
Dick Mortonsen	January 31, 2024
Don Pheneger	January 31, 2024

Section III: This resolution shall take effect and be in full force immediately upon passage.

Passed this 6th day of January, 2021.

Mayor Melissa Hartfield

ATTEST:

Mollie Prasher, Clerk of Council

APPROVED AS TO FORM:

Michael King, Law Director

BY:

RESOLUTION NO. 2021-02

A RESOLUTION TO APPOINT AND (RE)APPOINT MEMBERS TO THE GRANVILLE ARTS COMMISSION

WHEREAS, on March 3, 2004, by Resolution No. 04-19, the Village Council created the Granville Arts Commission to be a “community-based organization dedicated to the enhancement of cultural arts, community character, and interaction;” and

WHEREAS, that resolution stipulated that the Granville Arts Commission be comprised of members appointed from the following organizations: Granville Village Council, Granville Township Trustees, Granville Chamber of Commerce, Granville Historical Society, Bryn Du Commission, Granville Recreation District, Granville Foundation, Denison University and one volunteer from the community at-large; and

WHEREAS, Mickey Smith, the Granville Township Trustees appointee, has passed away and a new member needs to be appointed; and

WHEREAS, the Granville Township Trustees recommended that Cory Camp be appointed to replace Mickey Smith as the Granville Township Trustee representative to the Granville Arts Commission completing a term that expires January 31, 2024; and

WHEREAS, Lois Foreman Wernet, the Village Council appointee, term expires on January 31, 2021, and has expressed an interest in continuing to serve on the Granville Arts Commission; and

WHEREAS, Village Council recommends that Lois Foreman Wernet be (re)appointed to as the Village Council representative to the Granville Arts Commission completing a term that expires January 31, 2024; and

NOW, THEREFORE, BE IT RESOLVED by the Council of Granville, Ohio, that:

Section I. Cory Camp is hereby appointed as the Granville Township Trustee representative to the Granville Arts Commission by the Village Council.

Section II. Lois Foreman Wernet is hereby (re)appointed as the Village Council representative to the Granville Arts Commission by Village Council.

Section III. BE IT FURTHER NOTED that membership of the Granville Arts Commission shall be as follows:

		<u>Term Expires</u>
Bryn Du Commission	Jurgen Pape	January 31, 2022
Denison University	Laurie McKensie Crane	January 31, 2022
Granville Area Chamber of Commerce	Jeff Watkins	January 31, 2022
Community-at-Large	Kyle Morgan	January 31, 2021
Granville Foundation	Angela Katona	January 31, 2023
Granville Historical Society	Marilyn Sundin	January 31, 2023
Granville Recreation District	Neal Zimmers	January 31, 2023
Granville Township Trustee	<u>Cory Camp</u>	January 31, 2024
Granville Village Council	<u>Lois Foreman Wernet</u>	January 31, 2024

Section IV. This resolution shall take effect and be in full force immediately upon passage.

Passed this 6th day of January, 2021.

Mayor Melissa Hartfield

ATTEST:

Autumn Klein, Clerk of Council

APPROVED AS TO FORM:

Michael King, Law Director

**GRANVILLE VILLAGE COUNCIL
MINUTES
DECEMBER 16, 2020**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Clerk Klein conducted roll call. Those responding to roll call were Councilmembers McGowan, Mickelson, Montgomery, Vice Mayor Johnson, Mayor Hartfield, Manager Koehler, and Law Director King.

Motion by Councilmember Mickelson to excuse Councilmember Demarest and Councilmember Lerner, second by Councilmember McGowan

Motion passed by a vote of 5-0.

4. APPROVAL OF AGENDA

Motion by Councilmember McGowan to approve the agenda, second by Vice Mayor Johnson

Motion passed by a vote of 5-0

5. CITIZENS COMMENTS

There were no comments from citizens

6. PUBLIC HEARING

- A. ORDINANCE NO. 24-2020 AN ORDINANCE TO ESTABLISH CHAPTER 1182 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GRANVILLE, OHIO, REGARDING SHORT-TERM RENTAL OPERATIONS**

Dennis Cauchon, 327 East Broadway, stated that his objection in the last meeting was the criminalizing of the code and denying people who were drug offenders the ability to have an Air BnB. In the revised version, the Law Director has proposed a change that previously singled out misdemeanor drug offenders to now felony drug offenders, however, he didn't think that went far enough because he thinks people with drug felonies are good people too and should be allowed to operate an Air BnB and that the decision for them not to be allowed should be left up to a judge. He suggested adding broader criminal language that

would actually be related to what the Village is seeking to regulate. He still objects to the BCI background check that remains in the alternate version of this chapter.

Bob Gardner, 216 West Elm St, asked about the grandfathering aspect of the code.

Mayor Hartfield advised Mr. Gardner that his property would fall into the bed and breakfast category of the Village's code but that he would still need to seek approval and asked the Law Director to confirm.

Law Director King stated that if he was operating a bed and breakfast in the traditional sense, or the modified sense he has recommended to Council, out of his home, where guests come and stay and have breakfast then he is exempt from the short-term rental code. Traditional bed and breakfasts are in a different chapter of the Village's code, they are not covered by the short-term-rental chapter, they are expressly excluded. All that is required in his case is a permit from the Village Manager.

Nick Schott, 660 West Broadway, stated that he was not in support of the version of the legislation that would shut down his business that he has been running for eleven years, due to the nightly restrictions. He did appreciate the alternate version that the Law Director proposed. He asked for clarification that if someone was renting a room out of their home under the proposed code if it would be considered a bed and breakfast not a short-term rental.

Law Director King stated that yes that was correct provided that Council makes the change to the definition of bed and breakfast that he has recommended. As it is currently defined, a bed and breakfast under the Village code actually requires that breakfast is served. The change that he has recommended to Council is that the language state breakfast had to be available, not necessarily served by the operator.

Councilmember Montgomery stated that the one key to that was that the operator is there, and that they had not gone to Florida for three months while someone was staying in a room in their home.

Law Director King stated that Councilmember Montgomery was correct, that a bed and breakfast is still defined as a home occupation under the Village's code and a home occupation requires that it be your home.

Nick Schott asked if his permanent residence was in Granville but he went to Florida for six months would it still be considered a bed and breakfast or is it then a short-term-rental?

Law Director King stated that in that same home, if it is your primary residence and you are present when there are overnight guests there then it would technically qualify under the revised bed and breakfast definition as a bed and breakfast, but if you're not living there and are spending time away in Florida then that might make a difference to Council and you might have to obtain a short-term-rental permit for that part of the year that you are not home. However, if Council wants to address that situation so that it doesn't bounce back and forth between the two definitions and directs him to do so he could work on that language.

Nick Schott stated that he was in support of some version of a code to deal with short-term-rentals, but he wants to keep his business running that he has operated for eleven years. He stated he has tried to do things right from the beginning.

Bob Gardner asked Council what the two or three biggest issues were that they still need to discuss.

Mayor Hartfield stated that the concerns that Dennis Cauchon brought up would be discussed and the restrictions on the number of days of rental. She doesn't want to penalize people who have done this like Nick has for eleven years without any problems, but at the same time protect the Village's residential neighborhoods, the housing stock, and the rights of the residents. There needs to be a balance.

Bob Gardner asked if the code made any provisions if an operator got multiple complaints from residents.

Law Director King stated that it was addressed in a couple of different ways. There is always the ability for residents to bring matters to the attention of the Planning Department. Not just at renewal time but any time during the year if something is proven by preponderance of the evidence that creates a problem the license could be suspended or revoked. The other way it is addressed is there is a definition for calls of service. If during a twelve-month period there are calls for service from the police for things that shouldn't be happening and it rises above a certain ratio that gets taken into account.

Vice Mayor Johnson asked if the ordinance being discussed was fundamentally passed as it is, how many of the forty proprietors would be impacted? Would

those forty Air BnB business that have been identified now really fall under the bed and breakfast? If so, then how many would the Village really be dealing with? Of those remaining people how many are operating out of compliance with the current zoning? The current legislation should be enforced first. If Council makes a grandfathering decision, whether it is the current language, or more of a wholesale look, it should be based on the best information that Council has, not based on the thought that there are forty businesses that if grandfathered, Council would be enabling someone who didn't do it right. Another concern is enforcement going forward. Will the Village be able to do that, is the legislation currently in place being enforced, and what will the strain be on staff? None of these questions are reasons not to adopt the legislation, he wants to make an eyes wide open decision. If Council passed the legislation and the Village is going to have to commit resources then Council needs to know that. He doesn't want it to be an unfunded mandate and the community thinks Council is making a difference and it's not.

Councilmember Montgomery asked the Law Director if there were any commercial operations in a residential district other than home occupations at this time that are permitted. He thinks that as a general principal the Village's code restricts business operations in a residential district to home occupations.

Law Director King stated that was a true statement and that there are more residential uses in business areas. In the Village Business District residential is a conditional use and there are a few of those.

Councilmember Montgomery stated that to Vice Mayor Johnson's question about whether the current code addresses the type of businesses Council is considering, it sounds like the answer is "no" because these businesses would not be home occupations.

Vice Mayor Johnson stated he was specifically thinking of in-law suits and accessory structures. That is something that is currently prohibited, and if a short-term rental does exist in one of those types of structures that is something that the Village should take a look at.

Law Director King stated that there is currently one that the Village is aware of being operated in an accessory building despite Village staff having very clearly advise them it is not prohibited. The operator acknowledged that, however the practice continued. There will be a letter sent out to that operator.

Councilmember McGowan asked what the recourse was on something like that.

Law Director King stated that it would ultimately be an injunction from one of the Common Pleas Judges, which will be included in the letter that will be sent to this operator.

To Councilmember Montgomery's earlier question, the only obvious exception in a primarily residential area is in the Suburban Residential District which is where Nick Schott got the conditional use for the lodging house, another conditional use is nursing homes and daycare centers. Those are potential commercial uses in a residential area, but even then, they would be conditional.

Councilmember Mickelson stated that she does like the BnB option, but if half of the forty possible Air BnB's in the Village could go to a BnB then the Village would have twenty BnB's in residential areas. She understands that the operators live there but there'd still be twenty BnB's and the Village is only focusing on the short-term rentals. She stated that she would like to see how the numbers play out.

Manager Koehler stated that he would like to speak to the number forty that everyone keeps referring to. About fourteen to eighteen months ago Steve Stilwell started the science project on short-term rentals, at that time the Village could identify twenty-six operations that were advertised on some platform, primarily Air BnB. There were another two that didn't advertise on those platforms that the Village was also aware of, so that brought the total to twenty-eight. It's estimated that the Village has somewhere north of twenty-eight currently operating, perhaps another twelve or fifteen that the Village doesn't know about. That is where the number forty came from. If the Village wants to be precise about what is known today the number is really twenty-eight which includes traditional BnB's. It would not include the Granville Inn or the Buxton Inn.

Mayor Hartfield stated that Manager Koehler had advised her that the number fluctuates, and that there are more usually in the spring and summer months versus the winter months.

Manager Koehler stated that when Steve Stilwell pulled up the listing the summer of 2019, he found twenty-six. Then Manager Koehler pulled it up this past summer and found twenty-five. Then staff brought it up again around six weeks ago and the number was nineteen. It does fluctuate and it is somewhat seasonal.

Councilmember Montgomery asked other Councilmembers if their concerns were that they thought Council needed to jointly look at the traditional BnB chapter along with the short-term rentals. Is there a concern that a significant

number of these may fall to that chapter and then may need to be limited and regulated?

Manager Koehler stated that there will be a need for some front-end work to be done by staff to get a better understanding of those twenty-eight before Council votes on anything. He thinks that it will be fairly easy find the traditional bed and breakfasts and give Council that number. That will then help Council to make a decision on how they want to regulate traditional bed and breakfasts. Staff hasn't done that work yet because it is going to be intrusive, phone calls will have to be made to reach out to these people. The Village will want to be careful not to threaten anyone unnecessarily but that work does need to be done at some point so people know where they stand.

Vice Mayor Johnson stated that the Village is going to have to do it anyway because the Village is going to have to do the enforcement. He doesn't have a strong opposition to future regulation. His concerns go to making sure the legislation is applicable to what the Village has and that it is consistent with the other chapters, then also how many legitimate concerns does Council have that they are trying to address with the legislation and are they being addressed. He wants to be holistic about it, he wants to make sure Council doesn't pass the legislation then three months later realize that some the concerns weren't addressed. The information that is obtained by staff will help determine who is grandfathered and what does that really mean. Right now, the approach is converting a prior conditional use to a short-term rental with a renewable permit. If there are three operators that it applies to and they are all previously approved and doing the right thing is the Village added to our work load or should they get a regular grandfathering and not mess with that and move forward regulating future stuff? That is a discussion point. He doesn't have a problem with the intent going forward as long as Council knows what it is, and staff clearly knows what Council expects.

Nick Schott discussed with Council how the growing number of BnB's could negatively impact neighborhoods, especially if a number of the twenty-eight known Air BnB's would change and go to BnB's to avoid being under the short-term rental code. If some of those BnB's would then not live there six months out of the year and rent out a room then that would categorize them right back into the short-term rental code and some of the same problems Council is trying to legislate could exist.

Mayor Hartfield stated that she was in favor of protecting people who have been operating for eleven years with no problems, but she is also in favor of making sure that it is not proliferated out of control.

Bob Gardner suggested that Council make exceptions for Denison University graduation and Big Red weekend.

Councilmembers agreed that the public hearing needed to be continued for further discussion regarding questions and concerns they still had.

- B. **ORDINANCE NO. 28-2020** AN ORDINANCE TO ACCEPT CERTAIN INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE MIDDLETON SENIOR LIVING COMMUNITY FOR PUBLIC MAINTENANCE AND OPERATION BY THE VILLAGE OF GRANVILLE

Mayor Hartfield stated that this item was going to be tabled until additional supporting information is obtained from outside counsel, no public hearing was conducted.

7. OLD BUSINESS

- A. **ORDINANCE NO. 24-2020** AN ORDINANCE TO ESTABLISH CHAPTER 1182 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GRANVILLE, OHIO, REGARDING SHORT-TERM RENTAL OPERATIONS

Motion by Councilmember to take Ordinance No. 24-2020 off of the table, second by Councilmember McGowan

Mayor Hartfield called for a roll call vote. Councilmember McGowan (yes), Councilmember Mickelson (yes), Councilmember Montgomery (yes), Vice Mayor Johnson (yes), Mayor Hartfield (yes)

Motion passed by a vote of 5-0.

Mayor Hartfield stated that Council needed to have a better understanding of the number of Air BnB's there are in the Village, and allow staff to determine that.

Manager Koehler stated that it would be helpful to know how deeply of an understanding Council wanted into the number of Air BnB's there are, because the staff could have a number for them prior to the next Council meeting based on the known number whether they are like the Schott's that already have pre-approvals, traditional bed and breakfasts, or Air BnB's. If Council wants a certainty on the number that will take a little longer and phone calls will have to be made to proprietors.

Mayor Hartfield stated that she felt that it was probably important to do that so rather than presuming how they operate staff and Council would understand which ones would get categorized as traditional bed and breakfasts, and which

would not. When Council passes legislation like this the Village will need to know who they need to reach out to.

Councilmember Montgomery asked if the traditional bed and breakfasts should already have permits issued by the Village Manager.

Law Director King stated that they are supposed to get a permit from the Village Manager, however, it wouldn't surprise him if there were some traditional bed and breakfasts out there that have not.

Councilmember Montgomery stated the main question then for Council would be do those cases fit the Village's definition of a traditional of bed and breakfasts or the definition of a short-term rental. A traditional bed and breakfast is a home occupation, it is in their house and they are there, and breakfast is being made. It is not a passive operation where a room is available where the owner may or may not be around. That sounds more like what the short-term rental code is contemplating. Since both of them require a permit then before a permit is issued staff will be able to tell which they should be permitted for. Law Director King's suggestion of the relaxation on the breakfast language may now move an operation that would fall under short-term rental to be categorized as a bed and breakfast.

Mayor Hartfield stated that one of her neighbors, Bruce, was approved, he has The Porch House which was a conditional use bed and breakfast for many years. He and his wife retired and sold the main house, but owned the house next door which they rented rooms out of also. His mother lives in the side of the house. Bruce and his wife live a block away but they still rent the portion of the house they still have where his mother lives. Where would he fall even though he got a conditional use decades ago?

Law Director King stated that the challenge with this code is trying to sort out all of the flavors of the different operations. Based on the situation the Mayor described the Village's code already states that rooms can't be rented out in any other structure except the primary residence.

Mayor Hartfield stated but the Village approved it.

Law Director King stated that not everything that has been approved gets operated the way the code says it should be. As the Village becomes aware of these that is where the challenge lies to interpret the code fairly, consistently and even-handedly, not being perceived as playing favorites. That's not something anyone wants to is a challenge to find a code that is fair, consistent and easy to administer. Staff will keep working on this.

Vice Mayor Johnson stated that the numbers are very important. If there is legislation in place that is not being enforced for whatever reason we should start there. He doesn't want the previously approved grandfathered situations to impede doing the right thing going forward. We need to go forward but the Village needs to keep an eye towards what has already been approved. The numbers will help the Village determine what should be handled in the bed and breakfast and what should be handled in short-term rental, and how can they be made complimentary in enforcement and monitoring.

Nick Schott stated that Councilmember Montgomery made a reference that short-term rental owners are typically not around, but he stated that he is around every one of his places every week, and that Bruce is under a similar situation as he is.

Mayor Hartfield stated that he is, and that was why she brought that up. In her opinion that is something that should be protect or preserved and not because he is her friend but because he has been doing it for decades.

Law Director King stated that if the numbers are such that by virtue of the phase in period, and the percentage limitations for each district, turns out that there are such small numbers of potential short-term rentals in any given district then the additional safe guards of the primary residence requirement or the adjacent lot might not even be necessary. This is because Council will have a greater comfort level with the numbers that the Village will be dealing with and would be alright with someone living a block away because the Village is confident that they'll be protected. Is that a fair read of what Council is saying?

Councilmember Montgomery stated that living a block away is one thing, but living a state away is another, and if there is no distinction between the two, he doesn't think that it is effective.

Vice Mayor Johnson stated that what the Village is getting to is trying to regulate behavior. The Village has responsible people that have done this for a long time in a positive way for the community, and the Village is trying to make sure that doesn't get distorted going forward due to the more prevalent nature of this rental. It is like trying to write a sign code for every sign condition. If the numbers support that there are a small number of people who would qualify under the short-term rental code it may be simpler to just say people like the Schott's and Bruce are grandfathered in the traditional sense and let's do this differently going forward. The table can be reset, and the Village doesn't have to let these things that are positive, and past decisions that were appropriate many years ago, impede the right thing to do for the future. Simultaneously the Village

doesn't have to penalize past decisions or people doing it correctly. Some of Law Director King's feedback was that the Village has to do it consistently and he agrees with that which is why he wants to know how many people are currently operating outside of the current zoning perimeter or approval. That is why the numbers are important to him in making a decision.

Law Director King asked Council if there would be an interest in wholesale grandfathering.

Mayor Hartfield stated that there would be. There is a difference between someone renting out rooms and doing it responsibly then someone who rents out rooms and makes it a transient situation where there is a constant flow of people coming and going in a residential neighborhood. That is not a situation she supports.

Vice Mayor Johnson stated that other than how the Village will enforce the code he has very few concerns with the language as it is drafted. It is the historic condition and what is not enforced that should be enforced already, and that ties to the enforcement section of this ordinance he is concerned about. The other concern is the tying it together so the Village is consistent with the bed and breakfast and the short-term rental, but if Council was in a purely go forward condition, he has some additional questions on language and enforcement. He thinks that they are relatively simple questions if they are uncoupled with what is being discussed now.

Councilmember Montgomery asked regarding the idea of wholesale grandfathering, if there would be an identifiable cohort from the research that the Planning staff and the Village Manager plan to do so Council would know who that is. That would be the cut off then everything from there would have to be addressed by the new code.

Law Director King stated that was a good summary and the only thing that he would add is that he would write in a very short period of time for people to come in and identify themselves out of those that the Village has not previously identified so that no one is missed. If the Village does wholesale grandfathering, typically with wholesale grandfathering it is a nonconforming use that preceded a zoning code that prohibits that use. It can be applied retroactively for the most part, he thinks that Council has the ability to do that here. Generally speaking, it is allowing a nonconforming use to continue even though a code has been adopted that would now prohibit it. In this case there is such a commercial component to short-term rentals that at least in a residential district there is a strong argument that anybody who has been operating a short-term rental in a

residential district is a nonconforming use already. Council would be recognizing that this is a new thing because Air BnB didn't exist ten years ago, and it is a bit hybrid between commercial and residential, so there is going to be a brief time period set for individuals who have already started doing this and the Village would be allowing them to continue to do so, or allow them to continue and get a permit, or some combination of that. But then that window will be closed after a certain time and anyone who wants to start up a new one has to start at square one. They would have to come to the Planning Department, file all of the paperwork, and meet all of the requirements going forward. If that is the approach Council wants to take depending on the numbers staff can start working from that perspective.

Councilmember Montgomery stated that depending on the numbers and the circumstances of who the people are, if it is a person who is a block away, or somewhere in the Village that is pretty close. If staff finds that most of these cases are investors that aren't connected otherwise that would be something to think about before a wholesale grandfathering.

Councilmember McGowan asked if the wholesale grandfathering was regarding the people that were previously approved or if it was for the people that are doing it illegally now.

Vice Mayor Johnson stated that he doesn't want to grandfather someone who is doing it illegally now.

Councilmember Montgomery stated that is what wholesale grandfathering means. A distinction can't be made between people the Village thinks is doing a good job and others who the Village thinks aren't.

Councilmember McGowan stated that it's not whether they are doing a good job it is a matter of are they following the rules that are set up.

Councilmember Montgomery stated that anybody who is operating a short-term rental now is not because any rental less than thirty days is not permitted anywhere.

Councilmember McGowan stated that someone who came to the Village and got some kind of approval even if it was eleven years ago, still went through some process to get an approval and that is different than those who are doing it illegally now.

Mayor Hartfield stated that those are the people that she thinks the Village shouldn't be closing down and make go through hoops for approval. Someone

who just bought a house in the Village and is renting it out are not the people she is talking about grandfathering.

Councilmember Montgomery asked the Law Director if the wholesale grandfathering meant that it is all or none.

Law Director King stated that some of the things that have discussed that Council wants to do can't be done according to the law. There are constraints in differentiating between different groups or different people because of the perception that Council is being unfair. The biggest challenge he has heard is finding a way to differentiate between the purely investment property which could be operated by someone three states away and the locally owned and operated property that is being handled with a responsiveness to the community's values. He stated that he would continue to work on that with the lowest risk of a legal challenge.

Vice Mayor Johnson stated that the ordinance already offers people who went through a process a conversion to a short-term rental permit as long as they file the application. Because of the limitation the Village has already provided an accommodation, what is stopping Council from saying those people have an un-expiring permit?

Law Director King stated that what the Village is doing with that is administratively offering to convert those to short-term rentals because what they were approved as they are not operating as. If they are not operating as what they were approved as, then the Village wants to convert them to a short-term rental then from that point forward. They would be expected to operate as a short-term rental and follow all of the same rules because if the Village doesn't hold them to that, but is holding the person next door who is doing the same thing there will be a legal challenge.

Vice Mayor Johnson stated that in these cases the Village is complicit with the approval. He agrees that if someone came in and said they want to operate a toy store and are operating a liquor store and the Village thought they were operating a toy store that is one thing but if they came in and said they want to operate a toy store and they Village gave them approval to operate a toy store then they should still be able to operate a toy store.

Law Director King stated that he was right, the Village fit it in the nearest category that could be. Under the law though the Village doesn't have what is a legal term called "laches" against the government which basically means you snooze you lose. The Village allowed it to happen so now you can't complain about it. That legal doctrine doesn't operate against the government. So even

though the Village allowed a business to operate as a lodging house that never really intended to operate as a lodging house because the Village in good faith eleven years ago found that to be the closest category that doesn't mean the Village has to pretend that it is a lodging house. In fact, the Village shouldn't pretend that it is something when we know it's not. That is not going to prevent the Village from keeping Nick Schott's business from going. None of us have any interest in interfering with a successful, respected business that went through an approval process. The goal is to figure out how to get it properly categorized, legitimize it, and allow it to continue to succeed while also not creating a legal problem for the Village because someone else comes in and says they want that too and aren't getting it.

Vice Mayor Johnson stated that we need the numbers to help inform the decision.

Manager Koehler stated that the staff will give chapter and verse on those that can be identified. To Councilmember Montgomery's point staff could have a map overlay so that there is an understanding of where these are in relation to each other and by type. Staff previously provided numbers by district which is nice to have but perhaps doesn't paint the full picture if we're talking about a concentration in a particular area. He doesn't know how productive a blast to the community asking people to come in and advise staff of an operation that is going on that the Village doesn't know about. The focus will be on the ones that known, and the ones that staff is struggling to understand what their operation looks like will be reached out to, but of course staff would be largely relying on their word. He thinks that people will be forthcoming. It will just take some time to get the information.

Motion by Vice Mayor Johnson to table Ordinance No. 24-2020 until January 6, 2020 Council meeting, second by Councilmember Mickelson.

Mayor Hartfield called for a roll call vote. Councilmember McGowan (yes), Councilmember Mickelson (yes), Councilmember Montgomery (yes), Vice Mayor Johnson (yes), Mayor Hartfield (yes)

Motion passed by a vote of 5-0.

- B. **ORDINANCE NO. 28-2020 AN ORDINANCE TO ACCEPT CERTAIN INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE MIDDLETON SENIOR LIVING COMMUNITY FOR PUBLIC MAINTENANCE AND OPERATION BY THE VILLAGE OF GRANVILLE**

Tabled until January 6, 2021.

8. NEW BUSINESS

- A. **ORDINANCE NO. 29-2020** AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES

Councilmember McGowan introduced and set the public hearing for Wednesday, January 6, 2021 for Ordinance No. 29-2020, second by Vice Mayor Johnson

- B. **ORDINANCE NO. 30-2020** AN ORDINANCE TO AMEND ORDINANCE NO. 29-2019 PROVIDING FOR ADJUSTMENTS OF THE ANNUAL BUDGET FOR THE FISCAL YEAR 2020 AND REVISING SUMS FOR OPERATING EXPENSES

Vice Mayor Johnson introduced and set the public hearing for Ordinance No. 30-2020, second by Councilmember McGowan

- C. **RESOLUTION NO. 2020-44** A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE MANAGER OF GRANVILLE, OHIO, TO ENTER INTO AN AGREEMENT WITH THE BRYN DU COMMISSION

Motion by Councilmember McGowan to adopt Resolution No. 2020-44, second by Councilmember Mickelson

Motion passed by a vote of 5-0.

9. REVIEW AND APPROVAL OF MINUTES

Minutes from the virtual Council Meeting of December 2, 2020 Virtual Council Meeting.

Motion by Councilmember McGowan, second by Vice Mayor Johnson

Motion passed by a vote of 5-0

10. MAYOR'S REPORT

Motion by Councilmember McGowan to accept the Mayor's Report, second by Councilmember Mickelson

Motion passed by a vote of 5-0

11. MANAGER'S REPORT

Motion by Councilmember Montgomery to accept the Manager's Report, second by Councilmember McGowan

Motion passed by a vote of 5-0

12. COMMITTEE / COMMISSION / BOARD REPORTS

Granville Community Foundation (Lerner)- No Report

Granville Recreation District (Johnson) stated that they're finishing up their 2020 budget, working on capital projects, and working through their programming both current and planning for the spring, managing through the pandemic issues.

Planning Commission (Montgomery) stated that the building at 128 W. Broadway where the former Moe's Barbeque was is getting some updating of the siding in the back of the building. It is either going to be metal or hardy board. The Planning Commission made a point of saying while they thought that was a great improvement for the back of the building it wouldn't be appropriate in the front. The front will stay as is.

Granville Arts Commission (Mickelson) stated that they are wrapping up their expenditures for last year. They awarded around \$6,000 and are waiting on a couple of receipts. It seemed to be a good year even though it was a pandemic. They welcomed a new member to replace Mickey Smith. Cory Camp is the new Township representative. Laurie Mackenzie-Crane is retiring from Denison so a replacement will be needed and Laurie might have some people in mind who would be interested. The terms are up for Lois and Kyle. Lois will be returning but Kyle has decided that she is retiring from her position. The position for Community-at-Large will be opening up.

Mayor Hartfield stated that she had a discussion with the Clerk and the Village Manager earlier, about a person that inquired about the Community-at-Large position but she lives in the Township. Many of the Village's Commissions, Committees, and Boards are outlined as to who comprises those seats, meaning are they from the Township, school board member, GRD, and so on. There are a few however, that don't specifically outline those and the Community-at-Large is one of them. Her opinion was that if the Township person wanted to serve, she was okay with that, but wanted to run it by the rest of Council. Community-at-Large does sound like a Township person could serve since they are part of the community.

Councilmember McGowan asked if the position was opened up to Granville residents so they knew the Village was looking for someone. If so, and no Granville resident is interested, then he didn't have a problem with a Township person being appointed.

Mayor Hartfield stated that Autumn did advertise the position as a Granville resident but the person who inquired about it was from the Township.

Councilmember Montgomery stated that he assumed the reason it should be a Granville resident was probably because the funding came from the Village, but he agreed that if a Village resident wasn't interested he would be fine with a Township resident filling the position.

Councilmembers agreed to a Township resident being appointed if no Granville Village resident was interested.

Bryn Du Commission (Demarest)- No Report

Open Space Committee (Mickelson)- No Report

Tree & Landscape Commission (Lerner)- No Report

Union Cemetery (McGowan)- No Report

13. OTHER COUNCIL MATTERS

Councilmember Montgomery asked about the Park Ridge development and whether the Open Space Committee was discussing it. He understood from a newspaper article that one of the property owners don't intend to sell their property immediately.

Councilmember Mickelson stated that she heard that they have to see if they can use the funds outside the Township. The Open Space Committee has not discussed this as a committee.

Mayor Hartfield stated that there is a strategy session scheduled for tomorrow at 2:00pm.

14. OTHER STAFF MATTERS

Manager Koehler stated that as the Mayor mentioned there is a strategy meeting scheduled with the Township and the School Board to discuss what the way ahead might be from the Village perspective and then collectively with the other two parties. There are three parcels involved, one owned by the Harris and two owned by the Amacher's. The total number of residences proposed is 502. Bryn Bird is going to bring to the meeting a legal opinion the Township obtained regarding the use of open space funds outside of the Township. He will provide Council an update on Friday regarding what was discussed.

Councilmember Montgomery asked if the parcels were in the City of Newark.

Manager Koehler answered that they are.

Councilmember Montgomery asked if they were already annexed in back in the 90's but just never developed.

Mayor Hartfield stated that it was the late 90's and that all the property used to be Granville Township until they wanted to put the Park Trails development in and Newark annexed it in.

Councilmember Montgomery asked if after that the Village annexed in the western edge.

Mayor Hartfield stated that was correct and the Village's buffer comes down James Road and wraps around. The Village could petition to annex the land in the back of the parcels back into the Village, but it would have to be approved by Newark, it can't just be de-annexed.

Councilmember McGowan asked about the contribution of property taxes received from the Park Trails subdivision to the Village.

Mayor Hartfield stated that it was for 20 years, but that this time there is a slight difference. There is the income tax which covers the borders of the school district, but all of the property taxes and incomes taxes would go to Newark.

Councilmember McGowan stated that every time they would build a house the school district would go into debt basically.

Mayor Hartfield stated that this development would require the school district to build another building.

Chief Caskey gave Councilmembers a briefing on the concerns regarding thefts in the Village. He stated that there were posts on social media saying that thefts are rampant in Granville, but a lot of the crimes they were pointing out were happening outside of the Village's jurisdiction. In the Village in 2020, there have been two burglaries, one on North Pearl, and one on West Broadway, six breaking and entries which were primarily break ins of trailers and sheds, and one was a storage unit on Westgate. There have been 26 thefts from automobiles, and most of those were unlocked vehicles. There are two very good suspects on that. One was arrested from another jurisdiction but declined to be interviewed, and they subsequently released him because of COVID and he vanished. The other suspect currently has a felony warrant out for her. There were twenty thefts of political signs which made the Village's perception of thefts go up quite a bit, seven bicycle thefts, and five package thefts. There have been several arrests of people who were committing thefts, and several that are still under investigation where GPD has submitted fingerprints and DNA to BCI, it is simply just a matter of time. The wheels of justice turn slowly.

Manager Koehler reviewed the Village's facial covering ordinance with Council as is done every month at the second meeting. There have been a couple of issues come

up recently since the last meeting. There have been complaints brought to the Village about people not wearing facial coverings in Ross's Market, and the Post Office. The complaints boil down to two readily identifiable Township residents. One of them has mental health challenges and may not understand the implications, while the other is making some self-serving decisions to not wear a facial covering in public spaces and arguing with people who challenge them. Staff's intent is to speak with both of these people but the latter person presents more of a challenge. While they are a Township resident, they own two businesses inside of the Village and the individual has made it clear that not only do they not wear a mask but they don't require their employees to either. They will not enforce any mask ordinance in their business. If you go to what the State has told us and go to what our ordinance language says this person will likely fall back on the language that stated where there is a functional or practical reason not to wear a facial covering. In fact, one of the businesses has language posted on the window to that effect. There are some apparent loop holes in the language from the State that may allow them to continue the way they are. Staff will continue to work through this for potential resolutions. There is no recommendation for changes to the ordinance.

Councilmember McGowan stated that regarding Ross's Market they initially allowed people in not wearing facial coverings because of medical conditions but now their signs state they require facial coverings and if one can't be worn shop online and they will bring your groceries out to you at the side of the building. If they are providing that service, he thinks that they should fall into what is allowable and be covered from a legal standpoint.

Manager Koehler stated that what they are doing is perfectly fine and is working well for them. The resident from the Township that GPD responded to there was the individual exhibiting mental health challenges. The Post Office complaint presents other challenges because it is a Federal building.

The Village applied for a \$250,000 grant from the State for the potential purchase of Munson Springs, staff was told early in the pandemic that the money wasn't coming, but the budget that was passed earlier this week did provide the Village of Granville \$200,000 towards the purchase of Munson Springs. Staff will provide Council a run down on what that might look like considering different funding mechanisms.

Law Director King asked Council if they wanted him to look into amending the language that requires five affirmative votes to dispose of real property by making it state a super majority.

Councilmember McGowan stated that he likes the language that states five affirmative votes unless there is language added regarding Councilmembers recusing themselves.

Councilmember Montgomery asked Law Director King that if what he was suggesting means that it is a super majority of those Councilmembers present.

Law Director King stated that yes, it would be a super majority of the quorum so that if there were only four Councilmembers there would be only a need for three votes. It makes it still require the higher level of agreement, but makes it a percentage rather than a hard number. Under the current code if there are recusals of three Councilmembers because of conflict the code requires five votes and he doesn't know how that would be resolved.

Mayor Hartfield asked if there was a way to address the situation without actually amending the language in the event of recusals.

Law Director King stated that he would look into it.

Mayor Hartfield stated that the intent is that it is a solid vote that Council and the community can support, but based on where Council was with the fire station disposal there might need to be an escape hatch for a situation like that.

Councilmember Montgomery stated that it would need to be in place because of recusals not Councilmembers being absent from a meeting.

15. ADJOURNMENT- 9:27 P.M.

Motion by Councilmember McGowan, second by Councilmember Montgomery

Motion passed by a vote of 5-0

Minutes submitted by: Clerk of Council Autumn Klein

Minutes approved by: Village Manager Herb Koehler