



## Clintonville Area Commission Meeting Minutes

Thursday, March 5, 2020, 7-8:55 pm

Whetstone Library Meeting Room

### **Commissioners in attendance:**

- David Vottero District 1, [cacdistrict1@gmail.com](mailto:cacdistrict1@gmail.com)
- Khara Nemitz District 2, [cacdistrict2@gmail.com](mailto:cacdistrict2@gmail.com)
- Libby Wetherholt District 3, [libbywD3@gmail.com](mailto:libbywD3@gmail.com)
- Judy Minister District 4, [judym.cac4@gmail.com](mailto:judym.cac4@gmail.com)
- Kendra Carpenter District 6, [KendraD6@yahoo.com](mailto:KendraD6@yahoo.com)
- Michael Weinman, District 7
- Jim Garrison District 8, [cacdistrict8@gmail.com](mailto:cacdistrict8@gmail.com)
- B.J. White District 9, [bjwhite.cac.district9@gmail.com](mailto:bjwhite.cac.district9@gmail.com)

### **7:05 p.m. Call to order & formal welcome by Chairperson White**

Welcome to your Clintonville Area Commission "...committed to the undertaking of the preservation of the values of the community through promotion, implementation and recommendation to city officials."

The CAC was empowered in 1974 by the Columbus City Charter to represent the Clintonville community in the discussion of community concerns. By City Code, the purpose of the CAC is to "...afford additional voluntary citizen participation in the decision making in an advisory capacity and to facilitate communications, understanding and cooperation between neighborhood groups, city officials and developers".

### **7:05 p.m. Introduction of commissioners and district reports**

**Commissioner Vottero** – Because of Covid-19, Commissioner Vottero brought up the question of changing the rules for running for office in order to limit contact when it comes to getting signatures and other face-to-face communication that occurs when running for office. Anne Henkener said if changes are made then there is probably a requirement that the commission give the public notice as well as hold a meeting to vote on any changes to the procedures that are set forth in the rules and the bylaws. Commissioner Wetherholt commented that there have been no reported cases in Ohio at this time. Large gatherings in Ohio are not prohibited and that it is not necessary to change the procedures for running for office. Commissioner Weinman said he took

part in the conference call with the Governor's office regarding the Covid-19 and also sees no need to change the rules and bylaws. Commissioner Garrison is curious if there have been any situations in the past that rules were modified because of an extreme social condition. Anne Henkener said that she did not know of any precedents where rules and bylaws were changed. Joe Motil, from the public, said he had someone who is running for office knock on his door and he was O.K. He does not see the need to change the rules. Ann Marie Razor, from District 2, said applicants could wear gloves, stand back from the door and present themselves in a healthy manner as possible. Chairperson White asked Dave from her district if he would mind if she knocked on his door to collect his signature. He said no as long as nothing changes.

**Commissioner Nemitz** – Reported that she had nothing to report.

**Commissioner Wetherholt** – Reported that she had nothing to report.

**Commissioner Minister** – Reported that she had completed revisions to the former Historic Building Committee's statistics of buildings in Clintonville. She would like to comment on it next month. The first draft done was done four to five year ago. In Districts 1, 2, 3 and 4 the stats were as expected; most buildings were erected before 1930. Most of District 9's buildings were built after 1960.

**Commissioner Weinman** – Reported that he had nothing to report.

**Commissioner Carpenter** – Reported that neighbors continue to be troubled by the over-abundance of deer. She was contacted by residents close to Dominion because kids from Watterson High School are parking near their houses. She has no update on Graceland Flats at this time. She is working with Wesley Glenn regarding signage for the upcoming election. She is in touch with Howard Heard, the Location Manager for the Franklin County Board of Elections.

**Commissioner Garrison** – Reported that he had nothing to report.

**Chair White** – Read Dana Bagwell's resignation letter. And, she commented that there are more trees being planted in the parks and more spaces on the High Street Corridor are becoming occupied.

**Consideration of prior meeting minutes** – Commissioner Nemitz

Do we have a motion vote to approve the Special Meeting minutes?

Commissioner Wetherholt moved to approve and Commissioner Minister seconded the move. A vote was taken to approve the Special Meeting minutes

All commissioners voted yes except for Commissioner Carpenter who abstained.

Do we have a motion vote to approve the February minutes with the inclusion of the voting record?

Chairperson White moved to approve and Commissioner Vottero seconded the move. A vote was taken to approve the February minutes with the inclusion of the of the voting record.

All commissioners voted yes except for Commissioner Carpenter and Commissioner Garrison who abstained.

**Treasurer's Report** – Commissioner Carpenter had nothing new to report. Chairperson White asked if we are ready to tidy up fiscal year. Commissioner Carpenter said yes.

**Sarah Pomeroy**, City Attorney for Clintonville, is no longer assigned to our area. Now she is assigned to Morse Road and north of Morse Road. Chastity Baram (sp?) is our new City Attorney. Sarah Pomeroy is moving to bars and liquor permit issues.

**Community Liaison - Katherine Cull** reported the following:

- This Monday March 9<sup>th</sup> there will be an open house at the community's Pride Center. There will be the opportunity to tour the building and meet all area code representatives. Location: 248 east 11<sup>th</sup> Avenue, 4:30-6:30 pm.
- The first Area Commissioner retreat is next Saturday, March 14<sup>th</sup> from 9-12 at 111 East Broad street.
- Next Thursday, Mayor Ginther is inviting the community to learn about Columbus's new Transportation Initiative. Time and location: 11:30 at the Barnett Library.
- Community Liaison's Office hours are from 2:00-4:00 at the Whetstone Library. Their table is table is set up in front of Children's Area.

Commissioner White commented that with the community and Commissioners input she put together a comprehensive and thorough summary of ideas for the **2020 Capital Improvement Budget** which she submitted to City Council member Elizabeth Brown.

**Zoning & Variance Committee - Chair Stephen Hardwick**

**Chair Hardwick** presented this information:

**1. BZA19-030**, 3400 N. High. North Broadway High Professional Building LLC, seeks a variance to reduce required parking spaces from 62 to 36. CC3312.49.

I. Eric Zartman is the attorney for applicant. The first floor will be a restaurant with a patio. Now, there are three curb cuts, two on East North Broadway and one on High Street. The two on East North Broadway will become one on the eastern side of the lot. The High Street curb cut may be right in right out if requested by the city. All current spaces will be preserved except those at the curb cut. They have secured after-hours, off-street parking at North Broadway Methodist and Clinton Elementary. The Clinton Elementary spots will be valet.

II. Steve Hutchinson is the owner. He's owned the building since 2003. Two years ago, a liquor option passed. Intended hours are 10-10-week days and 10-11 weekends. New tenants will be required to park off site. They plan a bike corral and scooter area.

III. Commissioner report: The applicant has worked hard on this and she supports it.

IV. Vote, Recommend Approval 8-0-1 (JM abstaining):

1. DH: Only concern is the ROW question that hasn't been addressed by the city. But if that doesn't happen, it will not happen anyway. Will trust commission to know that things are checked off.

2. SH: ROW problems are the City's responsibility.

Eric Zartman handed out project documentation. He reiterated Chair Hardwick's talking points. He added that the restaurant would be 3,500 square feet with a patio on High Street. The addition of the restaurant would add a parking deficiency which is why they are asking for the variance. He spoke of 86% of the community approving their application for a liquor license even though it is located near churches and schools. He spoke of the corner being important in terms of the Clintonville Neighborhood Plan. The restaurant would reflect the desire for a pedestrian friendly gathering space. When the client applied for the variance last summer there were concerns from the Zoning Department and the Division of Traffic regarding parking. To address this, the owner set up parking agreements with North Broadway Methodist Church and Clinton Elementary School to exceed parking minimums. The Clinton Elementary spots will be valet.

The city asked that the two access points on North Broadway be reduced to one. The owner is complying, and this is illustrated on the submitted site plan. This resulted losing a few parking spots. Also, they have been asked to restripe the parking lines on the east side to allow for sufficient drive-by aisle width. This resulted in the loss of two parking spaces. There is a thorough fare plan in Columbus which consists of taking an additional 10' off the property line on North Broadway and an additional 5' on High Street. They applied for a partial exception from this thorough fare dedication over a month and a half ago and are still waiting for an answer from the city. They expect a positive answer.

They are asking for variance approval on the condition that the city does not take the parking spaces determined by the city's right of way dedication. If they do lose the parking spaces, they still exceed the parking requirements because of the off-site parking agreements.

Commissioner Carpenter asked if they have a tenant for the restaurant. Mr. Zartman said the owner is looking for a restaurateur who comes from outside the Columbus area.

Chairperson White asked that Mr. Zartman confirm that they have lease agreements with North Broadway Methodist, for 26 parking spaces, and Clinton Elementary, for 15 parking spaces. Mr. Zartman said yes. He said the city asked that they do a parking study which they did on a Friday and Saturday. They learned that street parking would not exceed 40%.

Commissioner Weinman asked what will happen when Clinton Elementary has an after-hour event. Mr. Zartman answered that hopefully the street will take care of parking during school events.

Mr. Zartman commented that the restaurant is on a bus-line. And that people will walk and take services like Uber. The restaurant is only 3500 square feet.

Commissioner Carpenter asked, "What is the capacity of the restaurant?" Mr. Zartman said I don't know. Chairperson White commented that parking is based on square footage not on capacity. One parking space per 75 square feet.

Commissioner Minister asked how will people know that there is off-site parking. Mr. Zartman said there will signage on the building and they will talk with future tenant about putting this information on their web-site.

Chairperson White said that at the Zoning and Variance meeting she heard the owner say that the restaurant workers will park in the off-site parking per their lease agreement

Commissioner Vottero asked for clarification of what appeared to be different property lines on the map submitted. Mr. Zartman said the grey area on the map is the part that the city would like dedicated. Commissioner Vottero pointed out that there are telephone poles and stop lights on the private property. Mr. Zartman said yes.

Commissioner Carpenter asked if tenants have priority parking during the work day. Mr. Zartman said yes.

Commissioner Vottero asked about the logistics of the valet service. Mr. Zartman said it was something they would look into. Perhaps they would be located in front of the dumpster enclosure.

Chairperson White asked will roof top ac units be relocated that are on top of the overhang. Commissioner Garrison said that they could be relocated. Commissioner Minister asked if it would be a code violation to have compressor units there. Commissioner Garrison said no. Commissioner Wetherholt said this is not our purview; we are talking about a parking variance.

Commissioner Vottero appreciated the letter of agreement from Clinton Elementary. He said that it would be nice for the applicant to work with the school to make a connection between the restaurant and the school parking because right now the connection is circuitous between the school and restaurant. Mr. Zartman reiterated that the parking is valet and so that would negate customers having to go on a circuitous route.

Commissioner Weinman says he sees two handicapped parking spaces at the restaurant. He asked if any are dedicated at the church. Mr. Zartman said no.

Commissioner Garrison opined that the owner has worked hard to remedy the parking issue. He is being proactive in remedying his income issues.

Ann Marie Razor commented that she has lived in the neighborhood all her life. There have always been problems with traffic at the North Broadway/High Street intersection. She is concerned that things will get complicated for people with the addition of the restaurant. She would like to know if there will there be instructions telling people the flow. She is concerned about traffic out of North Broadway side. Mr. Zartman assured her that they will do their best to make traffic flow smoothly with signage.

Commissioner Vottero asked if the city is letting them keep the curb cut on High Street. He said he could see the city allowing a roll over curb. Mr. Zartman said the city may say they can't have that.

Chairperson White asked do we have a motion vote to approve the variance as follows: to allow a parking variance from 59 to 31, with the condition of granting the right of way exception request that is pending preserving 12 parking spaces should the city grant it.

Commissioner Wetherholt expressed that she would really like the right of way kept.

Commissioner Wetherholt moved to approve the vote. Commissioner Nemitz seconded the move. Final vote: 7-1. Commissioner Weinman voted no.

**Chair Hardwick** presented this information:

3623-3640 Indianola Avenue

1. 3309.14 Height Districts: To permit the height district of 40 feet and not H-35 feet in the portion of the property zoned C-3.
2. 3372.705 Building Design Standards: To permit the width of a principal building along the primary building frontage to be less than the minimum of 60 percent of the lot width.
3. 3355.09 C-3 District Setback Lines: To permit the buildings to be setback 25' from the Indianola Avenue right-of-way as originally approved in 2017 and not from the additional dedicated right-of-way line.

Regarding 3309.14 Height Districts: Bob Long, President of Vision One Real Estate Investors and the owner's representative, said because they want 10' ceilings for the saleable 2<sup>nd</sup> and 3<sup>rd</sup> floor units, they are asking for a height variance. Without this variance, the 1<sup>st</sup> floor commercial space would not have adequate ceiling heights.

To follow code, they need 56 more parking spaces and they would like to turn the middle building into a parking garage. In addition to this, they are asking \$350,000 for the apartments and feel that they must have a parking garage for apartments that cost this much.

Regarding 3372.705 Building Design Standards: in order to comply with the design standards of the code they are going to make the garage look like a continuation of the primary building by installing false windows. Thereby giving the appearance of adhering to the standards that the primary building frontage is not less than 60 percent of the lot, even though technically it is.

Regarding 3355.09 C-3 District Setback Lines: The Traffic Department is fine with this variance.

Commissioner Wetherholt asked if the building materials are as they were depicted when the CAC reviewed the buildings earlier.

Commissioner Garrison commented that the 35' to 40' height variance could possibly allow for roof-top equipment to be better hidden, which would affect the appearance of the building positively.

Chairperson White asked do we have a motion vote to exercise our vote to approve the variances?

Commissioner Carpenter moved to approve, and Chairperson White seconded the move.

Chairperson White asked if they should be voted for all at once. There was a motion to approve this and a second.

All commissioners voted yes on the three variance requests.

Chairperson Hardwick commented that at the last zoning training he attended he was told the

commission could offer to allow for greater parking variances in exchange for additional accessible spaces. This is brought up because when a parking variance is requested that also means that accessible spaces are reduced. There is an argument for the commission to not allow the loss of that accessible spaces when a variance is requested.

### **III. BZ20-004**, 258 E Como.

Chair Hardwick presented this information: Homeowner Tyler Bulcher seeks variances to permit him to replace the existing 20'x20' garage with 0' side yard setback, with a 26'x24' garage with a 6" side yard setback, CC3332.26(E). He would like to use the same pad without digging up more of his back yard. The neighbor supports this variance. Vote: Recommended approval 8-1, DH voting no because she wanted to see a joint maintenance agreement.

Rebuilding 60-year-old garage exactly where it is. However, it is right on the property line. The variance will allow them to have direct access to the garage, prevent them having to dig up the driveway and will avoid having to move an AC unit. He has a maintenance agreement with his neighbor Dave; it just needs to be signed by Dave. His garage will match other garages on street.

Commissioner Garrison commented on the garages overhang. The gutters are on the front and back not on the side yard.

Ann Marie Razor asked if it would look like the neighbor's garage. Tyler Bulcher said yes.

Chairperson White asked do we have a motion vote to exercise our vote to approve the variances?

Commissioner Minister moved to approve and Commissioner Nemitz seconded the move.

All Commissioners voted yes.

### **Election Committee - Chair Ann Henkener**

Someone has pulled a packet in each district. Packets are due March 28<sup>th</sup>. Monday is Candidate Night. Commissioner Minister will be there talking about what it is like to be a commissioner. Chair Ann Henkener will be there too.

### **Guest – Karen Norris, Assistant Wildlife Management Supervisor and Robert Batterson, ODNR Div. of Wildlife**

Discussion surrounding our co-existence with wildlife. Urban deer, raccoons, etc. and their habitat and foraging behaviors. Human interaction with wildlife and the “do’s and don’ts”.

Karen Norris and Robert Batterson reported that the state manages the deer population. They go down to a county level and their oversight stops there. The correct deer population is subjective. It is what a community can tolerate. Some communities, like New Albany, have hunting programs established because people complain and there are auto accidents. The complaints in high density areas are things like deer with a pumpkin on its head, a chicken feeder stuck on head, a hammock on its head, deer stuck in a fence. These incidences start spurring debate and

conversation regarding the deer. There is no particular deer population number that is perfect. It is what a community can handle – some people like the deer and some people don't. The community needs to tell ODNR Div. of Wildlife what their concerns are and what they would like done and ODNR Div. of Wildlife will relay options.

Betty Morss – She lives above Overbrook Ravine. She has had up to 14 deer at her house. It can be scary. What should she do, especially with her dog? Robert Batterson said fawning time is when there are attacks. The female deer are protective of their young.

There is a difference between urban deer and country deer. In urban places, people start feeding them and they teach their young to go to humans. Karen Norris suggested implementing and enforcing a no feeding ordinance. Commissioner Wetherholt said we are part of Columbus and they think we don't have a deer problem. Robert Batterson said some cities do cull deer. It can be \$500/deer. Cities might not pay for that. Other measures can cost up to \$1000. Columbus said you are not allowed to hunt deer. He thought that archery hunting in Columbus could be possible. This does not cost tax people money. You have to balance this with people that don't want hunting.

Commissioner White would like to make people aware that it is problematic if Clintonville feeds the deer. It only encourages our engagement with the deer. The deer don't need us to feed them. We are the problem. We need to correct our behaviors. Correcting the deer population is not an option as this time.

Someone asked if there are too many deer for our neighborhood and will the deer make us sick? Robert Batterson said that we would not get sick, but he had heard discussion about the effect of the deer on plant diversity. The neighborhood will make a determination on whether this is an issue. There are no predators for deer. When two deer breed in five years you will have 64 deer. He thinks that Clintonville will probably have more deer in the near future.

Dave Jones (lives at Canal and Foster): his property backs up the School for the Blind. The deer in his neighborhood are a huge problem night and day. Karen Norris suggested changing up what is planted in a garden, installing electric fences, hoses with automatic water sprayer. Mr. Jones said this would be very difficult as he would have to fence his whole yard. He can have 6-7 deer in his front yard. He thinks there is a sizeable deer herd on the school property. Mr. Jones thought the state managed that property. However, the ODNR Div. of Wildlife does not have jurisdiction. Karen Norris and Robert Batterson said multiple entities would have to come together to cull this herd. Karen suggested a food to table solution.

Blake Getson (lives at the Northside of Glenmont): He commented that Metroparks manage their deer herd. Robert Batterson said that the Metroparks have to create a plan through the ODNR Div. of Wildlife. Metroparks are more confined and they do sharp shooting to reduce the herd. Robert Batterson thought there may be a biodiversity problem in Clintonville.

Commissioner Minister asked how can we start a conversation about a "No Feed Ordinance". Robert Batterson Brad said that City of Columbus should come to ODNR Div. of Wildlife to work on the problem.



**Guest – Heather Pennington, Community Outreach Coordinator with The City of Columbus: Trash talking and grab your litter scoop!** *Keeping Columbus Beautiful* is an ongoing challenge. Whose job is it when we notice litter or illegal dumping in our neighborhoods? How do you work with the 311-service center? Who do we call “when” and for “what” type of trash problem?

Heather Pennington and Katrina Whitlock: They discussed whose job is it when you notice litter and illegal dumping. It is everyone’s job to follow up on litter. She provided a hand-out illustrating the relationship between trash and crime. Call 311 for bulk pick up so trash does not build up. There is a 311-mobile app. If you have any questions, call a 311 representative.

Keep Columbus Beautiful is volunteer driven and they provide tools for litter clean-up.

Chairperson White asked who they should contact for a community clean-up? Heather Pennington said contact [keepcolumbusbeautiful@columbus.gov](mailto:keepcolumbusbeautiful@columbus.gov).

Commissioner Minister asked if the city has purchased any trash vacuums. Katrina Whitlock said they have and they are doing demonstrations. They are looking into how to pick up litter in the alleys. Commissioner Minister commented that 5<sup>th</sup> Avenue is so litter strewn mainly because of no occupancy. Commissioner Minister said the vacuum could be tested there.

Chairperson White said if anyone has any more questions contact her at [commissioners@clintonvilleareacom](mailto:commissioners@clintonvilleareacom)

**Guest - John Lathram, Chairman of North Linden Area Commission**

Public Services Com., Shellabarger Illuminator Humanitarian Award, Smart City Liaison - North Linden, COTA/BRT/CMAX - Contributing Artist, 2018 Recipient

Portfolio of works <http://johnlathram.wixsite.com/artworks>

NPR Segment on All Sides with Ann Fisher <https://radio.wosu.org/post/how-dollar-stores-impact-communities#stream/0>

What are some challenges and successes in procuring purposeful development in that is welcome in your neighborhood?

John Lathram discussed with Chairperson White (after she heard him on Ann Fisher) the food desert in North Linden (since Kroger left) and the proliferation of dollar stores. Now people are buying up empty lots. North Linden Area Commission is trying to establish guidelines that encourage less chains and more locally owned business. But this is difficult. They are working with the city to support locally owned businesses. There are people with drive and ambition, but they don’t have the experience. They have a proliferation of car lot businesses that are not following the rules. They are working with their code enforcement officers and their zone attorney to reign in businesses that are not following the rules and guidelines. Chairperson White asked if North Linden has a lot of developers that are interested in the area. John Lathram said they have investors. Homecourt is building an apartment property and they were resistant to incorporating retail. They are also designing a second property at Cleveland and Myrtle Avenue and they have agreed to retail. North Linden did adopt C2P2. Chairperson White asked if it has helped. John Lathram said no, not yet. They have not yet sat with the city to discuss what the design standards should be. Chairperson White asked if working with Homecourt has been a

positive experience. John Lathram said it hasn't been perfect. They have had some differences, some of which have been addressed.

Joe Motil, 167 West Cook Road. He spoke against Issue 21. Following is the document he read. He did not have enough time to read all the text.

#### Taxpayers Advocating For Fair Taxation

No one is disputing the importance of Columbus State's role in providing necessary affordable quality education for people of this community. Both of my children attended Columbus State and I have friends who teach there or who have been involved with the college in other ways. But let's be clear. Our state legislators and governor have dropped the ball when it comes to adequately funding state colleges which is why they passed on their responsibility to state community colleges allowing them to beg the public for funding. It is the responsibility of the "State of Ohio" to fund state colleges while state colleges are also expected to be engaged in fundraising campaigns, applying for grants and other means to raise money. Even though there is \$2.7 billion sitting in our state rainy-day fund, certain state elected officials don't seem to value the importance of education and won't budge on spending any of those funds for state colleges. For the average median income house sold in Columbus (\$209,900) it will cost almost an additional \$50 a year, and for a newly constructed home (\$339,000) about \$80 a year. And if passed, this property tax increase will assuredly be passed on to renters, who for the most part in Columbus are finding it harder and harder to find true affordable housing. Franklin County has a 30% foreclosure rate due to property owners not being able to pay their property taxes. So we are being asked to approve a property tax increase while we are having an affordable housing crisis, and yet city council and the school board continues to grant tax abatements to their campaign contributing wealthy corporations and luxury real estate developer friends while placing the burden on working families and low-income individuals. Property tax abatements totaling no less than \$340 million over the last 4 ½ years

Columbus State attracts students from all of Ohio's 88 counties, yet only Franklin County taxpayers are being asked to subsidize this expense. 74% of its students are from our county and 45% of Columbus States enrollment is online. A 2019 report showed that Columbus residents pay the 4<sup>th</sup> highest overall taxes of any large city in America. Franklin County has the second highest sales tax in the state. If anyone honestly believes that this county's outrageous taxes do not have a direct correlation to poverty, you need to think again.

Maybe the campaign contributors of the PAC that was formed to convince the voters of Franklin County that they should shoulder the responsibility of paying for the educational needs of Columbus State, should take it upon themselves to help with Columbus States financial needs. If property tax abatement recipients and those receiving city income breaks like AEP, Nationwide, Huntington, Ohio Health, Nationwide Childrens Hospital, Worthington Industries, and Limited Brands can drop hundreds of thousands of dollars into this million dollar plus campaign, they and others certainly have the means to contribute heavily to an institution that produces the future employees of their businesses. And it would seem to be in their best interest to do so. And even though they claim this tax increase will expire in 24 years, don't count it. Just like the quarter percent sales tax increase that the county approved to pay for the jail as temporary, you can bet this will also be a permanent increase. I encourage voters to vote no on Issue 21.

8:55 p.m. Adjournment