

Canal Winchester

*City Hall
Council Chambers
45 East Waterloo Street
Canal Winchester, OH 43110*



Meeting Minutes - FINAL

May 30, 2023

6:00 PM

Committee of the Whole

Chuck Milliken - President

Bob Clark - Vice President

Laurie Amick

Jill Amos

Steve Buskirk

Patrick Shea

Mike Walker

- A. **Call To Order** *Milliken called the meeting to order at 6:00 p.m.*
- B. **Roll Call** *Present 7 – Amick, Amos, Buskirk, Clark, Milliken, Shea, Walker*
- C. **Also In Attendance**

Mayor Ebert, Matt Peoples, Lucas Haire, Andrew Moore

D. **Items for Discussion**

Review Old Town District

Discussion started at 0:03 on YouTube Channel

Haire – I want to sort of go over this in three separate topics. I'm going to give a quick presentation, so feel free to jump in with questions as I go along, but I just wanted to put together this presentation to help guide the discussion. The Landmarks Commission was established in 1983. There was a historical society put together to talk about the preservation of the old town area. Those discussions happened over a number of years, which ultimately led to the council adopting the Landmarks Commission in 1983. A number of times over the years, properties were added to that. In 1985, they established the historic districts, which are on Waterloo and High Street. Those were the national registered historic districts in 1987. They added East Columbus Street and Mound Street. In 2003, the historic district and the preservation area were created with the historic guidelines, ordinance #24-03. The preservation guidelines have been amended once in 2009, and that was specifically to address issues around vinyl siding. There were a number of inconsistencies and a number of requests to do vinyl siding at the time, so they specifically updated the guidelines to direct people about the preservation of siding, specifically in the historic district, to help give guidance to applicants that wanted to look at updating their properties. The Landmarks Commission consists of seven members appointed by the mayor and confirmed by the council. All the members volunteer their time and expertise to benefit the community. There are specific requirements for the Landmarks Commission. This is unlike planning and zoning or the other commissions that we have. You have to have certain types of people with certain types of experience on that commission that have experience with maintaining older buildings, such as business owners, professionals, and industries that have to do with architecture, history, archeology, planning, landscape, real estate, etc. In the past, we've had an architect on the commission. We've done that throughout its existence, which gets harder and harder to find because there seem to be fewer architects living in our community for some reason, but we've been able to do that and maintain them. We do have an architect who lives in the preservation district currently. We have folks that are graphic designers, so we've got a good mix of people that volunteer their expertise and are dedicated to preserving Canal Winchester. The preservation area guidelines were created in 2003. The guidelines resulted from the 1999 comprehensive planning process. The top priorities of that plan were maintaining the small-town feel and preserving the village's historical heritage. One of the recommendations of that plan was to establish guidelines to help direct the Landmarks Commission and their decisions because those didn't exist. It's something that the community wanted to see at that time, and those were the two top priorities. It's similar to our current comprehensive planning process we're going through. Two of the top five goals of the community that were identified were to keep the small town feel and the community's heritage and history. Those really haven't changed in the 25 years since that 1999 plan. Back in 2012, they created the Old Town overlay zoning districts. There was a complete rewrite of our standards in the Old Town area. It was two years' worth of work. There were committees that were established to change that and create the Old Town overlay zoning districts. A lot of those standards were relaxed because we had one residential zoning standard for all of the city. It didn't really fit the smaller lots that we have here. There were a number of variance requests

that were always coming in. Those were created back in 2012 to basically amend the entire zoning code. At that time, there was consideration of expanding the preservation area, specifically on East Waterloo Street. Currently, that boundary ends at the county line and doesn't take in all the homes along East Waterloo Street as you head towards Canal Cove. There are probably eight houses along East Waterloo that are not included in the Old Town or preservation area. It never proceeded at the time, but there were a number of conversations around the expansion of that. There'll be a chapter dedicated to community character in the comprehensive plan, and there will be recommendations around preserving the heritage of the community and protecting the Old Town feel. One of those may be looking at expanding the preservation area to provide more protections or expanding the standards for how we protect those areas to maintain the historic integrity of the architecture of the area. It's one of the defining features of Canal Winchester. It's been identified in our surveys, and it's come up in a lot of the community conversations we've had. The only difference in the review of the historic district and preservation area is that all the standards are the same. The only real difference is that if you're in the preservation area, you do not require any approval to paint your building. You can paint those any color you would like, and you don't have to go before the Landmarks Commission to do so. If you're in the historic district, you do; if you're in the preservation area, you do not. The guidelines are designed to be flexible and to allow the commission to really protect the historic integrity of the home while allowing new materials to be used in certain situations. You don't want to have overly prescriptive standards because that can be difficult for the commission and for applicants. It really puts limitations on adapting the project to the specific home's architectural style into consideration for that unique property. A number of the homes have had alterations done in the past, it's not that they're all original. You need to take that into account when you're considering these on a case-by-case basis. There're not always the same materials. We have multiple roof materials on the same home. Maybe there was an addition done in the past that has asphalt shingles and part of the roof is slate. There're all kinds of variations out there so you don't want to be overly prescriptive in your standards to allow unique situations to be accounted for by the commission. They're looking at each property on an individual basis, following the guidelines that have been set. They also determine what the best course of action is to protect the integrity of that home, the neighborhood, and surrounding properties. That's why we have guidelines rather than standards and variation in the decisions that they typically make. I'll pause there. I'll get into some discussion on fences and code enforcement.

Amick – You mentioned that there's been some discussion about expanding the preservation area. What about redefining areas that are in the preservation district that maybe shouldn't be? Is that a two-way street, or is it literally just talking about expansion?

Haire – I have not been part of any conversations where we've talked about eliminating areas from that. I'm unaware if those conversations have taken place in the past.

Shea – You mentioned the surveys from the current community plan that we're doing. What portion of those are pointing out that they want to expand the preservation district? Is that mentioned specifically?

Haire – In the survey, what we talked about were the values that the community has, so two of the top five values that were determined were protecting the historical integrity of the community and a small-town feel. There wasn't anything specifically in there, but we will have recommendations. We'll have recommendations in each chapter. Our community character chapter will have recommendations put forth, and a lot of those will deal with the architecture and protecting the historic integrity of the

downtown area. That's really the defining feature of Canal Winchester.

Shea – It is. It absolutely is. When you mentioned expanding the preservation district, I had heard maybe from Mrs. Elliott that there was discussion about removing things from it. Now I'm hearing that we need to look at how we preserve the character and charm, which we already do to some extent through these guidelines. Correct?

Haire – We do, yes. We have gateways into the community, so we want to ensure that we're looking at protecting those gateways into the community to the same standards that we're protecting the center of town.

Amick – Mr. Shea, that's why I asked the question about whether we've ever considered redefining what those areas are because, again, I can't remember who said it, but that did come up in some of our previous meetings. I don't know if it was literal gossip or if there has indeed been that level of official discussion.

Buskirk – In areas that you were looking at expanding, do the homeowners have any choice to say, "No, we don't want to be a part of that," or how does that work?

Haire – I mean, it would ultimately be up to the city council to do any expansion of those areas and to adopt a new map or guidelines. The comprehensive plan will put forth recommendations. I don't know what those recommendations are yet because that chapter is not yet written, but there's been a lot of discussion about those items.

Amos – What's the newest house within the boundaries?

Haire – Probably 2017.

Moore – The three homes along Clinton Street are the newest. It was just finished two months ago.

Shea – Are those are built to the current standards?

Moore – Those are built to our current preservation district standards. The Landmarks Commission reviewed those.

Haire – They're newer homes, but the architectural styles and materials match up with the guidelines.

Moore – In 2003, when the preservation district was created, every home that was added was at least 50 years old. That's just a standard for being on the National Historic Register. I'm not saying those homes are, but to be on the register, they have to be 50 years old.

Shea – So, I can put my little ranch house on the National Historic Register because it was built in the 1950s.

Moore – If it has the integrity of character to meet the quality of construction when it was built, then absolutely.

Amos – I guess the question is, are we just going to kind of go through this and start a general conversation?

Shea – I'd like to throw something out there based on the fact that we've paid to do a community plan, and this is going to be addressed in it. I think we need to wait to do anything until we get that community plan back and see what it says. It's taking the time to survey our residents, community members, and our stakeholders. If there's something specific you want to talk about tonight, we can talk about that. I don't know that I would want to talk about any changes until we see that community plan come back.

Amos – Mr. Haire, are they going to be making recommendations to change the actual preservation guidelines, or is it more the boundary that they're looking to change?

Haire – We haven't specifically gotten into that chapter yet, but we've had a lot of discussions around community character, gateways to the community, protecting historical integrity, and architecture. We'll have a pattern book that'll be developed for that.

Amos – So, you don't know if anything is going to change at this point?

Haire – Correct. I mean, any changes would be up to the city council to make those changes. No one else has the authority to make those changes.

Amick – I've been to every meeting, and there has not been a granular level of discussion. Whoever is involved in these discussions, I hope they're broad enough and there's enough input from Landmarks and whatnot to have a really good quality conversation about the details that they're considering putting in the plan.

Moore – The community plan would include recommendations. It would recommend preserving the character of the whole town, possibly expanding it, and changing or updating our guidelines and zoning. It's not going to give prescriptive items in that way. That's for the city council to take the next step to get those things done.

Haire – In 1999, when they did the plan, there was kind of a patchwork of properties that were in the district and some that weren't. It created a lot of confusion. You have a certain section of a street that's in the historic district, and then you have other homes on that same street that are not. It created confusion, and what they said was that you need to look at expanding your boundaries because you need to have a cohesive neighborhood. You know, what is good for these 10 houses right here is really good for this whole street. They surveyed the steering committee, and then the steering committee went out and surveyed the residents as part of the planning process, and the majority of both groups selected the larger area, which included all the preservation. That's how that was determined and which areas should be included.

Amos – I think part of my concern is that I know there are going to be changes coming potentially, but we brought this up tonight because we did have something in front of us where it felt like we needed to at least have some more conversations. Can we take a couple cases and play them out?

Haire – Sure.

Amick – Before we go there, can you kind of help me understand guidelines versus standards?

Moore – If you look at our zoning code, zoning is law, right? So, if you look at what our overlay standards for the Old Town area are, there are laws that say what you can and can't do. That is a firm boundary for what those decisions are. I think Lucas gave you all a link to the Old Town guidelines book. The guideline document talks about how if your house has (x) character, these things should be evaluated. There are little pictures and diagrams that show houses with trim and what those look like versus when you remove the trim by updating building materials. It shows how that changes the essential character of the home. That is the essential difference. The Landmarks Commission, with the guidelines, is evaluating the home specifically and seeing which one of those factors applies. For example, does it have wood siding now? Does it have slate? Does it have wood windows? Those characters are what they're trying to retain. I will say that over time, the Landmarks Commission has adapted to newer building materials when they are deemed appropriate. When I started in 2015, I would say they approved 50% of vinyl windows because they wanted wood windows. Now, with them being educated on what that does for the energy efficiency of the home, the materials that are out there, how the products are made, and the profiles of these products, that's how they became educated to allow newer products to be introduced into the district. It always comes at a risk. You can allow certain projects to use newer products to see how they look and test them out. If they look good, keep recommending people to go that route; if they don't look good, then they'll see if that project should move forward. That's where those guidelines provide that flexibility.

Ebert – Same for shutters: the addition or taking away of shutters.

Moore – Actually, any exterior change besides landscaping is reviewed.

Ebert – How about the addition of garages?

Moore – Correct.

Ebert – Can it be added to the house, or would it have to be a separate structure?

Moore – It all depends on what's there to start with—the character of the home, how it fronts the street—and, like I said, they look at these things with an open mind. The character of the home plays into their decision.

Haire – When I look at the difference between guidelines and standards, I really boil it down to should and shall. If it's a standard, you shall do this. If it's a guideline, you should do this.

Amos – If it's a standard in the guidelines, is there anything in the standards that says you must follow the guidelines? Do we have something in place that says if you live within this boundary, you must follow it?

Moore – Yes.

Amos – What ordinance is that?

Moore – It's in our zoning code, so Chapter 1175 is the Old Town District. 1135 is the administration of the

Landmarks Commission in the Old Town District. It says you have to receive a Certificate of Appropriateness if you're requesting any changes on your property.

Amick – I think there's a section in the fencing guidelines too that talks about, and I quote, "context" being important. What does that mean? How do you interpret context as important? I think for me, context is important, so how do you define that?

Moore – Context is important in any type of application they review. Just because it says it specifically in the fencing standards, context: are the choices they're making complementary to the home, and do they keep in character with how that home was constructed? Like, is a barbed wire fence appropriate in front of this building? No. Why? Because this a public space. In an extreme scenario, that's context.

Amick – Does context ever take into consideration what the surrounding homes look like?

Moore – The Landmarks Commission is encouraged to review everything in a vacuum of space because that is how that home was constructed. They were not track builders who went out and built every single home in a row. They don't all look the same. They need to look at the context of that home and its property during their review.

Amos – What I hear you saying is that they do not look at the surroundings.

Moore – They have in the past during certain types of discussions, but they are encouraged to look at it as a stand-alone.

Haire – We can talk more about context and the specific examples that I'm going to show. That'll help you understand what they're talking about.

Clark – I guess I'll just chime in for a second. There was a case that we had in front of us awhile back. A guy who lived on Trine Street and his wife recently passed away. He had termites in his house, so he had to reconstruct it. It was so costly that he couldn't afford the materials that the commission was recommending.

Moore – Is this the same house that wanted to do an addition—a 300-square-foot addition?

Clark – It might've been.

Moore – That is a great example of somebody who went to the Landmarks Commission. This house actually recently came up, so I can give you a broad history of it. It went to the Landmarks Commission for residing the whole house because they wanted to put an addition on it. The Landmarks Commission said no to the siding but yes to the addition. They had to go to the Planning and Zoning Commission because they needed variances for the addition, and planning and zoning said no to the addition but yes to Landmarks siding. They appealed it to council because they got neither answer they wanted. Council ultimately said no to the addition but yes to the siding. That house is currently on a notice of violation for doing an alteration on its front porch from a new homeowner who has gone through the Landmarks process to get the notice of violation removed from the status. They went through and had a couple hearings on the modifications that were made to the porch. The Landmarks Commission found the

changes they made not to be appropriate to the home and has guided the property owner on how to fix what they did. They are now on their 12-month probation to make sure they get the changes done before we do formal enforcement on that property. There are these extreme cases like this where the financial hardship in this instance started with someone who wanted to update their home and have new siding because of an addition. The changes that are made to homes have long-lasting effects.

Clark – Going back to the lady that was here just recently, she said two or three homes had vinyl siding, so I assume they're in violation by doing that. What enforcement mechanism is there at that point? If there aren't any, then why would anyone come before the Landmarks Commission?

Haire – When we're made aware of cases, we can proceed with enforcement proceedings against them, and we've done that in many cases.

Clark – What does that look like?

Haire – I would defer to Mr. Boggs on the specifics because I don't want to discuss any pending cases that we have by jeopardizing them. That specific case was done between December of 2019 and May of 2020, based on the photos, but we don't know the specific time. We have a case currently on Trine Street where they're making people remove their deck railings that they put on that were not approved.

Clark – Is it a fine or something?

Haire – We'll get into code enforcement, but we do have the ability to take people to mayor's court and force compliance.

Boggs – The mayor's court enforcement compliance is a criminal case. It's a fourth-degree misdemeanor, and the court can impose a fine up to \$250. It can do that on a daily basis if we prove it. It can suspend those sentences for a period of time to require people to get their property into compliance. That's the mayor's court route. A person could also go to environmental court in Columbus and get an order from the court requiring siding to be removed and replaced. The court enforces that through contempt citations.

Clark – If a person goes to sell a house that has this citation, do they have to disclose that?

Boggs – That tends to be a problem for people if they have an open zoning violation and are trying to transfer it. It doesn't go away just because somebody buys it. It would remain in violation now whether the homeowner complied with their responsibilities to disclose it to the purchaser is between them. The purchaser would have to deal with that zoning violation then. It would stay with the house until it's resolved. I know that later on in Lucas's presentation he talks more about the push and pull of stringent code enforcement.

Haire – I want to talk a little bit about fences. Mr. Shea had asked us specifically to talk about fences, the regulations around them, and what the Landmarks Commission has approved and what they won't approve. The Old Town guidelines address walls and fences. They give specific guidelines on the height of fences when using them in conjunction with hedges. It says to avoid non-traditional wall and fence materials throughout old towns, such as chain link vinyl and concrete block. There are three vinyl fences that exist in the old town area. None of those were installed after 2003. The only case that we had was an

extension of a fence, which is next to Dairy Queen. That fence existed, and they added four panels to the front of it to make it more discrete. That was the only one that had been approved by the Landmarks Commission. The zoning code also plays into that with fences and hedges. There are a little bit different standards, so in the old town guidelines, it says 42 inches. If you're in the front yard, you're only allowed 36 inches in our zoning code. The standard's a little bit different in terms of that, and it restricts the height of fences in that area and just says that you're required to have a permit. You get a certificate of appropriateness from the Landmarks Commission, and you also get a fence permit. In terms of the guidelines for fences, these are existing fences, so these were historic fences that existed. These are kind of the character images that you see when you look at what traditional fences would have looked like in the old town area. There are a few of these that still exist around town. These are fences that have been permitted by the Landmarks Commission. You can see Guiler Park there. There's one on Elm Street and West Mound Street. Those are newer fences that kind of replicate the older style. These are examples of a more modern aluminum fence. The goal here is to have very simple designs. One top rail, one bottom rail—a very simple style of design. Again, they look at the context of where these go. These are both rear yard fences. I guess this one is not the rear yard on the left image. It just kind of sits back away from the street, and that's one of the things they look at: context. How are you interacting with the fence? Fences are much more scrutinized if they're in the front yard versus a backyard or a privacy fence in the rear. It's looked at in a different way by the Landmarks Commission just because it has a much greater visual impact than a front yard fence or a corner lot. They take that into account when they're considering fences. These images show fence styles that are not generally approved or any type of vinyl fencing in the old town area. We've had a number of requests denied for this metal fence, which has two rails along the top. It's a popular fence style that's sold at all the big box stores. Landmarks has consistently denied that style of fence being constructed in the old town area.

Shea – Is that because it has two rails instead of the old-style one rail?

Haire – Correct. It was just a more modern style of design.

Amos – The one that we talked about on Elm Street that you said was approved, the owner did it without getting approval. They went back and had to make changes. I guess I'm looking for understanding.

Moore – Are we talking about the image in the top right corner?

Amos – Yes. This is a street-facing backyard.

Moore – This would be a side yard on this property. This property's fence was originally a standard 6-foot dog-ear wood privacy fence; the new property owners replaced it with a metal one that matched the right-hand corner fence. The new fence they put up was 5-foot tall. The Landmarks Commission reviewed their application for a certificate of appropriateness after this fence was put up. They talked about it with the applicant and deemed that the style of this fence was too modern for the property, given that the fences in the front yards and side yards on Mound Street specifically were all this style. The fence in this location needed to have some decorative finials at the top. Those decorative finials you can barely make out in this photo, but they are the little cap spiked areas that are exposed, like the photo in the top left corner and the photo in the middle. The Landmarks Commission noted that if the applicant had come to them with this fence before it was put up, they would have noted that it was not appropriate and they needed to do something more appropriate to the character of that home. They ended up replacing them to be in

compliance.

Amos – Let me ask you this: what happens if somebody does something like this and, as you said, they just can't afford to redo it?

Moore – Because of items like this and constant discussion with council and the Landmarks Commission, we have now started notifying property owners when they come to set up their account for their water. It lets them know they're in the Old Town District. Basically, from day one, they'll know. We are still going to be doing the annual mailers that will go out in the fall. As soon as you set up your water account, you'll know. Every fall, you'll get a letter that tells you. In the instance of any violation of any type, I don't think the state highway patrol officer cares if you can't pay your speeding ticket. You need to be in compliance.

Haire – You don't have to put something else back; you could always remove it, and that solves the problem.

Amos – I just want to say thank you for telling people when they set up their water. That's a phenomenal idea. I don't know whose idea it was, but great job.

Moore – It was the Landmarks Commission's idea. We used to have a lot of realtors on the commission and they would try to educate other realtors within the area. I've heard first hand from a realtor before, the more they don't know the less they have to disclose. They typically try not to find these things out because it makes their jobs harder. The educational component is important all around for everybody.

Haire – We'll kind of wrap up by talking about code enforcement and how we're doing that currently. The zoning code and property maintenance code are enforced by the development department. The planning and zoning administrator is the zoning officer for the city and handles code enforcement. It's a complaint-based code enforcement. We only go out when we receive complaints. We looked over the last 10 years and found that we have received 108 code complaints annually. It's not a significant amount. They peak in the summer months when we have high grass, and it's generally the most frequent violation that we receive. We also get frequent complaints about recreational vehicle parking. Our standards are that you can't park a recreational vehicle in your driveway for more than 72 hours. We frequently get complaints in regards to that, specifically in the summer when people are having those vehicles at their homes when they're loading them up and getting them ready for the season. The last one is kind of illegal signage, like banners and things like that. Those are probably the three most common code enforcement complaints that we get.

Buskirk – Are those complaints able to be submitted through the website?

Haire – Yes. Most of the time, we receive calls. We also have a property maintenance code, which was established in 2000 in Canal Winchester. The property maintenance code is based on the 2003 edition of the international property maintenance code that was adopted with an ordinance in 2006. That establishes minimum maintenance standards for homes and commercial properties in Canal Winchester. Currently, it allows the planning administrator to address complaints and problem properties. We're not actively going out and enforcing people who have chipping and peeling paint on their homes. We're not actively going out and enforcing missing window screens, but those are all standards that are in our code. With that property maintenance code, we can address problem properties currently, but with active

enforcement, we'd be going out and writing people for violations when we saw them. There would be a significant number of properties in Canal Winchester that are currently in violation. That would require much more resources. Voluntary compliance is our goal in code enforcement. In most cases, we can work with the property owner to get a quick resolution. It's just a reminder and letting them know the code; it's our most common resolution to any of our problems—a quick phone call or quick letter. It gets resolved quickly. We do have cases that drag out. We probably have five to ten cases each year that are sent to the mayor's court for resolution, and those are when we can't get voluntary compliance from the property owner to cure that violation. We send it to the mayor's court, and then it's up to the court to work with them to get a remedy for that case. We never really have more than two or three at a time. Some of them drag on much longer than others, but those take a lot of resources from a staff and attorney's perspective. They're pretty resource-intensive in getting those resolved. We don't currently have the resources available to provide active enforcement for zoning and property maintenance. It would require us to do continuous patrols of the city. Many cities have code enforcement staff, and those are folks that go out every day and patrol the city. They work on weekends as well. You're working seven days a week; some of those are full-time, and some of them are part-time departments. When I worked for another city, we had two part-time code enforcement officers that came in five hours a day, drove all the main commercial corridors every single day, and then drove every neighborhood at least one day a week. They had a route that they covered, and you patrolled that route and looked for code violations and road violations. They were door stickers and gave you a certain number of days to resolve the issue; if you didn't resolve it in the number of days that were given, then you'd be given a formal violation. If you don't resolve that, then it goes directly to court. That's what active enforcement would likely look like. We'd have to determine what that looked like in Canal Winchester, but if that's the route we wanted to take, we'd have to hire a zoning officer or a code enforcement officer to handle that.

Amos – Out of curiosity, what size city was that?

Haire – About 35,000 people.

Milliken – I, for one, would not like to see very proactive code enforcement. I don't think that's right for our city. I guess it hits home for me; you know, I care deeply about the lady that had to come before us. She's seeing violations with their neighbors, and she's trying to do the right thing. We don't have cases like this come to us all that often, but when they do, I find them extremely painful. I feel for the individual coming before us.

Haire – They don't know all the other cases that have come before them. We've had this exact same case in the same neighborhood that was denied. Is it fair to one property owner to allow them to replace with vinyl and another property owner that got denied and wasn't given the opportunity? Not everything is going to be equal all the time.

Amos – Can we talk about siding? Vinyl is affordable for most families. I guess I am just trying to understand why they prefer wood siding?

Moore – What the Landmarks Commission said was that typically they would not want historic wood shake siding removed from a home and replaced with something vinyl, but given the context of that home, they would approve a vinyl shake. In that instance, they were saying it was appropriate to remove wood shake siding to put a vinyl shake product on if it kept with the character of the home and was a vinyl shake

product. The applicant did not want to change her context from a non-shake siding type.

Haire – The other home in that neighborhood with wood shakes on it applied to do vinyl siding, but it was denied, so there are still wood shakes on that property. They didn't proceed with the project.

Boggs – I would like to add, putting aside those specific examples, that the reason that they talk about wood siding is not because the members of the Landmarks Commission just woke up one morning and decided they like wood siding better than vinyl; it's because in the guidelines document that is attached to the agenda, it speaks very specifically about wood being a high-quality material that is characteristic of these two overlay districts. This is why it's preferred. It all goes back, ultimately, to the guidelines that were established by the prior city council.

Shea – I drove through there and noticed some of those properties back there still have what looks like original aluminum siding. That would have been appropriate for the time they built it. I saw some vinyl, some aluminum, and the two cedar shake homes, so vinyl was not around back then; it was all aluminum. You can still get aluminum siding. Correct?

Haire – Yes.

Shea – If they went from shake to aluminum, would that be appropriate?

Haire – I don't think that was considered because it wasn't brought up by the applicant or the commission. It may be. It would be up to the Landmarks Commission.

Amick – I read somewhere in the old town plan that the original siding must be left in place, something about an overlay. You would not put another kind of siding product over top of an existing siding.

Moore – Typically, the homes in town that have original wood siding that went to aluminum are directly applied over top of the original wood siding. If you look at the way some of these homes were constructed, some of them may not meet current building codes for new construction. An example is a house here in town that had wood siding. They got approval to put cement composite siding on it, and they had to take all the original wood off the house to apply it, but when they applied it, they had to structurally reinforce the walls because the house wasn't meant to stand up without the siding to hold it still. The cement siding didn't have the same structural integrity as what they had. There are different reasons why original siding is recommended to be kept besides just sticking another layer in front of it.

Shea – They don't build them like they used to.

Amos – In the case that we were looking at, the homeowner was offered vinyl shake siding.

Moore – That's what the Landmarks Commission noted that they would approve.

Amos – In our current Landmarks guidelines, it doesn't say that they will approve that type. It's just what they agreed would be a middle point. Correct?

Moore – The guidelines say that vinyl can be appropriate on a case-by-case basis in the preservation

district. If you look at our zoning, vinyl is not permitted in the historic district by zoning law. If someone wanted to change that, they would have to apply for a variance. It would go to planning and zoning. In this instance, the Landmarks Commission approved that project on Park Street with conditions of approval, and the applicant is appealing those conditions of approval to you.

Amick – Do you recall if the opposition is because it is a shake style even though it's vinyl?

Moore – The applicant only verbally communicated to the Landmarks Commission and, I believe, to the city council at the last meeting that it was because of an increase in cost. It was nothing about the style. I do not recall ever hearing that coming from the applicant. The one they approved for that project was the same brand as the vinyl siding she wanted.

Milliken – Are we looking for any action items to come out of this, or are we waiting to see what the comprehensive plan says?

Amick – I think this was a great education for me. Thank you very much.

Milliken – Agreed.

Council Communications

Discussion started at 1:04:15 on YouTube Channel

Milliken – I had this added kind of at the last minute. This is something I think we've all discussed amongst ourselves. This is something I think is kind of long overdue, but I'd like to maybe have a brainstorming session on how we move forward with the email communications that've been sent out to all of council and how we handle those moving forward. I have some of my own thoughts, but I'll reserve my comment until everybody else has had a chance to speak on it. I'll open up the floor to anybody who has any comments.

Amos – We all try to make sure that if one person gets it, everybody gets it, but then usually the president of council or the vice president of council are the ones that reply. It was not happening on a regular basis, so I think that's when we kind of go back to people just responding, but it's imperative that we copy everybody else so that we're not giving out different answers.

Amick – I think we owe it to any resident who addresses council via email. I mean, otherwise, why do we have email addresses, right? I think we owe it to the citizens of our community to provide some level of response. I know there was a situation a few months ago where I was specifically asked, and I kind of wrote out my response, but I had it reviewed by the city, and I was able to quote verbatim what was given to me. If I was unsure, I was going to be darn sure that I wasn't saying something that wasn't appropriate. We as council have an email right now that has not been responded to, and I think we owe that resident some kind of response. Even if it's inviting them for a cup of coffee to sit down and talk about it, if we're not comfortable, maybe it's a referral to a city director or the mayor. To completely leave an email from a resident unacknowledged in my mind is not appropriate.

Milliken – Agreed.

Walker – It was several years ago, but two or three council members were answering, but answering

differently, and it didn't comply with what the facts were from the city. Therefore, they were getting three or four different answers.

Amick – I think it's certainly appropriate to also say thank you. We acknowledge your email. Please feel free to address us in public comments, and we'll respond throughout the course of a council meeting to your inquiry. It's an acknowledgement letting them know we got their email and have seen it.

Ebert – That's kind of what I was going to suggest. Have them make a public comment, or bring that question to council and you all discuss it. Then you can answer the person if it's not something that's an emergency. You don't have to address who that person is.

Shea – Do we owe a response to people who are not our constituents?

Amick – The constituency elects us. I would say in my mind that we should definitely respond to the people who put us in these seats; beyond that, I think that's a discretionary situation.

Shea – The reason I ask is that one of the things I do when someone emails me is look them up on the Secretary of State's Office to see if they're registered to vote and if they live inside our political subdivision. The last two emails that I can remember getting that were addressed to the council about issues were from folks who both did not live in the city.

Milliken – One idea that I was kicking around in my mind as far as expediting a response is: are we able to draft some kind of form letter that can go out more expeditiously?

Shea – You can set up an auto response on Outlook.

Boggs – I think it makes sense along all of these lines that you've been talking about to have an auto response or a response that Jordan or whoever generates that says thank you for your message, we will discuss the matter in an upcoming council meeting, and you are welcome to attend, or something to that effect. At the work session, during old or new business, you can discuss all the things that were addressed to council. From my point of view, that's better than "reply all," which can become council deliberation, at least arguably. I mean, I have a case right now that I'm working on where someone is claiming that "reply all" among council is a violation of the open meetings.

Milliken – What would be the process that we would go through in order to draft that auto-reply letter?

Boggs – It wouldn't have to be something that council even formally adopts. I could send you something.

Milliken – If we got an email addressed to all of us, we could all each reply with our own individual auto-reply. I was thinking more of a unified auto-reply.

Boggs – I think it should be a response back from Jordan as the Clerk of Council or Hannah saying council has received your communication, it will be addressed at the upcoming council meeting, and you are welcome to attend.

Amos – Jordan, do you get copied on our city council emails?

Pearce – No I don't.

Amos – So when we get out city council emails, you don't see them?

Pearce – Not necessarily, no.

Amos – Mr. Peoples, could we have Jordan added so that she can add them to old or new business?

Peoples – I will check.

Amos – That way, she sees all of our messages because she handles most of our business on the back end.

Peoples – She would see all of your emails. I just want to point that out there.

Amos – I think it's just the city council email. It's not our personal emails.

Peoples – That's what I wanted to make sure of.

Amos – I think on the web page, when you click "City Council," it gives you the option to do all of us or you can select a person. I know we have an alias set up.

Boggs – I don't think we need to sit here and workshop exactly how it's going to happen. I think that the objective that I'm hearing is that when council gets an email that is directed to you as a group, one response goes out. It would probably go out from Jordan, and it'll be incorporated in some form on the upcoming agenda. I think that the Mayor, Mr. Peoples, and Mr. Brown can come up with some ideas for how that gets done.

Milliken – That'd be great. My follow-up to that, Mr. Boggs, would you recommend that we kind of solidify that in council rules? Would that be prudent to do?

Boggs – That would probably be a prudent thing to do. I know that we tend to go back into council rules every year or so to polish things up, and Mrs. Amick is the chair, as I recall.

Amick – Why don't we kick off the process? We can do a trial to see if it works and meets our expectations, and if it does, we'll formalize it with an actual vote on the council rules. Could we do that?

Milliken – Yes.

Amos – According to our website, we have not had a rules committee this year. We can do up to two per year. The last one was on August 1st, 2022.

Amick – To piggyback on emails I'm just curious about the rest of you. Occasionally, someone will call me out by name and ask a question by name on a social media platform or in Messenger. I've made it my practice that if you want to address me, please do so via my City of Canal Winchester email address. Does anyone else have a comment on that, or is that what you all do?

Amos – I have some really good literature from our attorney regarding social media that I can send you.

Amick – I usually just say, "Thank you for your message; please contact me at the following address."

Walker – Just a thought: would it be possible if Jordan were able to also include the city for a better response? Maybe make sure the city gets it as well, so we're ready to not only talk about it but also prepare the city to know what's been sent to us. Does that make sense?

Amick – It does. I honestly, Mr. Walker, am a little opposed to that only because the people who put us in these seats asked us. They didn't ask Mayor Ebert or any of the directors; they asked us. Now, if we decide for ourselves the appropriateness of the response and need to reach out to somebody, that's perfectly acceptable, but I think that sort of violates the trust of our constituency if they've addressed us as council.

Walker – I agree with that. I'm just saying that this way we can give them a quicker response. They don't have to answer it for us; just prepare them so if it has to do with urban forestry, they can find out before our meetings when we discuss the question.

Amos – I see what you're saying. If we're going to have Jordan filter these and add them to our agenda, I mean, Jordan, I would say use your best judgment. If you get one that's challenging and you think Mr. Haire should have a minute to stomach this before he comes to the meeting so he can get all the answers, then obviously share with him that this is going to come up and you may need to answer it.

Walker – Right.

Amos – If she sees its time sensitivity, she can tell if the city can answer quickly. We can still address it at the meeting. She can say, I talked with them, and this is what came out of it. I think Jordan's got a good handle on priorities and what could wait for two weeks and what shouldn't. Real quick, I want to ask Mr. Haire a question: let's say somebody has a roof leak or a tree falls on their house, but they're in the preservation district; how does that work?

Haire – At times, we've had special meetings for the Landmarks Commission or Planning and Zoning in the past to address situations like that. You can still do like-for-like maintenance, which does not require a certificate of appropriateness. If I have black three-tab shingles and my roof needs replaced and I'm putting on black three-tab shingles, I don't need to get a certificate of appropriateness for that. It's just if I'm changing materials, colors, or those types of things.

Amos – Perfect. Thank you.

E. Adjournment @ 7:26 p.m.

***A motion was made by Shea, seconded by Walker to adjourn. The motion carried with the following vote:
Yes 7 – Shea, Walker, Amick, Amos, Buskirk, Clark, Milliken***