



Meeting Minutes
Wednesday, November 28, 2018
04:00 pm

These minutes are intended to be interactive minutes, referencing video and audio recordings hosted at www.bexley.org.

To view and listen to the context behind the decisions taken at this meeting, please visit www.bexley.org/meetings.

1. Call to Order/Call the Roll – Susan Quintenz, Chair,

Roll Call:

Voting Members Present: Barb Giller; Jim Wilson; Mollie O'Donnell; Susan Quintenz; Celeste Williams; Larry Helman; and Dave Wakeman

Absent:

Excused: Linda Zupnick; Sheila Straub; Ellen Bowden; and Rob Hilbert

Non-Voting Present:

a. Establish a quorum –

A quorum has been established, Alternates Mollie O'Donnell and Barb Giller will be voting members until Sheila Straub and Linda Zupnick arrive.

b. Appoint Alternates if necessary: Barb, Ellen or Mollie

Alternates Mollie O'Donnell and Barb Giller will be voting members until Sheila Straub and Linda Zupnick arrive.

1. Approval of Minutes of October 17, 2018 (attached - Mrs. Quintenz)

Mr. Jim Wilson requested his attendance for the 10-17-2108 Commission meeting be changed from "absent" to "excused." He let the Chair, Susan Quintenz, know ahead of time he would not be at the meeting. The final version of the minutes for 10-17-2018 will reflect Jim Wilson as "excused" from the 10-17-2018 Tree Commission meeting.

Roll Call:

Voting Members Present: Barb Giller; Jim Wilson; Mollie O'Donnell; Susan Quintenz; Celeste Williams; Larry Helman; Dave Wakeman; and Sheila Straub

Absent:

Excused: Linda Zupnick; Ellen Bowden; and Rob Hilbert

Non-Voting Present:

DRAFT 10-17-2018

Jim Wilson made a motion to Approve - 'the minutes as emailed and written, with the change of Jim Wilson's attendance from "absent" to "excused" from the 10-17-2018 Tree Commission meeting.

' Motion seconded by Barb Giller. **Vote 8 - 0 - passed.**

FOR: Barb Giller, Jim Wilson, Mollie O'Donnell, Susan Quintenz, Celeste Williams, Larry Helman, Dave Wakeman, and Sheila Straub.

AGAINST: None.

ABSENT: Linda Zupnick, Ellen Bowden, and Rob Hilbert.

c. **Announcements/Small Victories/Public Comments**

1. **Introductions of any guests**

There are a few residents from Lyonsgate present who will be introduced when the Tree Commission calls them forward to hear them present the landscape design plan for the area.

2. **Broad and Nelson planting – Mrs. Quintenz for Grant Archer**

On behalf of Grant Archer, Ms. Quintenz shared with the Tree Commission that the Broad and Nelson planting is complete. The bed is located in front of St. Charles on the South side. It has been planted according to the plan.

Both, Grant Archer and Bill Dorman believe there is room for more plant material on the North side and will be planted in the spring. Ms. Elena Andrews stated due to the weather and the plant material that is now available it makes sense to wait until spring to add to the north side of the bed.

3. **Next meeting is: December 19**

The next Tree Commission meeting will take place on December 19 at 4:00.

4. **Ice Storm fatalities – Mrs. Quintenz for Grant Archer**

Due to the ice storm on Monday 11-26-2018 three Elm trees suffered extensive damage on Maryland Ave at the corner of Stanbery Ave. Mr.

Archer believes the Elms had weak crouching which caused all three to crack at the top.

5. Tree Protection at 252 N. Drexel

Mr. Archer noticed a lot of construction material around the roots of a Sycamore tree at the 252 N Drexel site. The tree is on private property and was not included in the original Tree Protection plan, however, the owners said they would do everything possible to try and protect the tree.

Ms. Kathy Rose reached out to the owner of the property and requested that all material around the roots of the tree be removed. The owner responded, stating they would remove the material and get the tree protected.

6. Ordinance re: removing stumps on private property – Dave Hrdlicka, Code Enforcement

Ms. Rose presented on behalf of Code Enforcement regarding the 20 foot tree stump on Bexley Park. The stump could now be considered as severely pruned since new growth has been established. With the new growth present, the tree is not technically dead and Code Enforcement is trying to figure out how to approach the issue without violating a code. A letter was drafted to the City Attorney and Code Enforcement is waiting for his feedback and opinions.

Mr. Jim Wilson wanted to verify that the current version of the ordinance is sufficient and if not, encourage the Tree Commission to revise the Ordinance, so if and when a similar issue should come up there is a clear answer for the situation.

Ms. Quintenz requested a timeline of Code Enforcement interactions with the property owner over the past year and half. The Commission will continue to discuss the issue in December.

1. Applications to be reviewed – what is our cutoff for plan submission?

a. Lyonsgate West Wall Planting – Presented by Jason Korbel, Garden Guru

Jason Korbel presented the landscape plan to the Tree Commission. Jennifer Korbel, property manager and Rosanne Rosen, board member at Lyonsgate and their past president.

Ms Elena Andrews presented her staff report. The area along the length of the wall going west on Clifton will be landscaped. The landscape for Lyonsgate was tabled back in June 2018 and a revised landscape is being presented. A few questions Elena would like them to address is if the deer will

eat the hostas that are going to be proposed and the other question is should there be a level of height variation among the plant material. The plant material being proposed will be hostas, spirea, hydrangeas, and other mid level plant material.

The plan was presented by Jason Korbel. He wanted to address Ms. Andrews questions regarding the deer and the height variation with the selected plant material. The oak leaf hydrangeas will get about 8 ft tall, the incrediball (white hydrangeas) will be about 4 ft tall, the plan for the taxis is to keep them smaller about 3-4 ft max. in the height. Mr. Korbel does not believe the hostas will be eaten by the deer in the area, there are currently a few on site and the deer seem to leave them alone. The spruce at the front entrance of Lyonsgate will be removed, the existing day lilies to left of the spruce will be removed. There are existing lilacs and spireas that will be transplanted so both sides of the entrance will match. All the beds will be irrigated. There is a slight slope towards the wall and the slope will be filled and leveled out.

Mr. Helman asked if this will be constructed in a single phase and Mr. Korbel stated yes.

Ms. Andrews also wanted to know if the north side of the wall will be power washed to remove the patina and Ms. Rosanne Rosen commented that the patina will return if they were to power wash it. The commission liked the patina and the natural look along the wall.

Celeste Williams made a motion to Approve - 'plan as presented.' Motion seconded by Larry Helman. **Vote 9 - 0 - passed.**

FOR: Barb Giller, Jim Wilson, Mollie O'Donnell, Susan Quintenz, Celeste Williams, Larry Helman, Dave Wakeman, Sheila Straub, and Ellen Bowden.

AGAINST: None.

ABSENT: Linda Zupnick, and Rob Hilbert.

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IMG_1074

IMG_1075

IMG_0688(1)

IMG_1076

Lyonsgate Clifton road garden area 2a

Lyonsgate Clifton road garden area 2c

Lyonsgate Clifton road garden area 2d (1).

Lyonsgate Clifton road garden area2

Lyonsgate Tree Commission Staff Review 11-19-18 (2).

Lyonsgate Clifton road garden area 2b (1).

Lyonsgate Clifton road garden area 2c

Lyonsgate Clifton road garden area 2east side (1).

Lyonsgate Tree Commission Staff Review 10-29-18

Lyonsgate Tree Commission Staff Review 11-19-18 (2).

b. Broad and Gould – Design Concepts – Dan Bier, mksk studios

Mr. Dan Bier presented a design concept for the Broad and Gould gateway.

Mr. Bier proposed square concrete pads with 4 brick collars at each corner. There would be a short wrought iron fence around the pad. He also discussed adding more brick rumble stripe in the street. The plant material he suggested is the winter creepier ground cover that is currently planted in the medians so the look will be consistent up and down E Broad. Mr. Dave Wakeman asked is the brick rumble could be granite, Mr. Bier said yes, but there is a cost to that and added that if the commission wanted to change the material to any structure they could.

Mr. Helman asked the Mayor if there are any safety and other restrictions the commission should be mindful when discussing the plan. The Mayor replied with having concerns with just having re-surfaced the area and then having to come back so soon with additional construction does not seem wise.

Ideas such as adding light fixtures to the brick collars, adding some height to the concrete pad so the area is more elevated, and plant material was discussed among the commission. They request that Mr. Bier return in December with another landscape plan and cost estimates

Broad and Gould Sketch_spruce_10-31-18

Roll Call:

Voting Members Present: Barb Giller; Jim Wilson; Mollie O'Donnell; Susan Quintenz; Celeste Williams; Larry Helman;

Dave Wakeman; Linda Zupnick; Sheila Straub; and Ellen Bowden

Absent:

Excused: Rob Hilbert

Non-Voting Present:

- c. Broad and Nelson gateway plantings – approved planting plan

There is space available to plant additional plants. All planting and lighting have been installed per the approved plan.

BEXLEY GATEWAY-IMPROVEMENTS

2. Mayor's Report:

- a. Havenwood Landscape Plan Study Group – 2019

In early 2019 a request for proposals will be sent out for the Havenwood Park landscape plan.

- b. Other

The Christmas tree lighting will be held December 2 at 4pm at Drexel circle. The Menorah will remain at Drexel and Broad, however there will also be a Menorah lighting at Jeffrey meadows and a helicopter will drop gold coins in the field on December 5.

3. Staff Consultant Report: Elena Andrews

- a. T&PGC application on Web Site

The application for the Tree and Public Garden has been modified and is on hold. The building department is moving to Viewpoint, an online system, and the way applications will be submitted will change.

- b. Approved design plans on web site

Examples of landscape plans for contractors to view are currently on hold.

- c. Lead time for sending landscape plans to Tree Commission

Ms. Andrews is requesting landscape applications be turned into her for review 2 weeks prior to the Tree and Public Garden Commission Meeting. She is also going to keep a running project list which will include name, date, and status.

She will also like to discuss next month on how to review landscape designs on private property.

d. Creating an installation schedule for approved plans

Ms. Andrews and Ms. Quintenz are working on a schedule on when to give a final review for landscape designs.

e. Other

Ms. Ellen Bowden shared an update regarding Trees for Bexley. There was a letter sent out on November 6 and to date they have raised \$21,180.00 from 68 donations. This time last year they had \$18,536.00 from donations.

4. Old Business

a. Considerations for reviewing landscape plans for new builds: Caliper, landmark/historic trees, shade trees versus undesirable trees, etc.

Ms. Quintenz asked Ms. Rose to discuss the process for new builds. Ms. Rose typically likes items to go before Architecture Review Board (ARB) first before the Board of Zoning (BZAP) and Planning with large jobs. She would like to make sure the design and footprint are appropriate with recommendations from each board. For new builds, all landscape plans need approval before construction can begin.

5. New Business:

1. Kathy Rose explained among Architectural Review Board and the Board of Zoning and Planning restricts a member of someone from the Tree and Garden Public Commission attending to provide their opinion. Further discussion on process for reviewing landscape plans on new builds.

Ms. Quintenz had asked Ms. Rose if individual members of any Commission or Board can attend a hearing and provide opinions and address an issue they have not been asked to review? Ms. Rose sought legal council through, Catherine Cunningham, and her response is below:

"Individual board or commission members should not be advocating for or against a recommendation of their board or commission when that recommendation is forwarded to and considered by the decision-making body. When a matter comes before a city board or commission, the final decision or recommendation of the board or commission is what is

formally adopted by the requisite majority (within their jurisdiction), even if there is a split vote. Thereafter, the decision or recommendation is memorialized. Any recommendation is then forwarded to the decision-making body and reported on by staff or a designated representative of the board or commission. Individual board or commission members should not be advocating for or against a board or commission recommendation before the decision-maker. In the case you mentioned, individual Tree and Garden Commission members should not be advocating for or against the recommendation of the Commission to BZAP or city council on landscaping relating to possible conditions for a variance. Sometimes an issue arises when a board or commission member of a recommending body seeks to appear before the decision-maker to individually advocate a certain position. I have advised and continue to advise against this practice. The board or commission speaks through its resolution or decision as a body, not the individual opinions or advocacy of its members. Board or commission members should not be using the influence of their office to advocate for a particular result. By sitting on the board or commission, each member gives up the right of individual advocacy to a subsequent decision-maker on decisions they participated in. A similar issue arises when a variance is sought from BZAP or Council that involves a recommendation on a material issue (e.g. architecture; landscaping) to BZAP or Council for consideration. The recommendation relates only to a potential condition to a variance if granted. In these cases, the recommending board or commission has no jurisdiction to consider the variance. There is only one decision-maker on whether or not the criteria of the city ordinances for granting a variance are met and that decision-maker should not receive or consider any recommendation on the merits of the variance or whether the variance criteria are met. Any recommendation is only on potential conditions that may be imposed on a variance, if granted. In the case of a variance, or any other quasi-judicial administrative proceeding (i.e. conditional use; special use permit, etc.), only individuals with standing may testify at the hearing. So again, no member of a recommending board and commission should not appear and testify about the merits of the variance, nor should they not use their office to influence another city board or commission. If a board or commission member does have standing and intends to testify in a quasi-judicial proceeding, then that member should recuse themselves from the matter and all discussions and deliberation on any recommendation at their board or commission. Members of the public, boards or commissions may not use the comments from the general public portion of a meeting to advocate on the merits of an application for which they have no standing, and the chair of the board or

president of council determining the variance should not permit it."

A discussion was held among the Tree Commission members and a few provided their comments regarding the issue. Mr. Larry Helman thought a retreat would be a good way for all boards to come together to discuss past cases so they are able to make better decisions that benefit residents. Mayor Ben Kessler assisted in clarifying the statement Ms. Cunningham provided regarding a variance. When it comes to a variance it becomes a question of legal determination, however, if the code is fine, then it becomes a matter of how boards are determining variances. The Mayor agrees with Mr. Helman, that retreats are a good platform for all boards to come together to discuss efficiency in some cases.

Ms. Rose stated that all conversations regarding cases that come before the Commission should take place at the public hearings. This is so board and commission are not influenced by outside opinions. If there are any questions regarding an application, it should be directed toward staff, staff members are permitted to discuss issues with board and commission members.

Roll Call:

Voting Members Present: Barb Giller; Jim Wilson; Mollie O'Donnell; Susan Quintenz; Celeste Williams; Larry Helman; Dave Wakeman; Sheila Straub; and Ellen Bowden

Absent:

Excused: Linda Zupnick; and Rob Hilbert

Non-Voting Present:

2. Re-look at landscape design plan for Drexel Pocket park, and a landscape design for CoGo installation at Bexley Square and Jeffrey Mansion – Mayor Kessler

- a. Revising/Updating Main Street Guidelines

Ms. Rose suggested that the Tree Commission review the Main Street guidelines and make updates. A copy of the current Main Street guidelines was sent to Ms. Mollie O'Donnell for comments.

- b. Potential landscape design reviews:

1. Blue Spot/Yoga – North Cassady

Ms. Rose is working with Blue Spot Yoga to get an accurate landscape plan the Tree Commission can properly review.

2. 270 South Columbia – new build

The new build will go before the BZAP board 11-29-2018. The vacant lot is located South of 256 S Columbia. A landscape plan will be required to go before the Tree Commission. From the look of the site plan that was submitted, Ms. Rose stated it does not look like any trees will be effected by the new build.