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**ARCHITECTURAL REVIEW BOARD**

**MEETING MINUTES**

**FEBRUARY 24, 2016**

**AGENDA**

- 1. BSD HC – Nationwide – Sign  
16-012ARB-MSP**

**114 South High Street  
Master Sign Plan (Approved 5 – 0)**

**Presentations**

- 1. Transportation Updates in the BSD by Mandy Bishop**  
**2. Review Procedures and Discussion by Stephen Smith, Jr.**

The Chair, David Rinaldi, called the meeting to order at 6:32 p.m. and led the Pledge of Allegiance. Other Board members present were: Jane Fox, Thomas Munhall, Everett Musser, and Shannon Stenberg. City representatives were: Jennifer Rauch, Tammy Noble, JM Rayburn, Mandy Bishop, Stephen Smith, Jr., and Laurie Wright.

**Administrative Business**

**Motion and Vote**

Ms. Fox moved, Mr. Munhall seconded, to accept the documents into the record. The vote was as follows: Mr. Rinaldi, yes; Mr. Musser, yes; Ms. Stenberg, yes; Mr. Munhall, yes; and Ms. Fox, yes. (Approved 5 – 0)

**Motion and Vote**

Mr. Rinaldi moved, Mr. Munhall seconded, to accept the January 27, 2016, meeting minutes as presented. The vote was as follows: Mr. Musser, yes; Ms. Fox, yes; Ms. Stenberg, yes; Mr. Munhall, yes; and Mr. Rinaldi, yes. (Approved 5 – 0)

The Chair briefly explained the rules and procedures of the Architectural Review Board [the minutes reflect the order of the published agenda.] He swore in anyone planning to address the Board on this application.

- 1. BSD HC – Nationwide – Sign  
16-012ARB-MSP**

**114 South High Street  
Master Sign Plan (Approved 5 – 0)**

The Chair, David Rinaldi, said the following application is a request for a new ground sign for an existing building on the east side of South High Street approximately 90 feet south of the intersection with Pinney Hill Lane. He said this is a request for review and approval of a Master Sign Plan under the provisions of Zoning Code Sections 153.065, 153.170, and the *Historic Dublin Design Guidelines*."

Jennifer Rauch presented the aerial view of the site as well as the existing sign with a tan background color and contrasting copy. She said a matching tenant panel hangs below. She reported the applicant submitted two proposals for a Minor Project reviewed by the ART. She said one met all of the Code

requirements, but the applicant and the ART determined the second proposal was preferred. She said the second met all the requirements with the exception of the required number of permitted colors; therefore, the ART recommended the application be reviewed by the ARB as a Master Sign Plan. She stated the applicant was updating their sign to include Nationwide's new logo but it would be the same size and shape as the existing sign and installed on the existing pole. She said the ART recommended approval to the ARB of a Master Sign Plan with no conditions.

David Rinaldi confirmed the only issue that required a MSP were the four colors.

Jane Fox asked if the applicant had requested the maximum size permitted by the Code. Ms. Rauch said 8 square feet is permitted and the applicant's proposed sign is 6 square feet.

Ms. Fox asked if there were any photographs of the adjacent properties to get context for this sign. Ms. Rauch answered not for this case as the applicant was replacing the existing sign but she agreed Staff would provide photographs in the future.

The Chair asked if there was anyone from the public that wanted to comment on this application.

Tom Holton, 5957 Roundstone Place, Dublin, asked if there was external lighting for this sign. Ms. Rauch said no lighting was proposed with this application and did not believe there was any existing lighting.

The Chair asked if there was any further questions or concerns. [Hearing none.]

### **Motion and Vote**

Mr. Munhall moved, Ms. Stenberg seconded, to approve a request for a Master Sign Plan. The vote was as follows: Ms. Fox, yes; Mr. Musser, yes; Mr. Rinaldi, yes; Ms. Stenberg, yes; and Mr. Munhall, yes. (Approved 5 – 0)

### **Presentations**

#### **1. Transportation Updates in the BSD by Mandy Bishop**

Jennifer Rauch introduced Mandy Bishop, GDP Group, as the consultant for the BSD transportation related projects.

Mandy Bishop said she has been working on the BSD public infrastructure delivery, design, and managing the design and construction for approximately two years. She said the biggest project underway is the SR 161/Riverside Drive roundabout. She presented the intersection with the realignment. She said Riverside Drive is very close to the Scioto River and the City's goal is to open up parkway and provide access to the river. She said as a signal-controlled intersection and the limits of left turns, the project will restore all those movements, open up that parkway, and accommodate a 25% increase in traffic well into the future. She explained in the final condition, the roundabout will be one lane one-way southbound and the outer most lane will become a barrier and a biking/pedestrian path will connect to a stairway that goes down into the Kiwanis Park for a full connection. She reported tens of thousands of cubic earth have been moved this summer and granite curb is beginning to be installed as the road starts to take shape.

Ms. Bishop said AT&T paid the City to manage the installation of Dublin duct bank. She said the aerial river crossing wires were removed, planning for the upcoming pedestrian bridge.

Ms. Bishop presented how the maintenance of traffic looks like now with one lane in each through August of 2016. She said the project schedule states a completion date of October 15, 2016, but the contractor is expected to request an extension due to a weather delay so the new date will be November 6, 2016.

Ms. Bishop said a small portion of John Shields Parkway was constructed in 2014 and finished in 2015 in front of The Grand. She said the next phase is from Dale Drive (formerly Tuller Ridge) to Village Parkway (2,800 feet) along with the construction of Graham Street (300 feet) is expected to be open to traffic in mid-October and completed November 30, 2016, as part of the Casto - Tuller Flats development agreement.

Ms. Bishop said COTA Park and Ride was moved from their former location on Dale Drive to a temporary site. She said the final location will be located next to Enchanted Care, north of the Cadillac dealership. She said construction will begin as early as next week and is expected to be completed by August 5, 2016. At that time, she said it will be turned over to COTA and the City will demolish the existing interim site as part of the John Shields Parkway project.

Ms. Bishop reported for the last two months the City has been working closing with Crawford Hoying and Bracket Builders to advance a portion of the North High Street widening project as part of the LJB Transportation Planning Study. She said a southbound left-turn lane was required with improvements on North High Street for future widening. She said a retaining wall needed to be constructed to widen High Street because there is severe slopes around the Indian Run. She explained a retaining wall abuts Crawford Hoying's building and it runs north/south along High Street on the east side over the Indian Run culvert and then it turns and abuts Crawford Hoying's building Z. She said that will be advancing in the next two weeks to last about 100 days for construction Monday through Friday, 9:00 am – 4:00 pm, staying off peak hours. She presented the location for this project.

Ms. Fox asked if they are widening for three lanes to which Ms. Bishop answered affirmatively. She said they are also planning to make a provision for a potential southbound right turn if there is a future Rock Cress. She indicated they may not construct it at this time; they are at 30% design right now.

Tom Munhall inquired about the pedestrian traffic on the east side of North High Street. Ms. Bishop said a path is on the west side and there will be one on the east side. Mr. Munhall commented on the amount of time it is taking and Ms. Bishop explained they are looking at connecting all the paths holistically.

Mr. Munhall asked about the proposed material for the retaining wall. Ms. Bishop answered it will be a stone veneer but because part of it is on the private side, but it will need to be coordinated with building Z. She added the wall will be visible from High Street. She noted the wall is 42 inches in height along the roadway and on the backside it is as high as 20 feet in the right-of-way due to the steep grade.

Ms. Fox inquired about the character and length of that wall. Ms. Bishop noted it is 240 feet and is currently just concrete with a cap around it. Ms. Fox asked if they were trying to match the building or the existing stone walls in the area. Ms. Bishop said the design of the wall incorporates three factors, the design of Building Z, the public right-of-way, and the park. She said the final design is not complete. She said she would prefer to have it all clad with one material that everyone can agree on.

Mr. Musser asked how far the three lanes will extend on High Street. Ms. Bishop said it will only be striped for two southbound lanes. She said they are building the pavement up to Indian Run Drive so they do not have to re-disturb that section of High Street if more widening is requested in the next five to ten years. She said three lanes are proposed in the LJB Transportation Study.

Ms. Bishop said the North Riverview Street extension would be stopped at the northern property limit of Crawford Hoying. She said North Riverview Street needs to be extended up to Dublin Road. She said the first phase will be the haul road, which will be improved later to be in its final form.

Ms. Bishop presented the preliminary engineering effort for the Scioto River Pedestrian Bridge from almost two years ago along with the pier drawing. She said the design of the bridge began in December 2015 with TY Lyn as they are renowned bridge designers of large and complex bridges. She indicated

they are working through conceptual designs right now. She said the City had requested an S-curve suspension bridge and after that design was set, the landing point was shifted north to be in the midst of the Crawford Hoying parcel, located at North Street. She said they are looking at the contortion and lateral movements and making sure all the calculations are correct. She indicated 30% drawings will come in about mid-April.

Shannon Stenberg asked if the pedestrian bridge is going to be a walking-only bridge or if it will also support bike. Ms. Bishop answered it would accommodate both as it will be part of the cycle track. She said it has not been determined if they will delineate that on the bridge. She said the deck is 14 feet wide and there is an approximate 13-foot clearance between the railings, which is a standard pedestrian bridge design.

Ms. Bishop presented Riverside Drive as it exists today. She pointed out how the pedestrian bridge will connect across beginning at the east landing, located where Dale Drive used to be. She said the plaza will now extend closer to the river and the bridge will come across into a plaza at Crawford Hoying's building Z. She said once the new Riverside Drive is open, all of this pavement will be removed to be filled with earth and seeded, expected to be completed at the end of 2016. She said the pedestrian bridge will be out to bid and under construction in the spring of 2017. She also pointed out the location of the proposed pedestrian tunnel.

Ms. Rauch asked Ms. Bishop to describe the east landing. Ms. Bishop said it will be at grade or down a step or two into a plaza/gathering space, and then advance into the park in either direction.

Ms. Bishop said Riverside Drive will be a four-lane boulevard with  $\pm 400$  trees and 40,000 bulbs. She said the speed limit will be 40 mph and pedestrians will be comfortable crossing. She said the intersections will contain inlaid bricks. She said the grades lend themselves as a good position for the pedestrian tunnel at John Shields Parkway.

Ms. Rauch said the streetscape along Bridge Park Avenue is very pedestrian-oriented. Ms. Bishop added there is going to be a signal at Bridge Park Avenue as well as John Shields Parkway. She said the Tuller Road/Riverside Drive intersection does not provide enough storage between it and Emerald Parkway so that will become right-in/right-out so the primary area of egress/ingress at Riverside Drive will be at John Shields Parkway. She said Village Parkway to John Shields Parkway will be a nice straight shot. She said there will be a new bridge across the Scioto River integrated into the transportation plan and adopted by the City but it is unfunded and is not in the five-year CIP. She said they are kicking off a structure type study; they do not know what this is going to look like but it will coordinate with the other structures in the area. Ms. Fox asked if that bridge would be an extension of John Shields Parkway. Ms. Bishop answered affirmatively.

Ms. Rauch said the street network map within the Bridge Street Code outlines this connection. She said this map provided shows the entire street network for the BSD, with the distributing of traffic over a larger network. She said the cycle track is a major loop for bicycles for a commuter-type cyclist. She said overall the streetscape design is very pedestrian oriented with the material finishes and the overall design of the environment. She said the intent of the BSD is to accommodate all modes of transportation and provide options.

Ms. Fox asked if there is a walking path around the roundabout. Ms. Rauch answered affirmatively.

Ms. Bishop pointed out the SR 161 Bridge where there is a walking path on the north side with a connection through the roundabout around the northwest quadrant and the pedestrian would cross the north leg of Riverside Drive. She said there are pedestrian center islands and rest islands for the pedestrian to walk across, stop, and finish walking across. She said the bike path on Riverside Drive stops at Martin Road.

Ms. Bishop said the park design has been under contract for a year and are finalizing a Master Plan.

The ARB thanked Ms. Bishop for her presentation.

Ms. Rauch said all this information is posted on the City's website so the ARB can look up all the materials pertaining to these projects including what is presented to the Planning and Zoning Commission and City Council.

## **2. Review Procedures and Discussion by Stephen Smith, Jr.**

Stephen Smith, Jr. said he is the assistant law director for the City and this is his 16<sup>th</sup> year. He said both he and Ms. Rauch attended the BZA hearing on the appeal of the property at 5051 Brand Road, which has highlighted a number questions. He reported the BZA overturned the ARB's decision. He said the hearing was unique, and parts of it were very contentious. He said the BZA found that the criteria were met and the City has not appealed that decision, which means the demolition will move forward.

Mr. Smith said since this hearing, meetings have transpired to determine how to improve this process and the Code. He said when there are different standards that are intertwined regarding demonstrating economic hardship or unusual, compelling circumstances, or at least two of four criteria need to be met, the criteria becomes difficult to apply. He noted all the review standards discuss the same topics but are slightly different. He said our goal is to make this process easier for everyone, including the ARB. He indicated a solution could be taken to City Council for consideration. He said as legal counsel for the City he needs to make sure legally he can support the decision if the case is taken to court. He said the appeal process in general is difficult. He said once a case is forwarded to BZA, the Code laid out two different standards for the BZA to consider the appeal. He said the Code states the BZA must decide whether the ARB made an error in making the decision. He said theoretically the Code said it is limited to the testimony that the ARB heard at the hearing, but the next paragraph of the appeal section states BZA can do anything the ARB could have done. He said we are going to look at a standard of review for appeals. He said ultimately, the applicant in this case did ask for additional testimony, which was only included the landowner. He said we did not object even though the Code did state it is limited to what the ARB heard during the review process. He said the landowner, testifying and noting his family had been on the property for a significant timeframe did not affect the decision one way or the other.

Mr. Smith asked the Board if they had any questions.

Tom Munhall said he attended the appeal and noted Mr. Loveland brought up the role of City Staff. Mr. Smith said he thought the attorney was wrong about that and explained there is a provision in the Code that states Staff can provide assistance to the BZA and the PZC. He said it does not specifically state City Staff has the right to provide information to the ARB and that was a point the attorney was trying to make - that Staff cannot assist the ARB in making decisions through the Planning Reports. He said that argument is wrong. He indicated he did not know why the Code was written that way so we are considering removing those sections because it falls within the Planning Staff's job duties.

Mr. Munhall said his issue is that the City appeared to be on the sidelines for this. Mr. Smith disagreed and stated the City took a position in the Planning Report. He indicated he and Ms. Rauch argued the City's case very strongly in front of the BZA but were unsuccessful.

Mr. Smith said the burden is on the property owner to meet the criteria. Mr. Munhall said if it was up to him, he would request five estimates done independently for what it takes to make the home secure and cleaned up, which is not the City's responsibility. Mr. Smith said he made that point during the appeal several times because their attorney argued that Ms. Rauch never proved the property should be demolished or not. Mr. Smith emphasized the burden is on the property owner to meet the criteria, and

this applicant did a really good job at confusing the issue at the appeal. Mr. Smith said he tried to clarify that on several occasions.

David Rinaldi said he thought this was a unique case and questioned how many cases would be like this. He said the ARB had an exterior visual when this case was first reviewed and he said it is normal for the BZA to deal with the exterior of structures in the Historic District. He said in this instance, there was one engineer's report, not several and it was slanted towards demolition. He said since the ARB could not see the property themselves, they were at a disadvantage.

Mr. Smith said future process changes are being considered where the City would hire independent experts from neutral parties to take a look at the structure (engineers, architects, with historical structure backgrounds) to gain information that would help the ARB to make decisions. He said it is the landowner's burden to prove this and to truly document all the claims made as it related to the condition of the house and the deficiencies therein.

Everett Musser said it was clear to him that the cost for renovating that property, building the addition, and buying the property was an economic hardship. He said he was disappointed in the ARB because there was no discussion.

Mr. Smith said the applicant did not do a good job at presenting the information to show the costs were completely out of whack. He said if someone pulled up an Auditor's report and could prove there was not a home that was worth half that or three-quarters within the area, the point would have been well taken but the applicant did not provide that information to the ARB during their review.

Shannon Stenberg asked if this situation rose again, if the ARB could request to review it further before they ruled. She said they might request the applicant to obtain three more estimates in a case like this.

Mr. Smith emphasized the ARB has the right to table or postpone a determination to gain more information; this is seen more with the Planning and Zoning Commission.

Ms. Rauch said the Code allows a one-year waiting period and that would have been an option for the Board to not approve or disapprove but to give the applicant a year to exhaust every other option, first.

Mr. Munhall indicated if he was the buyer, the sale would be pending on the outcome at the one-year mark.

Mr. Rinaldi said the people applying for the demolition did not have anything on the table; he said their condition was that they would only buy the property if it could be demolished.

Mr. Smith said there were other factors. He said the family who owned it lacked resources. He said one of the criteria of the Code pertains to willful neglect that allowed the property to decline. He explained "willful" from a legal sense is a high standard. He said in this case, the family member was in his mid-70s and still cutting the grass all summer. He said the outstanding question is if the landowners could have put money into the structure.

Mr. Munhall said the applicants could have extended that time frame so there would be even more damage to make their case for requesting demolition.

Mr. Smith said from the time the ARB reviewed the case in August 2015, to the time of the appeals hearing, there was not a single person that was interested in purchasing the property. He said it was not on the market for sale but it received a lot of publicity. He said this property was so because it sits so far back from the road; nobody knew it was as bad as it was until they were shown the interior pictures.

Jane Fox indicated this was the most uncomfortable review she had ever been through. She said she felt in some ways, the ARB members were not allowed to have the discussion. She cautioned that demolition is going to come up 3, 4, or 5 more times in the near future in the Historic District. She said we need to have a good handle as Board Members – what they can ask for and what the City would reasonably support.

Mr. Musser asked if it is possible for the Board to have a discussion prior to a review like this. Mr. Smith answered no.

Mr. Smith noted this was a well-publicized case and he understands the public wants to discuss it with the Board. He said the rule is, the Board cannot have ex-parte communications with the applicant or their representatives. He said where it becomes more difficult is where everyone else wants to discuss the project as well. He recommended the Board not discuss cases with anyone because if information is gathered as a result, then it is that member's responsibility to share it with the fellow Board Members so everyone is operating from the same baseline. He said everything learned in these cases should be learned as seated in this room or from the paperwork submitted from both sides. He said there is nothing from preventing you from talking to a neighbor that approaches you because that is not the applicant or their representative but it is discouraged because then it is your responsibility to share that information with fellow Board members so everyone is working from the same page.

Mr. Smith said informal meetings can take place to discuss general topics but it must be in this setting. Mr. Musser said that would have been beneficial to him as he had no idea how his fellow Board Members were thinking. He said there was not much discussion during the review. Mr. Munhall said when the case is contentious, he refrains from speaking. Mr. Musser noted that they as a Board should have acted on this differently.

Ms. Fox indicated she did not know she could table the case. She said she thought the landowner should have proven they were experiencing financial hardship, not the couple that just wanted to purchase the property.

Mr. Smith said that has never been a requirement. He said anyone who submits any type of zoning or building permit application, the landowner has to give them permission to submit on their behalf. He said he does not have subpoena powers so he could not make the landowners attend.

Mr. Smith said there was a lot of public interest with this case. He emphasized that the Board always has the right to take the time to gather the information needed to make a decision. He said a lot of times you cannot compel the applicant to do certain things. He said in this instance, he did not think we could compel the applicant to obtain three additional estimates even though it was their burden but we can always ask. He said we ask the applicants to do a lot of things and most applicants will work with us.

Ms. Fox asked what the purpose would be to table this case if we could not get the applicant to gather more estimates.

Mr. Smith said the City has since specifically discussed how to get applicants to provide more unbiased materials.

Ms. Stenberg asked if there is any intention for the City to do some type of survey of the existing listed historic properties so the ARB knows what the current condition of these structures are for a baseline and then be able in ten years to recognize if it had declined/depreciated in that time period.

Ms. Rauch answered the City is in the process of hiring a consultant to conduct a historic and cultural assessment. She said that includes updating all of our Ohio Historic Inventory Properties and noting if the structure/site had been altered or removed since the list was created. She said the next part would be to

outline and identify which structures would be considered contributing to the City's history versus noncontributing. She said in this instance, the home and barn were set back so far that driving past did not provide a sense of what was actually happening on the property or the full extent. She noted that Appendix G is very limited in the Code. She said this evaluation process could have political/policy ramifications, if it decided additional properties should be added to Appendix G.

Ms. Rauch suggested if the City wanted the applicant to preserve the Brand Road property, or we had noticed there were some issues with the property, we might determine what the City can do to help provide resources to the landowner who may want to do something. She said the consultant contract includes investigating these options.

Mr. Smith said in this case, some of those options are difficult. He said the City offers incentive agreements for commercial properties because it is in the City's best interest to expand commercial development but residential properties are a difficult area for cities to support because that would not bring any revenue into the city.

Mr. Musser said public school boards, if they have a sensitive issues that deal with money or staff, can go into executive session to discuss.

Mr. Smith said provisions exist under Ohio law, under the Open Meetings Act that is 12122. He said there are eight grounds to go into executive session for any public body. He said the problem is, it is almost impossible for any of those to apply in this setting. He said employment is one, the city acquiring or selling of properties, union negotiation, etc. He said there is an economic development one that has a whole bunch of promises difficult to meet. He said it works for City Council but very rarely works for Boards and Commissions except for potentially Personnel Appeals Board.

Ms. Fox asked if it is possible for the ARB to informally discuss how to improve the review process. She said we do not have that many historic properties but the ARB makes decisions for the Historic District and they need to find ways to change with the challenges of whatever is happening and how they could do it better the next time. She said they are asking for a work session. She said if Staff and Legal is considering changing the Code, she asked that the ARB be part of that discussion.

Mr. Smith that could absolutely happen. He said they are kicking around ideas and have a lot more work to do before they get to the point where they have something to bring back to the ARB.

Ms. Fox said they have a lot of ideas and sometimes short sessions do not provide enough brainstorming time to actually work on a solution. She said brainstorming is missing badly and that happened the night they reviewed this application.

Ms. Rauch said at this point, you have the criteria in front of you and sticking to that and talking through that is useful. She said everyone has a right to their opinion and they can all vary based on different backgrounds and experiences. She said she hopes the ARB will feel more comfortable to talk through the criteria during any future meetings stating why they should or should not approve the request and that helps establish a record.

Mr. Smith said even if a Board Member thinks the decision is going to go one way or the other, the better the record is, allows him to be more prepared if this went to the next step of arguing in court. He said he always looks for the discussion of criteria, first.

Mr. Rinaldi said at the meeting held in August, he did not find it that difficult because he ignored the emotion in the room and focused on the four criteria; he did not believe the applicant provided the burden of proof for two of the four criteria.



Mr. Smith said he loves to see those statements as he is reviewing the transcripts.

Mr. Rinaldi restated his recommendation of getting the emotion out of it and focusing on the criteria. He said whether the house fell down or not, he did not hear the burden of proof.

Mr. Munhall said out of a 2½ hour meeting, only 15 minutes was of actual discussion. He asked if the applicant should be limited on their time to present.

Mr. Smith reported there has already been one follow-up meeting to this and they have learned a lot in terms of what they think they can do to make this better for the ARB going forward.

Ms. Stenberg asked once this leaves the ARB and it goes to BZA, if the ARB members have a right to show up at that hearing and make comments. Mr. Smith answered she was absolutely entitled to do that. However, he said if it was the other way around, and it was possible that a case from the ARB could go to the BZA for an appeal process, it would not be appropriate for the BZA members to come to the ARB and speak because it could end up in their meeting to review.

Mr. Rinaldi said that was his first BZA meeting and asked if it was a typical meeting because he was surprised at how that meeting went. Mr. Smith answered that was not a typical meeting. During his 16 years, he recalled only a handful along those lines. Mr. Rinaldi said this appeal seemed like a trial. Mr. Smith restated that Mr. Loveland was aggressive and normally that is not how these cases get accomplished.

Mr. Rinaldi noted that three bodies reviewed this case; two of which came to the same conclusion to not approve demolition.

Ms. Fox said we are a public body and we are going to hear talk of cases. She reported she is on the Historical Society where she hears things but is happy to pass that information onto her fellow Board Members. She said the ARB represents the public in some shape or form and we are tasked with protecting and preserving the historic inventory of Dublin. She stated that if we do not know what the inventory is, or what condition the properties are in, or if they are contributory, then we are just simply giving a personal opinion and that is not right.

Ms. Fox said we want our historic property landowners to feel about their precious private properties the same way the City regards them for public interests and this should work hand in hand. She reported she did research after this case to see how other Architectural Review Boards handle this and of course private interest is a big argument against what the Boards are doing but some have come up with ways to allow the homeowners to get a tax credit or a matching grant, etc.

Mr. Smith said he appreciated all the research Ms. Fox did after the fact and emphasized decisions should be based on information provided in the packets that come from both sides of the argument. He said the only provision in the rules is to not discuss cases with applicants or their representatives for cases filed or even considered to be filed. He suggested that when the Board is approached by anyone that wishes to discuss the case, to refrain from any further conversation and ask that person(s) to come to the hearing to discuss it in the public forum to share with the entire Board instead of just one member. He stated any information heard needs to be shared with the entire Board and any documents created becomes public record so there should not be any back and forth discussion. He recommended that any information shared amongst the Board should be copied to Staff as the applicant has a right to view the information. Ms. Rauch emphasized the Boards and Commissions have City email addresses by which to solely communicate, especially to minimize any risks of disclosure if a case were to be taken to court.

Ms. Stenberg asked if there was any provision after the BZA approves/disapproves a case where it would return to the ARB. Mr. Smith indicated there are instances where cases can be remanded back to the

original reviewing body but in this case, that was not an option as the BZA had the ability to approve, deny, or modify the decision.

Tom Holton inquired about the Board member's ability to speak with an applicant prior to the hearing because that was permitted in the past. Mr. Smith restated that should never happen. He explained in the past it was a free-for-all so the rules were amended. He said when members are making decisions that affect the whole City, it makes sense but in here, they are adjudicating an individual's rights and it is not appropriate to have those specific discussions.

Ms. Stenberg asked how long the Board had to review documents prior to the meeting as she was not on the Board at that time. Ms. Rauch said it was the same timeframe as every Board and Commission - distributed the Friday before the meeting.

Ms. Stenberg asked if the Board would be permitted to ask the applicant to provide more information prior to the meeting. Ms. Rauch answered the Board can contact her stating concerns and Staff could make the request and ask them to bring it to the meeting to clarify any issues or concerns.

Mr. Munhall asked if once they received their packet, if they could have requested more estimates or internal pictures. Mr. Smith said they could by making the request to Staff and they would contact the applicant but the applicant would not be under any obligation to provide the Board's requested information.

Ms. Fox said the ARB can attend the ART meetings as a public person. Ms. Rauch stipulated they can attend to gather information but are not permitted to speak because the next step would be to forward the case to the ARB to review. Mr. Smith added that if a Board Member did participate in the ART review, the member would need to recuse themselves from the ARB review because they have already predisposed the case.

Ms. Rauch said this particular case would not have gone to the ART first because the site is located outside of the BSD boundaries, and ART only governs properties within the BSD.

Ms. Fox moved, Ms. Stenberg seconded, to add an agenda item to the next meeting to discuss demolition and possible Code changes. Mr. Smith cautioned the Board to not discuss any specific properties that may come in front of them at that meeting but a general discussion is fine. Ms. Rauch offered to provide the specific Code sections Staff and Legal is reviewing. The vote was as follows: Mr. Rinaldi, yes; Mr. Munhall, yes; Mr. Musser, yes; Ms. Fox, yes; and Ms. Stenberg, yes. (Approved 5 -0)

The Chair adjourned the meeting at 8:32 pm.

As approved by the Architectural Review Board on April 27, 2016.