

SPECIAL SERVICE COMMITTEE MEETING MINUTES

October 13, 2003

Members of Service Committee present: Eric Gilbert, William Hills, Ron Stake, Lane Beougher. Other members of Council present: Sarah Cannella, Mel Clemens. Councilman Jim Wade and Council President Bradley L. McCloud were absent.

Mr. Gilbert: This recommendation was in a legislative request dated May 7 of 2003. I believe it had one, or introduced into committee and was held for two weeks. June 2, I moved this item to the review of the Ad Hoc Committee. So it would be the same legislative request that we had from May. Is that correct, Mr. Stake?

Mr. Stake: Yes it is, Chairman Gilbert.

Mr. Gilbert: Okay. This item did come from the Ad Hoc Committee with recommendation for implementation through the code. Correct?

Mr. Stake: Yes.

Mr. Gilbert: Okay. Are there any questions or comments on this item from members of Service at this time?

Mr. Hills: Mr. Gilbert, I don't have that in front of me. That was very similar to the overlay type characteristics we've done before. Is that correct?

Mr. Gilbert: Somewhat. Except that the landscaping and buffering standards had more of an emphasis on the commercial aspect of landscaping and buffering more so than the residential. Mr. Beougher.

Mr. Beougher: Just to point out, it was buffering between a residential zoning and a commercial zoning.

Mr. Gilbert: Okay.

Mr. Beougher: And it also specifies caliper, diameter of trees, and things like that that are required. So it's a little more stringent application.

Mr. Hills: Leaning towards protection for the residential.

Mr. Beougher: Right. And I think it all came from the Key development issue where the trees were removed when they were not supposed to have been. So I think that's where we're going with it.

Mr. Gilbert: And I think when this was discussed back in May, there were some questions in regards to enforcement and review. I don't have any inclination to move this forward other than

its normal three readings and we'll have some time to address that as this moves forward. Without any objection, I would like to move it forward for its first reading. With it being part of the actual zoning code, I do believe there would need to be a public hearing that would be set at that time. So in addition to the other committee hearings, we will have a public hearing for additional discussion as well. If there's no objection, I'll make that motion. None being heard, do I have a second? Mr. Beougher with the second. All those in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 2 is the deletion of a sentence in the code in terms of the zoning status of property upon annexation. This was in 1161.07, "Annexed Lands". And I'm assuming based on the report that the sentence in question of this section is the last sentence that would begin with the word "provided".

Mr. Stake: That's correct.

Mr. Gilbert: Okay. And Mr. Stake or Mr. Beougher, any explanation?

Mr. Beougher: Mr. Underwood came to us and discussed the intent of annexing land with an unclassified zoning as it came into the city, and that we would have to go back and determine the zoning classification by ordinance later. And I made the comment, "well, I thought I saw something in the code that said it would come in as an R-1", and he thought that it was already where it said that it was unclassified and I found it and it just conflicts, one sentence conflicts with the other, and what our intent is, is to take out the second sentence.

Mr. Gilbert: I would think it's hard to classify, or give a zoning classification without due process or proper hearing which isn't provided for in our annexation process.

Mr. Beougher: I do know that other municipalities do have this provision where it comes in as the most restrictive residential zoning and then they start from there and lessen the restrictions.

Mr. Gilbert: And this wouldn't in any way infringe upon our ability in the normal zoning process then to classify it with the appropriate zoning more so if it were to come in as R-1?

Mr. Beougher: Well, it would actually enhance it because that means you couldn't do anything with the property until it were zoned.

Mr. Gilbert: Okay. Good. Does this raise any questions or comments, members of Service? (No response). Other members of Council? (No response). None being heard, this is also a part of our planning and zoning code and would require a public hearing be set. If there's no objections, I'd make a motion that we forward this to Council for a first reading, the deletion of this sentence and request of the President that a public hearing be set. And we'll also, as I had indicated on the previous motion, there's no inclination to rush this along and would have it's full readings. So I will make that motion. Do I have a second? Mr. Stake with the second. All in favor, please signify by saying aye. (All voted "Aye"). Opposed? (No response). Motion passes.

Item number 3 is the Erosion and Sedimentation Control in conjunction with Phase 2 Storm Water Regulations. We received on, I believe September 30, from Mr. Parkinson with EMH&T, a draft proposal in regards to the addition of ordinance implementing an erosion and sediment control plan. This is in regards to our residential developments. Correct? Under construction? Or that would be under construction? There are also some definitions incorporated. Does this raise any questions or comments from members of Service at this time? (No response). I know Mr. Parkinson was unable to be here for the Service Committee meeting. We do have a representative here from EMH&T.

Mr. Beougher: Mr. Gilbert.

Mr. Gilbert: Yes, Mr. Beougher.

Mr. Beougher: I would comment that other municipalities do have a more full bodied chapter on this in addition to requiring a plan, it also sets certain standards and maybe our engineering drawings do that right now. But I think there might be some more work to be done here.

Mr. Gilbert: In terms of broadening?

Mr. Beougher: I'd like to see it broadened, yes.

Mr. Gilbert: And this is based on what you've seen in other communities?

Mr. Beougher: Yes. Dublin and Powell both have a very rich chapter that are very specific as to what a developer is required to do and I'd like to see ours have a little more control over their actions.

Mr. Gilbert: Mr. Hills.

Mr. Hills: I haven't looked closely at some of the others. But what may be a concern, and I'm not sure, but it reads that "a plan shall be prepared for all developments covered by this regulation". Certainly if we expanded upon this in a generalized sense, maybe the plan would be applicable to developments. Because I'm not, if somebody came in with four, 10 acre development, we're talking about preparing four separate plans. I'm just wondering about if an expansion would set some general overall principles. And I'm not sure but it seemed like we may want to look at this more so as all development coming in and then have the ability to make some specifics where there are problems if we would detail out some of the things that would be required. So certainly, I'm in agreement that this is a starting point and we ought to think about what is the least costly way to do this but yet be the most effective. And it may not be to do a plan for every 5 acre development.

Mr. Gilbert: Mr. Beougher.

Mr. Beougher: Well, certainly there are some standard details that are pretty common in the construction industry. But yes, you do need a plan showing where the _____ fence goes

and where all your catch basins are and each side is different. And each side has different characteristics and I would submit that we do need to require a plan for each development. Similar details? Certainly. Maybe those details are even standard city details. I know the City of Columbus, we just referenced some of their standard details and give them a plan.

Mr. Gilbert: I believe the only thing referenced here is the erosion and sediment control plan, conform to any and all standards defined in the Ohio EPA. You're saying incorporate some of our own standards that interpret that?

Mr. Beougher: That's correct. Either reiterate or reference their standard construction drawings for _____ fences and other types of _____.

Mr. Gilbert: Would you be willing to write up some of your recommendations for the next committee meeting?

Mr. Beougher: What I think might be appropriate is taking a look at other cities and maybe EMH&T can show me the error with my ways if I'm wrong.

Mr. Gilbert: What other communities are you referring to?

Mr. Beougher: Dublin and Powell are the ones that I've looked at and we recently did a project in the City of Columbus that, Columbus has very stringent standards and you have to get approvals from fifteen different people before you can start construction. So it's reviewed very carefully and there's a very deliberate process.

Mr. Gilbert: Mr. Stake.

Mr. Stake: Mr. Gilbert, I don't want this to turn into a bureaucratic nightmare.

Mr. Gilbert: Correct.

Mr. Stake: And I wonder if the representative from EMH&T has anything to say about this. I don't believe he wrote the memo that came with this. Mr. Parkinson did. But I certainly would like to hear from EMH&T. They submitted this proposal.

Mr. Gilbert: Okay. It's Mr. Doug Turney that's with us this evening. Sure. Come up here to the microphone.

Mr. Turney: My name's Doug Turney. I work for Dave Parkinson in the Storm Water Division. You mentioned about the City of Dublin and Powell. I've had to work through those regulations before. I've worked through a lot of different standards. The City of Columbus. I've worked through all those regulations before. Dublin, Gahanna, City of Columbus, and there are, every community is different. Dublin is very strict. They're a little bit ahead of the game but with the new Phase 2, some of the new environmental stuff and EPA, everybody else will catch up with them. One thing I noticed, those regulations EPA are for anything over 1 acre. So it doesn't matter if it's residential, commercial, it will be for every site. Does that answer some of the

questions?

Mr. Beougher: So if the EPA standards supply, there's no need for us to restate them? Is that what you're saying? Or is there because we're a municipality with home rule and, maybe the City Attorney can be of benefit here.

Mr. Turney: Right. Well the problem I've seen recently is the EPA has standards but the city can't enforce them and the EPA doesn't have the manpower to enforce every 2 acre site.

Mr. Beougher: Okay.

Mr. Turney: In my review plans would be handed to Grove City, my first note is please be aware of the EPA regulations of storm water quality. But we can't tell you to do them. That's how a lot of communities are with us right now.

Mr. Beougher: Okay. By restating the EPA's requirements, we then have the ability to enforce the EPA requirements.

Mr. Turney: Correct. Right. Which from what I understand is a couple of people cover the whole Central Ohio area for EPA as far as storm water control. And obviously some, I see a lot of plan reviews and people are just ignoring it right now because they know the chances of them getting caught are slim. But until cities can do it themselves, its got to be that way.

Mr. Beougher: So are we adopting those standards by reference then with this legislation?

Mr. Turney: I guess I don't want to answer yes or no to that because I'm not familiar with what was written. But it's my understanding that most communities that we represent will go to recommended as a minimum they document the EPA standards. Which are very similar to Dublin's. We're a little bit different but it's very similar to _____.

Mr. Gilbert: And eventually all communities will have to submit to these standards. Correct? For anything over an acre or two acres?

Mr. Turney: All Phase 2 communities.

Mr. Gilbert: Okay.

Mr. Turney: Not every community in the state but with that new regulation _____ every developer is responsible.

Mr. Gilbert: So ultimately it would be the same standards that a developer would have to see in other communities once the Phase 2 is completely implemented.

Mr. Turney: Right. They'll see at least that as a minimum. Some communities might expand on it and make it a little more strict.

Mr. Gilbert: Okay. So I guess it's a question of, you seem comfortable with the standards and to, whether or not we want to itemize them out into specific legislation.

Mr. Beougher: Well, whether the EPA standards are adopted by reference or whether we re-state them in our own chapter, I think it's necessary that we have the enforcement ability. Because as you say, the EPA isn't coming out unless there's a problem. Unless someone like the Friends of Blacklick Creek issue a report to them or something like that, or file a lawsuit or something like that.

Mr. Turney: Some developers are just rolling the dice and hoping no one says anything until. It's kind of like this in between time between when EPA passed it in April and where we're at today. But their standards are kind of, when you're talking about standard drawings, there's no, EPA doesn't provide any standard drawings. It's more of a generalized, at least what I deal with on a daily basis. But the _____ quality stuff is more of a generalized statement on a couple of pages.

Mr. Gilbert: Mr. Stake, did you have a comment?

Mr. Stake: Well, I guess the question I have and maybe you answered this already, EPA standards are adequate you believe?

Mr. Turney: For the _____ quality, I believe so.

Mr. Stake: Okay. And if we adopted those, we as a city would be able to enforce those standards?

Mr. Turney: Yes.

Mr. Hills: Title 61 of the Revised Code is EPA Standards and says you do not pollute water to the state. So it's about as all-encompassing as you can get. As soon as something hits a running water of the state, you've polluted it. So I mean, that's why people have regulations now that prevent the pollution of a _____ flowing waters.

Mr. Gilbert: Well let's do this. A request from the Clerk's office that we obtain copies of the sediment and, or the erosion and the sediment control plans in Dublin and Powell. Just take a look at how they've incorporated theirs and see if there's a consensus or not to move forward and maybe ask the question of Mr. Underwood in this current form the way it's presented to us now, what our enforcement capability would be. And just hold this for two weeks and add that to our discussion next time around. Any objections to that? Mr. Beougher.

Mr. Beougher: Held for 1 week?

Mr. Gilbert: One week. The next committee meeting. I would agree with Mr. Stake in terms of not creating a cumbersome ordinance for our Storm Water Department that would have to enforce this. Because at this point in time, it's as far as inspectors and within the Storm Water Department, we don't have that provided for.

Mr. Hills: Mr. Gilbert, I do believe the EPA, state EPA is just now coming out with their Phase 2 Storm Water Regulations, rules and regulations. So I mean, there may be some insight from the actual codified rules also.

Mr. Gilbert: Okay. Anything Mrs. Keefer might be able to provide us on this topic?

Mr. Turney: Yeah. I know the Phase 2 is a little, I'm mostly talking about the post construction water quality issues. Phase 2 might be a little bit different. I don't know all the details on that.

Mr. Gilbert: Okay. Anything else on this topic? We'll hold it for one week without objection and I will adjourn Service at 7:06 p.m. Thank you.

Service Committee

- - -Susie Smith, Assistant Clerk of Council

(Transcribed - Susie Smith)

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