

**CITY OF CIRCLEVILLE
HISTORIC DISTRICT REVIEW BOARD
104 EAST FRANKLIN STREET
CIRCLEVILLE, OH 43113
(740) 477-8224**

**June 13, 2022
CITY ADMINISTRATION ~ CONFERENCE ROOM**

MEETING MINUTES

Members Present: Richard Verito – Chairperson, Mike Combs, Richard Rhoades, and Clerk – Brenda Short. Jessica Calder, Zach Miller were absent.

The first item on the agenda is, **CERTIFICATE OF APPROPRIATENESS #4-22**, as requested by Barry Keller on behalf of Pumpkin Show Inc. for a replacement of a previously approved wrap located in Pumpkin Show Park, 121 N. Court Street, Circleville, OH 43113, in a Downtown Business District (DB) within Historic District Overlay (HD).

The applicant Barry Keller on behalf of Pumpkin Show Inc., was present along with counsel Pat Pickett representing Pumpkin Show Inc.

Richard Verito called the meeting to order at 5:30 p.m.

Roll call was done. Jessica Calder, Paul Johnson and Zach Miller were absent.

Pat Pickett asked how many actual board members are there?

Richard Verito stated so there is, from what I have been told other people were appointed during covid so the actual members of this board at this moment time is actually myself, Richard Verito, Richard Rhoades, Jessica Calder, Zach Miller and Mike Combs, he resigned so we have a 5 member board according to code

Pat Pickett asked and how many members present?

Richard Verito stated three

Pat Pickett stated so basically,

Richard Verito stated three is enough for a quorum according to code

Pat Pickett asked it is enough for a quorum but requires us to have a unanimous decision from the members present

Richard Verito stated correct

Barry Keller stated we can go forward to see if the application, to see what the questions are that we are aware of

Richard Verito stated can I ask a question before you decide to move forward?

Barry Keller stated yes

Richard Verito stated according to code, I do not write code at all, I can only read what is there, and I hate for you to move forward with something that is prohibited with the city, so according to the city code, trailer signs are not prohibited

Jim Stanley stated are prohibited

Richard Verito stated are prohibited, I'm sorry, so this application is for something that according to the city code is not allowed

Pat Pickett asked that is part of the zoning code?

Richard Verito answered yes, that is code 1179.02, it says trailer signs

Pat Pickett stated so, we probably should be on the record for having these discussions

Richard Verito stated this is prior to hearing the Certificate of Appropriateness, we are not presenting this, we are not proving that yet to be heard

Pat Pickett stated what does this body intend for the Certificate of Appropriateness to address. It is my understanding that the only thing before you, is the sign facing that has been changed and I don't believe, I believe all that you are considering is the sign facing. I do not believe the question of whether this is a trailer sign that is prohibited is in front of this body

Richard Verito stated according to your submission it is asking for a wrap on a permanent trailer, according to the submission of what is being read here today if we were to look at this number that is on the documentation provided by your applicant. I am not a lawyer. I am not here in a lawyer capacity, nor do I have any authority other than to desain to you what is on this

Pat Pickett stated my point is this, let me get a little historical with you. In 2014 or 2015 this stage was purchased from the City of Columbus. When it was purchased, it was wrapped with the City of Columbus signage exedra. Shortly after it was purchased in 2014, Circleville Pumpkin Show Inc., changed the wrap because it made no sense to be letting the community use a stage that said City of

Columbus on it. So that was in place, and in 2018, when the park was being built, it was brought to and in front of both this body and city zoning, that this particular stage on wheels, if you want to call it a trailer, we will call it a trailer, would be installed at the park. and I think I saw in some of the materials that you were handing out some of the documentation regarding what happened to it in 2018, I think some of you have that in front of you. If we look, it discusses that a Certificate of Appropriateness was sought and ultimately you will see down here that it was approved on 9/19/2018 and when the COA and the zoning were submitted per the materials that were included, state: stage depicted on drawing at west end alley is the portable semi-trailer that pumpkin show currently has, there will be an electrical hook up just south of the trailer in the landscape bed. And ultimately that's what was approved. So, the nature of that stage has not changed. The fact that you got a stage on wheels was approved in 2018, so I am telling you, what you are concerned about has already been done. The only question that I think that you need be concerned about, is the fact that they new wrap was put onto that, and I believe that is the matter that is presently before you

Richard Verito stated I am not denying what you are saying, I have been pouring over this information myself and representing the city and I actually reviewed those meeting minutes with that application that was there, and I highlighted in that booklet the conversation that took place regarding those and along with those documentation I understand that it says trailer, and I agree with you 100% if that is what was submitted and it says trailer I am not denying that one bit, according to the documentation that is written on this paperwork, also all the drawings they submitted with that also say stage, does not say trailer. In this conversation, and in the meeting minutes, if you turn to the meeting minutes, please do, so that you can follow along, um

Pat Pickett stated I don't know that I have the meeting minutes, so

Richard Verito stated here is a packet, Barry has it

Pat Pickett stated thank you

Richard Verito stated, I am not here to debate what took place in a meeting that I was never there for but, just since you brought up the fact that it was previously approved by another board, they were there, we are here at Barry's request to get a Historical Review Board's approval on the structure, the structure is what is called the nested crossing/gabel shelter which has been shown in the pictures submitted with the application. Then go further in there and Barry Boyer, the chairman of the board at that moment in time, and asked the question, he stated that this is board has been considered, has been asked to consider just the structure, is that correct?

Pat Pickett asked what page are you on?

Richard Verito stated I am starting on page, I started on page 2, the big paragraph, John Goode, stated Barry Keller asked us to come today because he was not able to make it. This has been a process since 2012. There have been multiple meetings held at the library and at the Pumpkin Show office. We have gone back and forth with different designs.

Pat Pickett stated Got it

Richard Verito stated so that is what he states, so we are here to speak on that, I understand everything was presented with that, I also understand that the drawings submitted with that I am not here to debate or talk about what a previous board did, I am not here for that, this is, I am just stating the black and white minutes. Barry Boyer, the chairman of the board at that same time on page 5, that Barry Boyer stated this board has been asked to consider just the structure, is that correct? John Goode replied yes, that is correct. Barry Boyer also stated that personally, I like the idea. However, as a member of this board I would have felt more comfortable reviewing this project as a whole and not just this piece of it. It seems a bit narrow for us to get just the structure when there is a lot going on. He then states again, I am not addressing this to you, I am addressing it to the rest of the board. This is why I asked if you were members of this committee. Previously in the notes he addressed if John Goode was a member Of Circleville Pumpkin Show, when he said he is not a part of the committee but he was on a previous committee at one time, he is not a part of the board

Pat Pickett answered Correct

Richard Verito stated I am not saying this isn't good, I think this is great, however, my job is not to say it is great after it is done. My job is to participate while these projects happen in this historical district and to make sure that we don't have something that is already done, that is a concern, and it is something that goes against the charter we have been given by planning and zoning. We have compartmentalized meal piece this application that does not involve the project as a whole, um, Barry Boyer stated that my question isn't about the things already being done, my concern is that they are already being done, um, like the first item on this agenda, it is already done. Meaning the concrete, um, the concrete that was being converted into a park. I wasn't at this meeting so I don't know, but I think it is as clear as mud in my opinion, but my opinion is irrelevant to anything

Pat Pickett asked let me ask you, when you have a COA that is designated as number 11-2018. My assumption is that the 11th item, the 11th COA issued in 2018?

Richard Verito stated that is a question for the city not for me

Brenda Short answered that is correct

Pat Pickett stated Ok, well I can tell you, that Circleville Pumpkin Show came before the city thru John Goode and Jeremy Neff and said, we want approval for everything we have to do. That's how they approached this

And said we want this to be approved. Everything we have to do. They presented the fact that the stage that was being installed, you'll see the reference to the 60 ft pad in the application was in fact the stage trailer. Everybody knew what we were dealing with at that time, and in response a COA was issued and zoning approved it. So, from that standpoint, I am telling you, what you are concerned about has already been done and approved and that we should only be looking at the wrap

Richard Verito stated I understand what you are saying, and if that is the case it is unfortunate, I can't make that decision on what has been previously done and previously approved and that might fall onto the record, but the board please join in at anytime

Barry Keller stated can I add something too. So were we considered the concept that after purchasing the property that was a gravel lot from two property owners, I came to the city and asked what do we as Pumpkin Show need to do to go forward with the park, we had public input, we invited DBA, Visitors Bureau, the Chamber, all of those people to weigh in on what we were going to do there, here is what the city told me, you need to combine 2 lots to one, done, you need to go, and were going to hire a firm to do all of our work for us, and we hired Goods and Rhoades to do the work. Their goto was, you guys go get any necessary approvals to construct this park, get the approvals by any board and go to construction. So from our prospective, we feel like we checked off and accomplished everything we needed to do. We were up front with the city, with the service department at the time Don Sherman, planning and zoning. Here is our intent, public input and our boards wishes, so Richard we felt like we was up front and honest with what we wanted to accomplish and we feel like we got all the necessary approvals and went to construction. That was in 2018. In 2021 after the pandemic, we entered into a new corporate agreement with the Savings Bank. In that agreement, they offered to re-wrap the stage because it was old, fading and deteriorating and we said sure, so the inside and outside that was wrapped in 2014 was re-wrapped with new wrap except for the addition of the front space, because we didn't do it back in 2014 because we didn't know what we was going to put on the front, and now we know that it's in its permanent location we want to put whatever the location is on the front, Pumpkin Show park, some art work and their logo. That's the only thing that's changed since 2018, the only thing that changed, other than updating the wrap it had on it back when all of this was going thru

Richard Verito stated I am not denying that you felt that way at all, I believe you, I agree with you

Barry Keller stated we were upfront and honest about everything we attempted to do and no one at any time said, hey, you call it what you want but that's a trailer and that time it's currently not sitting on its wheels it was on jacks hydraulic and support pieces if someone had said back then, you need to get the wheels and axels off or cover it with something we would have done that, but I will tell you we have not done that yet because of the homeless issue in our community. There are people that sleep on those axels underneath that stage, and we have taken out many beds on top of those axels and I'm not going to put up a temporary structure around the bottom of it to make it an enclosure for homeless people

Richard Verito stated you are city council, so you understand the code as well, correct?

Barry Keller answered sure

Richard Verito stated, so according to the code, and I am not here to debate anything so, code 1179.02 states that a trailer sign, a trailer sign is a trailer. Any sign that is constructed on a chassis intended for the mounting of wheels therefore permitting it to be, so wheels or no wheels according to the code, from my understanding, and somebody please correct me if I am wrong, because everyone understands code differently, if wheels are there or if wheels are not there is irrelevant because

someone apparently played that game once before, not here in the city of Circleville but somewhere else where they had a trailer and they took the wheels off so they could have a pass. According to our code, wheels or no wheels its irrelevant the chassis is intended for the mounting of wheels. I am not saying that that's what you should do, take the wheels off or leave the wheels on. This is not me, honestly, from this it is not for me to debate this. This is the question then, we should table this and bring it to the law director and let him make a decision on which they received on and the board will be happy to hear it, or Mike you were at that previous meeting

Mike Combs stated actually I don't think I was I didn't see my name on there, I don't remember Barry Keller stated I am trying to understand what we would have to do looking backwards if we would have wrapped it or we would have removed the wheels, then would we have been talking about this or would it still be a trailer?

Richard Verito stated according to the code that the city adopted, a trailer is a trailer, wheels or no wheels

Richard Rhoades stated can I catch up to speed here, so basically your concern is you think your grandfathered in because of what was already allowed to happen

Barry Keller stated in 2018

Pat Pickett stated I would change the terminology a little bit and I would say previously approved

Richard Rhoades stated fine, which is the same thing. So, I don't know what we are debating, if it was previously approved, the city approved it, a board like ours approved it why are we inclined to unravel or un tie a shoe lace that has been in the community for a while. Have you already changed the sign on it?

Barry Keller stated we did it last summer or last fall prior to pumpkin show because of our new agreement

Richard Rhoades stated ok, so here we are almost a year later getting into you can't do this, slap your hands. I guess I am just a little lost that the saddety of this

Richard Verito stated that raises the question, I thought this was a new wrap going on?

Barry Keller answered no

Richard Verito stated so this is the approval for the old wrap that was never approved, that was never submitted

Barry Keller stated we were replacing an existing wrap

Richard Verito stated at that time did you know you had to submit an approval for an existing wrap?

Barry Keller stated No, again doing the wrap we hired local firm UTE to do the work for us, again thru their graphics art work we would have thought that someone would raise the question like hey, you might want to think about doing some paperwork and we didn't.

Richard Verito asked did you do the sign permit?

Barry Keller stated The only thing that is new is the front part. We did not do anything until you sent an e-mail to Jim raising concerns

Richard Verito stated because I was asked by a citizen of Circleville

Barry Keller stated so, again brought to my attention, so I said ok, what do we need to do? If we mis stepped, or didn't do some paperwork, tell me what I need to do, because again, we are trying to do things above board and correct

Richard Verito stated I am confused, and please don't take this the wrong way, I have to ask this question. You have been on city council for 30 years correct?

Barry Keller answered yes

Richard Verito stated you are council president, you adopt the rules and regulations within the city, correct?

Barry Keller answered yes

Richard Verito stated so you should have known that when you changed the wrap on that structure you needed to file for a permit and you didn't?

Pat Pickett – that is unfair

Richard Verito stated It's a question

Pat Pickett - no, he wouldn't necessarily know that,

Richard Verito answered ok

Pat Pickett stated it is not something, you can go to the Mayor or go to any council member and ask them if they know every work in the city code, and the answer is going to be no, unless they are dishonest

Richard Verito answered Ok

Barry Keller stated Richie I would say, I am acting on behalf of a volunteer organization that I am an elected officer to for 25 years. It is not a Barry Keller situation, this is Circleville Pumpkin Show Inc., that there again, I am elected to, and that is the reason my name is on the application because there are a lot of things that I have to be the representative for the organization, and to answer your question, there is no way I know the verbiage of every codified ordinance, every zoning code, everything on the books for the city, I don't think anybody does, so, again, I am willing to do these steps because you raise the question, your trying to put a negative light on me

Richard Verito stated I am not trying to put a negative light on you

Barry Keller stated I am a volunteer of an organization that is non-profit, I am an elected officer and I am representing them

Richard Verito answered ok

Richard Rhoades stated so you were approved to have the wrap and sign to put on it to begin with?

Barry Keller stated we put the wrap on in 2014 and we moved that stage all over the community

Richard Rhoades stated I am just saying it was approved

Pat Pickett stated it was approved with the wrap on it. So, it was wrapped after the City of Columbus sold it and the wrap was put on it and in that form the stage was approved

Richard Rhoads stated so my question is we do not get to choose content of a sign do we? Just that the sign is there and approved.

Pat Pickett answered correct

Richard Rhoades stated so they had the sign and It was approved or was approved, so who care if they change it because we don't control their content they just updated the sign

Richard Verito answered the code sticks

Richard Rhoades answered ok

Barry Keller stated I am trying to understand what our next steps are or what the ultimate goal is, the goal is you want the stage out of the park?

Richard Verito stated what I want, you ask me what I want personally? My personal opinion has nothing to bare on this at all

Pat Pickett stated as chairman of the board if the matter has previously been approved do you believe this board should be considering it again?

Richard Verito stated if the matter has been previously approved should the board be considering it again? No, no it shouldn't. They shouldn't if it was clear in the minutes that it has been approved

Pat Pickett stated I will tell you then, I believe the only thing in front of you, if you read the application is the new wrap, it is not weather this has wheels on it or not, that issue has already been addressed

Richard Verito stated ok, so if that is the case, do we have the previous application for the first wrap

Pat Pickett asked why do you need to see it?

Richard Verito stated because I want to see if it was previously approved, is what you are saying, so if what you are saying if the wrap was previously approved, then great, then lets see the original wrap approval and we don't have to have this conversation

Barry Keller stated the wrap Richie was put on the stage to cover Columbus Park and Rec work, that stage in 2014 to 2018 was used at the 4th of July festival, at the county fair, downtown events, the pumpkin show, Mary Virginia park. It was towed all over this county for events, but, once we applied to build the park, it's been called out from day one that stage would set permanently at the park

Richard Verito stated I understand exactly what you are saying, I really do, your lawyer is saying to us, to the court that it was previously approved and I'm asking to see the previously approval for the wrap, that's what I am asking, he is saying the we already approved, that the board has already approved the wrap, correct? That is what you interpretation is

Pat Pickett answered I am not saying the wrap

Richard Verito stated we are here for the wrap, we are here for the wrap are we not? Am I wrong?

Pat Pickett answered agreed, but then let's not talk about wheels,

Richard Verito answered ok

Pat Pickett stated let's not talk about a trailer

Richard Verito answered ok

Pat Pickett stated we are strictly talking about the wrap

Richard Verito stated the trailer sign

Pat Pickett stated we are talking about the new wrap as opposed, we are talking about the new wrap, the only thing that has changed, since this was approved, we haven't put more wheels on it, it's only been a different wrap, so, constrain yourselves to weather the wrap is appropriate or not

Richard Verito stated would it be considered a trailer sign the wrap?

Pat Pickett stated an approved trailer sign

Richard Verito asked Pat, as the lawyer here, do you have documentation here that proves this so we can end this conversation

Pat Pickett stated from the prior application the stage depicted

Pat Pickett stated the wrap

Richard Verito answered the wrap

Pat Pickett stated from the prior application the stage depicted on the drawing that the west end of the alley is a portable semi-trailer that Pumpkin Show currently has. Approved by the HDRB 8/9/2018

Richard Verito answered the trailer, correct

Pat Pickett answered yes, the trailer

Richard Verito asked where is the wrap?

Pat Pickett stated it was wrapped at that time, everybody that was in that room was familiar with that trailer, and if you want to go back in time, you need to come up with some sort of, more than just gee I don't know, if you are going to go back and say something that was previously approved should now be, you are trying to revoke something that has been approved

Richard Verito stated I am not asking for it to be revoked, I am asking for the evidence, so we can move on

Pat Pickett stated why are we even discussing it, is my question, it shouldn't be something before you, the only question is the current wrap

Richard Verito stated I am not going to argue with you, if you guys want to move on with the COA, I will hear it right now, if that is what you want

Barry Keller stated so if we don't, tell me what our next steps are moving forward?

Richard Verito asked if you don't move forward with it?

Barry Keller asked we can postpone it

Pat Pickett answered your choices would be to table this, until there is a full board here, so that you don't have to have 3 out of 3. If you go forward and let's just say you get a 2 out of 3 vote, then your next step is to go to planning and zoning

Jim Stanley stated it would be BZA

Pat Pickett asked is it BZA?

Barry Keller stated you know the stage is wrapped, it's done, it's been done for almost a year

Pat Pickett stated Planing and Zoning – section 1161.10

Richard Verito stated table this and bring in counsel, let them make a decision and not us, on how this is looking moving forward, have it go to the law director and weigh in on it, so it is off of us and we are not making this decision

Mike Combs answered I am not going to second that

Jim Stanley stated I guess, from what I can see, is that it is approved as it was built or as it existed, it was approved in 2018. You are finding some things in the minutes that the chairman has questions about, then we see at the end of the minutes that they approved it as submitted and that is also in those minutes, it is still with this board. I don't think you can defer it, to somebody else

Mike Combs stated so it was approved, because I missed that meeting, with a wrap and the old wrap is gone and there is a new one, and that's it

Pat Pickett answered correct

Barry Kellar stated that's it

Mike Combs asked so that's it

Richard Verito asked is that how we are looking at it

Mike Combs stated that's the way I look at it

Richard Rhoades answered that is the way I see it

Richard Verito answered ok

Richard Rhoades stated there is no sense in re-inventing the wheel

Jim Stanley answered if there is only 3 members here, Craig Stevenson is not a member

Jeff Carithers asked, So we have to have 100% here?

Jim Stanley answered quorum is 3 out of 5, no matter how many members, you have to have at least 3 members to have a meeting, and all 3 have to vote affirmative or a negative to make anything happen

Richard Verito asked so I have a question, so we are looking at this, you are telling me, as the advisor and for the city that this wrap was previously approved

Jim Stanley stated I am saying it was part of the trailer, and the trailer was approved in the COA that exists as it was submitted

Richard Verito stated so we will be looking at this as something is now as according to you, previously submitted, and previously approved

Jim Stanley stated that is the way I would have interpreted it when I was the zoning inspector. I am not currently the zoning inspector

Richard Verito asked can we continue on with this?

Barry Keller asked so tell me the scenarios if it's a three to zero vote or a 2 to 1 vote or a 1 to 2 vote

Richard Verito stated you need all 3 votes to say yes

Jim Stanley answered or no

Richard Verito stated so it has to be all or none

Richard Verito stated so we are looking at this moving forward, if we are going to hear this, that this was a sign that was previously approved, we are not using the word grandfathered, but this was a wrap that was previously approved by another board that was the decision that was made that we will be making our decision on

Pat Pickett stated merely the replacement of the wrap

Richard Rhoades answered yes, the replacement of the wrap

Pat Pickett asked moving forward with this?

Barry Keller asked answer my question though, if a vote fails because it is a 2 to 1 or 1 to 2 vote what is the next step?

Jim Stanley stated it doesn't pass

Barry Keller asked then what?

Jim Stanley stated well, you can re-apply

Barry Keller asked do we tear the wrap off?

Pat Pickett stated it says any applicant in section 1161.10 any applicant agreed by any decision of the board we appeal the decision to the planning and zoning commission. So, within 30 day after the decision of the board

Barry Keller asked we would go to a different board

Pat Pickett stated at planning and zoning you need a $\frac{3}{4}$ vote for approval, so your choices are proceeded forward, needing 3 out of 3 today, table the matter until all 5 members can be present

Barry Keller asked is there any plan for any additional board members?

Jim Stanley stated they do exist, there is a 5 member board, there is only just 2 of them present

Barry Keller stated ok, well I would like to hear from the full board

Ricard Verito stated so you want to table this?

Barry Keller asked so when would the next meeting be? Is it just based on their availability?

Richard Verito stated it would have to be at least 10 days out, or we can call a special, but,

Jim Stanley stated since this has already, since this has already been brought up, we would have to hold it for 10 days, but I can ask Gary about that

Barry Keller stated I think I would like to hear all the board members, would be my opinion, if there is 5 board members, I would like to have all 5 here.

Richard Verito answered ok, so we are going to table it?

Barry Keller answered yes, table this until we get all boards members here

Richard Rhoades stated I move to table it, to the next meeting

Mike Combs stated I second it

Richard Verito stated motion is approved, motion approved and your application will be tabled until the next board meeting, Brenda will set up the time

Barry Keller stated so the 2 absent people are Paul Johnson and

Richard Verito answered no, Jessica Caulder and Zach Miller

Barry Keller stated oh, I am sorry, I meant Zach, not sure why I said Paul

Richard Verito asked moving forward on this can you please state the Certificate of Appropriateness is for, can that be modified at all on the application or the approval of an existing wrap, or seeking approval for an existing, how did you say it sir?

Pat Pickett stated replacement of a previously approved wrap

Richard Verito answered thank you

Barry Keller asked Richie, I need to add to this, ok, when I went in, tell me what I need to do and with the help of Brenda and Jim to help me with the paperwork, I had to have guidance because I had no, so the wording I put

Richard Verito stated that is what is being adjusted here

Barry Keller stated Stage wrap on trailer based on recommendations, if there was better wording to use, I would have used it

Richard Verito that is what we just modified here, is there any other new minutes, any old business?

Brenda Short stated minutes

Richard Verito asked previous minutes

Barry Keller stated I also didn't get to say, this is Pat Pickett, he is our long time legal counsel for Circleville Pumpkin Show, and again the other two officers would have been here but they had other family and work to do or going on

Brenda Short stated I will let you know Barry when the next meeting

Barry Keller stated again, at the next meeting it could be me, it could not be me, it could be Pete, I am sure Pat will be here

Pat Pickett stated well it is good to be the guy who gets paid, instead of volunteering

Brenda Short stated approving the minutes

Richard Verito asked anyone approving the minutes

Richard Rhoads answered I am approving the minutes, not read but written

Brenda Short stated I did have one correction, that I found, I had that Paul Johnson Combs seconded the motion for approval of the other minutes

Richard Verito stated Motion to approve the minutes from April 13, 2022 meeting and Richard Rhoades seconded the motion.

Richard Rhoades stated Motion to approve the minutes as amended

Mike Combs stated second that motion

Richard Verito stated all in favor, Richard Rhoades, Yea; Mike Combs, Yea

Richard Verito stated Roll Call

Richard Verito stated motion to adjourn. Seconded by Richard Rhoades. All in favor. Meeting was adjourned at

Meeting Adjourned at 6:04 p.m.

Submitted by Tami Robison – Clerk