

MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
October 12, 2015

President Doug Joseph called the meeting to order at 7:36 PM

PRESENT: Joseph, Barrett, Kelly, McGrady III, Clemens, Cotner, Long, Skinner

ABSENT:

Invocation - Councilman Dan Skinner

Approval of Minutes

a. City Council – Regular Meeting – September 28, 2015

Minutes stand approved.

Approval of Agenda

Agenda stands approved

Community Comments and Requests

Mr. Hess: Bill Hess, 1646 Shively Road: I got this broken down into 4 quick segments, first is the background. There is a house at 1693 Shively Road, it's a Business- A Job Well Done Again with approximately 5 employees and the type of business is a handyman service/General Contractor. The issue is, it's a business, or they're running a commercial business out of a home, signage on all vehicles advertising the business, they have up to 6 vehicles parked on the street in front of the other neighbors' homes. Some of the vehicles remain parked on the street for well over 48 hours without moving. These vehicles include 2 various box trucks, a 16 foot trailer, a truck, a mini van, various vehicles. They're blocking driveways and they're limiting street access, there was a bus that was turned away and I am concerned about the city and emergency vehicles, fire department, plows, being able to get down the street further in the season. So I'm here tonight because I don't want things to get any worse. In my opinion, all proper channels have been followed. I have personally contacted Code Compliance and zoning. The other neighbors on the street, I think there are at least 8 have spoken to the gentleman directly and a few neighbors have called the Police Department for assistance. Zoning has informed me that a Home Occupation Permit is needed of any business, but the rules are not well defined for this type of issue and are difficult to enforce. This is troubling to me and I ask tonight, has this permit been applied for. My position is simple, it's a business. It's obvious its a business and zoning and or the city should not allow for a commercial type of business which requires a commercial license for a general contractor in this case, to be run out of a residential community. The City Attorney has said that it is illegal to advertise your business at a home and all of the vehicles are in essence billboards that are doing just that. It is my hope that the city will introduce specific legislation to address this issue as similar issues will continue to occur. I close by saying this: It takes effort to keep things looking nice and this street has done well to do that. We are asking that you help us by supporting the neighborhood spirit that this area has always had.

Mr. Clemens: I would like to also bring to the issue because I have looked at the situation two or three times. Where the contractor is, he doesn't park in his driveway, he doesn't park in front of his

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house, he doesn't park across the street, he parks three houses down with his box trucks and his vans, in front of other neighbors' houses three houses away. His is clean, there's nothing there. I think this is totally wrong and this is what does away with safety in our neighborhoods that we push all the time because this can cause all kinds of problems. I know that I would not want them in front of my house nor would I want my neighbors to have it. I know that we have box trucks and that we have trailers dropped around the City of Reynoldsburg, which is illegal. A lot of times they are ticketed and so forth. But when you put something big like what I saw in front of their house, a box truck, and you can't even look out your window and see across the street. But, you can look down where this guy lives and it is completely vacant. I think that we are in a situation where we have to correct before there is more trouble in this neighborhood. This is a nice neighborhood and I don't like to see this happening at all. I think the City should look into it as far as a zoning change with our zoning personnel making some type of a change through Council. I think the Chief probably knows more about the regulation as far as parking is concerned, and I do not know whether you have been involved with this or not Chief. It is a problem and it is gonna cause a problem within the neighborhood. I think it is up to us or some part of the City, the Administration or us to step into it and see that it doesn't. I agree we should look at some type of legislation that will correct this in the future. I think that not only in my neighborhood, close to where he lives, but in the neighborhoods all over Reynoldsburg. It can happen anywhere. Those rentals, he doesn't care how he operates, and that can happen next door to you or next door to me, or next door to anybody. I think we should correct it. So, I appreciate him coming down here this evening. Chief, do you have anything to say about this? I know you have been on vacation so you might not have been involved.

Chief O'Neill: This particular instance I was not aware of until just now. We do have a process in place to address these types of concerns, specifically the motor unit which handles hundreds of parking complaints every year. I know there have been several within the Huber area within the past couple of weeks. There are restrictions about overtime parking in one place where regular vehicles as well as the more restrictive prohibition against parking commercial vehicles on the street. And again, we do have a mechanism to address this. If it becomes known to us, then we can send out the motor unit and they can take care of this.

Mr. Clemens: They have been there. Don't get me wrong. What I am thinking about is we need something to restrict. This is three houses away, what I'm talking about. It's like I have a box truck and I am gonna come park in front of your house and then go home. I don't think these things should be allowed.

Chief O'Neill: If you are asking for my agreement, I wouldn't want someone parking a box truck in front of my house either. If there is a law on the books, we would be happy to enforce it. We enforce all kinds of other parking regulations. Specifically, there isn't one right now that addresses the space in front of your house if it is empty and you have to park your vehicles there. The public roadway is just that, it is public and they can park wherever they want within the restrictions that exist.

Mr. Clemens: I understand, don't get me wrong, people parking their cars there. But, something commercial I think we should control.

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Mr. Joseph: Councilman Clemens, maybe you can work on something that addresses that narrow scope issue with the commercial trucks and bring it to council.

Mr. Clemens: I will do that. I will meet with Eric and see what we can work out.

Mr. Joseph: Councilwoman Kelly.

Ms. Kelly: This is for Jed. Jed, is there anything that we can do regarding running a commercial business out of your home?

Mr. Hood: Yeah, not issue a permit for home occupancy. I don't know that we have. So, I think that is where we start the inquiry. I was made aware of this this evening myself. That was exactly my response to Mr. Hess. If we find that whatever the proposed use is, is not in harmony, like you had a hearing a moment ago in a commercial use, if we find that home use in a residential area doesn't meet the character or is going to have detrimental effects like parking or traffic, or you cannot get a safety vehicle or plow through, those are all reasons not to issue the home occupancy permit and tell them they can not operate the business there. We have fines we can levy and we can ask for injunctive relief from the court and tell them to stop doing it. We will get to work on this.

Ms. Kelly: I would just like to add that I had a very similar situation across the street from my house so it can happen anywhere, and Jed's office was actually very instrumental in getting that to stop. I know that his office does that. I think he is your guy.

Mr. Joseph: Councilman McGrady.

Mr. McGrady: So, 1693 is the address, so does Mr. Hess need to get with you for your department to look into that, or are you going to?

Mr. Snowden: There has not been an application made for a home occupation permit for this address.

Mr. McGrady: But, according to Mr. Hess, they are running an operation out of a residential.

Mr. Snowden: I believe, Mr. Hess, that we spoke on the phone. I would be happy to discuss it with him further.

Mr. McGrady: Ok.

Mr. Clemens: I will meet with Eric and discuss.

Mr. Joseph: Any other questions or comments? Yes, Mr. Barrett.

Mr. Barrett: I am curious, how long ago did you bring this to the City's attention?

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Mr. Hess: Probably about two weeks ago are when the phone calls started. The neighbors moved in about three and a half weeks ago. And everybody initially thought that he was just renovating the house because the previous tenant moved out do to some plumbing issues. So, by the nature of the vehicles being a home contractor, contractor, general contractor, handyman service, most of the neighbors gave him a grace period thinking that he was actually cleaning up the home.. But then we found out that he was living there and running a business. The business from what I can tell is five employees. They have been in business since 1989 and the name of the business, he has a job, is "Well Done Again".

Mr. Barrett: Is there a way we can put this on the Agenda with the appropriate committee?

Mr. Joseph: Mr. Clemens is going to work on some legislation. We probably should wait until he has had a chance to put something together. Once he has it ready, it will go on the Service Committee. Other questions? Thank you. Our other slip is for Robert Mayberry. Would you also come up to the microphone and give your name and address for the record? And, please keep your comments to three minutes.

Mr. Mayberry: My name is Robert Mayberry, 1666 Shively Road, Reynoldsburg. The same situation as his. I am the one that is having all the equipment parked in front of my house. I have written it down here so I would not forget it because this situation has been very emotional to me. As Mr. Hess and Councilman Clemens said, the present code says, according to what the police have told us, and what the code enforcement says, you can park anywhere you want in the City. The officer even told me, I said how about you have to park a certain distance from the driveway? He said, "No, you can park up (against) the driveway." I have some pictures here to show you. You can say these are trucks out here. Well, these show what they are and it shows what it looks like when they park in front of your house. Because, the way the City code is now, as I was told by the Officer, they can park right up to the edge of the driveway if they are not blocking the driveway. In the one case here, I have pictures, he parked the truck on the other side and one on either side of our driveway and it makes it extremely difficult to get into our driveway. Now he told me he did this because, I went down and talked to him, he said he found out that I called the police on him and reported him and he had the Officers out here talking to him. Well, he is threatening me, telling me, "I'm gonna park here and there ain't a thing you can do about it, and he did for a week. It started a week ago this past Friday, is when it first started. And he parked out there blocking the traffic and, let me just read it if you don't mind. The present code has no limits as to how many vehicles are permitted plus no restrictions as to where they can park. And, this is a problem because this man told me he will park anywhere he wants and he did have three trucks in front of my house because he said he could do it and would as long as I reported him for violations, he would continue to park his vehicles and equipment there. This makes a very explosive situation because Code Enforcement and the Police said there is nothing they could do. With the current code, this man has had six trucks on our streets, which implies a person could have a vehicle rental company out there and there is not a thing anybody could do. And, the City Attorney's Office, I talked to them, and they told me that there are restrictions, but apparently Code Enforcement and the Police don't know about it because they didn't know that one of the restrictions is that the trucks can not have more than four tires on it,

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four wheels, however you want to say it. Three of the box trucks have tandem axles. The other thing is, they didn't know about the fact that you can't have advertising on your trucks, these do.

Mr. Joseph: Sir, we are at the three minute mark but I think you made your point here. You and Mr. Hess both did. Councilman Clemens is going to look at how this can be addressed so you may want to stay in touch with those individuals. Does anyone have any questions or comments? Yes, Ms. Kelly.

Ms. Kelly: I just want to also reiterate to Jed, are you going to reach out to both of these gentlemen, to follow up?

Mr. Hood: I met them this evening. They spoke to Mr. Roth at the end of last week and I will speak with him in the morning and we will call both gentleman probably tomorrow afternoon. I learned this evening after Mr. Snowden mentioned that they had not applied for a home occupancy permit as of yet and I think we will explore that route starting tomorrow morning.

Ms. Kelly: I want to reassure you that they were pretty quick to rectify the situation across the street from my house.

Mr. Hood: That was a car lot, wasn't it?

Ms. Kelly: It sure was.

Mr. Hood: It was.

Ms. Kelly: It was and it got resolved pretty quickly once the City Attorney's Office got involved so I appreciate that.

Mr. Mayberry: Well, I appreciate that. We know we have got a great street. The codes we have have been fine as long as everyone respects everybody else. When they don't, when they come down and stand in front of your house screaming at you, hollering at you, it becomes an explosive situation because in the past I have been use to handling things myself. I don't want to do that. If this continues without any restrictions, something will happen. I don't know what. It's not intentional. I will say that the gentlemen did stop last Saturday afternoon, in front of the street, and he said, "Hey, if you are ready to knock this off, you quit reporting me, I'll move my trucks." I said, "As long as you are not in violation, no problem, but if you are in violation, I am going to call somebody out." So he did come back and move his trucks. So, they are not in front of my house now and he has gotten rid of some of them. But, the way he implied it was, as long as I like what you do, you are fine. But, they could be back here tomorrow. They could be back here tonight when I get there. I have these pictures.

Mr. Joseph: Leave them and we can take a look at them. Thank you.

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Communications
Reports
Motions

CONFIRMATION OF MAYOR'S APPOINTMENT TO THE LICKING COUNTY TAX INCENTIVE REVIEW COUNCIL - JAMES E. HOOD, CITY ATTORNEY. --- Cotner. Finance Committee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Barth R. Cotner, At Large
SECONDER:	Dan Skinner, At Large
AYES:	Barrett, Kelly, McGrady III, Clemens, Cotner, Long, Skinner

CONFIRMATION OF MAYOR'S APPOINTMENT TO THE LICKING COUNTY TAX INCENTIVE REVIEW COUNCIL - DAN HAVENER, DEVELOPMENT DIRECTOR. --- Cotner. Finance Committee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Barth R. Cotner, At Large
SECONDER:	Dan Skinner, At Large
AYES:	Barrett, Kelly, McGrady III, Clemens, Cotner, Long, Skinner

LEGISLATION FOR FIRST READING

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (6541-6543 E. MAIN STREET; PROPOSED USE – SEMI PUBLIC USE); APPLICANT, GARY SMITH.

RESULT:	REFERRED TO COMMITTEE	Next: 10/19/2015 7:30 PM
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ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (1729 BRICE ROAD; PROPOSED USE – SEMI PUBLIC USE-CHURCH); APPLICANT, GWENDOLYN WILLIAMS. (FIRST READING 10/12/2015). --- Clemens. Service Committee.

RESULT:	REFERRED TO COMMITTEE	Next: 10/19/2015 7:30 PM
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ORDINANCE AUTHORIZING CITY AUDITOR TO REMOVE EQUIPMENT FROM THE CITY'S FIXED ASSET LIST. (FIRST READING 10/12/2015). --- Cotner. Finance Committee.

RESULT:	REFERRED TO COMMITTEE	Next: 10/19/2015 7:30 PM
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88-15

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AN INTERGOVERNMENTAL WORKING AGREEMENT WITH THE CITY OF COLUMBUS TO PROVIDE FLEET MANAGEMENT SERVICES, AND DECLARING AN EMERGENCY. (FIRST READING 10/12/2015 ~ REQUESTS PASSAGE AT SECOND READING). --- Cotner. Finance Committee.

RESULT:	REFERRED TO COMMITTEE	Next: 10/19/2015 7:30 PM
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ORDINANCE TO ENACT TITLE NINE, CHAPTER 190 OF THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG REGARDING MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY. (FIRST READING 10/12/2015). - -- Cotner. Finance Committee.

RESULT:	REFERRED TO COMMITTEE	Next: 10/19/2015 7:30 PM
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ORDINANCE MAKING TRANSFER OF FUNDS FROM THE UNAPPROPRIATED SPECIAL ASSESSMENT FUND (320) TO THE UNAPPROPRIATED GENERAL FUND. (FIRST READING 10/12/2015). --- Cotner. Finance Committee.

RESULT:	REFERRED TO COMMITTEE	Next: 10/19/2015 7:30 PM
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LEGISLATION FOR SECOND READING

89-15

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AN AGREEMENT WITH BERMEX INC., FOR METER READING SERVICES AND DECLARING AN EMERGENCY. (SECOND READING 10/12/2015 REQUESTS EMERGENCY PASSAGE AT THIRD READING). --- Cotner. Finance Committee.

RESULT:	REFERRED TO COMMITTEE	Next: 10/19/2015 7:30 PM
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80-15

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AN AGREEMENT WITH CITY OF COLUMBUS, FOR THE 2016-2018 WATER SAMPLING SERVICES AND DECLARING AN EMERGENCY. (FIRST READING 9/28/2015 REQUESTS EMERGENCY PASSAGE AT SECOND READING). --- Cotner. Finance Committee.

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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Barth R. Cotner, At Large
SECONDER:	Chris Long, At Large
AYES:	Barrett, Kelly, McGrady III, Clemens, Cotner, Long, Skinner

90-15

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AN AGREEMENT WITH CT CONSULTANTS FOR PROFESSIONAL CONSULTING AND GENERAL ENGINEERING SERVICES. (SECOND READING 10/12/2015). --- Cotner. Finance Committee.

RESULT:	REFERRED TO COMMITTEE	Next: 10/19/2015 7:30 PM
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91-15

ORDINANCE AUTHORIZING CITY AUDITOR TO REMOVE EQUIPMENT FROM THE CITY'S FIXED ASSET LIST. (SECOND READING 10/12/2015). --- Cotner. Finance Committee.

RESULT:	REFERRED TO COMMITTEE	Next: 10/19/2015 7:30 PM
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11. Legislation For Third Reading

81-15

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (6366 E. MAIN STREET; PROPOSED USE – AUTO SALES); APPLICANT, JASON P. GOSS. (SECOND READING 9/28/2015) --- Clemens. Service Committee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mel Clemens, Ward IV
SECONDER:	Barth R. Cotner, At Large
AYES:	Barrett, Kelly, McGrady III, Clemens, Cotner, Long, Skinner

82-15

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (6475 E. MAIN STREET; PROPOSED USE – PROFESSIONAL ACTIVITIES); APPLICANT, SAM UGBO. (SECOND READING 9/28/2015) --- Clemens. Service Committee.

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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mel Clemens, Ward IV
SECONDER:	Dan Skinner, At Large
AYES:	Barrett, Kelly, McGrady III, Clemens, Cotner, Long, Skinner

83-15

ORDINANCE APPROPRIATING FUNDS FROM UNAPPROPRIATED GENERAL FUND TO ACCOUNT 110.111.5362 (EQUIPMENT MAINTENANCE) FOR DONATED MONIES RECEIVED. (SECOND READING 9/28/2015) --- Cotner. Finance Committee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Barth R. Cotner, At Large
SECONDER:	Dan Skinner, At Large
AYES:	Barrett, Kelly, McGrady III, Clemens, Cotner, Long, Skinner

84-15

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO AN AGREEMENT WITH EVANS, MECHWART, HAMBLETON & TILTON, INC., ("EMH&T") FOR PROFESSIONAL CONSULTING AND STRUCTURAL ENGINEERING SERVICES. (SECOND READING 9/28/2015). --- Cotner. Finance Committee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Barth R. Cotner, At Large
SECONDER:	Chris Long, At Large
AYES:	Barrett, Kelly, McGrady III, Clemens, Cotner, Long, Skinner

Executive Session to Discuss Pending Litigation

Motion to enter into Executive Session requested to Discuss Pending Litigation made by Councilman Long. Second by Councilman McGrady.

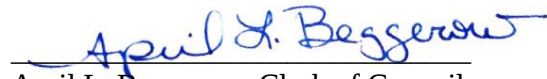
The Clerk called the roll: McGrady "Aye", Clemens "Aye", Cotner "Aye", Long "Aye", Skinner "Aye", Barrett "Aye", Kelly "Aye".

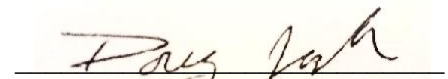
Council entered Executive session at 8:02 PM.

Council Reconvened at 8:15 PM for the purposes of adjournment. Those present were: McGrady, Clemens, Cotner, Long, Skinner, Barrett, and Kelly. Council President Doug Joseph was also present.

Adjournment

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April L. Beggerow, Clerk of Council


Doug Joseph, President of Council