

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
SEPTEMBER 24, 2007

President of Council William L. Hills called the meeting to order at 7:30 p.m.

Members of Council present: Donna Shirey, Ron Stake, Preston Stearns, Brett Baxter, Doug Joseph, Mel Clemens, Antoinette Newman.

The Invocation was given by Mr. Hills, who also led the Pledge of Allegiance.

Minutes of the regular Council meeting held September 10, 2007 were approved without objection.

Minutes of the special Council meeting held September 17, 2007 were approved without objection.

The agenda was approved.

Community Comments and Requests- - -

Mr. Peck: My name is Frank Peck. I live at 487 Fallriver Drive, Reynoldsburg. Phone number 614-864-9774. I=ve been a homeowner in Reynoldsburg for 29 years. Before you, you have a package of material that I was able to put together today. I=ll go through it as soon as I finish my comments. I=ve lived in The Highlands, which is a neighborhood in Reynoldsburg, since 1989. The neighborhood has recently changed. My complaint before you is, a commercial business doing business in a residential neighborhood. I=ve called the police on numerous occasions in the past month. Only once have the police talked with me after a complaint. I=m probably now labeled a crank caller. As this past weekend, I called twice with no response by the police or any call from the police. I=ve talked to a Mr. Lucas Haire on two occasions at the Zoning Department. He informed me that a letter was to be sent on September 14. I don=t know if this was sent, or if it was received by the individual. This resident has been selling cars for at least a year on his property. He was warned by the city to have dealer plates on all of the cars on his property, which he did. I don=t believe this to be a zoning or vehicle issue, but a breaking of the Ohio law, as attached. The numerous customers who have come by to look at the cars turned the three lane street of Daugherty Drive into a one lane street causing cars to have to stop, let other cars pass by, while other customer cars are parked on both sides of the street of this residence. Not to mention that sidewalks sometimes, is not passable due to customer cars in the driveway or his cars for sale in the driveway. I believe this to be a fourth degree misdemeanor under Ohio law. As my wife has commented to me on several occasions, there seemed to be more restrictions on having a garage sale in this city than there are for this type of sale on residential property. I think we, as concerned citizens, have to make a stand. And I would just remind you, that if this is all allowed to continue as the neighborhoods go, so does the city.

If you=ll look at the package I put together, on page 1, you=ll see that down under A Land Use@, this is a single family dwelling. Page 2 are pictures I took today of four cars in his lot, or on his driveway, which all have dealer tags. There are two more in the garage which do not have

tags, but which are cars for sale. You know the lot is open and available when the garage door goes up so that customers can come by and look at all vehicles that are on this property. Page 3 is just another picture of this. Page 4 is the Ohio Revised Code under "Established Place Of Business Restrictions". If you look down at the bottom, I've bolded item (4c). "No motor vehicle dealer shall sell, display, offer for sale, or deal in motor vehicles at any place except an established place of business". And then it carries on about that. Down under item (j) on page 5, "Whoever violates this section is guilty of a misdemeanor of the fourth degree". Page 6 is from the Bureau of Motor Vehicles which defines what is an established place of business. Page 7 is just a continuation of that web site deal. Page 10, I believe in your packet, there are two pages omitted that really didn't pertain so I didn't make copies. If you'll skip from page, I believe it is 8 and 9 are missing from your packet. On page 10, it shows the penalty for violating the Revised Code as quoted as a fourth degree misdemeanor. Page 11 shows the penalties for punishment under misdemeanors. I'm asking I guess, some guidance from City Council or the City of Reynoldsburg on how I as a citizen, concerned about the well being of my neighborhood, what can I do in order to have this activity ceased? Thank you.

Mr. Hills: Mr. Peck, if you would, see if there are any questions. A couple of things I would ask, I appreciate the fact that you have tried to deal with the Zoning Department and the Police Department. And your indications are, you're not getting a response back, or they were going to cite the person. Is this individual an actual motor vehicle dealer? Does he have a dealer sales license in the State of Ohio?

Mr. Peck: He has dealer plates on all of his cars.

Mr. Hills: So we're assuming they're through him. They're not somebody else's plates.

Mr. Peck: That's correct. I'm assuming, and I don't know this to be true, he's buying them at auction, bringing them home, advertising locally, selling the cars.

Mr. Hills: Where does he park his cars? He has a two car garage. He's got two cars there.

Mr. Peck: He parks his car on the street.

Mr. Hills: On the street. Okay. Any other questions? Mr. Clemens.

Mr. Clemens: I understand his position because I know this happens. I would think that you should meet with Steve DeBolt, our Service Director if you have the opportunity. And also, I think Steve could check with Lucas and see if the letter was sent. I think that would be the place to start. And with the Mayor. And work it through them and through our City Attorney, Jed Hood. And then we could get a report back really, how the situation stands before Council.

Mr. Peck: I understand what you're saying and I appreciate your comment. I think my concern is, again, I don't believe it to be a zoning issue. I'm not complaining about someone who has built a shed on my property line. I'm not asking for a code enforcement. I'm asking for an enforcement of the Ohio Revised Code. I will do what you say. I'm just telling you my opinion.

Mr. Clemens: Right. But see, we do have laws too.

Mr. Peck: I understand that.

Mr. Clemens: And that=s why I say, that would be the first step. And Steve is also our Safety Director which is in charge of our Police Department and so forth.

Mr. Peck: Like I say, I=ll do whatever I have to do and take whatever steps I have to take in order to have this cease and desist. If I can get a conviction, a misdemeanor conviction, I can go to BMV and have his license taken away to sell cars.

Mr. Hills: First of all, you have to get a citation.

Mr. Peck: That=s exactly right.

Mr. Hills: And you haven=t been able to have that yet.

Mr. Peck: That is correct.

Mr. Hills: And you=re citing to the Revised Code. It may or may not, I=m not going to sit here and say, because this is the first time that I=ve seen this, that it may violate some of our own local codes.

Mr. Peck: Sure. I understand that.

Mr. Hills: And if so, I think that=s where Mr. DeBolt, and the Mayor, and others, and the City Attorney, is going to need to do a little bit of checking. I don=t hear them jumping up saying, we knew all about this. I don=t know whether they did or didn=t. But I do know that I appreciate this being brought to Council. And we usually try to give the Administration, who is responsible for the day to day activities, to kind of give us a report back.

Mr. Peck: I agree.

Mr. Hills: But it probably won=t be fixed tomorrow.

Mr. Peck: I understand.

Mr. Hills: But it won=t be ignored either. They need the appropriate time to make a response back to what these allegations are. And I don=t disagree with what you=re saying. It appears to be a used car lot, or he=s got an awful lot of kids who drive nice cars.

Mr. Peck: There are other neighbors in the neighborhood who have pictures of him with customers doing paperwork on the hood of the vehicles. So it=s not just me. I=m just representing a group of concerned citizens, that I want to do everything I can to stop this.

Mr. Hills: And I think you will have the support of Council once we can figure out what are the best ways to address it. Does anybody else have questions? Yes, Mrs. Newman.

Mrs. Newman: Well, I just wondered if he had like, a Home Occupation license? When a person wants to run a business out of their home, don't they have to apply to the Building Department to get such a license or permit?

Mr. Hills: Mayor.

Mayor McPherson: There are restrictions on getting a Home Permit. And clearly, a used car lot would not fall under that definition.

Mrs. Newman: Yeah. I wouldn't think that would work.

Mr. Hills: We have, besides state code, there's some city codes.

Mayor McPherson: Yeah. There's city codes, state codes. This is the first night I've been made aware of it also. And I did not get a package like you all got.

Mr. Peck: I apologize for that.

Mr. Hills: We'll get him one. He can have mine if he wants it real bad.

Mr. Clemens: I think Steve has something.

Mr. Hills: Steve, Mr. DeBolt.

Mr. DeBolt: President Hills, this morning I did receive an e-mail from a resident with this issue. I thought it was a coincidence, the same incident was brought up. And Mr. Hood just mentioned to me, it was the same location. So it was brought to my attention via e-mail from another resident this morning. And I forwarded it down to the Building Department, and talked to him just briefly late this afternoon, that I wanted to make sure something is done on this this week. So we're going to follow up and I'll get your phone number and I'll get back to you this week.

Mr. Hills: You'll get something back to Council then? Can we plan on a response from Administration to Council by next week?

Mr. DeBolt: Definitely. Yes.

Mr. Hills: Be in Friday's packet as to where we are? Is that satisfactory with everybody? And certainly Mr. Peck, we probably ought to see that certainly, you're going to respond to Mr. Peck by the time we get our packets. So we're not aware of anything he's not aware of. I need to know what he's knowing also. Okay? Does that work, Mr. Peck?

Mr. Peck: Well, I just wanted to thank the Council for the time. I appreciate it. I'm not here to

complain and gripe. I know you=ve got a lot of other problems that are major on your agenda. This just happens to be major on my agenda.

Mr. Clemens: Well, property values is one of our major items that we feel that all it takes is one house like that to ruin the community.

Mr. Peck: Exactly.

Mr. Clemens: And I think the Mayor stands behind that. And I know Council does. So I=m sure that we=ll look into it and do what we can to eliminate the situation.

Mr. Peck: Thank you, sir. I appreciate it. Thank you for your time.

Mr. Hills: Mr. Peck, we thank you for coming in. And that=s why that item is on here. So we can find out some things. Because we don=t see them. So we appreciate your time and efforts.

Mr. Peck: Thank you.

Clerk read Motion: That the Council of the City of Reynoldsburg does hereby appoint Nathan Burd to serve on the Reynoldsburg Income Tax Review Board; term to be for three years. Mr. Stake moved adoption. Mr. Clemens seconded. All voted AYe@. Motion passed.

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY-
- Clerk read resolution by title for the one required reading. Mr. Stake moved adoption. Mrs. Shirey seconded. With the roll called, members voted: Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@. Motion passed; Resolution No. 60-07 adopted.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR DEBT SERVICE PAYMENT (TAYLOR ROAD SEWER LINE EXTENSION)- - Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR DEBT SERVICE PAYMENT (BROAD STREET WATER LINE EXTENSION)- - Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE MAKING SUPPLEMENTAL APPROPRIATION FOR DEBT SERVICE PAYMENT (PHASE II MAIN STREET CORRIDOR REVITALIZATION PROJECT)- - Clerk read ordinance by title for the first reading. Item referred to Finance Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 971.08 AProgram and Facility Fees And

Charges@ OF CHAPTER 971 MUNICIPAL PARKS- -Clerk read ordinance by title for the second reading. Item referred to Community Development Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Deletion of **Subsection (a) and** Subsection (g) of SECTION 711.12 ABILLIARD ROOM SPECIFICATIONS AND REGULATIONS@ OF CHAPTER 711 BILLIARD ROOMS- -Clerk read ordinance by title for the second reading. Mr. Joseph moved to amend the ordinance as redrafted 9-18-07. Mr. Stake seconded. With the roll called, members voted: Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@. Motion passed; ordinance amended.

Mr. Joseph moved suspension of the CRC Section 4.04 three reading rule. Mr. Stake seconded. Mr. Hills noted that a rules suspension required six votes in order to pass. With the roll called, members voted: Mrs. Shirey ANay@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens ANay@; Mrs. Newman AYea@. Motion failed.

Item referred to Safety Committee.

ORDINANCE ACCEPTING TWO UNRECORDED DEEDS OF EASEMENT (sanitary sewer, water line) (Metropolitan Reynoldsburg, LLC)- -Clerk read ordinance by title for the second reading. Item referred to Service Committee.

ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF 3.78+/- ACRES IN JEFFERSON TOWNSHIP, COUNTY OF FRANKLIN, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (Thomas M. and Trulee Barnett)- -Clerk read ordinance by title for the third reading. Mr. Clemens moved adoption. Mr. Stake seconded. With the roll called, members voted: Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@; Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@. Motion passed; Ordinance No. 61-07 adopted.

Meeting adjourned at 7:50 p.m.

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William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

(Minutes compiled/S. Lyday, Ass=t. Clerk of Council)