

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
JULY 11, 2005

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

Members of Council present: Brett Baxter, Eric Gilbert, Mel Clemens, Antoinette Newman, Lane J. Beougher, Ron Stake, Preston Stearns.

The Invocation was given by Mr. Beougher. Mr. Hills led the Pledge of Allegiance.

Minutes of the regular Council meeting held June 27, 2005 were approved without objection.

The agenda was approved.

Community Comments and Requests- -

Mr. Coleman: I'll keep my comments to what I need to address now. I noticed in your rules that it says a person cannot speak twice. So either I can speak now on the other agenda item or I can come back later. Because I do have another item. My name is James Coleman.

Mr. Hills: Let's start with that. We need your name first, and if you're addressing an issue that is not on the agenda that is not the Special Exception Use Permit, that's fine. You will be able to speak.

Mr. Coleman: But I don't want my, under your rules, I don't want that to be waived when that other agenda comes up.

Mr. Hills: We have modified, I don't think Council's going to object, we've modified some tonight so we can get everything moving forward. We'll remind you of the rules. There is a three minute limit.

Mr. Coleman: Right. This is going to be real short and sweet.

Mr. Hills: And your name again was?

Mr. Coleman: James Coleman.

Mr. Hills: Thank you.

Mr. Coleman: I live on Pickering Drive in Reynoldsburg, Ohio. 1805, 43068. I have an issue with the Sunoco station at the corner of Brice and Livingston where our police department gases up their vehicles. I'd like to make a request as a tax paying citizen, that we no longer use that facility to gas up our vehicles, for the simple soul reason, I've been in there several times in the last few weeks, and they for some reason, and when I say this, this is how I hear it. It's not anything. They're talking about how the Muslim hand come down on the American's. And this is from the

store manager and an employee working there. And then a friend of mine, we got together and we were talking Saturday, and he told me about an incident that happened in that same store where they talked about the people of London being killed, and that the citizens of New York and Washington didn't know what would be coming down if the Muslim and Arab people wanted to harm them. Now if the store manager and employees can talk from that position, then we do not need to support them as a community. That's my request there, and I hope somebody addresses that issue with me. I called the FBI today because you can take it for a little grain of salt or you can take it for what it is. But we do not need to do business at a facility that has that kind of management in place that does not view American ideas as American. And that's all I have to say and if anybody's got a question, I'll address that.

Mr. Hills: Does anybody have a question? Because if you have made a report, I'm sure it will be investigated. And I would certainly think that with the statements you've made, nobody's going to address that publicly right now. It needs to be investigated first.

Mr. Coleman: But I did come down and try to get the Service Department, representatives, whoever handles that contract to call me, and I haven't got a call back. So I mean, are you just not going to call me back and think I'm going to go away?

Mr. Hills: I have been informed that there was a call made back and you were not there.

Mr. Coleman: Well, I'm not going to....

Mr. Hills: An allegation as you have said just now, is certainly not for, I would appreciate the fact that you bring this to attention with the authorities, let the authorities look at it. And this is not the place to be debating that.

Mr. Coleman: Well, it's a debate on whether we want to spend our tax payers money at that service station.

Mr. Hills: And that's not what we're going to get into tonight until the investigation is concluded.

Mr. Coleman: Okay.

Communications- -Clerk read report from Clerk of Courts: total monies collected from courts held during June 2005, \$41,642.50. Monies also collected during that same period pursuant to Ordinance Nos. 146-94 and 104-02- -\$2,636 for the Computerization Needs Fund and \$275 for the Enforcement and Education Fund.

Reports- -

Mr. Hills stated that those that remember, Etna Twp. Trustee, Gary Burkholder was here and talked about how he wants to work with Reynoldsburg in an issue that was brought up as to a special election that is going to be held on August 2. He said there were some questions about whether Reynoldsburg residents who live in Etna Twp. are going to be voting or not voting. He said Mr. Burkholder called him last week and indicated that the prosecuting attorney for Licking

County had indicated that yes, Reynoldsburg voters living in Etna Twp. would be eligible to vote on the special election on August 2, 2005. He read the ballot language, "Shall the Resolution of the Board of Township Trustees of Etna Township approving the contract with the City of Newark for the designation of a Joint Economic Development Zone be approved". He said that means that Etna Twp. has developed a Joint Economic Development Zone which they call JEDZ, of which a tax will be assessed to the workers in the zone which is located in Etna Twp. He said monies will be shared from that tax to the City of Newark and to Etna Twp. He said some how, he doesn't think anyone discussed with Reynoldsburg the development of JEDZ. He said we had some working relationships going on with Etna Twp. that were not successfully completed. He said these monies are going to be going to Newark and Etna Twp. He said for those people voting on this, monies you currently pay go to Etna Twp. too. He said there will be a special election on August 2 and he is sure there will be more details coming out and will keep everyone apprised as they know them.

Mayor McPherson presented a proclamation for the Parks and Recreation Department. Mr. Walsh gave a presentation of the Parks and Recreation Department and introduced the staff.

Consent Agenda items:

Clerk read each of the following items by title. Disposition results listed at end of each title.

for first reading: ORDINANCE AUTHORIZING ENGINEERING SERVICES BY E.M.H.&T. FOR DEVELOPMENT OF AN IMPACT FEE PROGRAM FOR CITY SERVICES; and APPROPRIATING FUNDS THEREFOR- - item referred to Service Committee.

for second reading: ORDINANCE APPROVING TRANSFER OF SPECIAL EXCEPTION USE PERMIT - (7354 East Main Street)- - item referred to Service Committee.

for second reading: ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF 29.558+/- ACRES IN ETNA TOWNSHIP, COUNTY OF LICKING, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (Steven J. Fulkert, agent for petitioners (Bard))- - item referred to Service Committee.

for second reading: ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF 3.82+/- ACRES IN TRURO TOWNSHIP, COUNTY OF FRANKLIN, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO (Grant Medical Center)- - item referred to Service Committee.

Mr. Baxter moved approval of items on the Consent Agenda. Mr. Stake seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Disposition listed above.

Regular Agenda items:

Motion

Clerk read motion: That the Reynoldsburg Division of Police be and is hereby authorized and directed to apply for the annual D.A.R.E. Grant for the 2005-2006 school year. Mr. Clemens moved adoption. Mrs. Newman seconded. All voted "Aye". Motion passed.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE ONE TENNANT 6400 POWER SWEEPER, AND ONE 16' LOWBOY TILT TRAILER- -Clerk read ordinance by title for the second reading. Item referred to Safety Committee.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Section 371.06 "Use Of Highway For Soliciting; Riding On Outside Of Vehicles" OF CHAPTER 371 Pedestrians- -Clerk read ordinance by title for the second reading. Item referred to Safety Committee.

RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF REYNOLDSBURG, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2006 AND DECLARING AN EMERGENCY- -Clerk read resolution by title for the second reading. Mr. Stake moved adoption. Mr. Clemens seconded. With the roll called, member voted: Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Resolution No. 57-05 adopted.

ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT - (6300 East Livingston Avenue; proposed use of land/structure - church); applicant, Bishop George Dawson- -Clerk read ordinance by title for the third reading.

Mr. Gilbert moved to amend the ordinance by adding the following: That the approval of the Special Exception Use Permit is conditioned on the following: 1. The parking lot is to have landscaping features similar to those currently being approved by the Design Review Board for commercial properties. The landscaping plan is to be submitted to the Design Review Board for approval. 2. The Director of Public Safety determines it is in the best interest of the motoring public to have a traffic control officer present when church services let out, and the church, Calvary International Worship Center, is to provide a special duty police officer at their expense. 3. The church, Calvary International Worship Center, acknowledges that it will operate in compliance with Reynoldsburg City Code Section 509.11 Noise ordinance. Mr. Beougher seconded. With the roll called, members voted: Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; ordinance amended.

Mr. Hills: I will start recognizing speaker slips. I would like to remind everyone, there has been a great deal of discussion and comments. I'm certainly going to address those speaker slips that we have in front of us tonight. I would ask everyone to limit themselves to no more than three minutes. And we will start the first speaker slip is Greg Armintrout.

Mr. Armintrout: Thank you Council tonight. I won't take up much of your time. We'd like to submit signed petitions opposing the special permit from 780 residents of Reynoldsburg. There's a copy for each member including the Mayor. If you would, please take a few minutes and examine a few of these petitions before making your decisions tonight. Who do I give this to?

Mr. Hills: If you would, hand those to Mrs. Frazier and she'll distribute them accordingly.

Mr. Armintrout: Thank you.

Mr. Hills: Second speaker slip is Mrs. Joan Curnutte.

Mrs. Curnutte: My name is Mrs. Joan Curnutte, 6739 Bartlett Road, Reynoldsburg. I'm speaking as co-chair of the Concerned Citizens of Huber, a community of 1100 families with some 350 who formally have joined our association. We agree with statements by Robert Kelly, by Thomas Eller, and Sherri Stubbs, and incorporate them herein by reference. It is not our purpose to evaluate the sincerity or the ideas of the applicant. It is our responsibility to evaluate the impact on our community of any request for a zoning exception. As responsible citizens, it is also our responsibility to give the results to our elected representatives. Committee Chairman Eric Gilbert repeatedly said, Council may make its decision based only on criteria listed in the city code. We are relying on Council members to vote in accordance with that code. Code 1145.09(f) requires that the proposed use shall be in accord with the land use plan and any other plans and ordinances of the city. The city accepted the plan prepared by EG&G Inc., Planning Consultants for the use of the land in the Main Street, Brice, Livingston area. The plan designates the area as commercial corridors to be enhanced by capital improvements to support existing and new businesses, and create an environment that is conducive to economic development. The plan entitled, Major Commercial Corridors Streetscape Improvement Project, is a 10 year program of improvements to Main, Brice, Livingston that will better serve "to support existing businesses, stimulate new businesses, establish a positive community identity, and create an environment that is conducive to economic development". The Concerned Citizens of Huber concur with the city's own statement that commercial business, including retail stores, are essential to the viability of our neighborhoods. Granting a Special Exception, would clearly violate the city's own plan for this area. Based on 1145.09(f), there is no basis for the belief that the applicant has a right to be in this space, or that it is fair to put them there. Not even one Council member has linked even one code standard to support such ambiguous statements. The property owner wishes to sell Calvary, wishes to purchase the agent, wishes to make a commission. However, these are not valid reasons under city code for the city to give non-profit status to a significant piece of commercial real estate in a city designated, major commercial corridor in this land locked area of Reynoldsburg. Our neighborhood has only one site that can meet the needs of a retail store. The commercial corridor. That site is 6300 East Livingston Avenue. The applicants own attorney and realtor state, there are nearly 40 similar properties in this area on the market. This brings to mind, Nathan's Proverb to King David. In II Samuel XII. The former Big Bear location is our one lamb. Surely, Calvary International Worship Center does not need to take that only one from us when it could have its choice of so many others. Approval of the Special Exception would conflict with city code requirements and the city's own plan for the economic redevelopment of the area. We are not asking Council to vote against a church or against a race. We are respectfully asking that you vote according to our city code, and keep the city's own designated commercial land use character of the Brice/Livingston corridor in tact. Thank you. (Applause).

Mr. Hills: Please. We've talked about that before. Everyone comes in and tries to make the best presentation they can, and we appreciate that. But once we start in the applause, after one, then

another, and it just doesn't work as well. Please. I'm sure that there'll be plenty of time to comment at the end. The next speaker slip I have is James Coleman.

Mr. Coleman: In addressing to your special amendment, I just, there's a couple of questions, and I know they're not going to be answered this evening. But, have all of the per the Development Department, have we went out and done impact studies on what this type of facility will bring to the area? Such as traffic, such as safety, such as health. All those impact studies should be done before anybody makes a vote on anything. And I don't know, maybe they have been and I haven't seen them. But they should be done to assure that everything is up to snuff. I mean, there's an impact that's going to happen here regardless what it is. Whether we put another store in there or not, or if we put a church in there, or whatever we put in there. There has to be impact studies done for a conscience, good decision to be made. And it was under my understanding when I asked someone, none of those studies were done. Now I'm not sure, they told me I'd have to check with the Development Department. And I'm pretty sure that you should do those kind of statements before you vote on an issue so big. It just seems to me that that should be done. And if it's not done, then somebody's not doing their job. If those issues aren't addressed prior to a vote, something's wrong. I've worked with Columbus City Council, and before they vote on anything, they do impact studies on everything. So you know, I'm a former employee of the Americorp Vista Program. I've been in the community development a long time, and if those issues aren't addressed, then we're cheating ourselves as a community by not doing the impact studies that need to be done. And that's a fact. And other than that, I've seen some inflammatory things in the paper that really kind of you know, I don't think it's about race, color, anything. I think it's about economic status in that area. I have a business there. It's Columbus Car Audio, and we're struggling. And if we don't get some more commerce in that area, we're going to close our doors. And that's a fact. Our business is dying slowly because we can't get the right kind of traffic through our doors. Because there is no development of commercial types there. And if we take this store out, my store, you know, if we don't develop that into commercial, then my store may have to close. And I guess that's okay. You lose employees. You lose tax base, and there we go. And that's all I have to say.

Mr. Hills: Next speaker slip is Barb Strussion.

Mrs. Strussion: Barb Strussion, 1730 Graham Road. And I'm here to address the Big Bear building also. I have absolutely no problem with the church, but I feel like a lot of people here, I just think that area really needs a grocery store of some type. After Tarpy's went out, I went over to Big Bear, however many years that was, and I shopped there 95% of the time. It's an easy in and out, and that whole area just needs a grocery store. And I know that Kroger's and Giant Eagle had turned that spot down, but I still feel like there's somebody out there that would be interested in that spot. Several of the other suburbs in the area have individual grocery stores that seem to be thriving. And I contacted a small grocery chain in St. Clairsville, Ohio which is, it's called Respects. And it's a great store. It's like Tarpy's used to be. And they just weren't aware that we had something like this available. And they're in the middle of an expansion, so they would not be interested at this time. But they were appreciative to know about us and would consider us in the future. So I would just say, like some of the other people, I would just like to see another grocery store go in that area to generate some retail traffic. Thank you.

Mr. Hills: Next speaker slip is Ken Wright.

Mr. Wright: My name's Ken Wright. I've lived here for 34 years in Reynoldsburg over on Roselawn. And when I first came here, Brice Road was a country road. And I remember, I got mad when I first drove in here because the trees and bushes were scraping against the side of my car. On Brice Road. That's how much development has happened here. And I don't think we should throw the development that's been developed here, I don't think we should throw it away. And I've made my point. This is my fifth week up here making this point. And it's important to that neighborhood. And everybody's told you, the whole town. With these 780 signatures, all the people that's made testimony, and we're just pleading with this Council not to make the worst mistake you've ever made which would be to put a church into the Century City Shopping Center over there. Which is what that is. It's called Century City Shopping Center. But all I want to say, I just want to say one more thing and I'm done. To the people that's done all these petitions, and e-mails, and come up here and pleading with the Council not to forsake them and stay with their neighborhood. Don't abandon Huber. We need that store there. Everybody's said it over and over again. But to the people that has done all this, I just want to say this, that God bless you people for standing up for your families, and your homes, and your street, and your city. And it is your city. No matter how many decades you've been here, all the taxes you've paid, you built this place right here. You own that sign. You own all the chairs you're sitting in. All you people paid for that. And you have a right to have this place improved rather than deteriorate. And I just hope that once the vote is taken on this issue, that in addition to the heros that signed all those petitions and are here tonight, and have said everything they can on this issue with the e-mails and everything they've done, I just think that, I just hope and pray that there are heros on the Council, heros of Reynoldsburg on this Council who will stand up with the people who have stood up on this thing and do what's right for this city. That's the thing you have to do. And the people have told you so much on this. It's important for the commercial development of that area. We have to re-develop it. Not just leave it sit there. Re-develop it for that area. And it'll just lift that area of town up. And people deserve that after paying the taxes that they pay on their homes. The real estate taxes on their homes. Decades of thousands of years. Decades and decades of paying taxes, and now they're asking you to do this for them. Please keep that retail. Please keep it retail. We need it. Thank you.

Mr. Hills: Next witness slip I have is Sherri Stubbs.

Ms. Stubbs: Good evening. My name is Sherri Stubbs. As one of the residents who encouraged my neighbors to attend meetings and speak out against this change of use to one of our largest parcels of commercial real estate, I'm proud of the response that we've generated and of the points made by most citizens. Unfortunately, when encouraging involvement, we have no control over who will choose to be involved and what remarks they may choose to make publicly. And for that, I feel the need to apologize to the church members. I appreciate that each of you Council members shared your thoughts and concerns at the Council committee meetings last week regarding this issue. As a resident who is opposed to this change of use, I found it helpful to hear your comments. I can only imagine how difficult it is to make a decision that keeps the commercial character of this area in tact, when doing so may mean the city is faced with litigation. My understanding of this application hearing process is that, residents and Council members ask questions and voice their concerns regarding the impact that a change of use may have to the

community. And the applicant responds to these concerns with clarifications or solutions. Instead, the applicants attorney chose to respond with a threat of a law suit under RLUIPA. And not until late in this process, at the June 20 meeting, were some of the residents concerned about traffic and programs addressed with solutions and restrictions. Even though numerous representatives of the property owner have stated that no current grocery store wants this location, I am still not convinced that enough effort has been made by the property owner or its agent to market this property to commercial users. In John Brandt's December 2, 2004 memo to Council regarding the building, he stated that the final release from the bankruptcy court has been received and the owner representatives had decided to list it for sale in December, 2004. Calvary's application for the Special Exception Use Permit is dated March 18, 2005. This tells me that the property was listed for only 3 months before this offer was made. Is that really long enough for such a large commercial property to be listed, and to find a commercial tenant for that property? While I can empathize with the owners need to sell the property quickly, I do not believe it is the city's best interest to make a decision that strays from its plans for its commercial corridor just to accommodate the owners needs. At the June 20 Council committees meeting, the owners attorney stated that the property has had no offers for 6 years. Is it really such a surprise that no one would want to buy a building when the tenant was likely to vacate due to bankruptcy? Do we even know if the property was offered at that point in time with a realistic sales price? We have not heard any comments from an unbiased real estate expert regarding this property. So it makes it very difficult for the residents to believe the comments of people who stand to lose money if this property does not sell now. In closing, I just want to say I truly appreciate Council's patience throughout this process. I understand it is difficult for a public figure to vote against a church. However, I'm not asking you to vote against a church. I am asking you to vote according to our city code, and to keep the commercial character of this area in tact. Thank you.

Mr. Hills: Next speaker slip is Ruby Greenwalt.

Ms. Greenwalt: My name is Ruby Greenwalt. I live at 6799 Laird Avenue here in Reynoldsburg. I have lived here for 45 years. I love the city dearly. I work at the Fireplace Gifts and Florist which is on Brice Road. Big Bear was right behind us. We have a fine business going there. Mom and pop business. Since Big Bear hasn't been in, it has hurt our business. And if it is kept commercial, and we do work hard to get a business in there, especially a grocery store, it not only helps the community, but it also helps our business and other businesses around there. Because we need retail traffic. We need customers, and we are hurting. So I would ask and pray that you all make a right decision. And thank you so much.

Mr. Hills: Next speaker slip, Donovan Bray.

Mr. Bray: Yes. My name is Donovan Bray. 2790 Stonehenge Dr., Columbus. Yes. I've heard quite a few testimonies speak against having a church and rezoning the area but, I tend to wonder, why is there no grocery store even thought about coming in in such a long time? So to the people of Reynoldsburg, you know, all we do is want a church. All we do is want to praise God. We have no qualms with you people. We have no qualms with anyone. We are lovers of men and women. The only thing we wanted to do is just be an asset to your community. Not a hindrance. So that's all we want to do. And I tend to wonder, if Rob Parsley came here and wanted to buy that grocery store, would it be a problem? That's all I ask. And I want to leave it like that and I'll continue to pray for everyone here, and I thank you for this opportunity.

Mr. Hills: Next speaker slip is David Swaggerty.

Mr. Swaggerty: Mr. President, members of Council. Thank you for allowing me to speak. If I may, my name is David Swaggerty. I live at 127 Shadymere Lane. That's at the Broadmere Condominiums on East Broad where Brice Road picks up going north. I'm a near neighbor. If I may give these, just one, I'm here to speak in favor of Council granting Special Exemption Use Permit for this Pastor and church. And I would like to say first off, that I have nothing to lose nor gain by being here. I don't know this Pastor. I don't know this congregation. (Tape Change). Happened to meet him on the way in. But when I read the article in the paper this morning, I felt it incumbent upon me to come and speak on his behalf. Because I share a similar circumstance with him. I've pastored in Whitehall for 22 years now. Three and a half years ago, I purchased the former Cigna Health Care building at 161 North Hamilton Road in Whitehall. That's one block north of Broad Street. The property had set empty for a lengthy period of time like the Big Bear store. And it was obvious that there was nobody interested, no business interested in it for its built intended purpose. Therefore, it was not marketable and it sat empty. It's very obvious that the Big Bear store doesn't have any takers. And I understand that you have lost revenue from employee taxes and all of that. I understand that. The same situation with the Cigna Health Care building. But I found favor with the City of Whitehall. They allowed me to purchase that building and in 3 years it has nearly quadrupled in value from my purchase price. I have letters of commendation from the Superintendent of Schools in Whitehall. I have letters of commendation from the principle of Whitehall Yearling High School. In our former celebration service, we had Police Chief Jim Stacey in attendance. Then Mayor John Wolfe was there to speak on our behalf, and several city officials to commend us on the work that we had done in a neighborhood that was run down and not very presentable. I want you to know that I believe the church would enhance that neighborhood. They would bring credibility and they would bring peace to a neighborhood. I read in the paper this morning that there was fear about drugs being brought in, and you'd be naive if you would think there are no drugs there now. But like our congregation, we have gone into the neighborhood, and we have presented to them our plan to help. We don't look to them for finances but we bring to them help with Thanksgiving baskets, back to school supplies for their children, Christmas toys for all the children in the neighborhood, and we've made a positive impact on that neighborhood. And I submit to you that if you give this Pastor and this congregation a favorable vote, they will bring integrity to an otherwise building that is sitting there empty. If you're aware of the former Service Merchandise on South Hamilton Road, I know Pastor Eric Warren that purchased that property and now has Ambassador's for Christ in there and it is becoming a beautiful property again. I know Pastor David Carter who purchased a former catering building on Hamilton Road and has transformed that into a worship center and a viable member of the community. They bring assets to the community, and I have the proof in my own community to prove that where the entire city, in three years I've had not one complaint about our church traffic or the problems we've brought, but many commendations on the assets the church has brought to the community. And I would like to remind the business people or those concerned about the business loss, from what I read in the paper this morning, they bring a potential 800 new customers several times a week into the community. And they will invest many hundreds of thousands of dollars in dressing that property up. They'll make it a part of the community. They will become a viable part of your community. And they want to help the people that are on drugs. They want to help the people that are down and out. They want to

enhance what you don't have the resources to do. They will do that out of love and commitment to people. And I found over 22 years of pastoring the same congregation, that oftentimes people fear things that they don't have full knowledge of, or a lack of knowledge often brings fear. And people basically don't like change. But when they see the positive benefits, I think they'll come back and applaud you for a favorable vote. And I'm here to appeal to you to give these people the opportunity to prove to you that they can be good neighbors and will be an asset to your community. Thank you.

Mr. Hills: Next witness slip is Ken Golonka.

Mr. Golonka: Good evening. I'm Ken Golonka and I'm privileged to be before you here again tonight representing Calvary International Worship Center. Over the past five or six weeks, we've discussed the church's vision of making a new home in the abandoned Big Bear store at Brice and Livingston. Hopefully, we've been able to clear up some of the misunderstandings about the activities and the ministries that Calvary had planned. Although Calvary, like all churches will have youth group activities, senior citizens programs, counseling and similar activities. They will be a church. Based upon the comments from the neighbors today, hopefully that appears to be now resolved. We understand the neighbors would like to have a grocery store in the Big Bear building. However, the seller has said several times that they've tried very hard to bring other retailers in there without any success. Under the CC zoning, there are a lot of uses there that would not be beneficial to the community, to the neighbors. Under CC zoning, you could have a mortuary. A mortuary is not something that people could go to and use for their, to buy groceries, or to buy diapers in the middle of the night. Things that people have counted on that store for in the past. It could be used for business services which is basically a business that services other business products, or industrial products and things like that. That can all be done under the CC zoning without any kind of special exception. The church on the other hand, is part of, a church is an integral part of a community. It helps people. It ministers to people. It builds up the community. It brings people together. Much of the discussion that's going on over the last several weeks is rightfully focused on whether Council should disapprove what is the unanimous decision of the BZBA which granted the Special Exception last April using the standards of 1145.09. And the one that most, two of the most focused on now that some of the issues like traffic and for the gentleman who spoke and asked about the studies, we did come in with a traffic study, and as far as impact goes, there have been significant discussions on that. But in (a) and (f) were the two that have been focused on. In (a) it says, the proposed use shall be in harmony with the existing or intended character of the district and nearby districts and shall not change the essential character of the district. At the last meeting, some members of Council were focusing on the word 'intended character'. Again, remember that under the CC district, you could have a mortuary, you could have business services, you could have many other uses that are not the kind of uses that would help the neighborhood. A church is there for the neighborhood. It's there for the community. And a church is in harmony. It's surrounded. There are residences, there's apartments behind. There's the residential community to the east. It would be part of this community. It would not be something that would be just kind of insular and outside of the community. For another, a couple of things that some of the people had asked about were, maybe we could have a call center here, or maybe we could have a tech school, or maybe we could, none of those things would benefit the community. Would they bring in taxes? Maybe. But we don't believe that's a consideration that's really legitimate, at least under federal law. And I guess

I want to address, because a couple of people have accused me of threatening the city with litigation. I've not done that. I've never once used the word 'law suit' until just now. But I have educated, and attempted to educate the Council on federal law. You can take it for what it's worth. I feel very comfortable in the position that I've articulated. I assume you've spoken with the City Attorney. You've looked at the law yourselves. The federal law says what it says. And it does not require intent to discriminate. It does not require a pattern of discrimination. It says what it says. And that's all I'm going to say about that. This was not intended to be a threat. But I do think it's important that I point out to the Council the fact that it's not just the Reynoldsburg ordinances that apply on a matter like this. When you're dealing with the church and you have a federal law which basically says things that a community....

Mr. Hills: Excuse me for one second. Mrs. Frazier, do you, are you interrupted from taking your notes?

Mrs. Frazier: No. I'm fine.

Mr. Hills: Does Mr. Woods need something special that...

Mrs. Frazier: No. He's fine.

Mr. Hills: Thank you, Mr. Woods.

Mr. Golonka: But any ways, putting, denying this application would put a substantial burden on Calvary. Calvary's in a contract to purchase this property. They're committed to buying this property. They've invested a lot of time and resources, energy, and enthusiasm for this property. To deny this based upon the fact that some day down the road a better use may come along, we just think is not the best consideration. Again, if there was a grocery store knocking on the door, would I feel good about standing up here saying, deny this neighborhood the ability to have a grocery store? No, I wouldn't. But we don't have that. What we have is an abandoned store. We have a facility that could be used for a myriad of different uses. Most of which wouldn't help the neighborhood. Call centers. Even some of the retail uses that were mentioned like an antique store. Those do not bring in customers. They don't bring in people. They don't let you buy milk in the middle of the night. That facility is no longer a grocery store. Again, Calvary wants to be a part of this community very badly. Their membership, they have a significant number of residents of Reynoldsburg who are members of the church. There are many in Pickerington, and Gahanna, in east Columbus, and northeast Columbus. And this is central to where their membership is. It's a location that they feel is the right place for them. And we hope very much that you will allow Calvary to become a part of this community. I'm also free to answer questions later at the end. But I guess I'll end my comments right now.

Mr. Hills: Thank you. And I will ask Council before any vote's taken, if they have any questions or statements to make. So, thank you. Next witness slip is Dean Baumgartner.

Mr. Baumgartner: Good evening Council. My name's Dean Baumgartner. I live at 5041 Flynnhaven Court in Columbus. I am the architect for Calvary International. Mr. Golonka covered most of my aspects. Being the architect from the past committee hearings and what have

you. Calvary International presently is about 800 members. Their goal in the future is to have a 2000 seat worship hall facility. Based on architectural design, about 50 square feet per one person, or 1 seat of a worship facility, requires about 100,000 square foot building, which this building is. This building, 100,000 square foot worship facility such as a church, requires about 500 parking spaces, which this facility offers. We think this is a good fit for this location. The church is an Evangelical church with outreach programs and ministries. The program talks about the worship center as well as support of ministries, administration offices, and class rooms, multi-purpose rooms that fit within this 100,000 square foot building. Again, based on the special use districts, semi-public use or churches allowed in your residential districts. The only location that it is considered as a special use exception is the CC district. This church does back up, or I should say the Big Bear, original Big Bear store, does back up to a residential district, apartments. I would say that the church would offer, does not have 24 hour grocery store activity, and will not be using loading dock facilities adjacent to that apartments as a Big Bear store would. I also pointed out previously, under yellow page mapping, there are 12 religious institutions within 1 mile of this location. Ten of these are listed as Reynoldsburg. One is listed for Reynoldsburg, .1 miles away. Three of them are listed .2 miles away. These are all Reynoldsburg. And the point is, there are institutions like this within this area. So that's kind of all, oh, the other thing was relative to parking. Questions about parking. We did submit an opinion here by Dave Younger with EP Ferris. Dave has been in Columbus Transportation Department for a long time. His information, in comparing a church of this size versus a grocery store this size, 6 days, 7 days, 7 days of the week, the supermarket has substantially more traffic. There is only one peak time, Sunday between 9 a.m. and 1 p.m. that the church would have traffic, or peak traffic that would exceed any peak time. Sunday for a supermarket. And that is only by about 100 cars. So again, that is information. I know you have traffic problems in that area but comparing a grocery store versus the church, the church will have significantly less impact for your traffic considerations. Thank you.

Mr. Hills: Next witness slip is Bill Loveland.

Mr. Loveland: I'll try to be very brief because I know you've heard from a lot of people on this. But, I do have a special role in this in that I represent the Wayne Brown Trust which is the owner. This real estate is the only real estate this trust owns. And this real estate has in fact, been on the market and available known to all grocers as being for sale since 1999. That's 6 years ago. This was even available through the bankruptcy proceedings. The Penn Central bankruptcy proceedings. At a fire sale price, this property would not sell to another grocer. And that's history. That's the way it is. Market share's gone. It's not attractive to grocers. And that's unfortunate. I mean, it would be different if there was still a store operating there. But the fact of life is, is that this is not at all a choice between a grocery store and a church. This is a choice between an empty abandoned building and a church. Typically, and frankly under your code, a church is considered one of the highest and best uses to which property can be placed. That's been true since the framers of our constitution put that document together. Churches are beneficial institutions. They're necessary institutions. They're positive institutions. That's in fact why these laws exist, RLUIPA and all of this. My client is unfortunately caught in this situation. If 2004 is any indication at all, it's costing this family \$20,000 a month to wait for some commercial use to come along. I don't know about you, but I couldn't stand that very long. Like a month if I was lucky. But that's a lot of money. The thought that this property owner trust has

some obligation to wait indefinitely for an event which may never occur, that's just not fair. That's a taking. The government regulator is taking away my clients property. And that's a problem. Again, there's no certainty as to when an offer will come. We've been trying. We've been trying during these proceedings to see if anybody else is interested in buying this site. Nobody. Only offer that's happened since 1999. Under your code, a church is listed as a permitted use. Conditionally permitted, I agree. But it's a permitted use. It's a desired use in this district. It's not a prohibited use. It's not anything but a conditionally permitted use. The condition is it not have a dramatic substantial affect on other properties in the negative sense. This doesn't. This is a church. This is the best use that frankly, most codes think is available. Under your code, the questions are really delegated to your BZA. And your job is to determine whether or not they made a mistake. It's not a policy question. It's administering your code, and applying your code under the circumstances with keeping in mind, that the constitution and the federal law says, if you're going to regulate a church and have a substantial impact on a church, you must be furthering a compelling government interest. Not a rational basis. It's got to be compelling. It's got to be extreme. I submit there's no extreme reason to deny this church. There's no compelling reason. There's hope for change in the future. But that's not fair to make the seller wait on the hope.

Mr. Hills: Could you wrap it up pretty quick?

Mr. Loveland: I will. Again, we're not here to threaten. We're here to ask. With all due respect, let this transaction go forward. Let this church get established. Your laws will still apply. If they cross the line, you've got coverage. But the seller certainly ought to be given the right to sell this property to get out from under this burden. Thanks.

Mr. Hills: Next speaker slip is, and I apologize, Benton Benalcazar.

Mr. Benalcazar: My name is Benton Benalcazar. And I've talked several times about the marketing and the _____. But I just wanted to mention one thing, in terms of the, just I think everybody knows, the grocery business is a very low margin business. And market share and volume are very, very important. And when, as Mr. Loveland mentioned, when there was talk in 1999 that the Penn Traffic was in bankruptcy, there was a lot of market activity by the grocery chains positioning themselves for, way back then for the preferred locations. And in fact, some of the locations were bought out of the bankruptcy court by Kroger and Giant Eagle. So in terms of marketing, and in terms of desirability, the grocery chains know their competition better than any developer, or owner, or real estate broker are ever going to know. And they had the opportunity before bankruptcy court and during bankruptcy court. So that's just one thing that I wanted to highlight. Thank you.

Mr. Hills: Next speaker slip is Bishop Dawson.

Bishop Dawson: I'm Bishop George Dawson, 707 Fairway Blvd. And I add the sentiments of Pastor Swaggerty. I just met him today. Pastor Swaggerty serves as an example of what can happen when a community collides with a church, and the church collides with the community. And want to come together and reason together. And to help each other out. The City of Reynoldsburg will be a benefit and an asset to the church as well as the church being a benefit and

an asset to the community. The plans and ideas that we have to help in all facets and all areas of this whole community and what you want to do and what you're trying to accomplish. I want to put our two cents in. We want to put our money in. I was listening to the wonderful lady who was talking about the mom and pop store. And when you're bringing 800 people or more to an area every week, possibly twice a week, I promise you, it will be beneficial to the businesses that are around. Even to the Fireplace man. We're not looking to take from the city. We're not like the Egyptians who came in and just ate up and licked up all of the assets and said, we want to be an asset. And I know we can. And so, we're just asking for an opportunity to show you, if you get a chance, go by and see Pastor Swaggerty's operation right there near Brice and Broad. I've drawn to the beauty of it since he's got in. I live right there on Fairway Blvd., but I've been drawn to the beauty of what he's done. And what he's done is awesome, is an awesome specimen. And if you take a look at that, that'll give you some type of concept of what we want to do, and what we want to try to do. And I know, immediately, we'll bring up, make that area vibrant. We'll add to the elements that are in that area as far as bringing some integrity to that area. So that's all we have to say tonight. I hope that you make the right decision to help us as we help the city. God bless you.

Mr. Hills: Next speaker slip is Stephen Wayne Kellough.

Mr. Loveland: He's going to pass. I covered (Inaudible. Speaking off mike.)

Mr. Hills: And the last speaker slip I have here is Elnora, and Diane Bell.

Ms. Elnora Bell: Good evening, Mr. Mayor, Mr. Chairman, and all the Council members. My name is Elnora Bell. Nickname, Ellie. I suppose I'll talk first. I live at 1791 Rosehill Road. Would anyone, any of you good looking men like to have my phone number? We need a little humor as we go along you know? Am I too loud? No? Okay. Alright. I have lived here for 40 years in the same house. And my husband, deceased now, his name was Bob Bell. He was on your Reynoldsburg Recreation Department for 13 years. He helped with the uniforms. He got good coaches. Those children had some place to go. I'm getting ahead of myself. That was recreation. I'm sorry. Recreation, Phil Kiser helped him with all the parks and everything. You'll have to excuse me. I'm a little old and senile. Well any way, that was the recreation. Then football, my husband was president of the Reynoldsburg Youth Football for many years off and on. He did everything from getting coaches to getting uniforms and working the stands. I had cheerleaders and coaches. Our kids played. We were at the field every weekend. When our kids were not playing, we were slinging hot dogs and pop for the people. Now this isn't only us. All the parents and a lot of people did a lot of work for this city. I belong to a garden club. The garden club, someone decided the city needed trees up and down Main Street. Well, we were thrilled to do it. Our garden club, the Reynoldsburg Garden Club did it. And we were so happy. We had so much fun, and we were so proud because we thought we were beautifying this city. Also, my husband helped the Jaycee's. The Jaycee's did an awful lot for this city. The middle school needed a curtain for its stage. One of those big velvet, a curtain. And they couldn't afford the curtain. So, some oldies got together and they said, why don't we start up the ministerial shows again and make money and get a curtain. They did so. The shows were a success, and we made money for the school. You know, we elected you nice gentlemen. We trust you to do the right thing. Oh, ladies. Oh, I'm sorry. I apologize. Told you I was a little old and feeble.

Any way, where was I? Oh. Middle school. They got their curtain. They got...

Mr. Hills: We were to the Council and you were going to ask us something.

Ms. Elnora Bell: Oh. We elected you. We elected you. We trusted you. We still trust you. Down there at the spot we're speaking of, we really, really need some sort of a retail store. Really something where if we need to go get a bottle of milk or a pair of socks, we can go. If we can't drive, we can walk.

Mr. Hills: If you could, try to wind up so we can...

Ms. Elnora Bell: So, what I wanted to say was, everyone in this town over the years, they've done so much. So please, help us now. Thank you very much.

Ms. Diane Bell: Diane. 1791 Rosehill Road. The only question I have, and this is because I'm in the mortgage business. I do commercial lending, residential lending. My question to Council, and thank you for taking the time is, have we reviewed like a 2 year business projection as far as what they're actually planning to do? Because I've listened, and there were a few times they were going to have 24 hour day care. And then they were going to have all kinds of help for people for drugs and stuff like that. And I think before we know whether or not city code applies, we have to really take a look at a 2 year business schedule to find out what exactly they're planning on doing. So what my question, or what my request is, is to make a motion to delay the vote until we really look at this a little bit closer as far as making sure that they're going to do what they say they're going to do. Because now I really question it. Because first, they were going to get grants, and they were going to have, I had even heard at one time they were going to have housing too. And you know, this really, I believe in God, I love the church, but I just don't think that that's a really good area. Especially if they're going to put a fire department right across the street. So that's all I have to say. Thank you.

Mr. Hills: Ladies and gentlemen on Council, as I refer this back to Mr. Gilbert, I wanted to note, there is a motion, a second, and then we ask if there's questions from Council prior to the vote. If Council, if anyone would like to make, after we've heard 16 witnesses, if you want to make any statements now prior to the motion, then certainly feel free to. Just wanted to give the opportunity if anyone did. So, Mr. Clemens.

Mr. Clemens: Yes. I received a memo from Mr. Underwood July 8, and I would like to ask Mr. Underwood, July 8, and I'd like to ask Mr. Underwood a question about it if I could.

Mr. Hills: Is Mr. Underwood available?

Ms. Elwood: He's not here.

Mr. Clemens: Oh, he's not here?

Ms. Elwood: No. He's out of town for a couple of weeks.

Mr. Clemens: Oh, he's out of town. That's too bad. That's too bad.

Ms. Elwood: Is there anything I can help you with?

Mr. Clemens: No. I'll ask him when he comes back. It'll probably be too late then. But I'll check when he comes back. Thanks any way.

Mr. Hills: Okay. Any questions, comments, concerns before we refer it back to Chairman Gilbert? Mrs. Newman.

Mrs. Newman: I would just like to thank everyone who has participated in this whole process and the great efforts you've been to. The interest and love you've shown in the City of Reynoldsburg. And I'm sure everyone is going to take that into consideration, as well as our codes and our zoning when they vote.

Mr. Hills: Mr. Clemens.

Mr. Clemens: Yes. And I agree with Councilman Newman. And I would like to thank the residents for being here. And I think it's very important. And I think it's important that you come back. This is where you see how you're represented and how _____ represent you. And I think it's good to be here. And we have other subjects come up. Not like this one, but we do have important issues come up, financial issues. And we need all the _____ we can on it. After all, you put us in office. You can take us out of office. So I think it's important that you are active and you do come back. No matter how the decision goes this evening. I think it's important that you stay tuned in on what your representatives do and how your representatives ____ them. And I do want to thank you for coming.

Mr. Hills: Thank you, Mr. Clemens. Anyone else want the opportunity? You'll have another opportunity after the motion then. With that Mr. Gilbert, your motion has been amended and I'll refer it back to you.

Mr. Gilbert moved adoption. Mr. Stearns seconded. With the roll called, members voted: Mr. Baxter "Nay"; Mr. Gilbert "Yea"; Mr. Clemens "Nay"; Mrs. Newman "Nay"; Mr. Beougher "Yea"; Mr. Stake "Yea"; Mr. Stearns "Yea". Motion passed; Ordinance No. 58-05 adopted.

Meeting adjourned at 8:55 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

(Transcribed/S. Smith, Ass't. Clerk of Council)