

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
JUNE 27, 2005

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

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

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

Minutes of the regular Council meeting held June 13, 2005 were approved without objection.

Mr. Hills said items 10b (ORDINANCE TO ACCEPT AN APPLICATION FOR ANNEXATION OF 3.82+/- ACRES IN TRURO TOWNSHIP, COUNTY OF LICKING, STATE OF OHIO, TO THE CITY OF REYNOLDSBURG, OHIO); 15 (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); and 17 (RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF REYNOLDSBURG, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2006 AND DECLARING AN EMERGENCY) would need to be removed and returned to committee. Mr. Gilbert moved to amend the agenda as mentioned by Mr. Hills. Mr. Stake seconded. The amended agenda was approved with all voting "Aye".

Community Comments and Requests:

Jeff Waddell, 1599 Lucks Road: This pertains to the Calvary Church on Livingston Avenue. I think, is that the name of the church?

Mr. Hills: There's a Special Exception Use Permit requested for Calvary International Church. Yes.

Mr. Waddell: Okay. I'm really, totally against that. From the flyer that I had received, they want to rehabilitate a lot of problem people. And I can't see a lot of problem people in my neighborhood because I live over on Lucks Avenue. And then they want to have, according to the flyer, meetings over at our park between 1500 and 2,000 people. If you want to go over there for a picnic, where would you go? You wouldn't have any room to you know, have a picnic. And the traffic problem. There's going to be a lot of traffic. If there's 1500 or 2,000 of them over there. And I think that's pretty much of all I've got to say. I'm not going to vote for anybody that goes for this thing. So, we'll think about it that way.

Mr. Hills: Okay. The next speaker slip I have is Ken Wright.

Ken Wright, 6356 Roselawn Avenue: I'll just come down here this time because I have this folder here. And this is about the church too. I have a letter here for the Council that I wrote, and copies for everybody. So I'd like to, I don't know who I give it to. Do I give it to...

Mr. Hills: You give that to the Clerk, please.

Mr. Wright: Okay. There's enough copies for everybody. And you know that my subject on this has been what I think is the, it will lead to the urban blight in the area. And I'd just like to read one sentence from the letter. "For me, the most heartbreaking symbol of urban decay

in our society, is any crass attempt to use commercial space as a permanent church". And to me, that just hits the core of the way I feel about it. And that's why I wanted to read you that sentence in the letter. But also, I just wanted to make sure that, I mean, Council already knows I'm against it but, you might not know why, or what's motivating me about it other than living in the neighborhood that'll be affected probably most. And so, I didn't come to Reynoldsburg until the same year I was married. And I grew up in the Linden area in Columbus. And to some of you, I don't know how familiar you are with the Linden area but, if you are familiar with it, then all I would have to do is just say the name of it and then you understand why I'm standing here. And so, I grew up there and that area, the Linden area was quoted in the Dispatch, it was described in the Columbus Dispatch, it was described, oh this has probably been in the paper about maybe a year, two years ago, something like that. It was described as the place in Columbus where Columbus police officers are sent to perform their duty as punishment. That's, the Linden area is the place they pick out of all the Columbus area to send them when they're being punished because the crime is so bad. And I grew up there and I saw it deteriorate all along and I'm starting to see the signs of it in Reynoldsburg. The reason we came to Reynoldsburg is to get away from it. And so, it's like, deja vu. I'm starting to see the signs happen all over again. So, and that's why I'm so strong against it. I don't want to have to move. You know, we did the other place. I'm not saying there's not good people in Linden. Because I know for a fact that we have at least one neighbor that was on our street that's still there. And I went back a couple of years ago and I saw, there was only, the houses, I was struck by how the deterioration had occurred on our street and in the neighborhood in Linden from when we lived there even. And then I turned down our street and across from us, that house that was across from us, there was always, our neighbors across the street always planted flowers, always kept the place looking good, always kept the grass trimmed neatly and all this. And they really took care of their place all the time that we lived there. They were always our neighbor all the time we lived there. And I looked at all the blight around me at the other houses, but there, that house was still there. The flowers were there. The house was still neat and I knew that they were still there. And then, they weren't home at the time but, I looked in the phone book, their name's still there. Same street. And it's the only place that looks fit to live in in the area. And so any way, I just, that's what I'm trying to impress upon Council. Some Council members may be familiar with this and everything but, others may not be. First hand, I mean. And they may not have seen it happen first hand. And so, I just see it started already. And there's certain things that are, certain reasons why I think that it will happen here. It will happen here if we don't stop it. You know, if we don't stop it, but we can. We can. Council can act to stop it. To do things for the neighborhoods that will encourage the, to preserve it and to get business back in the few that's already, have moved out. The people can come back and it can, there's been communities that you could see in Columbus even that have maintained a strong feeling for their neighborhood. And all around them is blight. But theirs is still good. They have managed to stick together and stick it out and they have preserved their neighborhood. And I think Reynoldsburg can do it too. Reynoldsburg's good so far. It's only just starting here. It's only just starting here. And it's on that boarder with Columbus. That's becoming the western frontier now for us. But we can, we can stand against it and do things that will prevent it. Everything the Council members can think of to stop it would be good. And because it will keep going see. It just won't be...

Mr. Hills: Mr. Wright, could you wind it up time wise please?

Mr. Wright: Absolutely. Absolutely.

Mr. Hills: Because some of this is repetitive and you certainly have strong feelings and we appreciate those comments the last couple of weeks that you've had. But if you could wind it up and summarize what it is you want to say for this evening, I'd appreciate it.

Mr. Wright: Sure. Yeah. Yeah. That's what I wanted to say, is that it won't just stop in Huber. It'll keep going. And I don't know how many Council members live in Huber or close to it or whatever. I know that Mr. Clemens lives in Huber. So it's personal for him too just like me. But it won't just stop at Huber. It'll keep going. You can already see it in Huber but it will just keep spreading east. So, thanks for listening to me. I appreciate it.

Reports- - Mayor McPherson stated that Chief Miller received a national award from the National Drug Enforcement Administration. He said she's being honored as the Law Enforcement Executive Of The Year.

The Mayor also said it had been quite a while since it had rained in the City of Reynoldsburg; that the city almost ran out of water Sunday night in the tower on Broad Street. He said fortunately it was about 10:30 at night and people were retiring, and they quit watering the lawn, quit washing cars and things like that. He said the city was able today, and over night to fill that tank back up, but they were very concerned with the holiday weekend coming up, that if it didn't rain between now and the weekend, that the city may run out of water in the East Broad tank. He said they were asking for voluntary cooperation from the citizens of the City of Reynoldsburg, and read the press release that would be put out first thing the next morning: "As the days and weeks continue to be without rain and the temperatures are in the high 80's and low 90's, we're heading for water shortage in the City of Reynoldsburg. I'm requesting that all residents voluntarily begin watering their lawns between the hours of 6 a.m. and 10 a.m., and that even numbered addresses water on Monday, Wednesday, and Friday, and odd numbered addresses water on Tuesday, Thursday, and Saturday." The Mayor said this should eliminate the need to declare a water emergency and a ban on lawn watering, car washing, filling the pools and things like that. If anyone had any questions, they could call Mark Kipp.

Mr. Beougher asked if the city was more in danger during the evening hours.

Mayor McPherson said the city was more in danger on the weekends; that it was okay during the week, but Friday, Saturday, and Sunday were the worst. He said he thinks that is because there are more people home then; that the administration would also be putting out information on water usage and how to conserve water, on the web site and in the newspaper. He said they haven't had to come to Council since 1988 to ask for an ordinance for this.

Safety/Service Director Reichard stated that there were festivities happening on July 4; that at 9 a.m. there would be the "Guns and Hoses" softball game; the parade will begin at 2:00 on Main Street; and the fireworks will be at 10 p.m. She said she would encourage everyone to be in Civic Park by 9:45, as Mr. Walsh will close the park gate at 9:45 p.m.

Mrs. Reichard said she received information from the Chief of Police last week that she was going to incorporate into her report, but distributed the copies to Council, as there were many pages. (Document on file in Clerk of Council's office)

Consent Agenda item:

Clerk read the following item by title. Disposition result listed at end of title.

for first 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.

Mr. Gilbert moved approval of the action on the consent agenda; Mr. Stake seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed; disposition listed above.

Regular Agenda items:

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 160 EMPLOYEE COMPENSATION, SECTION 160.02 "Authorized Positions, Personnel, Classification and Pay Grade" Subsection (g)(2), APPROPRIATING FUNDS THEREFORE AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the one required reading. Mr. Clemens said the position was needed, and would be beneficial to the city; and moved adoption. Mr. Baxter seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed; Ordinance No. 50-05 adopted.

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

ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF REYNOLDSBURG ADOPTED BY ORDINANCE NO. 131-95 ON NOVEMBER 27, 1995 AND AS SUBSEQUENTLY AMENDED - 9366 and 9370 Taylor Road; from township zoning classification of Ag to city classification of AR-2c; (20.8 ac.), applicant, M.H. Murphy Development Company- - Clerk read ordinance by title for the first reading. Mr. Hills set a Public Hearing for July 18, 2005 at 7:00 p.m. in Council Chambers.

ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF REYNOLDSBURG ADOPTED BY ORDINANCE NO. 131-95 ON NOVEMBER 27, 1995 AND AS SUBSEQUENTLY AMENDED - 9366 and 9370 Taylor Road; from township zoning classification of Ag to city classification of CC; (8.4 ac.), applicant, M.H. Murphy Development Company- - Clerk read ordinance by title for the first reading. Mr. Hills set a Public Hearing for July 18, 2005 at 7:15 p.m. in Council Chambers.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR 2005 SANITARY SEWER TELEVISIONING AND INSPECTION PROJECT; APPROPRIATING FUNDS THEREFORE, AND DECLARING AN EMERGENCY- - Clerk read ordinance by title for the second reading. Mr. Gilbert moved adoption. Mr. Clemens seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed; Ordinance No. 51-05 adopted.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 1175 DISTRICT REGULATIONS - SECTION 1175.08 "Side and Rear Yard Requirements For Non-Dwelling Uses Abutting Residential Districts" Subsection (a); and by adding the G D General Development District to Table 1175.01 "Permitted Uses And Special Exceptions" and by amending Table 1175.05 "Lot, Yard And Height Requirements For Buildings Other Than Dwellings"- -Clerk read ordinance by title for the third reading.

Mr. James: Yes. I'm Gary James, President of Dynalab, Incorporated at 555 Lancaster Avenue here in Reynoldsburg, and I'm here tonight to express our support for this ordinance and offer an explanation of what this means to the City of Reynoldsburg. This will help to preserve 200 plus jobs that we expect to have in place in our facility by the end of the year with approximately a tax revenue to the city, and the county, and Truro Township, the library district, and the city schools of in excess of a quarter of a million dollars. This will allow for the ultimate development of the additional 27 acres around our building which is currently precluded by the current GI zoning setbacks. And we had found this out some time ago. And this zoning, or this ordinance is to allow us a mechanism to preserve our jobs here and expand on the site where we have been located since 1986. If anyone has any questions, I'd be more than happy to answer them, but I know some of you have had some questions over the past and I think we have gotten those answered, but any additional ones, I'd be happy to answer tonight.

Mr. Hills: Questions of Mr. James? Mr. Beougher.

Mr. Beougher: Thank you, President Hills. Gary, we had a phone conversation last week and you understand that I don't oppose this because of your business, or I'm opposing keeping jobs in Reynoldsburg. I oppose this because it is a general classification added to our code which you know, we've got GI and we've got RI and we try to put something in between it and we're giving away the farm here. I don't have any problem with addressing your property, but what this does, is creates a new classification that is wide open for anybody else to come in and ask for. And then we have to turn them down and give good reason for it. So that is the reason for my opposition and I think you understand that. And I will not be supporting this tonight, and I just want to make sure that you understand why.

Mr. James: I do understand. I guess, we have had to look at this and attempt to solve a problem that was created some years ago. We've attempted to work with the Development Director here and the preservation of these jobs. And since this process started basically back at the turn of the year, we have already made an additional investment in our building of something just shy of a half of a million dollars with more to come.

And again, we did that with the idea that we would be accommodated and not be precluded from building. So, I don't certainly pretend to be an expert on how to accomplish this. And I've left it to the Reynoldsburg authorities and to the Development Director to come up with this solution to our problem which they certainly recognize. And this was the means by which they suggested it be taken care of.

So, I'm going to acquiesce to them and their expert opinion on this, and knowing that it will ultimately get us where we need to go with the rezoning ultimately of our property, it will allow us to stay in Reynoldsburg and utilize the property, hopefully to be another good neighbor for Reynoldsburg with a high tech industry for another gosh, we've been here 18 years now. So, looking for another 18 if we can, if we can do that. Thank you.

Mr. Hills: Any other questions for Mr. James? Mr. Stake.

Mr. Stake: Thank you, President Hills. Mr. James, the way I understand this is, you're

trying to bring your property back to the way it was before the General Industry classification was changed?

Mr. James: That's what I understand this would do. And it had to do obviously with a side setback requirement that has basically precluded our ability to build on that property. The property that we have in total is about 32 acres. Our building sits on a plat or parcel of about 5 acres leaving a nominal 27 additional acres there. And the maximum dimensions are approximately 1,000 by 1,000. And obviously, 1,000 foot setback doesn't work very well. Even the 500 foot alternative that's offered. So by taking it back to the original, it puts us back to where we were when we bought the property. Gives us the flexibility that we had for a building location at the time that the property was there. And to my knowledge, of course this was in place some years quite before any of the other houses and/or apartments were there. I know certainly the apartments were not there because they were built after we came in in 1986, '87. The houses were there at that time but to my knowledge, all of this had been in place much longer even before the Blackoak area had come into existence.

Mr. Stake: Thank you, President Hills. If I could ask another question. This maybe is for the City Attorney. I guess I'm wondering why the classification on General Industry was changed or why or how this all came about, and how Mr. James' property got caught up in that.

Mr. Underwood: Well, because as we covered previously, when we had the zoning code change, we changed that to, the GI was changed to wide, big setbacks because we were going through the A K Steel in Licking County, and everybody wanted big setbacks and just plain forgot about his property out there on Lancaster Avenue. It was an oversight is the only thing I can tell you. And that's what we covered when we introduced this some time ago. There was an oversight, and it was trying to put it back the way it was originally. And there's no other property like this in Franklin County, and there's no other property currently like this in Licking County. And everything in Fairfield County's been developed. So anything that would be like this in Licking County would have to be annexed. And right now, there's currently no plans in Licking County for annexation of anything of this nature. So the only thing in Franklin County like this is part of our park land and part of the Ag Lab, or cemetery or somewhere out in there. So there's nothing left on the books right now currently in the city, that this would be a problem with.

Mr. Stake: Okay. Thank you. President Hills, just one more thing. Mr. Underwood, the way I understand it too is, this would be a new zoning classification. So if somebody wanted to rezone General Development, they would need to go through the process. Correct?

Mr. Underwood: Correct.

Mr. Stake: So there would be a way?

Mr. Underwood: It's a new zoning classification identical to the old General Industry classification.

Mr. Stake: Okay. Thank you. Thank you.

Mr. Hills: Follow up, Mr. Beougher.

Mr. Beougher: Thank you, President Hills. Mr. Underwood, if I'm a business owner and I annex, I buy land in Licking County or have an option on that land in Licking County and annexed to the city, what incentive is there for me to come in and rezone as G I at this point when I can have G D and have a 100 foot setback as opposed to 1,000 foot setback?

Mr. Underwood: It depends on what you want to do with your land. What your plan is. Right now, everything in Licking County is houses.

Mr. Beougher: I understand that. But the uses in G D include those in G I and then some. So I guess, why would we, why don't we just get rid of G I at this point?

Mr. Underwood: Well, I can't answer that. You could. G I right now is for large tracts of land.

Mr. Hills: Any other questions for Mr. James? Mr. Clemens.

Mr. Clemens: Yeah. Not a question other than I worked with Mr. James for many, many years and he's been one of our biggest employers in Reynoldsburg. He has been easy to work with and has done, I know the years that I was Safety/Service Director, that Mr. James did everything we required. When we widened the street and so forth, we had no problems. And I think he's benefitted the city. We have very little industrial in Reynoldsburg and very few jobs. And I would hate to see Mr. James have to pull out employees and business out here and go elsewhere. We do need the commercial and business, and we do need the industrial business, and I think this is something that we should consider to help him out on this situation. Because we've tried and tried to get more industry in Reynoldsburg and we've never really accomplished it. I think he, and The Limited, are just about the only ones we have. So I would support this for Mr. James.

Mr. Hills: Do we have any questions for Mr. James? I do have one other speaker. Mr. Stake.

Mr. Stake: I just have one more comment President Hills. I will be supporting this. I live in the area. I know the property well. He keeps it up well. He's providing more jobs, and that's good enough for me. So, thank you.

Mr. James: Thank you gentlemen.

Mr. Hills: Yes, Mrs. Newman. Do you have a question for Mr. James?

Mrs. Newman: Yes. I have been interested in this because I felt that Mr. James had the goal post changed on him after the football game started. He was there. You know, it was zoned one way. The restrictions were one way, then it was changed. In the meantime, he's invested some money in a very nice facility. And I went over to pick up a plat of his property to see what this proposed zoning would do, or the zoning he has now, and it would just render the rest of his property useless. I had a tour of the factory and I was extremely impressed with not only the cleanliness and the neatness of that factory, but it looked like somebody was running a business who knew what they were doing. And I'm in favor of this also.

Mr. Hills: Okay. Any other questions? (No response). We do have one more speaker form. Seeing none, Mr. Wilson.

Mr. Wilson: Good evening President Hills, Council members. I'm Brad Wilson. I live at 7552 Palmer Road. And I also am the current Chair of the Planning Commission. I am also in favor of Mr. James' project and what he is doing because I think it fits in with that area, and can live with those small buffers on either side and still be a good neighbor to what else is there.

My problem with this from a planning standpoint is that, it's not this project, it is the next project, and we don't know where the next project's going to come from. Whether it's going to be next year or the year after. But when we create a new zoning that brings in all of the industrial things that we can bring in with hundred foot setbacks, we may not like, or it may not be quite as good a neighbor as Mr. James' facility is right now. And we have a lot of distress and a lot of problems working through that zoning because we have to consider it as presented. And I have one, two, three of you who have been on the zoning, Planning Commission before and you know what we go through when we have zoning that maybe doesn't quite fit its neighbors but, it's a zoning that fits the standard. I believe that this property should be worked with and we should help Mr. James put those goal posts back where they belong. But not to do it with a brand new zoning code, but to do it as an overlay and work through Council and Planning to get this thing

where it should be. But don't create a new zoning for just this piece of property. Because it opens up a whole lot of distress and a whole lot of problem for the city, the Planning Commission, and the City Council as we go through this process in the future. So, I think that the hundred foot setbacks again are fine for this current project. I think he'll be a good neighbor, and has been a good neighbor and an asset to Reynoldsburg. But in the long run, I don't see that needed as this particular legislation has it. I think it can be worked out in another direction. Unless all of you tell me that it can't be, and I think I've seen it done before with overlays and with exceptions and things of that nature that can be worked out and looked at site by site, boarder by boarder, and process by process.

Mr. Hills: Okay. Questions of Mr. Wilson? Mr. Baxter.

Mr. Baxter: I'm just going to make a couple of comments here, then hopefully you can be able to respond to those.

Mr. Wilson: Sure.

Mr. Baxter: I truly respect the Planning Commission to look forward and say, gee a change in zoning can have "x" type of impact to the city. Unfortunately, that same thing has already happened. A change to the zoning has caused an "x" type of impact, and that was to Mr. James' business. In this case here, what we're trying to do is level the playing field and put it back. I heard Councilman Beougher make the comment, 'well, why do I need G I?' Well, I think that's a great comment and I think we ought to look at that maybe saying, why do we need it? But at the moment, we do need something to give relief. And as Councilwoman Newman stated, put that goal post right back where it needs to be. So I'm absolutely in favor of this. Thank you.

Mr. Wilson: Mr. Baxter, are you telling me that we cannot as a city and as a Council, do anything else to approve the plans that Mr. James has for this property without making up a new zoning for just this piece of property?

Mr. Baxter: May I respond?

Mr. Hills: Certainly Mr. Baxter.

Mr. Baxter: What I'm telling you is, the city has come to us as Council and said, this is the direction they wish to go, and I support that direction.

Mr. Wilson: Okay. Mr. Mayor, there is no other way to do this other than with a new zoning? Are you in touch with that?

Mayor McPherson: Yeah. We explored several different avenues to get it back to the way it was, and we felt at this point, this was the best way to do it. In answer to your question, is there any other way? There's always other ways. What you're talking about, the overlay, you're asking to look at something that doesn't exist. Mr. James does not have an overlay for the use of the property at this point.

Mr. Wilson: Correct.

Mayor McPherson: It's going, his overlay and what he does there is going to be based on Council's vote tonight as to whether he gets his setback to where they were or not. And then he'll be bringing them forward. And he has to come in for the zoning also. To change his zoning to the new zoning. And then when he gets ready to build something again, he has to bring that forward. So there's a lot of checks and balances in this procedure. And as you're probably aware, when someone comes into Planning, and if you're concerned about 100 foot setback, you can always ask the applicant to change that setback. And with their concurrence, that can be done. So it would just depend on the facility that would come in to talk to you. But again, the G I is mostly, it's designed for the big A K Steel's, and I can't imagine us ever having that kind of property in the City of Reynoldsburg.

Mr. Wilson: Large, dirty, noisy things that we don't want to have.

Mayor McPherson: Pretty much. That we don't want all that money and revenue coming into the city.

Mr. Wilson: It's not the money and revenue we don't want, we just can't find a place to put it that's...

Mayor McPherson: But see, we don't want the smoke stacks and all that either.

Mr. Wilson: Well, from the zoning, from the Planning standpoint, we have to look at the neighbors - is what we look at. Because most of them are residential or apartments, and we have to look at those people to see if we're, and a quiet building as Mr. James' is, is a great spot. It can be 50 feet away and not cause any problems. The next thing on down the line is, you say comes in, and we ask for, no we want 500 foot setbacks on this and the man says no, I don't want them. Your zoning says I have 100 foot setback, now we have a lawsuit. And I'm trying to avoid that problem with this one specific thing because it may never come up again. We don't have any other property. And if that's the case then maybe this is moot but, I've never seen things last long enough and I've lasted a gray hair longer than most in these planning situations and things do come back. I'm just trying to avoid this and see if we can't do something different with this.

Mr. Hills: Any other questions? Mr. Beougher.

Mr. Beougher: If that's the case, then we don't need (Tape Change) to be amending G I to have 100 foot setback instead of creating new classification. And further, why would the General Industry, which provides for dusty, noisy, offensive operations have 100 foot setback while the Restricted Industry which requires clean industry, have a 200 foot setback? I mean, that just doesn't equate to me.

Mr. Wilson: This zoning does not make sense.

Mayor McPherson: And I think Mr. Baxter kind of indicated, those are areas that we probably should be looking at. You know, you brought up some very good points; Mr. Baxter's brought them up. You know, but we're dealing with a situation now where Mr. James has got to invest substantial amounts of money in his property in order to get this assembly line and to get the employees on board. And you know, if we're going to look at zoning, that's going to take time. And I think at this point, Mr. James doesn't have that time. And this is the best resolution to the problem at this time.

Mr. Hills: Mr. Beougher.

Mr. Beougher: My understanding is that Mr. James will still have to go through the rezoning process.

Mayor McPherson: Correct.

Mr. Beougher: So, I mean, that same process could be a development of an overlay rather than a rezoning to this classification which to me makes no sense.

Mayor McPherson: I'm not going to argue the point because you know, when we brought this forward, we just felt this was the best and quickest way to get the issue resolved for Mr. James who at the time was negotiating out of state, and we did not want to lose his business. We do not want to lose his business. And you know, no offense but, when we start talking about zoning, it takes a lot of time to resolve issues. And there's meetings after meetings after meetings, and Mr. James does not have that time.

Mr. Hills: Other question? (No response). If not, I'm sorry, Mr. James, did you have anything you wanted to add?

Mr. James: I just wanted to add to what Mayor McPherson had just commented on. That we went into this actually starting this process six months ago. And we were under a lot of

pressure to make a decision of whether to stay in Reynoldsburg or not. Again, we worked with administration. We've worked with legal counsel here, and determined this was the best way to take care of our problem. Obviously, it may highlight that you have problems with other zoning classifications as well. And as was mentioned, maybe they need to be looked at. But I don't think we can be brought into all of those and be penalized, which we've already been done. We have no viable availability of selling our property or getting value of it right now because of this current zoning. The side setback requirement for the current zoning. And again I add, that we were there of course, a long time before any of the other residences around it with, as I understand it, this zoning. So to come in and penalize us for these people having come in and then infer that we couldn't do an adequate job with the original setback again, is a slap to us that we're a little sensitive to this.

Obviously, and it's also been a large financial hit and it's taken away a lot of flexibility that we have, but we had on good faith, have already put since January 1, almost a half of a million dollars in our building. We've invested over \$2,000,000 worth of equipment which I believe Mrs. Newman saw the other day and you're certainly all welcome to come. So, we're down the road on this. And to back up now obviously, would be very painful for us, but we'll do what we have to do. Again, we're bringing in something in excess next year of over a quarter of a million dollars. And that's just off of our building as it exists there on the current 5 acre parcel. Theoretically, similar businesses could be done with corresponding revenues and I think to back us into a corner and give up those revenues for the city wouldn't be in the best interest of the city either. So again, I thank you all for your support and I appreciate your opportunity to give me an opportunity to explain our position here tonight. Thank you.

Mr. Hills: Mr. James, I will note that this situation is a little unique because you didn't move to the zoning, the zoning moved to you. You were there before the zoning changed. Mr. Underwood, did you have something you wanted to add?

Mr. Underwood: Just a thought that Planning Commission could recommend to Council to amend either the G I or the new G D to apply to certain size of land tracts. The G D, if they want to look at it because Planning, one of their things is to look at studies and make recommendations. They could make a recommendation to Council to apply G D zoning to maybe 75 acres or less in the future. And that zoning class could be amended. I'm just pulling 75 out of the top of my head. It might be 100, it might be 50, it might be 67, I don't know. And then that zoning ordinance could be amended or likewise, it could be to G I be 100 acres or more. That would solve Mr. Beougher's dilemma.

Mr. Hills: Well I would hope that, certainly, the unclarity that's been brought up tonight of addressing an issue with this certainly, the administration, City Attorney, I would hope that, and Council members of interest, I would certainly hope that they all look at it....is there a better way. I think Mr. Underwood has said this was an oversight. He's deemed it as an error. We need to correct an error, or that is what is before us now to correct an error. And I think everybody's going to have to vote accordingly. But does this solve the issue? I think the answer is no, and we have to look at a way to be sure the code's blending better in the future. I will note, and Mr. Underwood, I want to be sure that you're on board with this, but I do need to explain, then Mr. Gilbert I'll certainly turn it to you for a motion, this did come from the Planning Commission with a recommendation for denial. It then went to the Service Committee here at Council which has recommended its adoption. A vote in the affirmative would be for adoption. A vote in the negative would be not to grant it. I will note that a concurring, this is out of our Charter, "a concurring vote of at least three quarters of the membership of Council shall be necessary to pass

any zoning ordinance or a resolution which differs from the written recommendation of the Planning Commission". What that means is, we get ready to vote, if you want this affirmed, it will take 6 votes of Council to make the three quarters and not our normal 4, or sometimes the two-thirds at 5. So it is 6 votes for its acceptance of a change in the zoning. Does that raise any questions with anybody? And Mr. Underwood, do you have any problem with that explanation?

Mr. Underwood: No.

Mr. Hills: Questions, Mr. Beougher.

Mr. Beougher: I just want to make a statement before we vote and the motion goes through. Mr. James did come to our Residential Zoning Review Committee, which didn't have scope to pursue industrial zoning issues. And I made Mr. Gilbert aware and wrote a letter to all the members of Council at that time, there is some new faces up here, but at that time, no one responded to my letter. It only went to Council. It didn't go to the administration. Earlier this year when the issue came up again and we became aware that Mr. James was interested in pursuing some enterprise allowances from the state, I asked Mrs. Frazier to forward that to Mr. Brandt to show to Mr. James and see if it would be appropriate. And what the proposal was, was to rezone the property Restricted Industry which gives him the 100 foot setback with the right to, I'm sorry, 200 foot setback which can be varied to 100 foot with some screening and so forth. And Mr. Brandt, I'm not sure if Mr. Brandt sent it to Mr. James. Mr. James indicated when I e-mailed him earlier last week, it was the first time he'd seen my letter. So I just want it to go on record saying that I have tried to come up with solutions to this problem, and I just do not think this is the appropriate one for the issue.

Mr. Hills: Mr. Beougher, I appreciate the comments and I would ask of the Clerk if you'd be sure that a copy of that letter does get to the Mayor and the City Attorney as we take an overall look at our zoning, where there may be other needed modifications. But with that Mr. Gilbert, item 18 is yours.

Mr. Gilbert moved adoption. Mr. Baxter seconded. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Abstain". Motion passed; Ordinance No. 52-05 adopted.

Request for Executive Session by President of Council to discuss imminent litigation with City Attorney.- -Mr. Stake moved to recess for Executive Session. Mr. Beougher seconded. Mr. Hills said those attending would be elected officials, the Clerk, and Assistant City Attorney. With the roll called, members voted: Mr. Stake "Yea"; Mr. Stearns "Yea"; Mr. Baxter "Yea"; Mr. Gilbert "Yea"; Mr. Clemens "Yea"; Mrs. Newman "Yea"; Mr. Beougher "Yea". Motion passed. Mr. Hills said following the Executive Session, Council would reconvene only to call the roll and adjourn. Council recessed at 8:22 p.m.

Council reconvened at 9:15 p.m. With the roll called, members responding were: Mr. Stake "Present"; Mr. Stearns "Present"; Mr. Baxter "Present"; Mr. Gilbert "Present"; Mr. Clemens "Present"; Mrs. Newman "Present"; Mr. Beougher "Present".

Meeting adjourned at 9:15 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council

(Minutes compiled by Susie Smith, Ass't. Clerk of Council)