



**SERVICE COMMITTEE - MEL CLEMENS
MONDAY JUNE 6, 2016**

**COMMITTEE MEETING: IMMEDIATELY FOLLOWING THE PREVIOUS
MEETING**

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068**

1. Call to Order

PRESENT: Clemens, Cicak, Luzader, Joseph
ABSENT: Spalding

2. Approval of Agenda

Agenda stands approved

3. Approval of Minutes

a. Service Committee – Committee Meeting – May 16, 2016

Minutes stand approved.

4. Discussion

**a. 6366 E. Main St.; Sixth Month Review of Application #170493; Applicant Jason P. Goss;
Business Auto Direct Columbus; Permit #102-SE; Ord. #81-15**

Chairman Clemens: Mr. Snowden...

Mr. Snowden: Thank you Mr. Chairman, President Joseph, and other Members of Council, this was a Special Exception Use Permit that was approved by Council back in October, and took effect in November of 2015, to approve an auto sales use at the address listed, 6360 East Main Street. You have seen the application, and ordinance number listed there. As part of the six month review process, which was scheduled for 5/13, the Board of Zoning and Building Appeals, at their May meeting, did a review of conditions of approval. As you recall, there were certain repairs that needed to be made to the awning of one of the buildings, there needed to be a Minor Site Plan approval in order to pull down and properly demolish a building and configure the remaining parking there in a manner that was appropriate to the auto sales use. Those were conditions that the Board and City Council placed on the previous approval, as well as getting approval for signage through Design Review Board. The BZBA at the meeting, upon review of the fact that those items had not been completed in their entirety made the recommendation to this Council that the permit be revoked. As you can see, from the minutes that were provided to you from the BZBA, the BZBA was understanding that forwarding the revocation to City Council would allow the

applicant several additional weeks to move forward. BZBA just wanted to see substantial compliance. The most current status is that the applicant received approval for the minor site plan and a demolition permit from our building division. The process of pulling down the building, I believe is complete, but there are some remaining items that need to be completed before the demolition is going to be considered complete by the City, and the bond is going to be refunded, including abandoning some water and sewer lines. That is a specific term that our Water/ Waste Water Division has. Abandoning means removing and tamping off, sanitary and water, and there is also a grease trap there, according to our Water/Waste Water folks. In addition, the property owner has applied for Design Review Board approval of the reface sign, which is scheduled for the July meeting of DRB. With that, I will turn things back over to our Chairman. I think the applicant is here to answer any additional questions of Council.

Chairman Clemens: Could I ask a question first? Is everything done on the other building?

Mr. Snowden: Regarding the awning?

Chairman Clemens: Yes.

Mr. Snowden: Last time I was at the site to check the back part of the building, they had not been completed, but the applicant can clarify that. They removed one of the awnings on the existing building, because they tore it down. There were two awnings, one on each structure. So, my understanding is one was removed, but the back awning is still there. The applicant can confirm the latest status.

Chairman Clemens: Thank you. Is the applicant here? Mr. Goss, please.

Mr. Goss: Jason Goss, 6366 East Main Street, Reynoldsburg, OH 43068.

Chairman Clemens: You understand, Mr. Goss, you are here because the BZBA recommended we revoke your permit?

Mr. Goss: Yes.

Chairman Clemens: I would like to ask first, it would have been much easier if you would have been at the BZBA meeting. They could have solved this at that time.

Mr. Goss: I did not know that.

Chairman Clemens: You did not know?

Mr. Goss: I knew there was a meeting, but I was not advised to go to the meeting.

Chairman Clemens: Is that correct Eric?

Mr. Goss: I spoke with a lady. She said I could go but it was not necessary.

Mr. Snowden: To answer the Council Member's question, the applicant received notification. It is always our recommendation that folks attend the meeting, but there is nothing in the Code that says you must attend.

Chairman Clemens: It would have been much easier if you had. You understand you are past the limit to start with?

Mr. Goss: Yes.

Chairman Clemens: We don't want to put you out of business but we did want this done in a timely manner. Now it is up to Council Members as how they wish to handle this. You have to do what is considered as far as the waste section, as far as black topping the area and striping it. How long do you think that...

Mr. Goss: I would like to explain myself first on what happened. When I stood up here last time, I told you I would get the building done immediately. What I didn't realize was that it was gonna take eight weeks for an EPA inspection, three months to get the gas line removed. I mean all this stuff that goes along with tearing a building down that I did not know about. I am not a builder, I am not a demo guy, so I hadn't a clue that it was gonna take that much time. Our demo guy took about five times longer than he said. He told me he would tear the building down in three days. It was like three months. It has been a lot longer than I expected. I waited about a month and a half before I started because I figured it was only going to take a month. As far as the awning goes in the back building, I forgot completely about it. I have got the material to do it. I just haven't done it. I can get that done probably by the end of the week. The sewer line, I did not have any idea we had to do that. I just found that out. So, I have got plumbers coming out. I have been talking to the City of Reynoldsburg Water Department, Josh, I am trying to get it done. I am doing the best that I can. I have a lot of money invested in it, and I am going to invest more money in it. I had two blacktop guys here today, but, umm, you know. I mean I am doing everything that I possibly can. I know I am three weeks past the time frame. We are 90% complete. The building is gone. The concrete work is done. It is pretty much ready to be paved. I have got to dig up the ground to do all these sewer things that we have to do, which is probably gonna be time consuming. When I was in here in October and told you six months, I thought it would be no issue. When we started dealing with gas companies, EPA, and all the other people we have had to deal with, it has taken a lot longer than I expected. It is not due to the fact that I was not wanting to do it. I did delay it a month and a half because I did not expect it to take that long. I am sorry but that is all I can say. I am doing everything that I can.

Chairman Clemens: It is six months and you do not even have the sign approved.

Mr. Goss: Everything is in for the sign. All the drawings, the measurements, everything is in for approval. That is my fault.

Chairman Clemens: It leaves us with a problem, in one respect we have never extended time. I do not know how we go about doing it. Eric, do you know anything as far as what the ordinance states?

Mr. Snowden: To answer your question regarding extending the time, the Council could vote, in this review, to schedule an additional review. The challenge, as you probably saw in the meeting minutes from the BZBA meeting, especially given the fact that Mr. Goss was not at that meeting, they were unable to determine how much more time was going to be required. So, they were basically feeling like they did not know how to make that determination. In this case, I do not have anything to make that determination for you tonight as to how much additional time is appropriate. I do want to say this about compliance with our Zoning, Building, and Property Maintenance Regulations in general, our goal is voluntary compliance. So, yes, it is a violation of the condition that these items were not completed in six months, however, at this moment, Mr. Goss is moving forward and his statements about having the items in and so forth, are accurate. So, he is moving toward compliance. It has been our policy with regards to building and property maintenance, when we issue violations, if the person receiving the violations, makes some progress that the City Staff have been working with them, to give them some additional time to complete it. If they are making no progress, we follow through with the enforcement. I just want to make you gentlemen aware of how we operate administratively. But ultimately, the choice on what to do here is the Council's.

Mr. Ranel: My name is Andrew Ranel. I am with the law firm Anthony Law, LLC. We are located downtown and we have been retained by Mr. Goss, and he is genuinely trying to be in compliance with this order. He has retained us for that specific purpose, to make sure that we can get this under way as quickly as possible. I can assure you that just with my discussions with him today that he is absolutely dedicated to this. He has invested many thousands of thousands of dollars into the changes already. It certainly would be a tragedy to locally, small business owner shut out at this point after attempting to comply with the directives for the Special Exception.

Chairman Clemens: I understand that, and if you had read the minutes of the October meeting, you would understand what he was saying too as far as he had been in this business all these years and he can do it in no time and that all this was going to be done, as such as that. It has not been easy since then. And, like I said, I do not want to see him closed, but, if we are going to extend the time, I think we should have a time that we extend it to. I don't think it should be an open period.

Mr. Ranel: he has been in business many years, but in terms of tearing down buildings, and complying with the regulations, he is relatively new to this. You run into certain problems that he spoke to up here. There has been road blocks, but he is still moving toward compliance, and with more time I think our client would be in compliance with all of this.

Council President Joseph: I would like to make a suggestion that given the extenuating circumstances that we give them and extension of two months or six weeks, whatever is viewed as appropriate. It has been pointed out that they have been making progress toward

compliance. It would be one thing if nothing had been accomplished. Dealing with some agencies and Federal and State rules, a lot of times you do not know what you are getting into. And, they are always changing those rules too. That would be my suggestion that we extend.

Councilman Long: I agree with President Joseph in working to go ahead and be able to extend this. But he is talking about moving earth, water lines, sewer lines, get them capped. Then to bring asphalt in. Considering we are going to be going into our Summer recess, perhaps we would want to look at our first meeting in September, which would give you about ninety days.

Councilman Luzader: Do you have a timeline? I know I have worked with contractors and I know there can be setbacks.

Mr. Goss: I had Josh from the City of Reynoldsburg Water Department there today. He showed me everything that needs to be done. And, I have calls into a couple of different plumbers. Some of the stuff is major. In the back line, they can go in there and put a balloon in to block it. But, if they can't do that, they have to dig down twenty feet. So, I do not know what we are getting into there. As soon as the building came down, I had the concrete guys out the next day to fill in that pit. I want it done as quickly as possible, because I know when it is done, it is going to help me make more money, and be done with this. I mean, I think we can be done in ninety days, but if you give me ninety days, and I can show you if it is not done, a legitimate reason it is not done in ninety days, we can re-look at it. I had the asphalt gut there yesterday, but I can not do the asphalt until the plumbing is done. I don't know much about that stuff when it comes to sewers, but we will know ion the next couple of days.

Chairman Clemens: I am in favor of what Councilman Long said, first meeting in September.

Councilman Skinner: I agree with that. Bring the asphalt guy in September, if that is the problem, or bring the plumber guy in, we want to get to the bottom of this.

Chairman Clemens: Here is the problem, construction is construction and I have been in it all my life. You can get it done if you get the right people. If you start tomorrow, and get somebody in there to start working, get it fixed, and do what you have to do as far as the blacktop is concerned. The first week in September is a lot. I am in favor of going that far, but to keep extending, no I will not go for that.

Mr. Goss: I do not see any reason. I think I can have it done in ninety days.

Chairman: I am sure you can. I think that is more than ninety days.

Council President Joseph: That would be exactly ninety days.

Councilman Long: You are in a situation to where you are here tonight because you did not maintain the communication with our Board of Zoning and Building Appeals.

Mr. Goss: Correct.

Councilman Long: Mr. Snowden is going to become your best friend for the next ninety days. You need to keep him apprised so he can keep us aware of what is happening with the project, and then we are not all sitting here surprised as to how come it is taking you seven and a half months.

Mr. Goss: I understand.

Councilman Long: Ok, Sir. Thank you.

Mr Snowden: Mr. Chairman, and other Members of Council, in consultation with our Assistant City Attorney, if it is the will of the Council, which it sounds like you gentlemen are coming to a consensus to allow Mr. Goss additional time to complete this project, I would recommend that this specific item be tabled with the applicant's consent to that first meeting in September.

Council President Joseph: It would be Tuesday the 6th.

Mr. Snowden: Thank you Mr. President. In consultation with our Assistant Attorney, he stated that we need the applicant's consent in order to do that because the way that the Special Exception Use process is set up, when something is reviewed by BZBA, it is suppose to be reviewed in a timely manner by Council, at the subsequent Council meeting, as we are reviewing here tonight. So. If we are tabling this discussion further, we need their consent. I just want to make everyone aware of that.

Chairman Clemens: Is it your consent that we table this until the 6th of September?

Mr. Goss: Yes, Sir.

Councilman Long: I have a question for Matt. The BZBA technically voted to revoke his permit, so that action is what is currently there, is he then now operating without a permit.

Attorney Roth: I think without the agreement to extend it, Council would have to take some action tonight to either approve what BZBA did, or overturn what BZBA did. Since we are giving him more time to say yes or no to BZBA, I think we have an agreement and need to just get it scheduled.

Councilman Long: So, our decision to table it, essentially allows him to continue to do business?

Mr. Snowden: Correct. BZBA's recommendation is truly a recommendation in this case because of the way that Chapter 1145 is written. Council's ultimate will here is paramount.

Council President Joseph: Another question for the Assistant City Attorney, is Committee action sufficient, or would Council formerly have to do that.

Attorney Roth: I do not think Council has to take any formal action. We have a record saying there is an agreement.

RESULT:	TABLED [UNANIMOUS]	Next: 9/6/2016 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Brett Luzader, Ward II	
AYES:	Clemens, Cicak, Luzader	
ABSENT:	Spalding	

b. Ordinance Authorizing Mayor to Enter into a Lease Regarding Construction of a Telecommunications Tower and Declaring an Emergency.

Mr. Havener: Chairman Clemens, members of City Council, before you here tonight to ask for your approval to allow the Mayor to enter into this lease agreement regarding a Verizon tower. We have been working with the Verizon group for well over a year now, on this particular site. They originally were working on a site behind the PNC bank right off of East Main, and we explained to them that it was not a preferred site for their tower and that we would work with them in finding an alternative site. So, that is how we came up with the current site within the Water Department property off of Truro Ave. They are proposing an area of approximately 8x31FT. A rectangular piece of property that they will be leasing. It is located in the northwest corner of the Water Department property, behind the green houses, and is basically at the furthestmost point that we could make it work, and maintain the clearances required from the local residences, and create as safe of an environment as possible with both the height of the tower and the property that we had to work with. If there is anything that I can do to answer your questions this evening, we are asking for this to be an emergency due to the fact that they would like to start construction on the tower. We have a representative here from Verizon if we have any further questions.

Chairman Clemens: Are there any questions for our Development Director?

Councilman Luzader: I know they are asking permission to have access to that area twenty-four hours a day, so that will not effect anything having to do with the Water Department, or the Parks and Recreation Department?

Mr. Havener: No, the Water Department has been fully involved in this process through the testing and the surveying of the property by the proposed use, as well as through the review of all the contract papers we have been going through to date. They are aware of the situation and are in agreement with them having access to the property.

Chairman Clemens: Are there any other questions for our Development Director?

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 6/13/2016 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Stephen Cicak	
AYES:	Clemens, Cicak, Luzader	
ABSENT:	Spalding	

- c. Ordinance to Vacate a 4,230 Square Foot Utility Easement Located at the Northwest Corner of Waggoner Road and East Broad Street and Declaring an Emergency.

Mr. Havener: Chairman Clemens, and City Council Members, this is a situation where a center easement was originally installed and proposed with the sanitary sewer extension to the south from East Broad Street to the proposed termination, which was determined initially when the hotel was proposed at this site at the very west end, next to the pond. But, since the hotel was pulled out of the equation, and what is now being proposed is an extension of the existing strip center, a 144FT section of the sanitary sewer is in no longer in need, and the way it is installed today would be underneath the proposed new structure. So, what they are asking for is a termination of that 144FT length of sanitary sewer to get the terminus beyond the front of the buildings, and not have the sanitary sewer extend underneath the building. That is basically the reason we are here before you tonight.

Chairman Clemens: Are there any questions for the Development Director? They are going to put in my fountain?

Mr. Havener: Just to give everybody an update with the situation with the landscaping, even thought that is a totally separate situation than the sanitary sewer vacation, we had a meeting with the proposed use and land owners. Basically, what they have agreed to do, at the request of the City, is install an additional twenty-eight trees, located throughout the development. Nineteen of those trees will be on the north side of the existing ditch, or storm swell that goes along the west. There will be six trees equally spaced along the south side of the approach off of Waggoner Road. And then three trees on the very south side of the existing pond. We are hoping with these adjustments, it will bring them within compliance of the additional trees that they took liberty to remove, and will make it for a nice development. They are proposing to replace what is now dirt, on the north side of the ditch, they are going to basically seed that entire area, so eventually it will all be grass.

Council President Joseph: Why were the trees in that little corner taken out? My understanding was that was going to remain natural when that was initially developed out ten years ago.

Mr. Havener: It was a situation where there was some notations on the existing development drawings that were left on the drawings that I don't think the developer was necessarily aware of, and it was a lack of communication on their part between their consultants and themselves. There was a note left on the drawing, calling out for a conservation area, and it was basically covering the entire wooded area that was existing out there previously. The property owner had met with the Ohio Department of Natural Resources and EPA, on site prior to even the start of construction. The property owner had met with the Ohio

Department of Natural Resources and EPA, on site, prior to construction, and what they had determined between them was the fact that they needed to maintain of the existing trees. Twenty-five foot from the center of the ditch to either side of that center line. So, they had a fifty foot path that needed to be maintained. The drawings did not necessarily show that. The drawings called out for basically a total tree preservation. That it what it lead you to believe. That was the City's belief at the time because of that note that was on there, we did not think that they would be removing as many trees as they had. It was really a lack of understanding and communication. Not only between the developer and their consultants, but also between the developer and the City at the same time. That is why we went through this negotiation process and came to terms on the replacement numbers and the trees that they are going to put back in there.

Chairman Clemens: It makes it easier to see their signs too.

Mr. Havener: They are also adding some additional landscaping around the monument sign and doing some other things to help dress up that approach.

Chairman Clemens: Are there any other questions?

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 6/13/2016 7:30 PM
MOVER:	Mel Clemens, Ward IV	
SECONDER:	Brett Luzader, Ward II	
AYES:	Clemens, Cicak, Luzader	
ABSENT:	Spalding	