

MINUTES REGULAR COUNCIL MEETING
REYNOLDSBURG CITY COUNCIL
FEBRUARY 12, 2007

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

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

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

Minutes of the special Council meeting held January 22, 2007 were approved without objection. Minutes of the regular Council meeting held January 22, 2007 were approved without objection.

The agenda was approved.

Communications- -Clerk read report from Clerk of Courts: total monies collected from courts held during January 2007, \$37,254. Monies also collected during that period pursuant to Ordinance Nos. 146-94 and 104-02- -\$2,127 for the Computerization Needs Fund and \$175 for the Enforcement and Education Fund.

Reports- - -

Mr. Clemens: Thank you, President Hills. The item I wanted to discuss is the car lot, used car lot at Hentz and Main. And the reason I'm bringing it up is, they had not been conforming to our code for the last 4, 5, 6 weeks. And the code that I'm speaking of is 351.05, and it's under the Traffic Code, ADisplay Of Items For Sale Near The Street@. Now this is a code that we have enforced in the past. And the reason we've enforced it is, we've enforced it on places like K Mart and so forth. People sitting cars out front for sale and so forth. Get them back. And also, we've enforced it on 3C Auto was doing the same thing. Other places in town. Other businesses that were displaying items for sale within the 25 foot setback from the right-of-way. The problem is, it's in the Traffic Code and not the Zoning Code. And what it says is, ANo person shall display any vehicle regulated by the Ohio Motor Vehicles Law, or any other item of merchandise or produce for sale along the streets or highways within the City nearer than twenty-five feet to the right-of-way line of the streets or highway. No model or sample from which the sale of other vehicles or merchandise are to be made shall be so displayed@. On this, I've been working with the Service Director and other people within the city. Now this was brought to their attention when they got their Zoning Certificate when they went before the B&Z Commission and so forth. Mr. Haire brought it to their attention that the Traffic Code does not have a variance to it. That still is enforced. It's enforced for twenty-five foot setback from the street. It had not been adhered to up until lately. And I do want to bring that up that here over the weekend, they have tried to conform somewhat with the code. It's a step in the right direction. I should say backwards. It's not in complete compliance with the code. But it is a step in the right direction. And I would like to thank the Mayor and his staff for any involvement they had in this. I will continue to meet with the Service Director on this because we have

discussed possibly having a meeting with the Mayor and so forth and see what we could do as far as this being in the Traffic Code and not being in the Zoning Code - how we could handle it elsewhere. So I will be meeting with Mr. DeBolt and the Mayor. And I do want to thank them. I criticize a lot and I know that. So when I do ask for something to get done, I would like to thank the people that took care of it. So that=s what I wanted to discuss this evening. It has been looked at and it=s being worked on. So I want to thank the people that=s involved in it. Thank you.

Mayor McPherson: Yeah. The car lot as Mel said, is in compliance as we speak. They had been in compliance all this time with the setback out front. The problem they had was the setback on the side. They apparently didn=t realize that they had to be 25 feet back from that setback according to our Traffic Code also. Just for information, this is the packet that we=ve got on that car lot. They got the approval of the BZBA. They got the approval of the Design Review Board. They have been super-cooperative with the city in everything that we=ve requested. The code that Mel mentioned, the 351.05, is a code that, and I=ve mentioned this to Mel and maybe a couple of other people, but we=re going to try to bring forward and ask City Council to repeal this code. The variances that are permitted under our Zoning Code are quite lengthy. And I=m sure anyone that=s been involved with zoning compliance and all, the first that they=ve got to do is comply with all this just to get the special zoning permit. Then they go to BZBA for any variances that they want in that permit. They did in fact, go to BZBA, and they did in fact go to the Design Review and they were approved for everything that they submitted. They were approved for a setback from 40 feet to 25 feet.

So again, now on the side lot, if we determine that they are in violation of the Zoning Code, then they=ll have to come back and try to get a variance for Hentz. But you need to understand, that when they came back and got the zoning variance from 40 feet to 25 feet, they have every day since they got that variance, had those cars on Main Street setting back the 25 feet. They are making every effort to work with us. And we don=t want to drive them out of business. Because if you all recall what used to be there, the old Bonded Station that was falling down with the gravel lot and a terrible looking building, this group has just bent over backwards to accommodate the City of Reynoldsburg with anything we=ve asked. They even have, any work that=s done, their building, they go in from the rear. They don=t even have a garage door on the front of their building. They put it around back. They do all their work around back. And it is not an eyesore type of facility with cars or building. It truly is a very good building. The problem that we have with the 35, or 351.05, with that 25 foot setback, and the reason we=re going to bring it to City Council for repeal, give you an example, if you own a Huber home and you want to have a garage sale, well you can=t have anything for sale within 25 feet of the right-of-way. Well that puts you up in the front door. So that=s going to mean no more garage sales. If you have a car that you=ve got a >for sale= sign on, and you set that car out in your driveway, you park it at night and don=t take that >for sale= sign out of it, you subject yourself to a ticket. Now you know, the big stores like K Mart and Wal Mart and all these store, 25 feet back doesn=t bother them. I mean, you go over and look at any of these stores, they=re lined up with pop machines, and swing sets, and mulch, and you know, I mean, they=re selling everything and their brother outside their store. But you get on Main Street and there isn=t 25 feet to spare. So we are going to be bringing 351.05 to Council and asking you to review it and consider repealing it. I=m not sure but I believe that will come to the Safety Committee. And you know, and of course

we'll have discussions about it. But we just feel that it really isn't appropriate. I mean, even, I just don't think it was intended to prevent people from putting a >for sale= sign on their car and sitting it in their driveway. Or I don't think, you know, we should be obligated to drive down the street and if we see a car that=s sitting on the street that=s got a >for sale= sign in the window, we give them a ticket. You know, I don't think that=s what we need to be doing.

And we do have a mechanism in place through the zoning for variances. The variance in zoning for the setback is 40 feet. And they went before the zoning and they got it reduced to 25 feet. So they=re making every effort. There are some places here in town, like in Olde Reynoldsburg, you don't have 25 feet. If you=ll recall, that=s why that country store went out of business because they couldn't set a table out in front of their store to have their little knick knacks on. Because they, you know, 25 feet was 10 or 15 feet inside their building. You know, I experienced it through the business, the motorcycle shop that I had. But that=s neither here nor there. Because I accepted it and I moved my shop. The people after me accepted it and they moved their shop. We don't want to drive business away. And so when I bring this forward to City Council, I=m going to have a lot of pictures. I=m going to have a lot of things that you can take a look at. And I would encourage you even now, drive around and look at all the places that you can't have a 25 foot setback and still sit anything outside your shop to do business. You know, we just don't want to drive businesses out of this town because of where they=re situated, they don't have this 25 feet or 40 feet. You know, Council just not too long ago, set from 40 feet to 15 feet, and let a building be built over by Kroger=s. Fifteen feet from the right-of-way. Now of course, they=ve sold and they got a new tenant in there now. And hopefully the new tenant will maintain the property like the old tenant did. But 15 feet from the right-of-way for a whole building, this car lot, the cars that are parked there are further back than the cars that are parked up and down the street in normal parking. And you know, they=re all parked up against the wall there for normal parking and here=s a guy trying to make a living. He=s got his car set back 25 feet from there.

So you know, but again, you know, I do want to thank the owner of this facility because they have made every effort to comply with our law and still stay there and still stay in business. And you know, this one facility has been singled out you know, to talk about in front of City Council. But I just want everybody to realize, they=re bending over backwards to comply with our ordinances and our laws. And they are. If you go down there right now, they=re 25 feet back on Main and on Hentz. And so, you know, in defense of that car lot, they=re an exceptionally good business for the City of Reynoldsburg, and they=re good corporate citizens. So you know, I hope that, you know, we don't, you know, we don't drive them out like we have some other ones over this one particular ordinance that we seem to be, certain people on Council are hung up on.

Mr. Hills: Bob, I don't think the desire is to ever drive a business out of Reynoldsburg. I did notice that the cars were back this morning. I drive by it every morning because I go downtown. They were back this morning. They possibly have had some mixed signals of where they can and cannot be. I=ve heard the 351.05 now for a couple of years. And if you want to make some, either repealing or modifications, I=m sure Council would be more than happy to discuss that.

Mayor McPherson: Right. And I=ve heard that from several Council members.

Mr. Hills: You've got to bring it forward. And it's never been brought forward yet for that discussion. Now we can get into variances, and get into the Traffic Codes, what can you do? It's all a mix and twist of words. But if anything needs to be revised to change where the business climates, social pressures, or whatever, or just realistically, this one's outdated, I don't know of any Council member that isn't going to bring it up and discuss it. So put a packet together and bring it....

Mayor McPherson: I know of one. He already told me he won't put it on his committee.

Mr. Hills: Let me assure you, out of the 7, it'll go on some committee, then you don't have that problem. But you need to put the packet together and bring it. I would appreciate if you do point out some of these things, that you have pictures and different things. It just makes it, the more data Council has to work with, the better off it is. Does anybody else have any....Mel.

Mr. Clemens: I suppose I should have left it alone where it was. That was a good speech by the Mayor. He always makes a good one. Some incorrect and some correct as usual.

Mayor McPherson: Nothing incorrect there.

Mr. Clemens: You want to go out and measure, don't give me what's incorrect and what's not. And I knew I would get blamed for this because him and I have different opinions on the codes. I've never criticized a business that was holding up to the code; the Mayor's didn't. That's his problem. That wasn't mine. And as far as bringing this, I talked to him months ago and I said, you know, he asked me about this and I said, I agree. It has to come before Council. And it should come before Council and be corrected. As it stands now, we have the code that should be enforced. It's not a pick-and-choose code; and that's what the problem is.

You know, we have too many things around town that we have pick and choose on. Now, as far as these guys being great, they are great. I have nothing wrong with the used car lot. They've got nice cars. The building's nice. As far as them doing everything we've asked, they certainly did.

They came in and got a permit to open after they'd been open 5 or 6 weeks, that I had to come down here about every week wanting to know why they were open when they hadn't even had a Zoning Certificate, or hadn't even been approved as far as their final inspection. Which was fine, I mean, I have no problem with that, but I think that we should do things in the correct manner. I'm not picking on them. It happens to be in my ward. If I don't like it, other people don't like it, I have a right to speak about it. As long as they abide by the code, I have no problem with it until we change the code. Once we change the code, that's fine. It should come before the Safety Committee. It is a traffic code. And the zoning change should come before the Service Committee and then we'll discuss it. I have my opinions on how we can change it. I'm sure the Mayor has his opinions on it. And I'm willing to do it. This has been discussed years ago. And it's all I've ever heard is, I'm going to get that changed. I'm going to bring that before Council. Until tonight, nothing's really been forceful about. So now maybe we'll have something come before Council that we can work on. And like I said before, I appreciate the work the Mayor's done as far as this is concerned. And I have nothing more to say about it. As long as the code's enforced, that's fine.

Mr. Hills: Any other questions from members of Council? Mr. Baxter.

Mr. Baxter: Just one. President Hills, I'm just going to say to the Mayor, I look forward to talking with you about it, seeing this come to my committee, and we can move forward with it. I also would say that I was rather surprised at how well that the lot looks. I was one of the criticisms in that argument because I just could not fathom how that would look in the City of Reynoldsburg. And they have done a great job at making the place look better than it did. And the vehicles don't remind me of something like a junk yard. So they did a nice job out there. So thank you for what you've done to make that happen.

Mayor McPherson: Mr. Hills, the ordinance is on the SERVICE DIRECTOR'S DESK AT THIS POINT. SO IT WILL BE COMING DOWN THIS WEEK.

Mr. Hills: Then it becomes a good subject to be discussed in committee. Alright.

Mr. Baxter: Thank you, President Hills.

Mr. Hills: Yes, Mrs. Newman.

Mrs. Newman: I'd just like to say... thank you Mr. Hills Mr. Clemens I agree with you. But I think that our ordinances should be in line with reality and what is actually happening. And I don't agree that it's a good thing to make exceptions for some people and not others.

Mr. Clemens: I agree.

Mr. Hills: Laws sometimes need to be changed. So if they do, let's bring them forward and debate the issue, vote on the issue and see where we come out.

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Mr. Hills set an Appeal Hearing for February 26, 2007 at 7:00 p.m. in Council Chambers for 7151 E. Main Street - proposed use - tattoo parlor. A variance, and a Special Exception Use Permit, were denied by the BZBA.

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ORDINANCE AUTHORIZING MAYOR TO PURCHASE THREE VEHICLES (2007 Ford Crown Victoria Police Cruisers) FOR REYNOLDSBURG POLICE DEPARTMENT AND DECLARING AN EMERGENCY- - -Clerk read ordinance by title for the one required reading. Mr. Baxter moved adoption. Mr. Stake seconded. With the roll called, members voted: Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@. Motion passed; Ordinance No. 7-07 adopted.

ORDINANCE AUTHORIZING MAYOR TO PURCHASE ONE VEHICLE (2007 Ford E350 Van) FOR REYNOLDSBURG POLICE DEPARTMENT AND DECLARING AN EMERGENCY- - -Clerk read ordinance by title for the one required reading. Mr. Baxter moved

adoption. Mr. Stearns seconded. With the roll called, members voted: Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@. Motion passed; Ordinance No. 8-07 adopted.

ORDINANCE TO AMEND THE ACITY OF REYNOLDSBURG, OHIO PERSONNEL POLICY AND PROCEDURE MANUAL@ ADOPTED BY ORDINANCE NO. 14-03 PASSED MARCH 10, 2003 AND AS SUBSEQUENTLY AMENDED, SECTION 3.08 Transfer, Subsection A.- -Clerk read ordinance by title for the first reading. Mr. Hills thanked the Civil Service Commission Secretary for providing additional information that had been requested. Item referred to Finance Committee.

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO PERSONAL SERVICE CONTRACT WITH DUBLIN MANAGEMENT GROUP LIMITED FOR HUMAN RESOURCE CONSULTING SERVICES- -Clerk read ordinance by title for the first reading. Mr. Hills thanked the Mayor for providing additional information. Item referred to Finance Committee.

RESOLUTION ADOPTING THE REVISED CAPITAL IMPROVEMENTS PROGRAM FOR THE CITY OF REYNOLDSBURG, OHIO FOR THE YEARS 2007 THROUGH 2011- -Clerk read resolution by title for the first reading. Item referred to Finance Committee.

Mr. Hills said there was a request by the Mayor for an Executive Session to discuss imminent litigation; and to discuss collective bargaining; and also a request by the City Attorney to discuss imminent litigation. Mr. Stake moved to recess for Executive Session; Mr. Joseph seconded. With the roll called, members voted: Mr. Joseph AYea@; Mr. Clemens AYea@; Mrs. Newman AYea@; Mrs. Shirey AYea@; Mr. Stake AYea@; Mr. Stearns AYea@; Mr. Baxter AYea@. Mr. Hills said those attending would be elected officials, the Clerk of Council, Chief of Police, outside counsel, Mr. Ellsworth and Mr. Fischel, Mayor=s Secretary, and Human Resources Secretary. Mr. Hills said following the Executive Session, Council would reconvene only to call the roll and adjourn. Council recessed at 7:54 p.m.

Council reconvened at 8:58 p.m.. With the roll called, members responding were: Mr. Joseph APresent@; Mr. Clemens APresent@; Mrs. Newman APresent@; Mrs. Shirey APresent@; Mr. Stake APresent@; Mr. Stearns APresent@; Mr. Baxter APresent@.

Meeting adjourned at 8:58 p.m.

William L. Hills, President of Council

Nancy C. Frazier, Clerk of Council
(Minutes compiled by Ass=t. Clerk of Council Lyday)