

BOE certifies Harlem Twp. referendum to Nov. ballot

NEWS

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The Delaware County Board of Elections on Thursday certified a referendum to the November ballot that will give Harlem Township voters the opportunity to overturn a decision made by township trustees to rezone 13 acres of property on Francher Road from agricultural to a planned commercial and office district to the November ballot.

"I move to certify the referendum on HTZ-1709 to the ballot reflecting 127 valid signatures as verified by office staff," said Peg Watkins, a member of the BOE.

The board accepted 127 of the 174 submitted signatures as valid and certified the referendum to the ballot by a unanimous vote.

Once the vote was taken, a lone soft cheer came from the back of the room from Herman "Judge" Berk Jr., a resident of Harlem Township, who had circulated the petition for signatures.

"It ain't out of the woods, yet. I probably think we'll see you all here in a couple of weeks," Steve Cuckler, a member of the board, told Berk. "Board of elections is where the right to petition and the rights of private property collide."

Cuckler was referring to the probability of the property developers, Jim Gehring and Jeff Barr, protesting the certification, which would lead to a protest hearing.

Harlem Township Trustee Bob Singer, one of two trustees who voted in favor of rezoning the 13-acre property during the trustees meeting on March 28, was in attendance along with residents of the township.

"I voted originally for the plan because I felt I had a legal obligation to do so. The voters, I feel, have a right to personally vote for this project as a township," he said. "I understand that you have regulations that you have to follow. I don't know how much flexibility you have as a board, but I would hope you look at it as the best possible consensus of the township."

Trustees determined the facial validity of the petition met the requirements contained in Ohio Revised Code 519.12H and elsewhere. As a result, the board voted 2-1 to certify to the county BOE the 13 part-petitions with 174 signatures submitted to the township's fiscal officer on April 18.

Gehring and Barr are proposing to build a 500-unit, self-serve kiosk storage facility on the property. The facility would not be staffed.

Before leaving the BOE meeting on Thursday, Brittney Bowers, who spearheaded getting the referendum on the ballot, questioned Board of Elections Chairman Ed Helvey on what happens if there is a protest hearing. After the discussion, she said the group is hiring legal counsel in case there is a hearing.

"We've gotten this far, we don't want to just hide in the corner," she said. "I've never been to a protest hearing before, so it's hard to tell how it will all shake out. I'm hopeful that we have a strong enough case to keep it on the ballot."

Bowers' driveway borders the property of the proposed storage facility. She said the proposed plans show an 800-foot-long privacy fence that would run along her driveway.