

## Harlem Twp. referendum faces legal battle

### NEWS

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During its regularly scheduled meeting Tuesday, the Delaware County Board of Elections scheduled a protest hearing for Harlem Township's referendum, which the board had previously certified to the November ballot.

"At the last regular meeting, you had certified the Harlem petition to the ballot. This past Friday (June 8), there was a protest filed against your findings," said Karla Herron, BOE director. She said the paperwork asked that it is scheduled promptly, but it didn't specifically indicate that the board should hold the hearing immediately.

However, she did offer a little advice: "The further away from the election in having it resolved, the better for us," she said.

Columbus attorneys Donald McTigue and Corey Colombo filed the protest paperwork on behalf of Norma McCann and James Wheeler.

Wheeler, a 40-year resident of the township, stated previously that he was a proponent of the rezoning and he'd be "tickled to death if a big commercial place moved in next to him."

"The area that the property is in, there is a ton of commercial around there," he said. "It seems to be a good fit for the community."

Dennis McCann, the owner of the 13-acre property along Francher Road, said the sale of the land to the applicants requesting the rezoning, Jim Gehring and Jeff Barr, was contingent on the approval of the rezoning.

Gehring and Barr are proposing to build a 500-unit, self-serve kiosk storage facility on the property if the rezoning is allowed to move forward from agricultural to planned commercial. The facility would not be staffed.

Brittany Bowers, one of the opponents of the rezoning, owns property that borders the 13 acres to be rezoned. She is facing the possibility of an 800-foot-long privacy fence being built the length of her driveway as proposed in Gehring and Barr's building plan.

Bowers questions if a 500-unit storage facility is best for a community where many of the residents have outbuildings and considering it's a self-serve kiosk, it won't bring more jobs to the area.

Trustees voted 2-1 on March 27 in favor of the rezoning. Trustees David Jackson and Robert Singer voted yes, while Trustee Jerry Paul voted no.

Trustees were then faced in an April 24 meeting with a petition requesting a referendum be placed on the November ballot in which they determined the facial validity of the petition met the requirements contained in Ohio Revised Code 519.12H and elsewhere in the ORC. As a result, the board voted unanimously to certify to the county BOE the 13 part-petitions with 174 signatures submitted to the township's fiscal officer on April 18.

The BOE accepted 127 of the 174 submitted signatures on the petition as valid and certified the referendum to the ballot by a unanimous vote on May 24. Petitioners needed 116 valid signatures for the referendum to be certified to the November ballot.

The referendum will give Harlem Township voters the opportunity to overturn the decision made by trustees to rezone 13 acres of property from agricultural to a planned commercial and office district.

However, according to the attorney's filing for McCann and Wheeler, there are errors in the petition and not all the of the 127 signatures are valid, putting the total number needed below the required 116.

As stated in the attorney's conclusion of their filing with the BOE, "... the petition contains violations of the requirements established by Ohio law and the precedent established in interpreting Ohio law by this Board, and, as a result, the petition contains an insufficient number of valid signatures."

Curt Sybert, the attorney representing the residents who oppose the rezoning, said, "We believe the Board of Elections got it right and it should go on the ballot for the voters to decide."

The BOE has scheduled the Harlem Township protest hearing for July 17 at 9 a.m.