CITY OF GROVE CITY, OHIO

COUNCIL MINUTES

September 16, 2013 Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 p.m. in the Council Chambers, City Hall, 4035 Broadway.

After a moment of silent prayer and the Pledge of Allegiance, roll was called and the following members were present:

Jeff Davis *Maria Klemack-McGraw* *Ted Berry* *Steve Bennett* *Melissa Albright*

1. Ms. Klemack-McGraw moved to dispense with the reading of the minutes from the previous Regular and special meetings and approve as written; seconded by Ms. Albright.

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. The Chair read the agenda items and they were approved by unanimous consent.

The Chair recognized Mr. Bennett, Chairman of Finance, for discussion and voting under said Committee.

1. Ordinance C-31-13 (Approving and Authorizing the City Administrator to Execute the Joint Economic Development District Contract between Scioto Township, The City of Grove City, and the Village of Commercial Point, and Authorizing the City Administrator and other City Officials to Execute documents necessary for the Creation of the Joint Economic Development District) was given its second reading and public hearing.

Mr. Stephen Young, Legal Counsel for the Corrections Facility, voiced opposition to this ordinance. He said the Dept. of Corrections position is that the JEDD contract does not comply with all the ORC requirements for creation of a JEDD. The DOC opposes the JEDD because it directly harms approximately 700 employees of the Orient Corrections Complex by imposing a two percent (2%) income tax upon them without representation. He said many of these employees live in Grove City and support local business. He said a JEDD is to create economic development and jobs. He said this requirement is not met by only a 1.5 acre parcel zoned commercial and a 0.5 acre parcel zoned residential. The remaining 1,316+ acres is owned by the State and not subject to commercial or industrial zoning. He said it is clear that the JEDD is being created for the sole purpose of generating income tax revenue from these State employees. The tax revenues are earmarked to fully staff the fire & EMT Department of Scioto Township. He read a portion of the Statue regarding signatures on the petition. He said the Township and Village signed as the majority property owners, but they have a conflict of interest. He said the County and City should disapprove this petition since the petition is not signed by a majority of disinterested land owners. He said the Township will not submit this petition to the Electors for a vote to approve the JEDD but they believe that this petition does not meet the two requirements to waive this provision. If Grove City approves this, they will oppose it at the County level. He said supporters of the JEDD claim that the DRC uses Township resources without paying taxes. However, they access the Corrections facility by State Routes, which they do pay taxes for. Additionally, the DRC provides water and wastewater services at a low rate to the Scioto Township and Village of Orient. They have also contributed substantial funds to Scioto Township Fire & EMT help build that service to what it is today. The DRC urges Council to deny the JEDD Contract. He also requested that Council postpone any action until such time as the General Assembly implements amendments to the JEDDS. He said State Representative Shuring and Grossman have agreed to sponsor a Bill and introduce it next week. He said the Township Fire Dept. needs to live within their budget.

Mr. Don Brosious, attorney for Scioto Township, thanked Council for considering the partnership to this JEDD. He submitted small corrections to the contract and reviewed each with Council:

1. Recitals: In the 2nd line of Item A, "718.81" should be changed to "715.81";
2. Section 9: In the 7th line of the 3rd paragraph where it says "of the other JEDD Party.", it should read "of the other JEDD Parties.";
3. Section 12: In the 2nd sentence, the word "Contact" should be changed to "Contract";
4. Section 15: At the end of the first paragraph after the word "reimbursement.", add "In addition and subject to the Township's subsequent approval, appropriation and certification of funds for such purpose, the Township agrees to pay to the Village the amount of the deductible that the Village is required to pay under its then current liability insurance policy, provided that such one-time payment shall not exceed, in the aggregate, the sum of $5,000.00." Also, the second paragraph in this section needs to be deleted in its entirety.
5. Section 16: This paragraph simply needs reformatted in order to be consistent with the rest of the contract; and
6. Section 19: The name of Stephen's firm and address needs to be changed to "Frost Brown Todd, LLC, One Columbus, Suite 2300, 10 West Broad Street, Columbus, OH 43215-3484

Mr. Smith, Dir. of Law, explained that Mr. Brosious is reading these into the record in order to follow State statute. Mr. Berry asked if Scioto Township has voted to support this. Mr. Brosious said yes. Mr. Berry asked if the Village voted to support it. Mr. Brosious, said as he understands it - yes.

Mr. Mike Hess, legal counsel for the Village of Commercial Point, stated that the Village did, by majority vote, in favor of authorizing the JEDD on 9/3. He said they look forward to entering into a partnership with the Township and developing a relationship with Grove City. They welcome them as a partner into this JEDD. He noted the changes identified by Mr. Brosious and the Village will be addressing a potential increase in their percentage - not to affect the percentage given to Grove City. Mr. Berry asked why they need Grove City for this JEDD. Mr. Hess said they are also an invited guest to this JEDD and deferred the question to Mr. Brosious. Ms. Albright asked about the percentage change. Mr. Hess said they have asked for additional protection against potential litigation costs. That has resulted in looking to increase their increase by 1 or 1.5% of the proceeds collected by the JEDD. Mr. Davis asked what the vote was. Mr. Hess said it was 4 - 2. Mr. Brosious explained that they approached Grove City because of their positive relationship. He said the income tax rate through Grove City is greater than what the Township can obtain.

Mr. Mike Virekovich, voiced opposition to the JEDD and requested Council vote no. He said they are concerned about the way the JEDD is structured. He said the area accounts for less than 1:1,000 of a percent of the land involved. This doesn't seem to be within the spirit of the law, even though it meets the law. That is why a current State Legislator is looking to introduce legislation to stop action like this. He said considering the history of the Township residents not supporting the Fire Issues and the loss of a Service Contract by Scioto Township, this quickly looks like a retaliatory tax grab against working families that are caught in the crossfire between the State and the Township. Grove City is being used to invoke an income tax. The Township could go to Dublin or Bexley, etc., Grove City just happens to be right on the corner.

Mr. Allen West voiced opposition to the JEDD. He said there is no economic development available. There is only 1.5 acres available in the designated area and there are two water towers on that acreage. The water towers are needed to sustain the water service. He said the Township wants to reach out and affect 600+ employees because they cannot manage their money. He said he works at the Corrections facility and they have people locked up for less than what the Township is trying to do with this JEDD.

Mr. Brian Liff stated that this JEDD has been proposed to increase the fire department; increase the Township streets; create a 911 call center; to create business. He said every time they turn around there is a new story to try and get this passed. He said there are six revisions to this contract and it is different from what was presented to the Township and Village. He said three levies have failed (two for fire and one for roadway) because the people are tired of the mismanagement of the Fire Dept. He said the ORC requires the resolution to collect taxes under a JEDD must state a percentage to maintain the JEDD. This contract states "an amount sufficient". He said Scioto Township wants a blank check. He said the majority of the roads are already taken of. He said they need Grove City to penalize the employees. He said Commercial Point already has a 1% income tax. They could easily use that, but then it puts them all on an even playing field. He believes the Township is trying to penalize them by coming to Grove City to get a higher income tax than anyone in the Township is going to pay. He requested a copy of the revised contract, as it is different from what the Township and Village approved.

There being no additional questions or comments, Mr. Bennett moved it be postponed to 11/18/13; seconded by Ms. Albright.

Mr. Davis said the attorney for the Corrections Facility has been here twice and no one has rebutted his claims. He would like to hear any rebut if there is any. Mr. Brosious refuted each argument by Mr. Young. He cited State Statutes for his rebuttal. He referenced Section 715.72(c) & 715.73(c) that specifically contemplates this very type of issue. He said the JEDD is required to provide economic development through many ways, including preserving jobs; there is no legal requirement that new jobs occur in the JEDD territory; there is no conflict of interest with the signatures; the property is zoned appropriately for the function of the district; and it is not required to vote on the income tax.

Mr. Berry asked if it is true that levies were turned down. It was confirmed that three levies have been denied. Mr. Berry commented that the Township is asking Grove City to go into a partnership, but it doesn't appear that they have done the groundwork with their own communities. He said levies have been voted down; there are split votes; the document submitted wasn't the way they wanted it; yet you want a partnership. He said he would vote for this if it were a pure partnership. In a pure partnership the community is with you and sees the value in it. Without it, it is taxation without representation. He feels their public needs educated to understand the value in it. He said he may vote to postpone it just to give time for additional information, but they haven't proven that he should be levying a tax on people who don't see the value in it.

Mr. Davis stated that his sentiments are almost entirely in sync with Mr. Berry's.

Ms. Albright commented that in postponing this, there were several changes and Commercial Point wants percentage changes. She said he thinks our Administration brought Council something they thought was complete, but the partners are asking for changes today and she doesn't know how they could consider voting on it tonight.

Vote was called on the question to postpone:

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

2. Ordinance C-66-13 (Authorize the City Administrator to enter into an Agreement with MCPc for IT Services and declare an emergency) was given its first reading.

Mr. Todd Hurley, IT Director, explained that the City's Fire Wall service contract expire at the end of the month and the company we are currently with is no longer offering this service. He has found another company and needs to get this in place immediately to protect the integrity of the City's system. He said a three year contract would save the City over $10,000.00.

There being no additional questions or comments, Mr. Bennett moved that the Rules of Council be suspended and the waiting period waived; seconded by Ms. Klemack-McGraw.

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

Mr. Bennett moved it be approved as an emergency measure; seconded by Ms. Albright.

Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

3. Ordinance C-67-13 (Authorize the purchase and Appropriate $127,000.00 from the General Fund for 3465 Grove City Road and related expenses) was given its first reading. Second reading and public hearing will be held on October 7, 2013.

4. Resolution CR-43-13 (Approve the Contract for Fryer Park Restrooms as required by Section 139.05F7 of the Codified Ordinances) was given its reading and public hearing.

Mr. Smith, Dir. of Law, explained that this is the second step in the Design Build process. This is a standard construction contract. There are a few typo's/ clean-up items in the contract but nothing substantive. Ms. Conrad showed Council where the restroom/concession facilities will be. She said it is equal distance from each ball diamond pod.

There being no additional questions or comments, Mr. Bennett moved it be approved; seconded by Ms. Klemack-McGraw.

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

5. Resolution CR-44-13 (Accepting the Amounts and Rates as determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor) was given its reading and public hearing.

Mayor Stage commented that we have maintained the stability of our millage since 2008, even though our income has suffered by State changes. He said Mr. Boso prepared a chart that compares our property tax to those communities in Central Ohio and we fair very well.

There being no additional questions or comments, Mr. Bennett moved it be approved; seconded by Ms. Klemack-McGraw.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes

The Chair recognized Ms. Klemack-McGraw - Chairman of Lands & Zoning, for discussion and voting under said Committee.

1. Ordinance C-65-13 (Affirming the Continuance of the Special Use Permit for Scruffy to Fluffy - A Cut Above Pet Salon located at 3391 Park Street) was given its second reading and public hearing.

Ms. Klemack-McGraw noted that Council received a couple of letters in support of this business.

Ms. Kathleen Branson, owner, was present to answer any questions. She said this is their one-year anniversary. They have increased their employees from 2 to 5. She said the original Special Use Permit had a stipulation that limited her hours and she is requesting unlimited hours, so they can be open five days per week. She indicated that there have been no complaints from the tenants upstairs or the landlord.

Ms. Klemack-McGraw moved that Section 1 be amended to add: "with no restriction on the hours of operation"; seconded by Mr. Bennett.

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Ms. Albright.

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

2. Ordinance C-68-13 (Accept the Annexation of 0.505+ acres located at 2416 White Road in Jackson Township to the City of Grove City) was given its first reading. Second reading and public hearing will be held on 10/7/13.

3. Ordinance C-69-13 (Approve the rezoning of 363+ acres located North and South of State Route 665 and West of I-71 from PUD-I, IND-1, SD-3 and PUD-C to PUD-I with Text) was given its first reading. Second reading and public hearing will be 10/21/13.

4. Prior to the reading of the next item, Mr. Berry requested that he be excused from voting due to him working at OSU. Mr. Smith noted that this is consistent from the legal opinion Mr. Berry received by the Ethics Commission. Ms. Klemack-McGraw move to excuse Mr. Berry from voting on CR-45-13; seconded by Mr. Davis.

Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

Mr. Berry recused himself from the room until after discussion and voting.

Resolution CR-45-13 (Approve the Preliminary Development Plan for Gemini Synergy Center located at 3500 London-Groveport Road) was given its reading and public hearing.

Mr. Chris Slagle, attorney for petitioner, thanked Council for their continued support of this effort.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Mr. Bennett.

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Excused
Mr. Bennett	Yes
Ms. Albright	Yes

**Mr. Berry returned to the meeting.

5. Resolution CR-46-13 (Approve the Exterior Building Modifications for Guaranteed Heating and Cooling located at 3827 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Mr. Boso, City Admin., explained that this is the former Colonel Sanders building and proposes to put a second story on this facility. He said the petitioner agreed to the stipulations set by Planning Commission. Mr. Bennett said it wasn't too long ago that this came before Council and the prior plan was much nicer in keeping with the neighborhood. He asked why the departure. Mr. Boso said he wasn't sure, but believes this is a new owner.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Ms. Albright.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes

The Chair asked that any new business to be brought before the attention of Council be done so at this time.

1. Scout Don Wall, Troop 136, was present to work on his communications merit badge. Scout Jack Nance, Troop 275, said he is a 1st class Scout and only needs two badges to be a Star Scout. He stays in Scouts because colleges offer scholarships to Eagle Scouts.

The Chair recognized members of Administration and Council for closing comments.

1. Mayor Stage submitted the Mayor's Court report. Mr. Berry moved to accept same; second by Ms. Albright.

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

The Mayor reported that the Historic Commission is moving along. Mr. Jim and Linda Hale are the first members appointed. He noted the passing of Irma Lewis at 102 years old. He also noted that Oct. 8 is the State of the City address. Congressman Steve Stivers will be a guest speaker.

2. Ms. Kelly reported that she had a Liquor Permit request that Chief Robinette did not have an objection to. Council did not request a hearing.

3. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:10 p.m.

Tami K. Kelly

Tami K. Kelly, MMC
Clerk of Council

Ted A. Berry

Ted A. Berry
Chair