CITY OF GROVE CITY, OHIO

COUNCIL MINUTES

July 16, 2012 Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 p.m. in the Council Chamber, 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. President Berry recognized Asst. City Admin./Safety Director Bill Vedra and Fire Chief Sheets for a presentation. Mr. Vedra and Chief Sheets recognized several individuals (Heather Papas, Roger Saunders, Alice Rush, Gordon Hughes, two medics) who assisted a resident outside Urban Active who was having a heart attack. Mr. Daniels lived as a result of quick actions taken and all involved were awarded a Certificate. Mr. & Mrs. Daniels thanked everyone for their help.

2. Ms. Klemack-McGraw moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Ms. Albright.

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

3 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-30-12 (Appropriate $3,000.00 from the Senior Nutrition Fund for Current Expenses) was given its second reading and public hearing.

   Mr. Turner, Finance Director, explained that the Mayor's Cup was more successful than anticipated and we need to appropriate the additional monies collected.

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

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

2. Ordinance C-34-12 (Authorize the Emergency Replacement of the Southwest Boulevard Sanitary Sewer Line and Appropriate $200,458.00 from the Sewer Fund for said project and declare an emergency) was given its first reading.

   Mr. Chuck Boso, City Admin., asked Mr. Spring to give an update on the project. Mr. Spring, Service Director, explained that about three weeks ago, we had a total failure with a sewer line across from Wal-Mart Distribution Center. They did an emergency by-pass line. Once it was opened and reviewed, they found that the whole section is in bad shape. He said this appropriation will cover just the section that is just past the break. It will get them into better pipe, but anticipates having money in the budget to repair the rest of the section later. Mr. Boso noted that this section services the Westgrove subdivision. This sewer goes between Demorest and Broadway and they will be examining the entire stretch to see what may need attention.

Mr. Smith, Law Director, explained that this ordinance also waves the competitive bidding provisions due to the emergency nature and timeliness of the repairs. He said they did contact several companies and received quotes to get the best deal possible.

Mr. Bennett asked if this was on the radar, as part of the on-going sewer/water line maintenance program. Mr. Spring said no it wasn't.

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.

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

Mr. Bennett moved it be approved as an emergency measure; seconded by Ms. Klemack-McGraw.

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

3. Ordinance C-35-12 (Appropriate $1,018,403.00 from the Capital Improvement Fund and $347,562.00 from the General Fund for the Current Expense of the Hoover/Holton Roads Intersection Improvements) was given its first reading. Second reading and public hearing will be held on August 06, 2012.

4. Ordinance C-36-12 (Amend Section 139.05 of the Codified Ordinances titled Bidding Purchases and Procedures) was given its first reading. Second reading and public hearing will be held on August 6.

5. Resolution CR-12-12 (Oppose the State of Ohio taking control of Municipal Income Tax Collections) was given its reading and public hearing.

   Mayor Stage said the City is pretty clear on its stand on this issue and believes it is appropriate to go on record with the State discouraging municipal tax collection.

   Mr. Bennett explained that the State is working on this in two phases - one being a collections issue and one being a declaration of commonality of what is income and what is not. He said he agrees with the latter, but not a centralized collection agency.

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

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

6. Resolution CR-20-12 (Approve the Budget Estimates for the Fiscal Year of 2013) was given its reading and public hearing.

Mr. Turner explained that this is the fist step in the budget process for the 2013 year. It will set the limit of money that can be appropriated for 2013. Whatever is left over from this year will be added to this estimate and the County will send a Certificate of available resources. He said he monitor's this balance regularly and this system keeps a municipality from falling into a deficit situation.

Mayor Stage called Council's attention to the middle of the report and the Total State Shared Taxes line item in the attachment. In 2009, it was $1.7 million; in 2010, $1.4 million; the anticipated number for next year is $691,000.00 He says it shows the kind of hit municipalities are taking because of the elimination of State tax and cuts in Local Government funding.

Mr. Davis complimented Mr. Turner on the attachment. He said we have seen a decline in revenue in the past several years and while the City is in good shape, these numbers concern him. He said he would like to have a more comprehensive discussion and document on how we plan to spend our money in the next three to five years.

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

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

7. Resolution CR-21-12 (Waive the provisions of Section 139.05 of the Codified Ordinances for Police Vehicle Changeover) was given its reading and public hearing.

Chief Robinette explained that Ford has discontinued the Crown Victoria for police vehicles. As a result, the interior equipment cannot be converted into the new vehicle as we have done in the past. We have had to buy more equipment that has caused more expense. He said there is one vendor that will go out and get all the needed equipment and install them for the Police Division. That Vendor's estimate came in over the $30,000.00 threshold, but they feel it would cost more to go elsewhere. They request Council waive this provision.

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

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

8. Resolution CR-22-12 (Confirm the Appointment of Rodger Cooper to the Income Tax Board of Review) was given its reading and public hearing.

Mr. Turner, Finance Director, explained that this is a required committee and a vacancy needs filled.

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

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

**The Chair recognized Mr. Davis, Chairman of Safety, for discussion and voting under said Committee.**

1. Ordinance C-37-12 (Amend Section 903.16 of the Codified Ordinances titled Fireworks, Firearms and Weapons) was given its first reading. Second reading and public hearing will be held August 6, 2012.

2. Ordinance C-38-12 (Authorize the Charitable Solicitations Board to Issue a Permit to the Leukemia/Lymphoma Society per Section 371.06(b)(2) of the Codified Ordinances) was given its first reading. Second reading and public hearing will be held August 6, 2012.

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

1. Ordinance C-32-12 (Accept the Plat of The Pinnacle Club, Section 2, Phase 6) was given its second reading and public hearing and Ms. Klemack-McGraw moved it be approved; seconded by Ms. Albright.

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

2. Ordinance C-33-12 (Approve a Special Use Permit for Auto Related Services for Byers Car Rentals LLC located at 3952 Broadway) was given its second reading and public hearing.

Mr. Brock MacKeller, representative of Hertz Rental, was present to answer any questions.

Mr. Berry shared concerns of Council over the Use on this property. He said it has nothing to do with Hertz; it has to do with how the Use is maintained for any business of this type on the property. He said this is the heart of our community and they would like to offer some stipulations.

Ms. Klemack-McGraw read the outline Hertz submitted with their application that stated how they would operate this business including: business hours of 7:30 a.m. to 6:30 p.m., M – F and 9:00 a.m. – Noon, Sat.; 3 employees at site; 6 – 10 rentals per day with 50% conducted off site; no more than 8 vehicles on site; largest vehicle is to be a 12 passenger van; no maintenance will take place on site, other than vacuuming. Mr. MacKellar said that was correct.

Mr. Berry moved to amend Section to include the following stipulations: 1. There shall be no more than 8 cars on the site at any one time; 2. Approval of this Permit shall be valid for two (2) years from the effective date of this ordinance; 3. No maintenance of vehicles shall be done on the site; seconded by Mr. Bennett.

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

Mayor Stage clarified that this is being approved with the outline provided by Hertz and the additional stipulations from Council.

Mr. Berry said Hertz can come back in two years and ask for a Special Use Permit to continue this use.

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

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

3. Ordinance C-39-12 (Approve a Special Use Permit for McDonalds for Outdoor Seating located at 3370 Broadway) was given its first reading. Second reading and public hearing will be held on August 6, 2012.

4. Ordinance C-40-12 (Approve a Special Use Permit for Quality Market for Outdoor Sales located at 3556 Grove City Road) was given its first reading. Second reading and public hearing will be held on August 6, 2012.

5. Resolution CR-23-12 (Approve the Development Plan for Lamplighter Senior Housing located on the south side of Lamplighter Drive) was given its reading and public hearing.

Mr. Todd Valentine, representing developer, was present to answer any questions.

Mr. Bennett questioned the car port. He said he couldn't find a sheet of what they will look like or be made of. He said there are existing condo's surrounding this property that we need to be sensitive of. In addition the view from the thoroughfare needs to be addressed. Mr. Valentine tried to find the landscaping plan to address the site lines. Mr. Bennett asked if there was a reason for placing the carports on the ends. Mr. Valentine said there are patios for the first floor tenants and it was the best place, given the lot size. Council had several questions about the plan and Mr. Valentine said they could put something together to address their questions.

There being no additional questions or comments, Mr. Berry moved it be postponed to 8/6/12; seconded by Mr. Bennett.

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| 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. Mr. Charles Terry, resident, said he has been coming here for six years, trying to get an answer to getting fencing for their condo complex. He said they get a steady stream of cars from the Movie Theater, 18 wheelers, buses, etc. and it is annoying. He said some want a fence and some want trees. He wants to know if anything could be done. Mr. Berry said the last time Mr. Terry was here, Council asked him to bring back an agreement from all property owners in the condo complex. Mr. Terry said six want trees and six want fences. Mr. Bennett said there is an issue of the City using public monies on private property. Much discussion took place on this issue, including the help the City gave in getting Continental to the table with an offer for trees and fence sections that the residents rejected. President Berry asked Mr. Boso to be the point person on this and include Ms. Klemack-McGraw & Mr. Bennett who are the Council representatives for this area.

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

1. Mayor Stage said he had statistical information from Mayor's Court and requested Council accept it. Mr. Berry moved to accept this report; seconded by Ms. Klemack-McGraw.

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

He said the fireworks went well. He reported on other events and the fact that a previous employee did plead guilty to manipulating public records and theft in office. The insurance company has submitted a settlement agreement that Mr. Smith is working on. He will keep Council informed.

2. Mr. Boso, City Administrator, said Mt. Carmel has submitted their plans and the Development Plan is on-line for review.

3. Mr. Turner, Finance Director, stated that he provided Council with a Monthly Financial Report, along with the Comprehensive Report for 2012.

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

Council adjourned at 8:23 p.m.

Tami K. Kelly, MMC
Clerk of Council

Ted A. Berry
Chair