CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

May 16, 2005 Regular Meeting

The regular meeting of Council was called to order by President Saxton at 8:00 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:

Rich Lester *Robert Hatley* *Bill Saxton* *Maria Klemack* *Vaughn Radi*

1. Mr. Lester moved to dispense with the reading of the previous meeting minutes and approve as written; seconded by Mr. Radi.

Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

2. The Chair read the agenda items and President Saxton moved to add Ordinance C-50-05 under Finance; seconded by Mr. Lester.

Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes

All other items were approved by unanimous consent.

3. President Saxton recognized Mayor Grossman who introduced students from Grove City High School who made a presentation to Mr. Saxton for his efforts in chairing the SWCS Levy Campaign, which was successful this month. The students of GCHS went to school early and had an ariel picture taken to present as a token of their appreciation. Mr. Saxton expressed his appreciation and said it would hang in his office. He said there were 2,000 volunteers who helped. He just drove the car and everyone got behind it and pushed. He is tickled that the whole community did what was needed.

Next, the Mayor recognized Kim Conrad, Dir. of Parks & Rec., Jeff Hammond, Derrick Lotz, and several lifeguards for receiving the 2004 Platinum National Aquatic Safety Award for the Big Splash pool from Ellis and Associates. They scored in the top 7% to receive this award.

The Chair recognized Mr. Hatley, Chair of Finance, for discussion and voting of legislative agenda items under said Committee.

1. Ordinance C-51-05 (Authorize the City Administrator to Transfer Certain Personal Property to the Southwest Public Library pursuant to ORC 721.22) was given its second reading and public hearing.

Mayor Grossman explained that as computer equipment is rotated out of City Hall, it is usually made available through public auction. This year, nine (9) computers will be donated to the Library in Grove City instead, in view of the financial challenges they are facing.

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

Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes

2. Ordinance C-50-05 (Establish a Tap Fee Rebate Program and Authorize the City Administrator to Implement Said Program) was given its first reading. Second reading and public hearing will be held on June 6, 2005.

The Chair recognized, Mr. Radi, Chairman of Service, for discussion and voting of legislative agenda items under said committee.

1. Resolution CR-35-05 (Encourage the legislature of the State of Ohio to Enact Legislation to Address the Problems of School Funding) was given its reading and public hearing.

Mr. Radi stated that we just had a presentation for Mr. Saxton this evening to help get the Levy passed. He explained that the State Legislature was ordered five years ago to solve the funding problems in schools and has yet to act on anything that has taken care of that.

President Saxton commented that the Levy was a temporary fix for SWCS for about three years. That gives us three years to make sure the State Legislature does what they have to do. If that isn't done, we will be back in the same mess. He encouraged everyone to write a letter to their Representatives to get the ball rolling on this. Mr. Radi urged everyone to write the State Education Committee representatives also. He said this Resolution wouldn't do much if it weren't backed by letters, phone calls, and e-mails to get attention and get some resolve.

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

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes

The Chair recognized, Mr. Lester, Chairman of Lands, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-45-05 (Approve the Rezoning of 3.953 acres located south of Killdeer Dr. and west of Thistlewood from C-2 and PUD-I to C-2) was given its second reading and public hearing.

Mr. Chuck Boso, Dir. of Development, explained that half of this parcel is being developed for a strip center. The back half is still zoned industrial. Planning Commission recommended that it be changed to commercial.

Mr. Frank Eck, attorney, representing petitioner, was present and confirmed the comments from Mr. Boso. Mr. Lester commented that this is just removing the industrial portion of this property to encourage the rest of the commercial development in the area. Mr. Eck said yes.

There being no additional questions or comments, Mr. Lester moved it be approved; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes

2. Ordinance C-46-05 (Approve the Rezoning of 1.75 acres located on the southwest corner of Southwest Blvd. and Broadway from PSO & C-2 to C-2) was given its second reading and public hearing.

Mr. Frank Petruzello, petitioner, stated that they are requesting that the property be made the same zoning and clean it up. It is all under one ownership.

There being no additional questions or comments, Mr. Lester moved it be approved; seconded by Mr. Radi.

Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

3. Ordinance C-54-05 (Approve the Rezoning of 4110 Demorest Road from PSO to PUD-I) was given its first reading. Second reading and public hearing will be held on June 20, 2005.

4. Resolution CR-36-05 (Approve the Development Plan for Panda Express located on the northwest corner of Stringtown Road and Thistlewood) was given its reading and public hearing.

Mr. Steve Krekus, representing petitioner, was present. Mr. Lester reviewed the seven stipulations set by Planning Commission and asked if the menu board had been submitted as suggested in #5. Mr. Krekus said they sent it a couple of days ago to Seth (Dev. Dept.). Mr. Boso indicated that Seth was out sick today and he had not seen it yet. *Mr. Radi* questioned proceeding without this being reviewed. He asked Mr. Krekus if he had a copy of the Menu Board with him. Mr. Krekus said no. Mr. Radi asked what Planning Commission was looking for. Mayor Grossman stated that they had some situations across the street with other drive-thru's and wanted to make sure it was aesthetically pleasing and complimentary to the rest of the area. *Mr. Boso* commented that this particular project will be coming back to Council for approval of a Special Use Permit for the Drive Thru and the menu board could be addressed at that time, without losing any time. Discussion took place over the best way to proceed. Mr. Boso said it seemed logical to approve this and the Special Use Permit at the same time, since essentially, you would be approving a drive-thru on the Development Plan. Mr. Lester confirmed that Mr. Krekus agreed with the remaining six (6) stipulations from Planning Commission. Mr. Krekus said he agreed.

There being no additional questions or comments, Mr. Lester moved it be postponed to 6/20/05; seconded by President Saxton.

Mr. Hatley	Yes

Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes

5. Resolution CR-37-05 (Approve the Amendment to the Development Plan for Margie's Cove located north of Orders Road and west of Hoover Road) was given its reading and public hearing.

Mr. Charles Driscol, representing petitioner, explained that they purchased this project after the approvals were complete. It was approved with a stipulation that there be no fencing and their first buyer indicated they had a small child and needed a fence. They are coming back to Council to ask for a change to allow four-foot (4') fences, except for the four (4) lots that back up to Orders Rd. Court and in storm detention areas. *Mr. Clark*, Dir. of Law, asked if this would be placed in their restrictions. Mr. Driscol said yes. *Mr. Hatley* said Council had discussed changing the language to indicate what type of materials could be used. He asked if it were necessary to clarify what lots would be exempt. It was determined that the stipulation covers it, but confirmed that there were four lots along Orders Road Court and the storm detention is marked on the Plat,

Mr. Radi moved to amend Section 1 to reflect that the new amended language shall be: " 1. Allow a four-foot maximum fence height, with building materials to be brick, stone, wrought iron, imitation wrought iron, or vinyl and within the City Code requirements on all lots, (taller fencing permitted only as a surround for a pool), but no fencing shall be permitted in the storm detention areas or on lots that back up to Orders Road Court."; seconded by President Saxton.

Mr. Hatley asked if the material requirement applied to a fence around a pool. Mr. Lester asked how "within the City Code requirements" applied. Mr. Boso, Chief Bldg. & Zoning Official, stated that the Code is silent on the type of material. Since this stipulation defines the material, any fence around a pool would need to be constructed of the same material. Mr. Clark agreed. President Saxton suggested they add language to clarify that in the stipulation.

Mr. Lester shared his concern for fencing. He said a high standard was set for this development and the new owners came in knowing what they were buying. He opposes adding fencing in whatever case that it is.

Mr. Radi moved to amend his amendment to include, after " . . . surround for a pool" the following *"with materials being the same as the perimeter"*; seconded by Ms. Klemack.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	No
Mr. Hatley	Yes
Mr. Saxton	Yes

There being no further discussion, the vote was taken on the Main Motion.

Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	No
Mr. Hatley	Yes

There being no additional questions or comments, Mr. Lester moved it be approved; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Lester	No
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes

6. Resolution CR-38-05 (Approve a Certificate of Appropriateness for the Demolition of Buildings located at 3591 & 3609 Broadway and Design of a CVS Store in the Historical Preservation Area) was given its reading and public hearing.

Mr. Frank Petruzello, representing petitioner, showed drawings of a proposed CVS Drug Store and reviewed its design. He explained that two homes would be demolished. *Mayor Grossman* asked that they work with the Police and Fire Dept's. for training opportunities prior to the razing of those structures. Mr. Petruzello said they would cooperate with those Dept's. to allow time for them to practice on those structures. *Mr. Hatley* asked what their plans for the remainder of the parcel were. Mr. Petruzello said they see the frontage on Broadway to be another retail use and the rear portion, something less intense. The access would not change to the current proposal. There would be no more access with the additional development.

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

Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

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

1. Mr. Richard Stage, resident, stated that around April he asked Council to reduce the inside millage to assist with the passing of the School Levy. At that time, President Saxton asked him not to do that, as it was felt that it would not be positive for the Levy. He said he appreciated that and felt it was a dead subject, until he read Ordinance C-50-05. He paraphrased portions of Section 7 and 8 of that ordinance that stipulates a levy for debt service and is to be levied, certified upon the tax duplicate and collected. He said when he spoke to some of the Council Members, they indicated that they weren't fully aware that there was a tax increase imbedded in the ordinance. He said for the first time in his recollection, the expenditures for operating expenses exceeded income tax collected. Also, when you look at the Appropriation Ordinance there is a synergism that says, are we going to have the cash there to not have to have the levy of the tax in place. Secondly, in that Appropriation Ordinance there was $300,000.00 that came out of 2002 and $400,000.00 that was appropriated in 2004, bring the total of the City Hall Expansion to $2.4 million. The third piece is that we already have six (6) city projects that are already behind schedule, which he named. He asked that Council reconsider Ordinance C-50-05. He believes there should be legislation that outlines the protocol of how payments would be made and the monies to be used, in what order, for the expansion of City Hall. He asked that Council pass a Resolution to this clarification also. In essence, he believes that Council has passed an increase in inside millage and isn't sure they know it.

Mr. Radi said it was his belief that any increase in millage would have to be voted on separately by Council. He asked if Mr. Stage was correct in stating that C-50-05 is levying a tax and it can be collected. *Mr. Behlen*, Dir. of Finance, said the action to levy the tax is one that would be done in October, through the annual legislation to set the Amounts and Rates. The determination of whether or not the money will be necessary to levy for the 2006 collection season, will be done by October 15, 2005. Mr. Radi asked, based on Mr. Behlen's answer that it may be likely that with the wording in C-50-05, a recommendation for the millage will come back with an increase for the expansion of City Hall. Mr. Behlen said that is not correct. He said there is an obligation, in terms of the flow of money that we have interim financing for the construction of the building. Once the permanent debt/cost is determined, we have the responsibility to get permanent financing in place. One way is to use our physical cash balance, the other is to determine a duration and amount of tax to levy on that property. Mr. Radi then asked just because the ordinance was passed doesn't mean the money would be spent. Mr. Behlen said that is correct. What it does is keep our cash position in hand and provide the opportunity to borrow money at/or less than what we are currently paying. It's a neutral financing for us for that year. Mr. Radi asked if the renovations were too ambitious and decided to do only part of the renovation, we would not be required to spend the entire amount. Mr. Behlen said that is correct. All this does is put a financing mechanism in place to provide the means to fund these matters. *Mr. Hatley* asked if there was another companion piece that outlined another method of financing for this, should we need it, instead of C-50-05. Mr. Behlen said yes. Mr. Hatley said the reason for this was to have all the options in place so we could use the most efficient option at the time, but we still had not determined how much money we were going to use or finance, nor what the final Development Plan was. That was yet to come. Mr. Behlen said that was correct. It was to allow for us to go to market with another project at the same time, if we decide to do that. There will be at time frame, in the next 25 days, to make a decision and will come back to Council, once that information is complete. *President Saxton* commented that within the expansion, it includes a new roof for all of City Hall and other maintenance issues for the existing structure. Mr. Behlen said yes. Mr. Stage commented that all this needs to be outlined in a Resolution, especially if you are not going to reconsider C-50-05. This would be healthy for everyone in understanding what all is involved and the complexity of adding on to City Hall. Mr. Radi commented that in passing C-50-05, it was certainly not his intention, nor would it be, to increase the inside millage to pay for the expansion of City Hall. Mr. Behlen said that wasn't discussed. They have looked at many options and it was not the intention of anyone preparing the legislation to increase inside millage. The plan, from his perspective, is to use existing revenue sources, to find a time where we have the tolerance for paying down (a mortgage) and balance that out, so we are using existing resources and not taking away from other obligations. We don't need to expand our debt, we need to match our money within our means. President Saxton commented that they would take this under study and thanked Mr. Stage for his comments.

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

1. Mayor Grossman submitted the remainder of the Mayor's Monthly Report and President Saxton moved to accept same; seconded by Mr. Lester.

Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes

In closing, she reported on Stringtown Road Improvements.

2. Council and Administrative Staff expressed condolences to Mr. Hatley on the loss of his Mother. Council congratulated the Big Splash staff and wished Mr. Saxton a Happy Birthday. President Saxton announced that Caucus would begin at 6:00 p.m. on June 6, 2005.

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

Council adjourned at 9:18 p.m.

Tami K. Kelly, MMC	William E. Saxton
Clerk of Council	President