

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

April 18, 2022

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.

Roll was called and the following members were present:

Roby Schottke Mark Sigrist (via Webex) Ted Berry Randy Holt Christine Houk

1. Mr. Berry moved to excuse Mayor Stage; seconded by Mr. Schottke.

Mr. Schottke	Yes
Mr. Sigrist	Yes
Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes

2. Mr. Berry moved to approve the Minutes from the previous meeting and approve as written; seconded by Ms. Houk.

Mr. Sigrist	Yes
Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes

3. The Chair read the agenda items and all items were approved by unanimous consent.

Editor's Note: Mayor Stage joined the meeting via Webex.

The Chair recognized Mr. Schottke, Chairman of Lands, for discussion and voting under said Committee.

1. Ordinance C-25-22 (Accept the Plat of Farmstead, Phase 5A, located west of S.R. 104) was given its first reading. Second reading and public hearing will be held on 05/02/22.
2. Resolution CR-14-22 (Approve an Amendment to the Development Plan for the Village at Scioto Meadows located north of Scioto Meadows Blvd., as approved by Res. CR-22-99.) was given its reading and public hearing and at the written request of the petitioners agent, Mr. Schottke moved it be postponed until 05/02/22; seconded by Ms. Houk.

Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes

3. Resolution CR-23-22 (Approve the Development Plan for Sheridan Dental Building located east of Broadway and South of Parlin Dr.) was given its reading and public hearing.

Mr. Kevin Molineck, architect, was present to answer any questions and agreed to the stipulations.

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

Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes
Mr. Berry	Yes

4. Resolution CR-24-22 (Approve the Development Plan for Autumn Grove Addition located at 4550 Rensch Rd.) was given its reading and public hearing.

Ms. Rebecca Mott, attorney for petitioner, was present to answer any questions. Mr. Berry asked about trail connectivity. Ms. Mott shared a drawing of the trail that will be installed. Mr. Berry asked for the path to not stop in the grass, and extend it to the end of Rensch Road on the west end. Ms. Mott said they would work with Staff to get that accomplished.

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

Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes
Mr. Berry	Yes
Mr. Holt	Yes

5. Resolution CR-25-22 (Appeal the decision of the Board of Zoning Appeals granting Variances for Height and Screening of Rooftop Mechanicals for American Nitrile located at 3500 Southwest Blvd.) was given its reading and public hearing.

Mr. Mike Boso, Chief Building & Zoning Official, provided an overview of the two variances and the approval of the BZA with four (4) stipulations. He said the color of the stacks was not provided. They agreed to submit the colors to his Dept. for their agreement. Mr. Schottke asked about the height being allowed to vary by $\pm 2'$. Mr. Boso said the ground varies and didn't want them to have to come back for approval due to address this.

Ms. Rebecca Mott, attorney for petitioner, explained the surrounding area and said it was a compatible use, with the proper zoning. She stated that the Law Firm did send a letter addressing the appeal. She objected to this appeal process as Council is a legislative entity, not an administrative one. She further objected to this process and feels a Council Member who appeals the BZA decision should have the burden of proof and not be allowed to vote.

Mr. Smith, Dir. of Law, stated that even though our Code calls for an unnecessary hardship, this is a practical difficulty standard which is much lower. He said our Code gives Council the right to appeal to itself. It is an administrative hearing and a decision will be based on facts in evidence – not opinions. He said the appeal is in the right place and Mr. Berry does have the right to vote on the appeal. He said we are not the EPA and are not acting on those decisions, but the variance is tied to the approval of the EPA. He said anyone other than experts who wish to make testimony will need to be sworn in.

Mr. Alex Mallison, Sr. Executive in charge of Operations at American Nitrile, explained the seven (7) step process for making the latex gloves. He said the moisture is removed from the gloves and pushed out of the stacks, which is why they need the stacks. Mr. Schottke asked if the affluent is passed through scrubbers before being emitted. Mr. Mallison said this is the same air in the building and do not pass through scrubbers. However, there is a chlorination stack that does pass through a

scrubber before being emitted from the facility. He compared the chlorination smell from an indoor swimming pool at .3 ppm to what they will be emitting at .2 ppm. Mr. Schottke asked what the EPA requirement is. Mr. Mallison said the EPA looks at tons per year and they need to stay under .5ppm. However, OSHA allows a person to work in a room for eight (8) hours with an emission of .8 ppm. Mr. Berry asked why the stacks need to be higher than the maximum Code height of 35'. Mr. Mallison said the EPA looks at the ground level concentration. Without the higher stacks, he would be putting carbon monoxide and nitrous oxide onto the ground floor in levels that are unsafe, per the EPA. Raising them allows for a non-hazardous emission level. Mr. Berry asked if any other chemicals are coming out of the stacks. Mr. Mallison said there is one chlorine stack on the side and the others are for burner affluent. Those are the only chemicals being emitted. Mr. Berry asked why the chlorine stack needed to be higher. Mr. Mallison said he needs it to be higher for mechanical issues.

Mr. Schottke asked about the variance for the screening of the mechanical units. Mr. Michael Spengler, shared a drawing of the stacks on the roof from different angles. He said this is a very large building and the view from Southwest Blvd. will be slight for the stacks on the roof. He said they have added landscaping to Lewis Center Way and along the rear of the building to help shield the view. Mr. Schottke asked if they were to screen these stacks, per Code, what would that do. Mr. Boso explained that a parapet wall would need to be installed around the building, to the height of the stack, which is 78'. Mr. Berry pointed out that the stack on the side of the building can be seen easily from Southwest Blvd. He said he did not see any additional landscaping on the west side of the building to screen that side. Ms. Mott stated that there is existing landscaping on the west edge of the property. Mr. Boso clarified that Mr. Berry is correct, in that there is no additional landscaping indicated, however, he said American Nitrile has been cooperative and he believes they can work with them and add some landscaping on that side of the lot.

Ms. Christina Wieg, environmental attorney with Frost, Brown, Todd and part of Mr. Smith's firm, explained that she has been following this case through the EPA. She explained the EPA permit process. She said it will get renewed periodically. Mr. Berry asked what happens if there is a smell that becomes a problem for the area residents. Ms. Wieg said the reason for the stacks is being driven because of the NOX, not the chlorine. The EPA looks outside the building and apply the Clean Air Act. They do not look at odor impacts. She said it is possible for a permit to be issued that neighbors will start to complain about odor. If that happens, the EPA will make sure nothing has changed. If nothing has changed, the only things is to go after a State Nuisance Rule. She said it has to be a pretty heavy odor nuisance and have a health impact to get an order. Mr. Schottke asked what will be seen coming out of the stacks. Ms. Wieg said she isn't sure but there is usually some type of vapor associated with water. Mr. Berry asked how hard it is to go after a State Nuisance. Mr. Smith stated that the only item that may cause odor is chlorine and the emissions do not rise to the level the EPA is concerned with. American Nitrile is doing everything that can be done to reduce any odor, however, if there is an odor, there are nuisance laws that can be pursued. Unless it is horrific, it will be difficult to get the EPA to do anything about it. Ms. Mott stated that they will meet and exceed the EPA standards, with state-of-the-art technology. She said the City can have assurances that they will meet any local Codes on nuisance.

At this time, Mr. Smith swore in any speakers.

Mr. Chas Spence, resident, stated that emitting chlorine acts as a catalyst for depleting the ozone layer, which leads to higher UV rays and global warming. He feels this fact is important to consider.

Ms. Sonya Albers, Business Owners on Broadway, wanted to be clear that only chlorine and acrylonitrile butadiene will be coming out of the stacks. Mr. Mallison said the nitro butadiene coming from the stacks will be negligible, as they will be cooling it with nothing to see or smell.

Mr. Berry asked Mr. Mallison if odor occurs, what is their commitment to fixing it. Mr. Mallison said they will do things the right way to meet Federal and State Standards. They will also work with the City Staff to attempt to mitigate the odor issues. Mr. Berry asked for shielding of the chlorine stack and the ground mounted mechanical unit on the southwest portion of their building. Mr. Mallison said they will work with Mr. Boso to shield that area.

Mr. Smith explained that this ordinance is written to overturn the variances granted. A 'yes' vote will take the variances away; a "no" vote will turn down the ordinance and leave the variances in place.

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

Mr. Schottke	No
Mr. Sigrist	No
Mr. Berry	No
Mr. Holt	No
Ms. Houk	No

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

1. Ordinance C-21-22 (Amend Chapter 339 titled Commercial and Heavy Vehicles to Impose Fines for Overweight Loads carried without the required Local Permit) was given its second reading and public hearing.

Officer Barber explained that he was assigned to work with Franklin County commercial enforcement unit to address the trash/littering problems. He shared slides of different trash trucks, dumpsters and trailers that haul trash. He explained that all but the rear compactor dumpster have issues of trash blowing out of the truck. He explained that the County focuses on the weight of the trucks/trailers. The County knows that every trash truck is overloaded and the companies pay the tickets. Officer Barber said this ordinance is a way to tackle some of the litter.

Mayor Stage stated that this is just the start of getting a handle on the litter. He said this is just one step in what may be three or four steps.

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

Mr. Sigrist	Yes
Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes

The Chair recognized Ms. Houk, Chairman of Service, for discussion and voting under said Committee.

1. Ordinance C-26-22 (Redistrict the Wards of the City of Grove City as required by the Charter Amendment adopted by the Voters in 2017) was given its first reading. Second reading and public hearing will be held on 05/02/22).

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

1. Ordinance C-22-22 (Authorize the City Administrator to enter into an Agreement for Dispatching and Communication Services with Pleasant Township) was given its second reading and public hearing.

Mr. Smith, Dir. of Law, explained that this and the next ordinance are extension agreement for dispatching services. This one is for Pleasant Township.

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

Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes

2. Ordinance C-23-22 (Authorize the City Administrator to enter into an Agreement for Dispatching and Communication Services with Prairie Township) was given its second reading and public hearing.

Mr. Chuck Boso, City Admin., stated that these agreements are for five years and the cost will increase each year.

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

Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes
Mr. Berry	Yes

3. Ordinance C-24-22 (Providing for the Issuance and Sale of Notes in the maximum principal amount of \$9,000,000.00 in anticipation of the issuance of Bonds for the purpose of paying the costs of improving the City's Parks and Recreational Facilities by constructing the Beulah Community Park to include, among other improvements, an Amphitheater, various utility, roadway and pedestrian related improvements, fitness areas together with related equipment, a splash pad, various structures, landscaping, street lighting, signage and parking, together with all other necessary appurtenances thereto) was given its second reading and public hearing.

Mr. Turner, Dir. of Finance, explained that this is a renewal of Notes relative to the Beulah Community Park financing. Normally, we do pay-as-you-go projects. This project borrowed monies to pay for the Beulah project. This ordinance will allow the City to borrow monies again to pay off the first Note. Once the project is substantially underway, they can convert the Note into a long term financing bond.

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

Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes
Mr. Berry	Yes
Mr. Holt	Yes

4. Ordinance C-27-22 (Appropriate \$105,645.00 from the Local Fiscal Recovery Fund for the Current Expense of Engineering Services for the Columbus Street Relief Sewer) was given its first reading. Second reading and public hearing will be held on 05/02/22.

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

1. Ms. Lorie Wolfe, resident on Anglebrook Dr., read a statement over the effect the Demorest Road construction has had for the Anglebrook Drive residents. She shared the times her electricity and phone lines have been cut; the times the street has been blocked by construction workers, etc. She said no notice was given to the residents, schools or Township offices. There is no signage stating that there is no exit to Demorest Rd.

Ms. Cindi Fitzpatrick, Dir. of Service, apologized and stated that they are not trying to make things difficult for residents. She said they originally planned to have Demorest Rd. open northbound, but after construction began, they found issues that prevented that from occurring.

President Berry asked that Ms. Fitzpatrick speak with Ms. Wolfe after the meeting to address these issues.

2. Mr. Chuck Hoffner, Farmstead resident, expressed frustration with the builder. He said they put up a shelter house that fell down with a high wind. He said he worked in civil engineering and was shocked at the construction. He said he can't believe the Building Division would have approved it. He then explained the problems with his home. He said the only way to get action from Fisher Homes was to threaten to sue. They finally came in and agreed that the problem is probably expansive soils, which they never tested for. He expressed concerns for himself and his neighbors over opening up new phases when Fisher Homes is not addressing existing phases appropriately and safely, and not communicating with them. He asked that Council delay any new phases until existing problems are rectified.

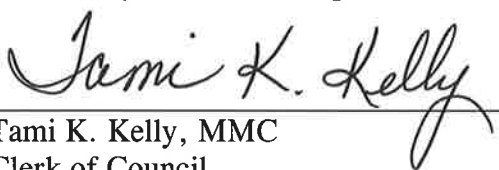
Mr. Mike Boso, stated that they have not received any notice about this. He said there is a process to file a complaint about a contractor and he will make sure Mr. Hoffner gets the forms to make a complaint.

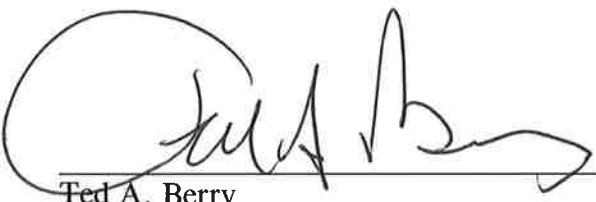
Mr. Ed Fleming, resident, also shared issues with his home and has been fighting with the builder for over a year. He said they know the builder needs permits and figured if they can't do it the right way, they would ask for permits to be delayed. Ms. Houk said she has spoken with residents and realizes there is a lack of overall responsiveness that needs addressed.

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

1. Mayor Stage announced that the Mayor's Golf Outing for Meals-on-Wheels is already sold out; he announced the Earth Day celebration and Little League Opening Day.
2. After closing comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Adjourned at 9:22 p.m.


Tami K. Kelly, MMC
Clerk of Council


Ted A. Berry
President of Council

CITY OF GROVE CITY, OHIO
COUNCIL CAUCUS NOTES

April 18, 2022

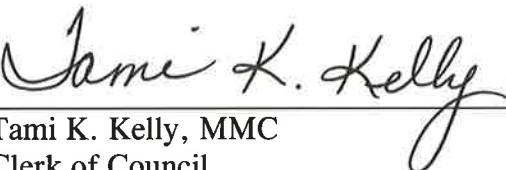
Council met at 6:30 p.m. in the Council Chambers, City Hall, 4035 Broadway.

Ms. Kelly, Clerk of Council, submitted a Liquor Permit for Lilly's Kitchen Table. She explained that the D1 permit that was to be transferred was cancelled, due to back taxes being owed. A new D1 permit has become open for our area and this is the permit being requested. She said the Safety Dept. has no objections. She also submitted requests for City Barbeque and Blu Willy's. Council agreed not to request a hearing, by unanimous consent.

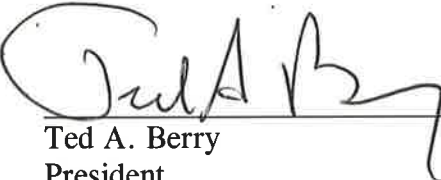
Council Members reviewed the Agenda items.

Ms. Kelly passed out packets of all the applications received for the Diversity Task Force. Council Members agreed to rank each applicant and submit their sheets to Ms. Kelly by Noon on Monday, April 25.

Council retired to the Chambers to begin the Regular meeting.



Tami K. Kelly, MMC
Clerk of Council



Ted A. Berry
President