CITY OF GROVE CITY, OHIO

COUNCIL MINUTES

April 02, 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. Ms. Klemack-McGraw moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Mr. Bennett.

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.

Ordinance C-14-12 (Appropriate $6,396,893.00 from the Capital Improvement Fund and $1,799,107.00 from the General Fund for the Current Expense of the Stringtown Road Reconstruction Improvements, Phase 2) was given its second reading and public hearing.

Mr. Bennett explained that a portion of this is grant money and the balance is a low interest loan. The Mayor noted the loan has a 20 year amortization.

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

2. Resolution CR-12-12 (Opposing the State of Ohio Taking Control of Municipal Income Tax Collections) was given its reading and public hearing.

Mr. Bennett moved this item until 5/7/12, in order for some additional information to be received; seconded by Ms. Klemack-McGraw.

Mr. Houk, resident, commented that this Resolution has nothing to do with the Bill being sponsored by Rep. Grossman, with is the codification of the tax calculation of municipalities across the State. He said there are over 600 different ways to calculate income taxes among the State. He said the second part, which is not part of this Bill, is being reviewed by the Ohio Society of CPA's to recommend to the Governor a centralized collection methodology. He said many States collect City

Income Taxes with a line item on their State Tax Return. He said the real savings comes in with a business or individual would have to file one City Tax Return and allocate the funds across the State. He said unfortunately, the current venue might be to have the State of Ohio collect that. He thinks this resolution may be putting the cart before the horse, since no methodology has been suggested yet. However, don't be surprised if that is the method suggested.

There being no additional questions or comments, the vote was called.

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-15-12 (Authorize the Charitable Solicitations Board to Issue a Permit to the Knights of Columbus per Section 371.06(b)(2) of the Codified Ordinances and declare an emergency) was given its second reading and public hearing.

Mr. Pat Somers, representing the Knights of Columbus, explained that they have been doing this for a number of years. The money goes to Special Olympics, the Heinzerling Foundation and a small portion to the States KoC. He said the dates are set by the State Association and it is being done early this year. He asked that this be approved as an emergency so it would go into effect prior to the event date.

There being no additional questions or comments, Mr. Davis moved that the Rules of Council be suspended and the Waiting Period waived; seconded by Mr. Bennett.

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

Mr. Davis 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

2. Resolution CR-13-12 (Waive the provisions of Section 529.07(b)3 of the Codified Ordinances for the 2012 Wine and Arts Festival on June 09, 2012 on the streets of Town Center) was given its reading and public hearing.

Mr. Andy Furr, Director of Town Center, Inc., was present to answer any questions. He explained that they would like to hold the first Wine tasting, gourmet food truck, and arts festival in the Town Center. They have a number of Ohio wineries lined up to take part. They hope this becomes an annual event. They are asking that Park Street, from Broadway to the railroad tracks, the Plaza & the Parking lot behind the plaza be roped off for the event.

Mr. Boso, City Admin., noted that a Special Event Permit will also be needed and that has applied for. He said he doesn't foresee any problems.

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

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

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

1. Resolution CR-14-12 (Waive the provisions of Section 1125.09(14)E of the Codified Ordinances on June 9, 2012 for the 2012 Wine and Arts Festival in the Town Center) was given its reading and public hearing.

   Mr. Andy Furr was present to answer any questions. Ms. Albright noted that the resolution asks for June 9 only and wondered if they needed to set up the night before. Mr. Furr said no.

   There being no additional questions or comments, Ms. Albright 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-17-12 (Approve a Special Use Permit for a Drive-thru window for Taco Bell located at 2811 London-Groveport Road) was given its second reading and public hearing.

   Mr. Todd Huntington, GPD Group representing Taco Bell, said this originally came before Council in 2009 as a dual building for KFC/Taco Bell. They have now decided to do separate buildings. It is very similar to the previous building, just smaller. He also noted that they are going through the BZA process for signage.

   Mr. Berry asked for confirmation on their primary access. Mr. Huntington said it will be internal, off the Meijer parking lot. There will be no curb cut from S.R. 665.

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

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

2. Ordinance C-18-12 (Approve a Use to be located at 65 Sunshine Drive) was given its first reading. Second reading and public hearing will be held on 4/16/12.

3. Resolution CR-09-12 (Approve the Development Plan for Taco Bell Restaurant located at 2811 London-Groveport Road) was given its reading and public hearing.

Mr. Huntington was present to answer any questions. Ms. Klemack-McGraw reviewed the stipulations set by Planning Commission. Mr. Huntington agreed.

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

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

1. Mr. Davis requested that the respective parties (City Admin. & Plaintiff) sit down together, with legal representation, to review this ordinance in detail and see if there is some common ground. He said his desire is to have an agreed upon ordinance for the 3/16 meeting.

Mr. Berry asked Mr. Plank to briefly explain where we are on this lawsuit. Mr. Plank, attorney representing the City, stated that the Insurance Company will be handling the lawsuit. In terms of the zoning issue, he believes this is being worked out through the proper channels as set out by City Ordinance. He said he has no problem sitting down with anyone to hammer out an ordinance that everyone is happy with. He said he had not heard of any complaints to the ordinance until he read it in the Lawsuit. Mr. Berry asked who made the application. Mr. Plank said the City did. He noted that the process in the Code doesn't state who should apply for such request or an application within the City for it. He said he believes it should be a City process, not a property owner process. It is not a special permit; not a BZA process; not a quasi-judicial hearing. This is legislation to allow the use in that particular zoning classification. *Ms. Klemack-McGraw* said it is her understanding that the City cannot change the zoning without exposing the City to very expensive, legal difficulties. Mr. Plank said this does not change the zoning. It is SD-4 and will remain such after this process. Council is looking at an additional use to the SD-4. He said if this use is approved for this location, all the other uses would still be permitted on the property. Nothing is being taken away, there would be a use added. He wanted to make it clear that the zoning is not being changed. *Mr. Bennett* asked if it would permit this use in any SD-4 zoning classification. Mr. Plank said in his opinion, he believes it does change the district to allow it in all SD-4 classifications. Mr. Bennett asked why we aren't amending the Code to include this use rather than using this process. Mr. Plank said that is Council's prerogative.

Mr. Davis said he knows you can't make a property owner come to the table, but asked for an invitation to be sent. Mr. Boso said he would extend that invitation to Mr. Curry's attorney now, as he is in the audience tonight. Mr. Davis said he would like an attempt to come to a compromise by the 16th. Mr. Boso said they did have a meeting with Vorys on this matter, and he believes this is the result of that meeting.

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

1. Mayor said he had no analytical report. He stated that, right now, without question, the Administration will oppose any attempt to central collection of municipal income taxes. He believes we do as good a job as any. He said standardization is a different subject. He showed the commercial that is being played at the Rave Theater before every movie - 490 times per week. He announced that the Job Fair will be May 24; and the State of the City will be April 20, 7:30 a.m. at Pinnacle.

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

Council adjourned at 7:36 p.m.

Tami K. Kelly

Tami K. Kelly, MMC
Clerk of Council

Ted A. Berry

Ted A. Berry
President