

CITY OF GROVE CITY, OHIO COUNCIL MINUTES

March 18, 2002

Regular Meeting

The regular meeting of Council was called to order by President Klemack, 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:

Vaughn Radi Bob Hatley Maria Klemack Budd Eversman Bill Saxton

1. President Klemack moved to excuse Mayor Grossman; seconded by Mr. Eversman.

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

2. President Klemack welcomed and recognized the Boy Scout Troop from First Presbyterian Church, Pack 136, Den 4.

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

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

4. President Klemack read the agenda items and they were approved by unanimous consent.

The Chair recognized Mr. Saxton, Chairman of the Lands & Zoning Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-79-01 (Rezone Lot 14 of Southpark located on the southeast corner of Gantz and Marlane Drive from IND-1 to PUD-R) was given its second reading and public hearing.

Mr. Mike Murphy, Mid-Ohio Development, requested a postponement until the first meeting in May. He explained that they were first postponed about two months ago. They have gone back to the City Staff and revised their plan to incorporate some commercial with the condos. In the last couple weeks, they have been working to create a basis that the Mayor and Administration could support. Now that they have the basis, they are looking for some time to see if there is a way to work the zoning without starting the process over again. He said they spoke with Tom Clark just this week. He asked for the opportunity to have those conversations and not lose the time involved in re-submittal, by postponing this. Mr. Eversman commented that the original development has changed significantly, which may include a lot split. He said he understands the reasoning for not wanting to start the zoning

process over again, but because of the dramatic difference in the intended use, he believes it is important for him to go through the process again. He said he would not want to approve any type of residential zoning without seeing a development plan that he was comfortable with. He said he would like to see Mr. Murphy withdraw the application and come back with a new submittal. Mr. Murphy said he understands, but doesn't see where it would hurt to postpone this and get all the parties together to see if this could be worked out. Mr. Saxton said this would be the fourth postponement. He asked Mr. Murphy what makes him believe he could accomplish something in this postponement that he couldn't in the last three. Mr. Murphy said they had no support from the Administration before. They have met with the Administration and Mayor and now have a basis for getting their support. He said they have talked with Tom Clark and he said there are some ways, but they just haven't sat down with everyone together to put together the items needed to give everyone the comfort level necessary to accomplish this. He said they are trying to save 90 days. Mr. Saxton said he agreed with Mr. Eversman, that Mr. Murphy would be better off withdrawing this request and resubmit it. Mr. Hatley commented that the Planning Commission denied this request approximately six (6) months ago. He also agreed with Mr. Eversman and Mr. Saxton that it would be in Mr. Murphy's best interest to start from ground zero and resubmit. He said he is sure that the new plan does not, in any way, resemble what Council has from October 9, 2001. Mr. Murphy said that was correct. Mr. Hatley said he is afraid that there are going to be so many amendments, they are not going to know where there are coming from.

There being no additional questions or comments, Mr. Saxton moved this ordinance be postponed until May 6, 2002. Motion died due to lack of a second.

Mr. Murphy requested that this zoning request be withdrawn. There being no comments, Mr. Saxton moved it be withdrawn; seconded by Mr. Eversman.

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

2. Ordinance C-06-02 (Rezoning of 6.83 and 2.24 acres located North of Stringtown Road and East of Jackpot Road from PUD-1 & C-2 respectively to PUD-C) was given its second reading & public hearing and at the request of the Administration, Mr. Saxton moved it be postponed until April 1, 2002; seconded by President Klemack.

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

3. Ordinance C-18-02 (Accept the Plat of Hennigan's Grove South, located North of Hibbs Rd.) was given its second reading and public hearing.

Mr. Jim Forthe, representing petitioner, was present to answer any questions.

There being no questions or comments, Mr. Saxton moved it be approved; seconded by President Klemack.

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

4. Ordinance C-21-02 (Approve a Special Use Permit for Valvoline Instant Oil Change located in the Buckeye Grove Shopping Center) was given its second reading and at the written request of the petitioner's attorney, Mr. Saxton moved it be postponed until April 15, 2002; seconded by Mr. Radi.

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

5. Ordinance C-28-02 (Accept the Annexation of 1.0+ acre located at 4955 Chancellor Drive, being Lot #42 of Southern Grove Estates) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
6. Ordinance C-29-02 (Accept the Annexation of 3.047+ acres located North of Orders Road and West of Haughn Road) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
7. Ordinance C-30-02 (Accept the Annexation of 0.5+ acres located at 3948 Eastern Ct., being Lot #24 of Southern Grove Estates) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
8. Ordinance C-31-02 (Accept the Annexation of 3.2+ acres located North of Orders Road and South of Williamsburg Court) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
9. Ordinance C-32-02 (Accept the Annexation of 112.980+ located on the northeast corner of Holt and Big Run Roads) was given its first reading. Second reading and public hearing will be held on April 01, 2002.

Mr. Stage, City Admin., commented that this is the current SWCS schools site. As part of the negotiated annexation, there will be road improvements on Big Run and Holt. The City will also provide a police officer at the High School. He said it was a winning agreement for all involved.

10. Resolution CR-18-02 (Approve the Sign Request for Murph's Gym located at 3764 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Mr. Jason Murphy, owner, was present. Mr. Saxton reviewed the stipulations set by Planning Commission, which Mr. Murphy agreed to.

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

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

11. Resolution CR-19-02 (Approve a Certificate of Appropriateness for A Classic Touch, Inc., located at 4063 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Ms. Brenda Long, owner, was present. There being no questions or comments, Mr. Saxton moved it be approved; seconded by Mr. Radi.

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

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

1. Ordinance C-22-02 (Declaring the Necessity and Intention of the City of Grove City to Appropriate the Fee Simple Interest in Certain Described Real Property for the Improvement and Widening of White Road between a point 1,000 feet East of I-71 and a point 4,100 feet East of I-71 to Appropriate a Temporary Easement in Certain Described Real Property, to provide Work Space for Construction and Declaring an Emergency) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
2. Ordinance C-23-02 (Declaring the Necessity and Intention of the City of Grove City to Appropriate the Fee Simple Interest in Certain Described Real Property for the Improvement and Widening of Stringtown Road between I-71 Northbound Exit Ramp and a point 4,100 feet East of the I-71 Exit Ramp and the Construction of its intersection with Buckeye Parkway, to Appropriate a Temporary Easement in Certain Described Real Property to provide Work Space for Construction and Declaring an Emergency) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
3. Resolution CR-20-02 (Authorize the City Administrator to Enter into a "Memorandum of Understanding" with the South-Western City School District regarding Zoning and Development Issues when Dealing with SD-1 Development) was given its reading and public hearing and Mr. Eversman moved it be approved; seconded by Mr. Saxton.

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

4. Resolution CR-21-02 (Waive the Provisions of Section 903.01(b) of the Codified Ordinances for the Annual Alumni Softball Tournament on July 27 & 28, 2002 at Fryer Park) was given its reading and public hearing.

Mr. Rick Brunton, Sertoma Club Secretary/Treasurer, was present to answer any questions or concerns about the Fryer Park event. Mr. Eversman said they have been running this for years and asked if there were any changes or if they would be doing anything differently. Mr. Brunton said no. The control is there and the police are there. There were no events from last year to make any changes for this year. Mr. Saxton asked about beer signs and balloons. Mr. Brunton said they didn't have any beer balloons and won't. Mr. Hatley commented that through his campaign, many people voiced concern over alcohol sales at the Homecoming festivities. Some people just can't handle themselves. He said he is not sure this is the right message we want to send to our young people. He is not in favor of this, even though Sertoma has a worthy cause. Mr. Saxton stated that he was in favor of it. He said it is important to bring the whole community together. If we don't have designated areas set aside for this, he believes the police department will be hauling everyone off to jail. By having the police there and controlling it, it eliminates a problem that could be. Mr. Brunton agreed that there is already beer in the park. It is a decision that the City has to make – will they be tough guys, or will they allow people to enjoy themselves and control the situation. He said they don't promote consumption. If people show signs of having too much, they stop serving them or give them O'Doul's. That is part of their job.

Mr. Kulp, Dir. of Safety, spoke on behalf of the Police Chief, who submitted a memorandum to Council this evening. He said the Chief's letter expresses his opposition for this and the next Resolution. He said this is not a new position. The Chief has sent letters to the Liquor Board the past few years. This year, he has sent a letter to Council and the Administration. Mr. Hatley asked Mr. Kulp to read the letter, which he did. Mr. Eversman commented that Mr. Kulp said the Chief has objected to this for several years, but Mr. Eversman stated that he has asked the Chief about this every year before and after the event and the Chief has never voiced any opposition. He has also spoken with Captain Deskins and no opposition has ever been voiced. He voiced concern over receiving this letter and at the eleventh hour, with no advance warning to Council at all. He asked if there was any incident last year that would cause a difference from the nine years prior to it. Mr. Kulp said, to his knowledge, there were no incidents or increase in arrests last year. Mr. Saxton asked Mr. Brunton what they do with the money they make and how much they make. Mr. Brunton said they help fund various things. Quite a bit goes to the Buckeye Ranch (equestrian program; funding for training of a lady w/a help dog). Mr. Saxton clarified that all the money they make stays in the community and helps our people. Mr. Brunton said that was correct. Mr. Radi commented that while both the G.C. Foundation and Sertoma are great organizations, he has a concern when an event involves alcohol. He also had residents voice their concerns during his campaign. He said many stay away from the event, due to the potential dangers involved. He said he has spoken to a number of G.C. police officers, which have come to him sharing their support for Mr. Radi's position. He said with softball comes a lot of beer drinking. He said he has a concern for the safety of the community and cannot support this. Mr. Brunton asked how it would be if it weren't controlled. Mr. Eversman said Mr. Brunton makes a good point and he too has spoken with four police officers that didn't object to the license. He said there is a mix of opinions. He said the control factor is very important and the history we have had with the event. President Klemack echoed Mr. Eversman's comments. She too, spoke with police officers that had no objection. She said she feels it is a very worthy cause that comes back to our community. She also stated that people are adults and responsible for themselves.

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

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

5. Resolution CR-22-02 (Waive the Provisions of Section 529.07(b)3 of the Codified Ordinances for the Annual Homecoming Celebration on July 26, 2002 on the Streets of the Town Center) was given its reading and public hearing.

Mr. Scott McComb, representing the Grove City Foundation, explained that they raise funds to pay for the Grove City Speech and Hearing summer Clinic, that services over 80 children in the SWCS District. This costs over \$12,000.00 and their funds are not available to anyone outside the South-Western City School district. He said they have expanded their mission statement to help others, which he gave examples of. He responded to the Chief's letter. He said he wished this type of response were provided at the post event meeting rather than now. He doesn't believe that the letter represents all the facts. He said there are two establishments in the downtown area that have liquor licenses. They can only hold a maximum of 300 people, which can't handle all the people to attend the Homecoming Event. He also commented about the beer bottle balloon (sign). He said before putting that up last year, they did receive permission. Mr. Eversman asked if they had a problem with not putting up the balloon/sign. Mr. McComb said no. It will not happen in the future. Mr. Eversman asked if the G.C. Foundation had ever asked the Police Dept. to patrol the other liquor establishments.

Mr. McComb said no. In fact, he has spoken with those two establishments and they are in favor of the F-Permit. Mr. Eversman said again, he believes this is a good control effort. He is totally shocked at the Chief's letter and its timing. He said he would get in contact with the Chief for more detail for future years. Mr. Radi asked if the volunteers had any formal training on spotting individuals that have had too much to drink and how those volunteers control that. Mr. McComb said they do give all their volunteers training. However, there is no formal training class he knows of that they can attend. They now have supervisors, as a second level of protection. Some of them are from Anheuser-Bush. Mr. Radi suggested that they are relying on the Foundation to keep the community as safe as possible, when dispensing alcohol. Mr. Eversman commented that this Resolution provides for the hours of 5:00 – 11:30 p.m., however, the beer sales are cut off early. Mr. McComb said that was correct. They coordinate this with the City. Last year's hours were 6:00 to 10:15. Ticket sales ended at 9:45. Mr. Eversman commented that this gives people time to finish consumption before 11:30 p.m. Mr. McComb said yes. Mr. Eversman clarified that this would allow for a legal activity in a non-licensed area. Mr. Stage also commented on the beer balloon. He said that crossed the line and if Columbus Distributing puts those up again, this will not be a welcome event by the Administration in the future. He said this was an effort to allow for an outlet for the two facilities that get packed and can't serve the crowd. It was started as a way to provide for safety and the well being for those around it. He suggested that Section 2 of the Resolution be amended to document the time for beer sales. Mr. Eversman commented that he had no problem with the amendment, but as far as signage goes, he believes we have ordinances to take care of that and wouldn't want to see the baby thrown out with the bath water, because of it. Mr. Saxton suggested adding a note to the amendment to send a clear message to the Distributors that we don't want balloons/signs.

Mr. Eversman moved to amend Section 2 to include a second sentence that reads: "The pouring of beer shall be from 6:30 – 10:30 p.m. and no illegal signage shall be erected."; seconded by Mr. Saxton.

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

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

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

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

1. Ordinance C-24-02 (Authorize the City Administrator to Execute and Deliver a Certain Deed to the City of Grove City for Right-of-Way on Marlane Drive) was given its second reading and public hearing.

Mr. Radi confirmed with Mr. Stage that the parties involved have agreed to this. Mr. Stage said yes. He said they are processing the Development Plan now.

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

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

2. Ordinance C-25-02 (Authorize the City Administrator to enter into an Easement Agreement) was given its second reading and public hearing.

Mr. Eversman moved that Page Two of the Easement Agreement be replaced with the one that Mr. Clark provided and showing the "drop dead" date of Nov. 1, 2040; seconded by Mr. Radi.

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

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

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

3. Ordinance C-33-02 (Amend Part Thirteen of the Codified Ordinances to Repeal and Replace Chapter 1305 titled Permits & Fees and Enact Title Eleven titled Contractor Registration) was given its first reading. Second reading and public hearing will be held on April 15, 2002.
4. Ordinance C-34-02 (Amend Section 1139.03(a) of the Codified Ordinances titled Method of Zoning Change; Reversion of Zoning Classification) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
5. Ordinance C-35-02 (Authorize the City Administrator to Execute a Deed to Thomas R. Clark, Trustee to Secure a Tax Parcel for a Certain Parcel of Real Estate presently used by the City for the YMCA and to declare an emergency) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
6. Ordinance C-36-02 (Authorize the City Administrator to Accept the Transfer of 6.627 acres in Fryer Park and to declare an emergency) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
7. Resolution CR-16-02 (Appoint the Grove City Community Improvement Corporation to Assume the Statutory Duties and Responsibilities of the Grove City Housing Council for the City) was given its reading and public hearing, and at the request of Mr. Stage, Mr. Radi moved it be withdrawn; seconded by Mr. Hatley.

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

8. Resolution CR-23-02 (Appoint Two Grove City Council Representatives to the Grove City Housing Council) was given its reading and public hearing.

Mr. Radi asked Ms. Bearden, Dev. Dir., the need and purpose of this Resolution. Ms. Bearden stated that this is a statutory requirement for any community that has a Community Reinvestment Area. The ORC outlines the makeup of the Housing Council, which requires Council to appoint two members. She said they only meet once a year to review the CRA districts and look for properties in disarray. Mr. Radi asked if the properties that are inspected include improved properties, as well as vacant properties within the CRA. Ms. Bearden stated that there is an annual report due to the State by March 31 that lists every property that is abated. Mr. Hatley asked how effective can this be if it only meets once per year. Ms. Bearden explained that there was a change in the ORC to include some monitoring that did not exist before. It is just an accountability function.

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

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

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

1. Ordinance C-26-02 (Amend Sections 161.09 and 161.10 of the Codified Ordinances titled Employment Provisions for City Employees) was given its second reading and public hearing.

Mr. Stage commented that this is mostly housekeeping and the addition of one (1) position. He requested that on page one, it be amended to show "Service" Director, rather than Safety Director.

Mr. Hatley moved to amend Safety Director to Service Director, under Section 161.09; seconded by Mr. Eversman.

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

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

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

2. Ordinance C-27-02 (Appropriate \$12,385.00 from the Community Environment Fund for the Current Expense of the Keep Grove City Beautiful Program and to Authorize the City Administrator to enter into a Recycling Grant Agreement with the Solid Waste Authority of Central Ohio) was given its second reading and public hearing.

Mr. Behlen, Dir. of Finance, explained that this is money that comes to us from the Solid Waste Authority. We are forwarding the money from the Community Environment Fund and it will have to be reimbursed from the Grant Funds as we earn it.

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

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

3. Ordinance C-37-02 (Appropriate \$600,000.00 from the County Contribution Fund for the Current Expense of the Reconstruction of Hoover Road from Dartmoor to Milligan Grove) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
4. Ordinance C-38-02 (Appropriate \$1,507,412.00 from the Hoover Road/Milligan Project Fund for the Current Expense of the Reconstruction of Hoover Road from Dartmoor to Milligan Grove) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
5. Ordinance C-39-02 (Authorize the Ground Lease of City Lands to the YMCA of Central Ohio, in connection with the Private Construction and Operation of a Community Recreation Center, to approve the Form and Execution of the Ground Lease and other Documents and Agreements relating thereto, and to declare an emergency) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
6. Ordinance C-40-02 (Directing the Appropriation of a Fee Simple Interest in Certain described Real Property for the Improvement and Widening of Stringtown Road and the Construction of its Intersection with Buckeye Parkway and to declare an emergency) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
7. Ordinance C-41-02 (Appropriate \$388,200 from the General Fund for the Current Expense of Land Acquisition) was given its first reading. Second reading and public hearing will be held on April 01, 2002.
8. Resolution CR-24-02 (Authorize the Administration to Accept the Donation of Various Items for the Division of Police) was given its reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Saxton.

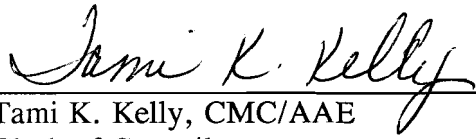
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes

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

There being no new business, the Chair recognized members of Administration and Council for closing comments.

1. Mr. Stage announced that the Harbage property has been sold for \$136,000.00. He reported on other development issues.
2. Council made further comments about the Homecoming & Softball Tournament events. They thanked Sertoma and the G.C. Foundation for their philanthropic efforts. They also thanked the Service Department on the clean up after the storm.
3. After additional comments from Council and other Administrative staff members, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 9:30 p.m.



Tami K. Kelly, CMC/AAE
Clerk of Council



Maria C. Klemack
President