CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

February 22, 2000 Regular Meeting

The regular meeting of Council was called to order by President Bennett, 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 Steve Bennett Budd Eversman Maria Klemack

1. Mr. Eversman moved to excuse Mr. Fulton; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

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

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

3. President Bennett recognized Mayor Grossman who presented a Proclamation to Eric Esposito for receiving the Golden Guard Award for lifeguarding. In addition, she administered the Oath of Office to Christopher Valley, Police Officer.

   President Bennett read the agenda items and moved to add Ordinance C-18-00, under Finance; seconded by Mr. Radi.

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

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

1. Ordinance C-2-00 (Approve a Special Use Permit for MAACO Auto Painting & Bodywork's located west of Broadway and south of Home Road) was given its second reading.

Mr. Robert Miller, petitioner, requested that this be postponed until April 17, 2000, so that a Final Development Plan can be submitted and presented at the same time, as requested by Council.

There being no additional questions or comments, Mr. Radi moved to postpone C-2-00 until 4/17/00; seconded by President Bennett.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

2. Ordinance C-5-00 (Accept the Annexation of 4.747 acres located at 1777 Thrailkill Road) was given its second reading and public hearing.

Mr. Dale Burdette, property owner, stated that he realizes that some of the neighbor's are objecting to this, but, feels that people that live in apartments are not second class citizens. People deserve a nice community and a good location to live in to get a start in life. He voiced appreciation to Council for their consideration.

Mr. Robert Cox, contiguous property owner, expressed strong opposition for this annexation. He asked those residents who were present and also objecting for a show of hands, which they did. He said the same concerns that were expressed at the last meeting still exist.

Ms. Lynda Halverson-Selan, contiguous property owner, commented that she has nothing against apartments or the people who live in them. She asked Mr. Radi, as a realtor, what this would do to her property value. Mr. Radi said that is tough to do without seeing her home and property. She asked, just in general, what it would do - since he has seen the development plans. Mr. Radi stated that she would, probably, maintain a better property value if it were to stay vacant. She commented that she understands that property owners are allowed to do with their property what they wish, as long as they stay within the rules. However, this is changing the rules to allow something other than what has been. She believes that the change in the rules will hurt more than just here and asked Council to consider this. She said she understands that Council must consider the overall benefits and while there are two of them, there are many more in the neighborhood that won't benefit. The proposed buildings look very different from their homes and there will be four times as many families on this one property than there are in the entire neighborhood now.

Mr. Michael Kenney, developer, commented with regard to Mrs. Selan's property value. He believes this project will increase her property, as he is willing to buy it. He explained that when a single-family home is placed on an acre of ground, sometimes, the home becomes more valuable than the land. He expressed an interest in Mrs. Selan's property to Mr. Stage, Dir. of Dev., if the City would give him the density he desires. He offered to purchase her property with the ability to place a 24 family or 36 family unit on the acre. He stated that this would give him an overall density of 12.5 units to the acre (Phase 1, 2 and this).

Mr. Radi commented that this is one of the most difficult decisions for Council to make sometimes. In looking at the entire area, he believes that this has stepped up the area, in that Phase I of this project was rezoned from Industrial to residential. If industrial development had occurred, it would have had a much more negative impact on the property values in the area. He said they must look at it as, the land is going to be developed, and how can this best be done for everyone involved.

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

3. Ordinance C-6-00 (Accept the Annexation of 5.2 acres located at 5965 Haughn Road) was given its second reading and, at the request of the property owner, Mr. Radi moved it be postponed until April 03, 2000; seconded by Mr. Eversman.

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

4. Ordinance C-7-99 (Approve the Plat for Scioto Meadows, Section 2A) was given its second reading and public hearing and Mr. Radi moved it be approved; seconded by Mr. Eversman.

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

5. Ordinance C-12-00 (Approve the Rezoning of 1615 Stringtown Road from PUD-C to IND-1) was given its first reading.

Mr. Radi explained that Mr. Joe Hull, attorney for petitioner, has requested that the second reading and public hearing be scheduled for May 1, 2000, due to his client being out of the country until then. The second reading and public hearing will be 5/1/00, as requested.

6 Ordinance C-13-00 (Approve the Plat for Meadow Grove South, Section 5) was given its first reading. Second reading and public hearing will be March 06, 2000.

7. Resolution CR-14-00 (Approve the Final Development Plan for Gateway Lakes, Phase II, located at 1777 Thrailkill Rd) was given its reading and public hearing.

Mr. Michael Kenney, developer, was present. Mr. Radi reviewed the stipulations set by Planning Commission, to which Mr. Kenney agreed. President Bennett commented that in Caucus, an updated Landscape Plan was submitted showing a buffer of mounding and plantings along the north and ease sides of the property, which exceeds the Code requirements. Mr. Kenney said that was correct. President Bennett asked where the dumpsters were located in this new plan. Mr. Kenney pointed out the three (3) dumpster locations. President Bennett asked Mr. Boso, Bldg. Inspector, if three dumpsters were enough to handle the load. Mr.

Boso said the Code doesn't require dumpster calculations. If the units overflow, that would be an enforcement issue. Mr. Kenney said the would put in another dumpster, if that became necessary. Mayor Grossman commented that this could also be handled by the frequency of the dumping.

Mr. Radi asked for a brief synopsis of the changes made in the landscaping. Mr. Kenney reviewed the additional landscaping and various changes to the plan, which include the continuation of the pond from Phase I, with an additional fountain; the dumpster north of the pond will be brick with landscaping on three sides. President Bennett also commented that the garages have been moved from the northern edge of the property to the center, to assist with residents concerns. Mr. Kenney confirmed this.

Mr. Stage stated that on page A3.7 of the Development Plan, the columns above the brick show vinyl and they are requesting that they be brick or some other material. Mr. Kenney commented that is for the Tower and he would agree to that.

President Bennett moved to amend Section 1 to include the following stipulation: 1. Tower columns, as shown on page A3.7, shall be of natural material above the brick; seconded by Mr. Eversman.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

Mr. Cox, contiguous property owner, commented that he and the neighbors strongly oppose this development. They do not want the backs of these two and three story buildings facing Thrailkill Road; they don't want the building setback in front of the existing home, which the plan shows them considerably in front of the homes; they don't believe the change, implemented by Planning Commission, in placing the three story buildings closest to the residents is appropriate.

Ms. Lynda Halverson-Selan, contiguous property owner, voiced concern for the access to Thrailkill Road, that runs along side her driveway. She said she understands that it is now restricted to emergency vehicles only, but, wants written assurances that this would not be opened as a secondary access in the future. Mr. Kenney stated that the PUD Text says that it will only be used for emergency access. Mr. Stage commented that he had a conversation about this with Mrs. Halverson-Selan regarding this and explained the City's long-range plans with regard to the area and potential roadways. She then expressed the same concerns as Mr. Cox.

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

8. Resolution CR-16-00 (Approve the Sign Request for Picasso's located at 3306 Columbus St., in the Historical Preservation Area) was given its reading and public hearing.

Mr. Rich Retheford, petitioner, was present. Mr. Radi reviewed the stipulations set by Planning Commission, which Mr. Retheford agreed to. President Bennett asked if there was to be any lighting. Mr. Retheford said there would be ground-mounted lighting. Mr. Eversman asked if there would be indoor eating. Mr. Retheford said not at first. He is considering it for a later time. Mr. Stage commented that Mr. Retheford has been made aware of the parking needs, if this were to become a restaurant.

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

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

9. Resolution CR-17-00 (Approve the Final Development Plan for Pizza Hut, located at 2536 Columbus Street) was given its reading and public hearing.

Ms. Jenny Milano, applicant, was present. Mr. Radi reviewed the stipulations set by Planning Commission, which Ms. Milano agreed to. Mr. Eversman asked if there were any plans to remove the wooden light pole, west of the building. Ms. Milano stated that it was outside their lease area and they have no plans to remove it. Mr. Eversman stated that he would like to see that pole removed, realizing that it isn't under her direct control, but, is the same landlord. He then moved to amend Section 1 to include the following stipulation: 1. The wood light pole, west of the building, shall be removed; seconded by President Bennett.

President Bennett asked Mr. Clark, Dir. of Law, if there was any ability for that stipulation. Mr. Clark stated that this is a unique situation, in that it is on leased ground. Pizza Hut has no ability to control that light and feels that putting a stipulation on this development may not be enforceable. Mr. Eversman asked Mr. Clark if he understood that the parking around that light pole was part of a cross-easement for Pizza Hut parking. Ms. Milano confirmed that this was the case. Mr. Eversman said he realizes that this is a little different, but, feels it is something that the landlord could be approached on and see what happens. Mr. Stage commented that he discussed this with Ms. Milano before the meeting and she understands what they want to achieve. He said an easement has just been negotiated with Mr. Roth and this should have been negotiated as part of that. He asked that it be stipulated as a best effort, because, the Pizza Hut is an extremely unsightly situation and doesn't want to see the time extended in getting it cleaned up. He asked that they be allowed to work to get it removed and asked Mr. Boso if that was what he wanted. Mr. Boso commented that the Code does not recognize Lease Lines and with the shift in traffic/parking patterns, the pole is going to create a safety hazard. Something needs to be done. Ms. Milano said she would make every attempt to have this addressed by Mr. Roth, and have this put in the contract.

The motion on the floor was read back and President Bennett moved to amend the motion to include the words: *endeavor to move or remove*; seconded by Mr. Radi.

Mr. Eversman	No
Ms. Klemack	No
Mr. Radi	Yes
Mr. Bennett	Yes

Roll was called for the Main Motion.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	No
Mr. Eversman	Yes

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

10. Resolution CR-18-00 (Accept the Scioto Meadows Dedication Easement) was given its reading and public hearing.

It was explained that these were easements for the sanitary sewers, storm sewers and the pond.

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

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

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

1. Ordinance C-8-00 (Appropriate the Outstanding Fund Balances and Certain Project Funds for Current Expenses) was given its second reading and public hearing and Mr. Eversman moved it be approved; seconded by President Bennett.

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

2. Ordinance C-9-00 (Appropriate $9,633.10 from the Sewer Fund for the Current Expense of Reimbursing the City of Columbus for Tap Fees Collected) was given its second reading and public hearing and Mr. Eversman moved it be approved; seconded by Ms. Klemack.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

3. Ordinance C-10-00 (Appropriate $13,900.00 from the Community Environment Fund for the Current Expense of the Keep Grove City Beautiful Program) was given its second reading and public hearing.

   Mr. Eversman commented that the City would get reimbursed for $9,895.00 of this appropriation.

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

4. Ordinance C-14-00 (Amend Chapter 161 of the Codified Ordinances titled Employment Provisions for City Employees) was given its first reading. Second reading and public hearing will be held on March 6, 2000.

5. Ordinance C-15-00 (Establish Admission Fees for the Big Splash at Evans Park and Declare an Emergency) was given its first reading.

   Mr. Eversman stated that Council has met with the Administration and in order for the pool to operate under its own expenses and be able to promote it immediately, an emergency has been requested. Mayor Grossman commented that the rates reflect what were the regular price during last years season, which was a half season.

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

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

Mr. Eversman moved it be approved as an emergency measure; seconded by Ms. Klemack.

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

6. Ordinance C-16-00 (Appropriate $85,908.00 from the General Fund for the Current Expense of Severance Payments) was given its first reading. Second reading and public hearing will be held on March 6, 2000.

7. Ordinance C-17-00 (Appropriate $12,054.00 from the General Fund for the Current Expense of Safety and Crime Prevention Equipment) was given its first reading. Second reading and public hearing will be held on March 06, 2000.

8. Ordinance C-18-00 (Appropriate $120,000.00 from the General Fund for the Current Expense of Police Investigations and to declare an emergency) was given its reading.

   Mr. Eversman noted that an emergency exists due to the time sensitivity of the matter.

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

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

Mr. Eversman moved it be approved as an emergency; seconded by President Bennett.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	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. Mayor Grossman introduced Ms. Karen Fayh, a new part-time information coordinator for the Parks & Recreation Department; she announced that the Franklin County Commissioners approved a Block Grant for Cleveland Avenue; construction of Hoover Road, between Sonora and Old Stringtown Road, is due to begin and may be closed completely for up to six weeks; the From Our Hearts campaign brought in over $4,000.00 in funds and over 5000 lbs. of food for the Grove City Food Pantry and the Emergency Fund. She thanked city staff and Council

for their participation; finally she announced that Grove City is currently in the lead for the YMCA campaign with a total of $694,030.00.

2. Mr. Stage made an appeal to Council regarding the stipulation placed on Pizza Hut. He said he had just contacted the property owner who said he will make every effort to move the pole. Since Pizza Hut has no control over this, he feels that this stipulation would prohibit them from building. He said he has been working very hard with Pizza Hut to get this cleaned up. Mr. Eversman stated that he doesn't believe that it is true that this stipulation will prevent them from starting the project. It is the same as any other stipulation. They can begin building and everything else, while the pole is being removed. Mr. Stage said an Occupancy Permit can not be issued until the stipulations are met and he can't believe that Pizza Hut would begin to build not knowing if this will be done. Mr. Eversman said his reason for doing this is because it is one parcel; it is in our best interest; and it is right next to the building. Mr. Stage said no one disagrees with moving it. His point is, making it a hard stipulation instead a best effort crimps the project and get it started in a timely fashion. Mr. Eversman commented that Mr. Stage said he is meeting with the property owner tomorrow and believes that this can be reconsidered at the next meeting. Over the next two weeks, we would know if Mr. Roth can accommodate this and the stipulation can be addressed at the next meeting. Mr. Stage said there is no question Council can do that, but, feels this is too harsh for something that can be handled in a different way. Mr. Eversman said he appreciates Mr. Stage's position, they just have a difference of opinion in this matter. He said if his colleagues wish to address this tonight or in two weeks, he has no objection.

President Bennett moved to reconsider Resolution CR-17-00; seconded by Mr. Radi.

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

President Bennett moved to amend Stipulation 1, under Section 1, to read: The best effort will be made to move or remove the wood light pole, west of the building, to the satisfaction of the Building Inspector; seconded by Mr. Radi.

Mr. Eversman	No
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

Mr. Radi moved to approved Resolution CR-17-00, as amended; seconded by President Bennett.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

3. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 9:17 p.m.

Tami K. Kelly

Tami K. Kelly, CMC/AAE
Clerk of Council

Steven M. Bennett
President