

GROVE CITY, OHIO COUNCIL
MINUTES

February 18, 1991

Regular Meeting

1. The Council of the City of Grove City met in regular session on the 18th day of February, 1991 at 8:00 p.m. in the Council Chambers, City Hall, with the following members present:

Brian Buzby
Charles Cotton
Earl Nicholson
John Mountain
William Buckley

2. Mr. Buzby moved to dispense the reading of the minutes and approve as written; seconded by Mr. Mountain.

Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

3. Council recessed to committees.

4. Mr. Nicholson moved that Ordinances C-105-90, C-106-90, C-107-90 and C-108-90 be changed to C-12-91, C-13-91, C-14-91 and C-15-91 respectively; seconded by Mr. Mountain.

Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes

5. Mr. Cotton moved that Ordinance C-19-91 be added to the agenda; seconded by Mr. Buzby.

Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	No
Mr. Buzby	Yes
Mr. Cotton	No

6. Mr. Cotton moved that Ordinance C-2-91 be amended to include Exhibit "B", Conditions of Approval, given to Council by the developer; seconded by Mr. Buzby.

Mr. Mountain	Yes
Mr. Buckley	No
Mr. Buzby	Yes
Mr. Cotton	No
Mr. Nicholson	Yes

7. Mr. Buzby moved that Ordinance C-12-91, Section 729.02 be amended to read, in part: *An outdoor concert shall be permitted only in an area that is zoned for commercial, public or industrial use.* Seconded by Mr. Nicholson.

Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes

8. Since the next four items on the agenda referenced Capital Music Center, Mr. Buckley asked if there were any comments on those items. Mr. Charles Rume, President of Beulah Park and Mr. Mike Smith, Vice President of Neiderlander Development addressed Council.

Mr. Rume stated that he felt Beulah Park was a major asset and intricate part of the community including its economy, property and income tax. Beulah wishes to cooperate with the City and its residents to ensure growth. He feels that Capital Music is a key influence to that growth and by bringing in first rate entertainment, is a showplace for the City, not a detriment.

Mr. Smith stated that last year was the first year for the concerts and a learning experience for everyone involved. The complaints and concerns voiced by the residents have been heard and Capital Music has developed some plans to help alleviate some of these problems. He showed a new seating arrangement that is to be implemented for the upcoming season that severely adjusts the design of the facility by creating a BOWL effect. This will turn speakers into the crowd and away from the residential area. It will also help reduce sound bleeding and reflection of sound outside the park. He indicated that information was still be gathered to help improve the design. They are looking at installing a curtain inside the Grandstand that can be closed when seats in the Grandstand are not sold. Also, a Community Advisory Committee will be developed to listen and resolve problems with residents on a regular basis. Capital Music is committed for the long term and wants to ensure peace for all involved.

Mr. Rume indicated that a litter patrol would be implemented to pick up trash in the area. He wants the Community Advisory Committee to formulate policies for these types of issues. Mr. Rume also indicated that the area would be patrolled so traffic is orderly and the Park Street entrance would be closed. In closing, Mr. Rume asked Council to allow Capital Music to make their changes and prove that they are a good neighbor to the City and its residents. Please do not make restrictions that would limit their business and abilities.

Council asked Mr. Cavanaugh, Principal of Cavanaugh Tocci Associates who did the sound report for the City, if he had any comments. Mr. Cavanaugh stated that an outdoor concert facility cannot be made silent, but there are steps that can be taken to reduce sound bleeding and reflection. He felt that the changes being made by Capital Music were very good changes that will address both of these issues.

One resident asked how many people the new seating arrangement would hold. Mr. Rume answered with 10,500 which is 3,000 less than last year.

Another resident which lives on Park Street and has small children asked Council not to put restrictions on Capital Music and to deal fairly and in good faith with them.

9. Mr. Buzby moved that Ordinance C-12-91, Section 729.04(a) be amended to read: *No person, owner or sponsor shall conduct an outdoor concert except during the period between the Friday of Memorial Day weekend and to Sunday of Labor Day weekend.* Seconded by Mr. Buckley.

Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

10. Mr. Buzby moved that Ordinance C-12-91, Section 729.04(b) and (c) be removed; seconded by Mr. Nicholson.

Mr. Cotton	No
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes

11. Mr. Buzby moved that Ordinance C-12-91, Section 729.04(d) be amended to (b) and read: *No person, owner or sponsor shall conduct an outdoor concert for more than three and one-half hours during any 24 hour period.* Seconded by Mr. Nicholson.

Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	No

12. Mr. Buzby moved that Ordinance C-12-91, Section 729.04(e) be amended to (c) and read: *No person, owner or sponsor shall conduct an outdoor concert that is concluded after 11:00 p.m.* Seconded by Mr. Mountain.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	No
Mr. Nicholson	Yes

13. Mr. Buzby moved that Ordinance C-12-91, Section 729.04(f) be amended to (d) and that the last paragraph be removed; seconded by Mr. Mountain.

Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes

14. After amendments had been passed there were a few questions from concerned citizens, the end result being they wanted to be sure they were going to be protected. Mr. Buzby responded by stating that there has been an obvious compromise made due to some residents asking that no action be taken and others asking that all concerts be discontinued. He added that the ordinances could always be amended later if additional restrictions are deemed necessary.

15. Mr. Buckley moved that Ordinance C-14-91, Section 509.09(c) be amended to read, in part: *when directed to do so by the Director of Public Safety or his designate (Chief of Police or Deputy Chief)*. Seconded by Mr. Nicholson.

Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

16. Mr. Buckley moved that Ordinance C-14-91, Section 509.09(d) be amended to read, in part: *this ordinance, that person, owner or sponsor shall be guilty of a minor misdemeanor for the first violation, a misdemeanor of the fourth degree for the second violation in the same year, a misdemeanor of the third degree for the third violation in the same year and a misdemeanor of the first degree for every further violation in the same year*. Seconded by Mr. Nicholson.

Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes

17. Mr. Kim Ogg, a Westgrove resident asked if the Safety Director is determining the sound level, will he be at the concert or in the neighborhood? Mr. Fulton, Safety Director, indicated that he or his designate would patrol at the concert and that perhaps he or his designate would patrol in the residential areas simultaneously to determine if the sound is too high. He indicated that there would be no sound equipment used and that there will be subjectivity involved with regard to the number of complaints received and his or his designate's determination.
18. **New Business** - Council asked if there was any other business to be brought before council. Mr. Kim Ogg asked about Walmart. Council indicated that there was nothing on the agenda concerning Walmart. Mr. Ogg stated that he was interested in the outcome of the meeting that the City had with the Company. Mayor Stage replied by stating that landscaping and the elevation had been changed and all issues of concern were brought to Walmart's attention and addressed. Both Council and the Mayor advised concerned parties that the Final Development Plan would be brought before Planning Commission Tuesday, February 19, 1991 at 4:00 p.m. Mr. Ogg advised Council that a petition was being circulated throughout the Westgrove community to request that Council not pass a tax abatement for Walmart. He also passed out a letter of concern from the Westgrove community to Council, a copy of which is on file.
19. Council reconvened.
20. Ordinance C-19-91 (Amend Sec. 1135.14 entitled Planned Unit Development District) was given its first reading. Second reading and public hearing will be held on March 04, 1991.
21. Ordinance C-2-91 (Rezone btw. McDowell & Parkmead from C-2 to PUD-R) was given its second reading and public hearing and Mr. Cotton moved it be approved as amended; seconded by Mr. Nicholson.

Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	No
Mr. Buzby	Yes
Mr. Cotton	No
22. Ordinance C-11-91 (Amend Sec. 520.021(b) to include a private place) was given its second reading and public hearing and Mr. Buckley moved it be approved; seconded by Mr. Nicholson.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes

23. Ordinance C-12-91 (Enact Chapter 729 entitled Outdoor Concerts) was given its second reading and public hearing and Mr. Buckley moved it be approved as amended; seconded by Mr. Mountain.

Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	No
Mr. Nicholson	Yes
Mr. Mountain	Yes

24. Ordinance C-13-91 (Amend Sec. 1135 entitled Zoning Districts & Regulations) was given its second reading and public hearing and Mr. Buckley moved it be approved; seconded by Mr. Nicholson.

Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

25. Ordinance C-14-91 (Amend Sec. 509.09 entitled Disorderly Conduct & Pease Disturbance) was given its second reading and public hearing and Mr. Buckley moved it be approved as amended; seconded by Mr. Mountain.

Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes

26. Ordinance C-15-91 (Amend Sec. 191 entitled Income Tax) was given its second reading and public hearing and Mr. Buzby moved it be approved; No Second.

27. Ordinance C-16-91 (Appro. \$55,000 from Bond Retirement Fund for Current Expenses) was given its first reading and since it appropriates for current expenses, Mr. Buzby moved it be approved; seconded by Mr. Nicholson.

Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes

28. Ordinance C-17-91 (Appro. \$525,000 of Bonds for constructing an extension to Kathryn Drive) was declared an emergency and Mr. Buzby moved it be approved as such; seconded by Mr. Nicholson.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes

29. Ordinance C-17-91 (Appro. \$525,000 of Bonds for constructing an extension to Kathryn Drive) was given its first reading and since it was declared an emergency, Mr. Buzby moved it be approved; seconded by Mr. Buckley.

Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes

30. Ordinance C-18-91 (Appro. \$890,000 of Bonds for constructing a connector road btw. Marlane Dr. & Kathryn Dr.) was declared an emergency and Mr. Buzby moved it be approved as such; seconded by Mr. Nicholson.

Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

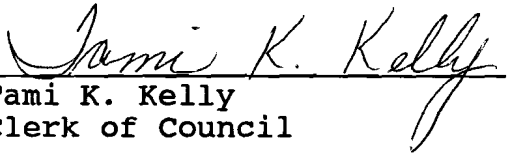
31. Ordinance C-18-91 (Appro. \$890,000 of Bonds for constructing a connector road btw. Marlane Dr. & Kathryn Dr.) was given its first reading and since it was declared an emergency, Mr. Buzby moved it be approved; seconded by Mr. Nicholson.

Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes

32. Chief McKean regretted to announce the retirement of Sergeant Harry Brewer. He is retiring due to health reasons.

33. After comments from the Council and Administration, a motion was made to adjourn. Motion carried.

34. Council adjourned at 9:40 p.m.


Tami K. Kelly
Clerk of Council


Earl R. Nicholson
President of Council