CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

January 20, 2004 Regular Meeting

The regular meeting of Council was called to order by President Saxton at 8:00 p.m. in the Council Chamber, City Hall, 4035 Broadway.

After a moment of silent prayer, a moment of silence and the Pledge of Allegiance, roll was called and the following members were present:

Rich Lester Bob Hatley Bill Saxton Maria Klemack Vaughn Radi

1. President Saxton recognized Mayor Grossman who administered the Oath of Office to Chris Emmerich to the Park Board and Paul McKnight to the Board of Zoning Appeals.

2. President Saxton moved to dispense with the reading of the previous meetings minutes and approve as written; seconded by Ms. Klemack.

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

3. President Saxton read the agenda items and they were approved by unanimous consent.

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

1. Ordinance C-01-04 (Approve a Special Use Permit for Oak Hill Banks located at 5901 Hoover Road) was given its second reading and public hearing.

   Mr. Jeff Berneburg, representing Oak Hill Bank, was present.

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

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

2. Ordinance C-02-04 (Approve a Special Use Permit for Adventure Cycles of Ohio located at 4350 South Broadway) was given its second reading and public hearing.

   Mr. Gale Grubb and Mr. Mark Finnell, owners, were present. Mr. Lester reviewed the five stipulations set by Planning Commission. Both owners agreed to these stipulations.

Mr. Lester moved to amend Section 1 to include the following stipulation: "Violation of these stipulations may result in the revocation of the Special Use Permit. One warning will be given prior to revocation"; seconded by President Saxton.

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

President Saxton expressed his concern over the hours of operation. He feels 9:00 p.m. is too late and may disturb the surrounding residents. He said it was his understanding that they would agree to change the closing time to 8:00 p.m. In addition, it was his understanding that the property owner was going to assist in installing an overhead door in the rear to get the merchandise in and out. Mr. Grubb and Mr. Finnell agreed to both.

Mr. Lester moved to include a second stipulation under Section 1 to read: "2. The hours of operation shall be 4:00 p.m. to 8:00 p.m., Monday – Friday and 10:00 a.m. – 6:00 p.m. Saturday – Sunday"; seconded by President Saxton.

Mr. Mike Boso, Chief Bldg. Official, commented that if the company ever wanted to expand their hours, they would be required to come back to Council and ask for an amendment to this Ordinance to do so.

After some discussion, Mr. Saxton moved to amend the Motion to Amend to reflect a 10:00 a.m. start time for Monday – Friday; seconded by Mr. Radi.

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

The vote was called on the Amended Motion to include a second stipulation under Section 1 to read: "2. The hours of operation shall be 10:00 a.m. to 8:00 p.m., Monday – Friday and 10:00 a.m. – 6:00 p.m. Saturday – Sunday".

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

Mr. Radi stated that he believes that stipulations #5, regarding not allowing test drives, would be hard to enforce and asked Mr. Clark, Dir. of Law, for his opinion. Mr. Clark agreed. He said it would be hard to determine if someone was dropping something off, picking it up or taking a test drive. It would be difficult to revoke the Special Use Permit on this one stipulation. Mr. Radi said it was his understanding that vehicles would be serviced on the premises. Mr. Grubb said that was correct. Mr. Radi said he believes this would provide for the potential of additional noise and the potential to take those vehicles for test-drives to make sure the repairs were made correctly. He said he has serious reservations about this business operating at that location. However, he liked to see local, small business owners make a go of it and doesn't like to turn them down.

Mr. Hatley commented that the Special Use Permit requirements in the Code talk about if it will have an adverse effect on adjacent property; will it have an adverse effect on health, safety, morals or welfare of persons residing or work in the neighborhood; will this impose a traffic impact. He believes that we have potential for all of those. He said that he knows how the operation on Broadway operates and even though it is on a bigger scale, he can see a similar situation happening at this location in a much smaller area that will be a safety issue. He agreed that he doesn't want to stifle anyone from opening up a new business, but he has concerns of the overall aspect of the safety, welfare, noise and impact of the area. Mr. Grubb commented that the other operation is very different. Their business will not be selling high performance vehicles. The largest vehicle they would sell is a 250cc motorcycle. They are in a different class than ASK. As far as traffic, they don't know what the impact will be because they are a new business. They have ample parking on the side and in front of the building. As far as riding the vehicles, you are not allowed to ride ATV's on the public streets. They will not allow test-drives in the parking lot. As far as repairs, the majority of fixing the equipment is not done by riding it and testing it. Mr. Hatley asked what part of their business do they think would be new and used. Mr. Grubb said they aren't sure. He would guess about 75% new and 25% used. Most ATV's aren't traded in.

Mr. Radi asked Mr. Clark if a new Special Use Permit would be needed if the business were sold to a new owner. Mr. Clark said no. The Permit goes with the property. Mr. Radi asked if a new owner wanted to add a new product line, would they need to reapply. Mr. Clark said he doesn't see any restriction in the Ordinance about product lines.

Mr. Lester commented that he encourages and would like to see this business in Grove City. However, when these items come before Council, they weigh the health and safety of the environment and neighborhood. Unfortunately, what he is feeling is that because of the adjacent property owners and issues that are out of Council's control concerning safety, this petition is a concern.

Ms. Klemack commented that she understands they have a petition with signatures of support from the contingent property owners. However, she said neighbors do move and the concerns they have about safety still remain.

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

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

3. Ordinance C-03-04 (Approve a Special Use Permit for Drug Mart located North of Stringtown and West of Parkmead) was given its second reading and public hearing.

Mr. Frank Eck, attorney for petitioner, was present. He agreed to the stipulations recommended by Planning Commission and commented that they have submitted a Revised Development Plan incorporating the conditions requested by Council.

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

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

The Chair recognized Ms. Klemack, Chairman of Safety, for discussion and voting of legislative agenda items under said Committee.

1. Ordinance C-117-03 (Amend Table 1135.10-I titled Residential District Minimum Requirements) was given its second reading and public hearing.

Ms. Klemack asked Mr. Mike Boso for his comments. Mr. Boso stated that he didn't do a formal recommendation, but did compare these regulations to those in other communities around Franklin County. He suggested that further review be conducted before making any changes.

Mr. Saxton commented that the City has used two of these larger zoning classifications in the Golf Course community and feels that further study should be conducted and a recommendation from Planning Commission received.

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

Ms. Klemack	No
Mr. Lester	No
Mr. Saxton	No
Mr. Radi	No
Mr. Hatley	No

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

1. Ordinance C-06-04 (Appropriate $200.00 from the General Fund for the Current Expense of Police Equipment) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Ms. Klemack.

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

2. Ordinance C-07-04 (Appropriate $20,594.00 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 first reading. Second reading and public hearing will be held on February 02, 2004.

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

1. President Saxton mentioned that Council received a verbal resignation by one of their appointees of the Audit Committee and has decided to appoint Cheryl Brunton. He congratulated her, as she was in the audience.

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

1. Council welcomed the new members of the Park Board and BZA.

2. Mr. Hatley commented to the Motorcycle business owners that he feels they have a good concept and plan. He hopes they can find a more suitable location to implement their business plan. As a fellow motorcyclist, it is a great sport and in the area of ATV's there is a great demand. If they can find a location that is more appropriate, they would do very well.

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

Council adjourned at 8:35 p.m.

Tami K. Kelly, MMC	William E. Saxton
Clerk of Council	President