CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

November 16, 2015 Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 p.m. in the Council Chambers, 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* *Laura Lanese*

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

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

2. 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-85-15 (Enact Chapter 194 of the Codified Ordinances titled Income Tax) was given its second reading and public hearing.

Mr. Bennett explained that this is a result of Ohio House Bill 5 that we must comply with regarding our income tax collections. Mr. Turner, Dir. of Finance, explained that in order to levy an income tax now, we need our Code to be in sync with House Bill 5. It must be enacted by January 1, 2016 to be able to continue collecting an income tax. He said the old Code will stay in place to collect tax before that time. He said the major change requires the City to allow for a five (5) year net operating loss carry-over for businesses. Mr. Bennett noted that the intent of this Bill was to ease the tax filings around the State, but it appears that it has complicated it more. Mayor Stage agreed and said other enhancements were lobbied for that affected the Bill in negative ways for cities. He then explained that this new Chapter has a Section related to landlord/tenant relationships that requires the landlord to retain information about their tenants. He said Grove City is a mandatory tax filing entity. The boiler plate language we received for this new Chapter incorporated this landlord/tenant provision. He asked that Section 194.23 be removed at this time, so it can be reviewed further and discussed at a later date.

Ms. Lanese asked Mr. Smith, Dir. of Law, to explain one of the "Whereas" statements in the ordinance. She said she is a bit uncomfortable saying that Council finds and determined that the constitutionality of the State mandated Code have been put into question. Mr. Smith said this was recommended language from RITA, but explained why he believes it is correct. The City derives its power from the Ohio Constitution – called the Home Rule amendment. Under that amendment, if it is a matter of purely local concern the City is to make the final decision and Ohio Law doesn't matter. As House Bill 5 was being considered, there were two (2) cases that came out of the Court. One said that the matter of local taxation is a matter of purely local concern. So, as this Bill was being debated, it called into question their power to do what was in the Bill. This "whereas" statement, basically disclaiming this, is based on recent cases. Ms. Lanese said removing them would not affect the ordinance. Mr. Smith said these are statements by the Administration expressing their displeasure in having to change our entire income tax Code based on what the State has dictated.

Mr. Berry moved to remove Section 194.23 from the new Chapter attached as Exhibit A of the ordinance; seconded by Mr. Davis.

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

Mayor Stage commented that this is expressing their belief that this Bill is an encroachment on Home Rule. Mr. Smith also noted that our Charter states that the Mayor makes all appointments to Boards and Commissions, but this Bill violates our City Charter by requiring the Legislative Authority to make an appointment and we have no choice but to adopt the mandates of the State.

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

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Lanese	No
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

The Chair recognized Ms. Klemack-McGraw, Chairman of Lands, for discussion and voting under said Committee.

1. Ordinance C-87-15 (Vacate a 20' Sanitary Sewer Easement located South of I-270 and West of Gantz Road) was given its first reading. Second reading and public hearing will be held on 12/7/15.

2. Ordinance C-88-15 (Accept the annexation of 1.5 acres of Hoover Road right-of-way located north of Orders Road) was given its first reading. Second reading and public hearing will be held on 12/7/15.

3. Ordinance C-89-15 (Approve a Special Use Permit for a Dog Grooming and Boarding facility for Pinnacle Pets located on Farm Bank Way) was given its first reading. Second reading and public hearing will be held on 12/7/15.

4. Ordinance C-90-15 (Approve a Special Use Permit for a Pet Store for Petland located at 2740 – 2744 London-Groveport Rd) was given its first reading. Second reading and public hearing will be held on 12/7/15.

5. Ordinance C-91-15 (Approve a Special Use Permit for a Day Care Center for Tahna's Busy Bees located at 4461 Broadway) was given its first reading. Second reading and public hearing will be held on 12/7/15.

6. Resolution CR-72-15 (Approve a Sign Permit for Environmental Staffing located at 3111 Columbus Street in the Historical Preservation Area) was given its reading and public hearing.

There being no representative present, Mr. Berry noted that the Planning Commission recommended denial of this sign. Ms. Kelly, Clerk of Council, said this sign was submitted to the Chief Building and Zoning Official who denied the permit. The applicant filed an appeal with Planning Commission, who heard the request and also recommended denial due to the fact that the building already has the maximum signage allowed by Code with a wall sign and a monument sign. She said the ordinance is written to *approve* the sign, so a "yes" vote would permit the sign and a "no" vote would deny the sign.

Mr. Rauch, Dir. of Dev., explained that his Department recommended denial because the request is three times the limit of signage permitted by Code. He said the new business does have space on the monument sign.

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

Mr. Bennett	Yes
Ms. Lanese	No
Mr. Davis	No
Ms. Klemack-McGraw	No
Mr. Berry	No

7. Resolution CR-73-15 (Approve the Development Plan for Prologis South Park located at 1933 Marlane Drive) was given its reading and public hearing.

Mr. Mike Sanders, resident, expressed his concern over this project. He is mostly concerned about the wells for those residents across the street, on Marlane Drive. He asked how they would be compensated if this project harmed their water source in any way. He also asked that the surrounding residents be notified prior to any changes being made to the development plans and that there not be any work done at night.

Mr. Don Plank, attorney for petitioner, explained the project. He said since they went before Planning Commission, they have changed the plan slightly to adjust the center drive aisle. He also explained that the Code states that wherever access to the property occurs, that becomes the front of the property. Since they are no longer accessing the property from Marlane Drive, their frontage becomes Southpark Place. They have applied for an additional variance to allow them to keep Marlane Drive as their front, so they can keep the buildings as shown on the plans and further away from the Marlane residents.

Ms. Lanese asked Mr. Plank to review the compromises they have made on this project and address the three concerns posed by Mr. Sanders tonight. Mr. Plank said they have removed all curb cuts from Marlane Drive, except for an emergency access; they have increased the height of the mound and added trees; they will be extending the water and sewer lines that will be accessible to the residents. Ms. Lanese said if the wells did start to dry up, the residents could tap into the lines only after annexing to the City. Mr. Plank said that was correct. He said he didn't know what the Code said about night time construction, but they would comply with it and didn't believe his client would anticipate working at night. As for changes in the plan, any changes from what is being approved tonight would have to go back through Planning Commission and Council.

Mr. Bennett said with the 10' mound, and the excavation of the site, along with the request to exceed the 35' building height, what is the net effect. Mr. Plank said they will be excavating some, but the Code requires the height to be taken from grade. Most warehouses are built higher than 35' these days. He explained the opacity of the landscaping. Mr. Bennett asked about the additional variance to keep Marlane Dr. as their address. Mr. Plank said if they do not get this, they would actually have to ask for more variances or move the buildings closer to Marlane Drive to meet setbacks.

Ms. Elizabeth Crawford, resident, voiced some concerns, which Mr. Plank and Brian Marsh, Prologis, addressed. Ms. Crawford thanked them for their cooperation.

Mr. Berry moved to accept the revised drawing dated 10/22/15; seconded by Mr. Bennett.

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

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

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	No
Mr. Bennett	Yes
Ms. Lanese	Yes

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

1. President Berry recognized Boy Scout Troops 174 and 275. They came forward and introduced themselves.

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

1. Mayor Stage congratulated those who were elected and expressed appreciation to those who ran for office. He said that they will have the Budget to Council by the December date. He hopes to have part of it to them before the deadline. He announced that the Finance Dept. received the Excellence in Financial Reporting award from Government Finance Officers Association. He recognized Les Spring and the outstanding job he has done as Service Director, who will retire at the end of the month.

2. Staff Members and Council expressed their appreciation to Mr. Les Spring, Dir. of Service, who will be retiring at the end of the month, and wished him well in his retirement.

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

Council adjourned at 8:00 p.m.

Tami K. Kelly

Tami K. Kelly, MMC
Clerk of Council

~~Ted~~ A. Berry
Chair