CITY OF GROVE CITY, OHIO

COUNCIL MINUTES

November 07, 2011 Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 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:

Greg Grinch *Maria Klemack-McGraw* *Ted Berry* *Steve Bennett* *Melissa Albright*

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

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. The 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-52-11 (Authorize the City Administrator to enter into an Agreement with the Fraternal Order of Police/Ohio Labor Council, Inc., Police Dispatchers) was given its second reading and public hearing.

Mr. Honsey, City Admin., said they had very good negotiations. We have a good agreement and deferred to Chief Robinette.

Chief Robinette said it is a good Agreement and is a mature contract that didn't require much negotiation. He said Council should have received a memo to outline the changes. There is a 3% increase in pay over the life of the Agreement, changes in shift differentials and longevity pay, etc. that bring them in line with other bargaining units in the City.

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

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes

Ordinance C-57-11 (Authorize the Director of Public Safety to enter into a Franchise Agreement with Local Waste Services, LLC for Solid Waste, Recycling and Yard Waste collection, transportation and disposal) was given its first reading. Second reading and public hearing will be held on November 21, 2011.

3. Ordinance C-58-11 (Appropriate $831,243.50 from the Capital Improvement Fund for the Current Expense of the Phase 3 I-71/SR665 Improvements) was given its first reading. Second reading and public hearing will be held on November 21, 2011.

4. Resolution CR-43-11 (Authorize a Then and Now Certificate for the payment of $28,967.99 for Prisoner Health Care Costs) was given its reading and public hearing.

Mr. Honsey, City Administrator, explained that a person was apprehended by the use of force, in a dangerous domestic situation, resulting in health care needs. In order to keep our records straight, this needs approved by Council.

Mr. Bennett said it was his understanding that this amount has been reduced by 2/3rds. Mr. Turner said that was correct. The original billing was in the $70,000.00 range and it was determined that we could pay at Medicare rates. He said they do have purchase orders open for this type of issue, but this was extraordinarily large to what we typically see in the City.

Ms. Klemack-McGraw asked if this is for a prisoner who gets hurt and has no insurance. Mr. Honsey said this was for a person who was on his way to becoming a prisoner and got hurt during his apprehension.

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

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes

5. Resolution CR-44-11 (Authorize a Then and Now Certificate for the payment of $3,857.68 to American Electric Power for Utility Relocations) was given its reading and public hearing.

Mr. Honsey, City Admin., explained that in 2004 the City received an estimate by AEP for this work. A purchase order was opened and the work was done, however, no invoice was received. In 2007, the P.0. was closed. In 2009, an invoice was finally received and the City contested the invoice. It was in a larger group of bills that the City contested that were much larger. Because this one had a P.O. at one time and the invoice reflected the estimated amount, they decided to pay this one and deal with the bigger dollars in a different way.

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

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

The Chair recognized Ms. Albright, Chairman of Safety, for discussion and voting under said Committee.

1. Ordinance C-53-11 (Enact Section 521.110 of the Codified ordinances titled Scavenging) was given its second reading and public hearing.

Ms. Albright asked Chief Robinette if personal information has ever been stolen. Chief Robinette said he doesn't know one way or the other. He said they typically don't get a lot of calls about this. He did suggest an amendment to the legislation.

Mr. Bennett said be has had a couple of calls about this concerning those who are looking for scrap metal, etc. He suggested rewording the ordinance to say "in a recyclable container". Chief Robinette said he thinks that makes sense. He also suggested that the words "without privilege to do so" be inserted. This would give the homeowner the right to permit someone to take items left out.

Ms. Albright asked how permission could be given. Chief Robinette said verbal or written consent would satisfy it.

Chief Robinette also suggested that language be added under (b) to exempt law enforcement agencies and private investigators. Mr. Smith, Dir. of Law, read that suggested language. It being: "State and local law enforcement authorities shall be include any individual licensed by the State or any individual/entity working on behalf of a political subdivision."

Mr. Bennett moved that (a) be amended to add "without privilege to do so" after *No person shall*; change *recyclables* to "items in recyclable containers"; and amend (b) to include the new sentence read by the Director of Law; seconded by Ms. Klemack-McGraw.

Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

Ms. Albright said she had also received some calls with concerns from those who garner additional income from this. She said she looks at this as a superfluous ordinance. If people are putting their trash out early, typically they are intending for other to take them. She has some concerns about putting something out there that we don't intend to enforce. She also had a meeting with students from Buckeye Woods who shared concerns about recycling.

Mr. Grinch said the intent of this was to prevent people from going through trash bags. It was confirmed that this was the reason for the suggested amendment.

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

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	No

2. Ordinance C-54-11 (Authorize the Charitable Solicitations Board to Issue a Permit to the Ohio Newsboys Association, Inc. per Section 371.06(b)(2) of the Codified Ordinances) was given its second reading and public hearing.

Mr. Anthony Mabry, acting Treasurer for Charity Newsies, explained what Charity Newsies is all about. He said they will be out collecting on 12/10 and asked for support of this ordinance.

Ms. Albright moved to amend the ordinance to reflect the date of 12/10; seconded by Ms. Klemack-McGraw.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes

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

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes

3. Ordinance C-59-11 (Amend Section 1301.04(b) of the Codified Ordinances titled Model Codes Adopted and to declare an emergency) was given its first reading.

Mr. Smith, Dir. of Law, explained that this is a housekeeping matter. We adopt the Building, Mechanical & Plumbing Codes by the State of Ohio. Previously, they would have the year of the Code, but have now eliminated that. So, this just removes the years and will latch on to the most recent version that is pending. He said the emergency request is so we get caught up with the State and don't have a period where we aren't sure what version of the Code applies.

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

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

Ms. Albright moved it be approved as an emergency measure; seconded by Ms. Klemack-McGraw.

Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

4. Ordinance C-60-11 (Amend Section 1135.09(b)(4) of the Codified Ordinances titled CBD-Central Business District) was given its first reading. Second reading and public hearing will be held on November 21, 2011.

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

1. Ordinance C-50-11 (Amend the Zoning Text for a 112.026± acre Parcel located on S.R. 665, as adopted by Ord. C-39-96) was given its second reading and public hearing.

Mr. Don Plank, attorney representing petitioner, was present to answer any questions.

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

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. Ordinance C-55-11 (Approve a Special Use Permit for Automotive Repair AA Precise Collision Repair, Inc. located at 2401 Stringtown Road) was given its second reading and public hearing.

Mr. Jim Akopyan, was present to answer any questions.

Ms. Klemack-McGraw asked it he agreed to the stipulations and Mr. Akopyan said yes.

Mr. Honsey asked that the map shown on the screen be attached to the Ordinance as Exhibit A so there was a reference to the fenced area.

Ms. Albright moved that the map shown on the screen be attached to the Ordinance as Exhibit "A"; seconded by Mr. Grinch.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes

Mr. Bennett wanted assurance that there won't be any visible vehicles in need of repair exposed to Stringtown Road. Mr. Akopyan said everything will be conducted within the fenced area or inside the facility. Mr. Bennett asked about vehicles waiting to be repaired or dropped off overnight. Mr. Akopyan said no vehicles will be parked overnight in front of the facility. It is only for employees and vehicles coming in for an estimate.

Mayor Stage reminded everyone that a Special Use Permit goes with the land. He suggested that we issue it for a year and bring them back for final approval. He asked if this was discussed in Planning Commission and it was shared that it was not.

Ms. Albright confirmed with Mr. Akopyan that no vehicle will be left out, in view, during any stage of the process. Mr. Akopyan reiterated that they will be kept either inside the building or in the fenced area.

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

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes

3. Ordinance C-56-11 (Approve a Special Use Permit for Outdoor Seating for City Barbeque, Inc. located at 2261 Stringtown Road) was given its second reading and public hearing.

Mr. Don Feibel, representing City Barbeque, was present to answer any questions.

Ms. Klemack-McGraw asked if he agreed to the two stipulations set by Planning Commission. Mr. Feibel said yes.

Mr. Bennett asked about the side patio lighting bleeding into neighboring property owners. Mr. Feibel said they have no residential housing that abuts the property. He said their hours of operation cease at 9:00 p.m., so the music (one night per week) and lighting will stop at 9:00 p.m.

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

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

4. Resolution CR-45-11 (Waive the provisions of Section 529.07(b)(3) of the Codified Ordinances for the Garden Cafe on Broadway) was given its reading and public hearing.

Ms. Carol Alberts, owner, was present.

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

Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

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

1. Mr. Rutherford asked if it would be feasible and prudent to carry insurance on cases like the person who was injured by Police Officers. Council said the Administration would check and get back to him.

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

1. The Mayor submitted the Mayor's Monthly Report and President Berry moved to accept same; seconded by Mr. Bennett.

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. Mr. Turner reported that the Audit Committee met last Thursday to review the single and special audits performed by the Auditor of States office this year. They will meet again next Tuesday to finish up that review.

3. Mr. Smith announced that we received a Special Audit Report with a Finding for Recovery in it. As part of that, he received a letter from the State Auditor regarding recover of the funds and cited State statute on the Law Director's obligations. He said while the State Code says "may" the City Code says "shall" and he is preparing an Action to recover the funds that were deemed by the Auditor to be illegally appropriated. He said they are also working on a lot of different avenues, including the insurance company, to recover funds pertaining to this.

4. Mr. Berry noted that some residents of Fountain View Condo's were present tonight and asked the Administration to provide an update at the next meeting. Mr. Honsey said they have some information for them tonight and would be happy to update Council at their next meeting.

5. The Mayor and Council encouraged everyone to vote tomorrow. Council also reminded everyone to thank a Veteran this weekend.

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

Council adjourned at 7:57 p.m.

Tami K. Kelly

Tami K. Kelly, MMC
Clerk of Council

Ted A. Berry

Ted A. Berry
President