CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

October 17, 2005 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 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. Mr. Lester moved to dispense with the reading of the meeting minutes from the previous meeting and approve as written; seconded by Mr. Radi.

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

2. President Saxton recognized the Mayor, who recognized Mr. Joe Cruise of Home Depot and Mrs. Sue Corbin of the Rotary Club for their efforts in building two docks at Rotary Lake in Fryer Park, in just one day. She explained that they wanted to build handicap accessible docks for the Lake and with the donations and hard work from these two groups, the cost was greatly reduced and completed. Mr. Cruise commented that it was a joy getting involved. He said it was just more than the Grove City Home Depot that joined in and it was truly a pleasure. Mrs. Corbin commented that it is amazing what a group can accomplish in one day. She expressed her gratitude to Home Depot.

3. The Chair read the agenda items and they were approved by unanimous consent.

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

1. Ordinance C-100-05 (Authorizing the Issuance of Notes in the amount of not to exceed $7,723,000 in Anticipation of the Issuance of Bonds for the purpose of Improving Buckeye Parkway by Widening, Re-paving and Constructing Drainage Improvements and related Infrastructure with Landscaping, Traffic Control Devices, Lighting, and Related Improvements, and Appropriating Funds therefor; Retiring Notes Previously Issued for such purpose; and Approving the Form of Official Statement and to Declare an Emergency) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

2. Ordinance C-101-05 (Appropriate $1,000.00 from the General Recreation Fund for the Current Expense of RecSchool Program Equipment) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

3. Ordinance C-102-05 (Appropriate $57,681.00 from the Bond Retirement fund for the Current Expense of Interest Payment) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

4. Ordinance C-103-05 (Appropriate $625.00 from the General Fund for the Current Expense of Equipment Replacement) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

5. Ordinance C-104-05 (Appropriate $116,704.23 from the Cleveland Avenue CDBG Fund for the Current Expense of Reconstruction) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

6. Ordinance C-105-05 (Appropriate $243,704.23 from the General Fund for the Current Expense of the Reconstruction of Cleveland Avenue) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

7. Resolution CR-76-05 (Creating a Tax Incentive Review Council, Approving City Appointees to such Council and Authorizing the Solicitation of County, Township and School Members to such Council) was given its reading and public hearing and Mr. Hatley moved it be approved; seconded by Ms. Klemack.

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

8. Resolution CR-77-05 (Indicting that the Council of the City of Grove City, Ohio Intends to Make Funds Available to Match Funds that may be Granted by Housing and Community Development Block Grant Programs and Authorizing the City Administrator to File Applications) was given its reading and public hearing.

President Saxton asked what projects are anticipated. Mr. Mike Keller, EMH&T, explained that the current project is the Cleveland Ave. Reconstruction. He said this may also be used for future projects this year, such as Burr Oak, White Place project. The City reviews different project areas each year to begin targeting infrastructure projects through this funding.

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

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

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

1. Ordinance C-106-05 (Amend Various Sections of Chapter 1136 of the Codified Ordinances of Grove City Ohio, titled Landscaping) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

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

1. Ordinance C-107-05 (Accept the Annexation of 208+ acres located east and west of State Route 104 and south of White Road) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

2. Ordinance C-108-05 (Change the name of Barron Park Drive to Pinnacle Club Drive) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

3. Ordinance C-109-05 (Change the name of a Portion of Orders Road to Orders Road Court) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

4. Ordinance C-110-05 (Change the name of a Portion of Flannigan's Drive to Flannigan's Place) was given its first reading. Second reading and public hearing will be held on November 7, 2005.

5. Resolution CR-78-05 (Approving the Form of the Request of Proposals for the Development of land owned by the City known as the "Lumberyard Site" and Authorizing the City Administrator to Seek Proposal from Developers pursuant to such Request for Proposals Form) was given its reading and public hearing.

   Mr. Chuck Boso explained that this authorizes the Request for Proposal Form, which they will advertise and obtain proposals from. All proposals will be reviewed and the Administration will make a recommendation and bring it to Council for final approval.

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

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

6. Resolution CR-79-05 (Appealing the Decision of the Board of Zoning Appeals granting a Variance for 3713 Larchmere) was given its reading and public hearing.

   Mr. Lester explained that the Council Members received a packet of information from the property owners and asked if Council had any questions regarding that additional information. Hearing none, he asked the property owners if they had any further information that wasn't already provided.

   Mr. & Mrs. Lockhart were present. Mrs. Lockhart thanked those Council Members who gave her their private time to speak to them. She said she believes that all six items were addressed by the Board of Zoning Appeals. She went through each of these items and gave her opinion on how they apply to her application. She did receive SBS and Ameritech approval. She said they were ignorant when they started building the deck and thought they covered all their bases. They now know they didn't. It would be a great cost to make them redo things. They feel they have built their dream deck, with consideration for their neighbors and adding to their land value. The Board's decision, she feels, was done in the spirit of the Code. Their neighbors believe the variance is appropriate and believes it would be an abuse of Council's discretion to overturn the BZA decision.

   Mr. Hatley asked if there was any neighbor who refused to sign her petition in support of the variance. Mrs. Lockhart said no. Mr. Hatley said the BZA stipulated that the 6' vinyl deck be lowered. Mrs. Lockhart said it had been lowered.

Mr. Radi said it is important for the public to understand that the onus is on them to go through the proper channels and get a permit in advance for these types of projects. He said there does seem to be some conflicting information provided to the property owner, based in the information provided. He said the only thing he doesn't like about this is the argument that other properties have been given similar permission. He said just because that may be, it doesn't make it right. However, there are some mitigating circumstances that he feels, at this time, doesn't warrant overturning the decision of the BZA.

President Saxton said he went to visit the property and feels the deck is too big for the lot. However, there are some extenuating circumstances and a large expense to tear down the deck.

Mr. Lester stated that he felt it was applicable to bring this issue before Council to either show support of this Variance or bring about a different resolution. He commented that if they had filed proper paperwork, they may not be here today and it would be a different situation. He said this isn't an issue of being in the easement; it is due to encroachment in the setbacks. The side yard setback needs to be 6 feet and they are 2' away. In the rear, they are 3 – 4' away and the Code requires 25'. They are also at 35% lot coverage, rather than 30%. He said if it were just a small percentage or a couple of feet encroachment, he wouldn't have brought it up. He said this should also help educate the public to understand the process for building a deck.

President Saxton asked Ms. Kelly to explain the voting. Ms. Kelly stated that the Resolution is written to overturn the BZA decision, so a yes vote would take the variance away and a no vote would leave it in place and uphold the BZA decision.

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

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

7. Resolution CR-80-05 (Approve the Sign Request for Ethical Mortgage Lending located at 3999 Broadway in the Historical Preservation Area) was given its reading and public hearing and Mr. Lester moved it be approved; seconded by President Saxton.

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

8. Resolution CR-81-05 (Approve the Development Plan for Flowers Medical Facility located at 3667 Marlane Drive) was given its reading and public hearing.

Mr. Paul McKnight, developer, was present and showed a color rendering of the building. He explained this business was moving from another area in Grove City and will be a 7,400 sq. ft. facility. President Saxton asked when they would begin. Mr. McKnight said they hope to submit plans to the Building Division tomorrow and start this year. Mr. Hatley asked how many acres were left in the Gateway to the City development. Mr. McKnight said about 17. *Mr. Lester* reviewed the stipulations set by Planning Commission, which Mr. McKnight agreed to. Mr. Lester commented about stipulation

#4, regarding fencing on the dumpster enclosure, and asked that Mr. McKnight make sure the tenant keeps the fencing closed, unless the dumpster is being emptied. Mr. McKnight said he would do his best, as he agrees that the gates look worse if left open. He said he would like to leave a small opening on the side, behind the gate, so the dumpster could be accessed by employees without opening the gates. Mr. Lester encouraged him with work with the Building Division on that issue.

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

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

9. Resolution CR-82-05 (Approve the Development Plan for FedEx Ground located at 6120 S. Meadows Dr.) was given its reading and public hearing.

Mr. Jack Reynolds, attorney for petitioner, explained that FedEx needs to relocated part of the creek, as part of an agreement with Meijer. This plan will allow FedEx to enlarge and expand within the City. Mr. Hatley asked what will happen to their plan if the creek isn't relocated and Meijer doesn't locate there. Mr. Reynolds stated that they would need to make some slight modifications to the plan and may have to come back to the City for an amendment to the plan. However, if Meijer's backs out, FedEx still intends to expand. President Saxton asked who is moving the stream. Mr. Reynolds said it is being initiated and spearheaded by Meijer. President Saxton asked who is paying for the stream relocation. Mr. Reynolds deferred to Mr. Dale Lewis of FedEx. Mr. Lewis stated that the only portion of the project that the stream is being relocated, Meijer is paying for it. President Saxton asked if Mr. Lewis knew how many feet that would be. Mr. Lewis said it goes all around the perimeter and would be several hundred feet. President Saxton asked if Meijer doesn't show up would the stream need relocated. Mr. Lewis said no. Mr. Hatley asked if they are in a hurry. Mr. Lewis said yes. They would like to get it started in the Spring. Once they get approval, they will put the project out for bid, in order to start in the Spring. Mr. Hatley asked about the fence issue. Mr. Reynolds stated that he spoke with his client and, at this time, they are agreeing to all four stipulations set by Planning Commission.

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

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

10. Resolution CR-83-05 (Approve the Sign Request for the Sanctuary Tearoom located at 4086 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Ms. Marsha Hime, owner, was present. Mr. Lester noted that Planning Commission approved the application, as submitted.

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

Ms. Klemack	Yes

Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes

11. Resolution CR-84-05 (Approve the Development Plan for HER RealLiving, located on Parkway Centre Drive) was given its reading and public hearing.

    Mr. George Bellows, HER, explained that they agreed to a Development Plan with four stipulations from Planning Commission – one being the color of brick and finish on exterior. Following that, they met with the Mayor and her staff. Subsequent to that, they have agreed to build a structure identical to that in Powell & Hilliard. He passed out photos of that building and explained that it is an all brick building with a stone basin at water table. Mr. Lester said as long as they agree to the four stipulations of Planning Commission, he sees no problems. Mr. Bellows stated that the brick is darker rather than lighter, as the stipulations states. Mayor Grossman commented that she has consulted with the Planning Commission on the changes shown in the pictures and they stand in support of the building presented tonight.

    Mr. Lester moved that Section 1 be amended to add: ". . ., except for stipulation #4 and with the following stipulation: 1. Brick shall be Roman Red #1594 and the Stone shall be from Hamilton Parker, River Valley Natural Buff Limestone"; seconded by Mr. Hatley.

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

    Mr. Radi requested that he be excused from voting, as he has a conflict of interest. Mr. Lester moved to excuse Mr. Radi be excused; seconded by President Saxton.

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

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

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

President Saxton recognized Scout Troop #275, United Methodist Church, before they left the meeting.

12. Resolution CR-85-05 (Approve a Certificate of Appropriateness for Exterior Modifications to WACO Financial located at 3826 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Mr. Terry Boyden, representative for applicant. Mr. Lester reviewed the three stipulations from Planning Commission, which Mr. Boyden agreed to.

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

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

13. Resolution CR-86-05 (Approve the Preliminary Development Plan for Meadow Grove Estates North, located South of Holton Road) was given its reading and public hearing.

    Mr. Don Wick, Rockford Homes, explained that this Resolution comes with nine stipulations from Planning Commission. In addition, President Saxton asked that they review number of 90' lots in the mix, because he remembered that they committed to supply larger lots as they move forward with the next phases of Meadow Grove Estates. He said they did a comparison, but the percentages lie in this case. He said they would commit to additional 90' wide lots and 90' lots in each phase. He said they are working on it and certainly committed to 90' wide lots. Mayor Grossman asked what lots are selling. Mr. Wick said they are selling the larger lots. He said it has been going on for two or three years in Meadow Grove and can almost measure lot value by square inches. He said they are committed to keeping that trend going in Grove City. It makes for a better looking subdivision and that is what their clients want.

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

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

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

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

1. The Mayor announced that Stringtown Road is anticipated to be open by next Friday. It was originally scheduled to be open in January. She reported on events from over the weekend, including the opening of the Historical Village, and upcoming events.

2. Mr. Bostic, City Admin., commented that the administration is working as a team to put together next year's budget and he appreciates the dedication and commitment from each Department Head. He also commented that the estimate of this year's Cash Position has been reassessed and it looks quite favorable and are healthy. Mr. Hatley commented that Council will be reviewing the Budget in December and as far as the Cash Position, it was estimated to be $6+ mills and we now anticipate having $7+ mills at the end of the year. He said it is just as irresponsible to have too much money as it is to spend over the estimates.

3. After additional comments from Council and other Administrative staff members, a motion to

adjourn was approved by unanimous consent.

Council adjourned at 9:15 p.m.

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