CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

October 04, 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 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 previous meetings minutes and approve as written; seconded by Ms. Klemack.

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

2. Mr. Lester moved to excuse the Mayor; seconded by Mr. Radi.

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

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

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

1. Ordinance C-87-04 (Appropriate $123,650.00 from the Sewer Fund for the Current Expense of Reimbursing the City of Columbus for Tap Fees Collected) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Lester.

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

2. Ordinance C-88-04 (Appropriate Monies from Various Funds of the City for the Current

Expense of Severance) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by President Saxton.

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

3. Ordinance C-89-04 (Enter into an Agreement with the Town Center Merchants Association and Appropriate $20,000.00 from the General Fund for the Current Expense of Matching Fund of the Grove City Main Street Organization) was given its second reading and public hearing and at the request of the Law Director, Mr. Hatley moved that pages 3 and 4 of the Agreement be replaced; seconded by Mr. Lester.

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

Mr. Hatley moved it be approved; seconded by Mr. Lester.

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

4. Ordinance C-92-04 (Appropriate $10,000.00 from the Community Development Fund for the Current Expense of a Grant for the Grove City High School Band) was given its first reading. Second reading and public hearing will be held on 10/18/04.

   Mr. Hatley commented that this will assist in purchasing jackets for the band members and showed an example of what they would look like.

5. Ordinance C-93-04 (Appropriate $2,846.00 from the Drug Enforcement Fund for Current Expenses) was given its first reading. Second reading and public hearing will be held on 10/18/04.

6. Resolution CR-71-04 (Approve the Appointment of Delegates to the Regional Income Tax Agency Regional Council of Governments) was given its reading and public hearing and Mr. Hatley moved it be approved; seconded by President Saxton.

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

The Chair recognized, Mr. Radi, Chairman of Service Committee, for discussion and voting of legislative agenda items under said committee.

1. Resolution CR-72-04 (Endorse the South-Western City School District Operating Levy of 9.7 Mills on November 02, 2004) was given its reading and public hearing.

Mr. Budd Eversman, Chairman of the Campaign, recognized Mr. Jeff Warner, another former Council Member, who was passing out buttons. He pointed out some of the most compelling reasons to support this issue. He explained that SWCS's conservative approach to managing its resources has made it the only District in Franklin County that has not requested an operating levy since 1994; current school operating property taxes haven't increased since 1994, even though most home tax assessed values have increased by 50% or more – this is due to the State formula that has rolled back the 1994 millage of 32.8 to the current 23.5 mills. This Levy would restore the millage to its 1994 level; the current property tax amount is the 15th lowest out of the 16 Districts in the County; since 1994, there have been 3,700 additional students moving into the district; during the last 10 years, the District has built 8 new schools and far enough under budget to build one more than originally planned; quality schools improve home values. People are less likely to purchase a home in a school district that has financial difficult, which will cause home values to increase at a lower rate or even decrease. An investment in SWCS is like putting money into your own home; lastly, the students test scores have improved. Passage of this levy will prevent a $10 – 12,000,000.00 shortfall in 2006 and will insure that we can continue to provide our children with the quality education and array of programs & services that they deserve. He requested endorsement and passage of Issue 105.

Mr. Nelson, SWCS, commented that he appreciates the Resolution and Council's support of the issue is one that is very important to them. All the boys and girls deserve the added benefits this tax would provide.

Mr. Radi commented that he hopes people in the school district understand that the eight schools were built on time and under budget. That alone, is a significant achievement. When one takes into consideration that this was done during a time when construction prices were at a premium. It is remarkable that the District got as much out of that money as it did. He commended them on this.

Mr. Saxton commented that everyone got behind the Bond Issue six years ago and we can now see the results of that effort. He said we need to operate and maintain these buildings and the only way to do it is to pass the operating levy.

Mr. Lester commented that there are other Development Commissions within the South-Western City School District and he encouraged the District to get in front of them, as he assumes they are already doing, to gain support.

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

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

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

1. Ordinance C-94-04 (Amend Section 1101.09 of the Codified Ordinances titled Development Fees) was given its first reading. Second reading and public hearing will be held on 10/18/04.

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

1. Ordinance C-91-04 (Accept the Annexation of 0.506 acres located at 3767 Casa Blvd.) was given its second reading and public hearing and Mr. Lester moved it be postponed to 10/18/04; seconded by President Saxton.

   Mr. Hatley asked why the motion to postpone. Mr. Lester explained that due to pictures given to Council of the property that show what would be violations in the City, it isn't in the best interest of the City to accept this property, and it would be good gesture to inform the property owner of these issues before annexation.

   There being no further questions, the vote was called.

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

2. Resolution CR-73-04 (Municipal Services that can be provided to a 0.50-acre tract located at 3930 Casa Blvd. upon its Annexation to the City) was given its reading and public hearing and Mr. Lester moved it be approved; seconded by Ms. Klemack.

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

3. Resolution CR-74-04 (Approve the Development Plan for Chick-Fil-A located in the Parkway Centre North Shopping Center) was given its reading and public hearing.

   Mr. Lester stated that there are 10 stipulations set by Planning Commission and asked Mr. Boso, Dir. of Dev., to update them. Mr. Boso explained that this business has a Presale Board at the drive-thru, after that is a large canopy (6' long by 10' high) with a speaker, and in front of that is the Menu Board. Because the drive-thru faces Stringtown Road and all these structures are visible from Stringtown, the Development Dept. felt it was not a proper place for the canopy and asked it be eliminated. They would also like the pre-sale board, speaker, and menu board to be bronze in color. Mr. Saxton asked if the developer has accepted the 10 stipulations. Mr. Boso stated that they accepted all, but the one regarding the speaker.

Mr. Lester moved to amend Section 1 to read, in part: "...., with the exception of #8 and including the following: 1. A speaker is approved as a separate unit without a canopy, contingent upon the presale board, speaker unit and menu board being dark bronze to match the window and door frames."; seconded by President Saxton.

Mr. Joe Tribble, representing Chick-Fil-A, entered the room. Mr. Lester reviewed the discussion about Stipulation #8 and the difficulty it causes Chick-Fil-A to incorporate the speaker into the Menu Board. He explained that he has made a motion to remove that stipulation. He then reiterated Council's discussion about the canopy and its location. Council and the Dir. of Dev., believe the canopy needs to be removed and the color for both menu boards and speaker unit need to be bronze to match the windows. Mr. Tribble stated that in his conversations with Chick-Fil-A today, they would like to back off from removing the canopy. It is very important to them. *Mr. Boso* stated that their recommendation is it not be permitted. Most of the time, the drive-thru is to the rear of the structure. In this particular instance, it is out on the thoroughfare and detracts from the building. Mr. Tribble stated that Chick-Fil-A has been voted the Top Drive-Thru in America by J.D. Powers & Assoc. One of the reasons is the canopy. It is there solely for the protection of their customers during inclement weather. They would like to keep it and have agreed to make it the dark bronze color.

Mr. Radi agreed with the earlier comments of Council and doesn't want to see the structure from Stringtown Road. He asked if it were possible to move it so it isn't directly in front of the building. Mr. Tribble said they could move it slightly to the west. Mr. Radi asked if that would still place it in front of the building. Mr. Tribble said yes.

Mr. Hatley asked why this isn't placed in the back of the building like their other location. He said if you go to the trouble to have a nice looking building and then disturb it by placing something like this in front of it, it defeats the purpose. Mr. Tribble commented that this particular site layout comes around the front of the building and it is just the positioning of things as they relate to the pick-up window and ordering board.

Mr. Lester commented that there are a few drive-thru restaurants with a similar configuration where ordering is in the front, but there is no detraction from the building itself. He said they want them in Grove City, just not with this element. If it were in the back, there wouldn't be a problem.

President Saxton asked Ms. Kelly, Clerk of Council, to read the motion on the floor, which was done. Mr. Tribble asked that this project be postponed until the next meeting so they can have further discussion on this issue, rather than take a vote tonight without the canopy.

Ms. Kelly reminded Council that there was a motion on the floor that need to be dealt with first. Council could either vote on the motion or it could be withdrawn. Mr. Clark, Dir. of Law, agreed. He suggested that they withdraw the motion and just postpone the Resolution until the next meeting, so it will be cleaner and simpler for the next time.

The motion on the floor was withdrawn.

Mr. Lester moved it be postponed until 10/18/04; seconded by Mr. Radi.

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

4. Resolution CR-75-04 (Approve the Development Plan for Red Robin Gourmet Burgers located in the Parkway Centre South Shopping Center) was given its reading and public hearing.

Mr. Chris Winkle, representative for Red Robin, was present. Mr. Lester reviewed the four stipulations set by Planning Commission and stated he understands there is a new change. He asked Mr. Boso, Dir. of Dev., to explain. Mr. Boso stated that the building was submitted with a two-tone brick exterior. It was felt, on a personal preference, that it would look better if the upper portion of the building was stucco rather than brick. Mr. Lester commented that the new color rendering showed the stucco in a more mustard color and Council would like to see it match the lighter brick color that was previously shown. Mr. Winkle said Red Robin has no problem with that.

Mr. Lester moved to amend Section 1 to include the following stipulation: 1. The light brick on the upper portion of the building shall be changed to stucco, and the stucco color is to match the velour color as shown on the brick example; seconded by President Saxton.

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

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

5. Resolution CR-76-04 (Approve the Preliminary Development Plan for Gaslight Square on Broadway located at 4408 Broadway) was given its reading and public hearing.

Mr. Lester noted that there was no speaker for this Resolution. Mr. Radi commented on the stipulation from Planning Commission regarding density and voiced his concurrence with it. He said he would like to see them reconsider the density and lower it as much as possible. Mr. Hatley asked Mr. Boso, Dir. of Dev., if the purpose of the Preliminary Plan was to get feedback from Council to determine what a developer may or may not be able to do, and wouldn't you think that if someone were really interested in this they would be at the meeting. Mr. Boso agreed with Mr. Hatley's logic.

There being no additional questions or comments, Mr. Saxton moved it be postponed to 10/18/04 so the developer could be in attendance; seconded by Mr. Lester.

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.

There being no new business, the Chair recognized members of Administration and Council for closing comments.

1. Mr. Clark reported on the injunction on Saver Motel. He said they never came into compliance with that injunction and has now been found in contempt. The court has issued an order to have the Saver Motel closed by Oct. 3, 2004. A motion of Reconsideration was filed by the Saver's attorney and the result is that the Order stands until the building can be brought into compliance with the Code. Mr. Saxton asked what the next step would be. Mr. Clark said if they don't comply, Mr. Boso, Bldg. Official, will go out and post the property. If they still don't comply, we will take them back to court for contempt again. He said their goal is to get the building fixed up, not close a business down.

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

Council adjourned at 8:47 p.m.

____

Tami K. Kelly, MMC
Clerk of Council

____

William E. Saxton
President