

**GROVE CITY, OHIO COUNCIL
LEGISLATIVE AGENDA**

August 4, 2014

6:30 Caucus

7:00 – Reg. Meet.

PRESENTATION: 2013 Ellis Platinum Award for the Big Splash

FINANCE: Mr. Bennett

Ordinance C-46-14 Appropriate \$940,385.00 from Various Funds for the Current Expense of the Orders Road Reconstruction Project. First reading.

SAFETY: Mr. Davis

Ordinance C-47-14 Establish Section 505.16 of the Codified Ordinances titled Bees. First reading.

LANDS: Ms. Klemack-McGraw

Ordinance C-43-14 Amend Section 1137.05(e) & (f) of the Codified Ordinances titled Yard Obstructions and Fences. Second reading and public reading.

Ordinance C-44-14 Approve the Special Use Permit for Outdoor Seating for Wendy's Restaurant located at 1920 Stringtown Road. Second reading and public hearing.

Ordinance C-45-14 Approve the Special Use Permit for a Drive-Thru Window for Wendy's Restaurant located at 1920 Stringtown Road. Second reading and public hearing.

Resolution CR-37-14 Approve the Development Plan for Wendy's Restaurant located at 1920 Stringtown Road.

New Business: Library Study Review

ON FILE: Minutes of July 21, 2014 Council Meeting

Minutes of July 28, 2014 BZA

Date: 07/25/14
Introduced By: Mr. Bennett
Committee: Finance
Originated By: Mr. Boso
Approved: Mr. Boso
Emergency: 30 Days
Current Expense: XX

No. : C-46-14
1st Reading: 8/08/14
Public Notice: 8/11/14
2nd Reading: 8/18/14
Passed: Rejected:
Codified: Code No:
Passage Publication:

ORDINANCE C-46-14

AN ORDINANCE TO APPROPRIATE \$940,385.00 FROM VARIOUS FUNDS FOR THE CURRENT EXPENSE OF THE ORDERS ROAD RECONSTRUCTION PROJECT

WHEREAS, the City Administrator was authorized to apply for a grant and loan as per CR-30-12 and subsequently received a final recommendation for funding from the Ohio Public Works Commission Local Transportation Improvement Program for the improvements to the Orders Road; and

WHEREAS, this improvement will include roadway rehabilitation, including widening, incorporation of a center turn lane, storm drainage improvements, street lighting, pedestrian/bike path connectivity, intersection/traffic signal improvements and ancillary public utility improvements; and

WHEREAS, these improvements will benefit the citizens of Grove City by easing traffic congestion, improving safety with street lighting and new trails, and improving ADA/bicycle/pedestrian access to the area; and

WHEREAS, this funding will support the detailed design, land acquisition, utility coordination, construction, construction management and inspection; and

WHEREAS, engineering and related services are necessary in order to complete work under the Ohio Public Works Commission Grant Agreement and were partially funded in 2013 to support the OPWC application; and

WHEREAS, the City would like to additionally complete engineering and related services to include the construction of the Orders Road Trail between Old Haughn Road and the trail terminus west of Hoover Road to allow this improvement to be considered as a 2015 Capital Improvement; and

WHEREAS, the total award from OPWC is a grant of \$2,009,615.00; and

WHEREAS, the total project costs are estimated to be \$3,250,000, and the OPWC grant award of \$2,009,615.00 will be appropriated at the beginning of 2015 along with \$300,000.00 of Franklin County permissive license tax funding.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. There is hereby appropriated \$490,385.00 from the unappropriated monies of the General Fund to be transferred to the Capital Improvement Fund and appropriated to account number 305000.603134 for the Current Expense of Orders Road Improvements.

SECTION 2. There is hereby appropriated \$100,000.00 from the unappropriated monies of the Street Maintenance Fund to account number 101400.578000 for the Current Expense of Orders Road Improvements.

SECTION 3. There is hereby appropriated \$250,000.00 from the unappropriated monies of the City Permissive Motor Vehicle License Fund to account number 105000.578000 for the Current Expense of Orders Road Improvements.

SECTION 4. There is hereby appropriated \$100,000.00 from the unappropriated monies of the County Permissive Motor Vehicle License Fund to account number 106000.578000 for the Current Expense of Orders Road Improvements.

SECTION 5. This ordinance appropriates for current expenses and shall therefore go into immediate effect.

Ted A. Berry, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this ordinance is correct as to form.

Stephen J. Smith, Director of Law

I certify that there is money in the treasury, or is in the process of collection, to pay the within ordinance.

Michael A. Turner, Director of Finance

Date: 07/25/14
Introduced By: Mr. Davis
Committee: Safety
Originated By: Mr. Bennett
Approved: _____
Emergency: 30 Days: XX
Current Expense: _____

No.: C-47-14
1st Reading: 08/04/14
Public Notice: 08/11/14
2nd Reading: 08/18/14
Passed: _____ Rejected: _____
Codified: _____ Code No: _____
Passage Publication: _____

ORDINANCE C-47-14

AN ORDINANCE TO ESTABLISH SECTION 505.16 OF THE CODIFIED ORDINANCES OF GROVE CITY OHIO TITLED BEES

WHEREAS, in order to preserve the safety and security of the community, it is necessary to enact a new Section of the Codified Ordinances to address the keeping of bees.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, COUNTY OF FRANKLIN, AND STATE OF OHIO, THAT:

SECTION 1. Section 505.16 is hereby enacted and shall read:

505.16 BEES

(a) *General Requirements.* The keeping of honeybees on single-family residential properties is permitted if all colonies are registered with the Ohio Department of Agriculture and all of the requirements of this Section are met. Keeper must maintain valid certification with the Ohio Department of Agriculture.

(b) *Location, Setbacks, Number.*

- (1) Beehives may only be located in a rear yard only.
- (2) The front of any beehive shall face away from the property line of the adjoining residential property(ies);
- (3) Hives shall be located a minimum of three feet (3') off the property line;
- (4) There shall be no more than three (3) hive on any one parcel.

(c) *Flyways.* Where a beehive is situated within twenty-five (25) feet of a property line, the beekeeper shall establish and maintain a flyway barrier. The flyway barrier shall:

- (1) be six (6) feet in height from adjacent grade;
- (2) consist of a solid wall, privacy fence, or dense/opaque evergreen shrubs, that is parallel to the property line so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the hive;
- (3) be located within five (5) feet of the beehive; and
- (4) extend at least ten (10) feet on either side of the beehive.

(d) *Water.* Each beekeeper shall ensure that a convenient source of water is available in close proximity to the bees at all times during the year so that the bees are less likely to congregate off premises. Water source should have acceptable access for bees, should be of concrete construction (ie concrete bird bath or fountain) or have stone surfaces protruding from the water to promote desirable landing surface. The water source should be still.

(e) *Maintenance of colonies.* The maintenance of each colony shall meet the following conditions:

- (1) Colonies shall be maintained in movable frame hives;
- (2) Adequate space shall be maintained in the hive to prevent overcrowding;
- (3) Colonies shall be re-queened following any aggressive behavior. No Africanized bees shall be intentionally introduced into the beehives. Should Africanized bees be found dwelling in any beehive, the beekeeper shall take immediate action to eradicate the Africanized bees as swiftly as possible.

(f) *Compliance.* Notwithstanding compliance with the various requirements of this Section, a beekeeper shall be prohibited from keeping any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public or private property.

Upon complaint being made, the Safety Director is authorized and directed to notify the owner or keeper of the bees to abate the nuisance and to remove the hives or other contrivances, where the bees are kept or harbored, within ten days after being notified thereof. No person shall fail to comply with such abatement order.

(i) *Penalty.* Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. In addition, any violation of this Section shall result in the immediate removal of all hives.

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.

Ted A. Berry, President of Council

Passed:
Effective:

Richard L. Stage, Mayor

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this ordinance is correct as to form.

Stephen J. Smith, Director of Law

Date: 7-15-14
Introduced By: Ms. K-McGraw
Committee: Lands
Originated By: Clerk
Approved: _____
Emergency: 30 Days: XX
Current Expense: _____

No.: C-43-14
1st Reading: 7/21/14
Public Notice: 7/24/14
2nd Reading: 8/04/14
Passed: _____ Rejected: _____
Codified: _____ Code No: _____
Passage Publication: _____

ORDINANCE C-43-14

AN ORDINANCE TO AMEND SECTION 1137.05(e) & (f) OF THE CODIFIED ORDINANCES OF GROVE CITY OHIO TITLED YARD OBSTRUCTIONS AND FENCES

WHEREAS; Section 1305.17 establishes a Fee Schedule for building improvements, which includes fences; and

WHEREAS, conflicts in the Code exists with respect to fence permit fees & the fence height required for fencing around swimming pools; and

WHEREAS, the most current amendment to the Code where the fence height is shown requires a forty-eight inch (48") barrier around a swimming pool; and

WHEREAS, it is necessary to amend Section 1137.05(f) to be consistent with Section 1325.04.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, COUNTY OF FRANKLIN, AND STATE OF OHIO, THAT:

SECTION 1. Section 1135.17(e) is hereby amended as follows:

(e) No person, firm or corporation shall construct any fence from any material whatsoever without first securing a fence erection permit from the Division of Building Regulations. Application for a permit shall include a site plan indicating the location, material and height of the proposed fence. All fences shall be constructed of durable materials and in good building practice and standards and shall be subject to inspection by the Division. ~~The fee for a fence permit and inspection shall be ten dollars (\$10).~~

SECTION 2. Section 1137.05(f) is hereby is hereby amended as follows:

(f) No person shall locate, construct or install any swimming pool or make any change in such pool or appurtenances thereof without ~~surrounding the pool with a fence at least five feet (5") in height and containing openings in the fence no larger than four square inches (54") in area or three inches (3") wide.~~ complying with the provisions in Chapter 1325.

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.

Ted A. Berry, President of Council

Passed:
Effective:

Richard L. Stage, Mayor

Date: 07/15/14
Introduced By: Ms. K-McGraw
Committee: Lands
Originated By: Plan. Comm.
Approved: _____
Emergency: 30 Days: _____
Current Expense: _____

No.: C-44-14
1st Reading: 07/21/14
Public Notice: 7/24/14
2nd Reading: 08/04/14
Passed: _____ Rejected: _____
Codified: _____ Code No: _____
Passage Publication: _____

ORDINANCE C-44-14

AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR OUTDOOR SEATING FOR WENDY'S RESTAURANT LOCATED AT 1920 STRINGTOWN ROAD

WHEREAS, Wendy's Restaurant, applicant, has submitted a request for a Special Use Permit for Outdoor Seating located at 1920 Stringtown Road; and

WHEREAS, on July 8, 2014, the Planning Commission of the City of Grove City recommended the approval of a Special Use Permit at this location, with the following stipulations:

1. Decorative landscape planters shall be installed within the seating area;
2. The applicant shall work with the Urban Forester to determine appropriate landscaping between the fencing and the drive aisle.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. A Special Use Permit, under Section 1135.09b(12)A1s is hereby issued to Wendy's Restaurant located at 1920 Stringtown Road, contingent upon the stipulations set by Planning Commission.

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.

Ted A. Berry, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this ordinance
is correct as to form.

Stephen J. Smith, Director of Law

Date: 07/15/14
Introduced By: Ms. K-McGraw
Committee: Lands
Originated By: Plan. Comm.
Approved: _____
Emergency: 30 Days: _____
Current Expense: _____

No.: C-45-14
1st Reading: 07/21/14
Public Notice: 7/24/14
2nd Reading: 08/04/14
Passed: _____ Rejected: _____
Codified: _____ Code No: _____
Passage Publication: _____

ORDINANCE C-45-14

AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A DRIVE THRU FOR WENDY'S RESTAURANT LOCATED AT 1920 STRINGTOWN ROAD

WHEREAS, Wendy's Restaurant, applicant, has submitted a request for a Special Use Permit for a Drive Thru located at 1920 Stringtown Road; and

WHEREAS, on July 8, 2014, the Planning Commission of the City of Grove City recommended the approval of a Special Use Permit at this location, as submitted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. A Special Use Permit, under Section 1135.09b(12)A1j is hereby issued to Wendy's Restaurant located at 1920 Stringtown Road, as submitted.

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.

Ted A. Berry, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this ordinance
is correct as to form.

Stephen J. Smith, Director of Law

Date: 07/15/14
Introduced By: Ms. K-McGraw
Committee: Lands
Originated By: Plan. Comm.
Approved: _____
Emergency: 30 Days: _____
Current Expense: _____

*Postponed
to 8-4-14*

No.: CR-37-14
1st Reading: 07/21/14
Public Notice: _____
2nd Reading: _____
Passed: _____ Rejected: _____
Codified: _____ Code No: _____
Passage Publication: _____

RESOLUTION NO. CR-37-14

A RESOLUTION TO APPROVE THE DEVELOPMENT PLAN FOR WENDY'S RESTAURANT LOCATED AT 1920 STRINGTOWN ROAD

WHEREAS, on July 8, 2014, the Planning Commission recommended approval of the Development Plan for the Wendy's Restaurant, with the following stipulations:

1. Permit Code Deviation: A minimum two foot (2') side parking setback along with concrete curbing shall be provided in the rear parking area located north of the dumpster enclosure and these parking spaces may be 9' x 18';
2. Dumpster gates shall be stained wood and installed per the City's details;
3. A Landscape Plan meeting requirements of Chapter 1136 shall be submitted for review and approval by the Urban Forester;
4. A Photometric Plan shall be submitted showing that all vehicular and pedestrian areas meet the required 0.5 foot candle minimum;
5. The three (3) roof-mounted rear flood lights shall be removed from Plans. All site and building lighting shall be decorative cut-off fixtures.
6. All ground mounted signs including preview boards, menu boards, and directional signage shall have brick bases to match the brick utilized on the primary structure and set in landscaped areas.
7. The applicant shall exercise its best effort to secure a cross-access easement with either the western or eastern property owner to provide a secondary means of ingress/egress to the site;
8. Permit Code Deviation for the reduction of the required side parking setbacks from 10' to 4.5' on the east and from 10' to 7' on the west for the parking area south of the dumpster.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. This Council hereby approves the Development Plan for Wendy's Restaurant located at 1920 Stringtown Rd., contingent upon the stipulations set by Planning Commission.

SECTION 2. This resolution shall take effect at the earliest opportunity allowed by law.

Ted A. Berry, President of Council

Richard L. Stage, Mayor

Tami K. Kelly, MMC, Clerk of Council

Passed:
Effective:

Attest:

I Certify that this resolution
is correct as to form.
