

**GROVE CITY, OHIO COUNCIL  
LEGISLATIVE AGENDA**

*October 6, 2014*

*6:30 Caucus*

*7:00 – Reg. Meet.*

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**PRESENTATION:**

**FINANCE: Mr. Bennett**

- Ordinance C-56-14    Appropriate \$70,000.00 from the Convention Bureau Fund for Current Expenses. Second reading and public hearing.
  
- Ordinance C-57-14    Accept a \$1,000.000 Donation from WalMart and Appropriate Same for the Division of Police Crime Prevention Program. Second reading and public hearing.
  
- Ordinance C-58-14    Accept a \$1,000.00 Donation from the Columbus/Grove City Elks Lodge 37 and Appropriate Same for the Division of Police Dare Program. Second reading and public hearing.

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**SAFETY: Mr. Davis**

- Ordinance C-47a-14    Establish Section 505.16 of the Codified Ordinances titled Bees. Second reading and public hearing.
  
- Resolution CR-54-14    Support Issue 38 – The Fire and Emergency Services Levy on November 4, 2014.

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**LANDS: Ms. Klemack-McGraw**

- Ordinance C-53-14    Approve the Rezoning of Lot 26 of Grant's Beulah Addition located North of Park Street and West of Curtis Avenue from R-2 to D-1. Second reading and public hearing.
  
- Ordinance C-60-14    Approve the Use for an Electrical Vehicle Charging Station for Tesla Motors located at 2161-2263 Stringtown Road. Second reading and public hearing.
  
- Resolution CR-48-14    Approve the Development Plan for the Tesla Motors Recharging Stations located at 2161-2263 Stringtown Road.
  
- Resolution CR-55-14    Approve the Preliminary Development Plan for the Grove City Library located at 3959 - 3963 Broadway.

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ON FILE: Minutes of: Sept. 15, 2014 –Council Meeting;

Sept. 24, 2014 – Plan. Comm. Minutes

Date: 08/09/14  
Introduced By: Mr. Bennett  
Committee: Finance  
Originated By: Mr. Turner  
Approved: Mr. Boso  
Emergency: 30 Days:       
Current Expense: XX

No.: C-56-14  
1st Reading: 09/15/14  
Public Notice: 09/17/14  
2nd Reading: 10/06/14  
Passed:      Rejected:       
Codified:      Code No:       
Passage Publication:     

## ORDINANCE C-56-14

### AN ORDINANCE TO APPROPRIATE \$70,000.00 FROM THE CONVENTION BUREAU FUND FOR CURRENT EXPENSES

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WHEREAS, Chapter 192, Hotel Tax, provides for the imposition of an excise tax on transactions by which lodging by a hotel, motel or transient accommodations is or is to be furnished to transient guests; and

WHEREAS, said Chapter provides for the collection, segregation and disbursement of said funds; and

WHEREAS, collections of said funds have exceeded the budget estimates and appropriations need approved by Council for this purpose.

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

SECTION 1. There is hereby appropriated \$70,000.00 from the unappropriated monies of the Convention Bureau Fund into account #609000.559000 for the Current Expenses imposed by Chapter 192 of the Grove City Code.

SECTION 2. 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: 09/09/14  
Introduced By: Mr. Bennett  
Committee: Finance  
Originated By: Mr. Turner  
Approved: Mr. Boso  
Emergency: 30 Days:       
Current Expense:           

No.: CR-57-14  
1st Reading: 09/15/14  
Public Notice: 09/17/14  
2nd Reading: 10/06/14  
Passed:      Rejected:       
Codified:      Code No:       
Passage Publication:     

## ORDINANCE C-57-14

### AN ORDINANCE TO ACCEPT A \$1,000.00 DONATION FROM WALMART AND APPROPRIATE SAME FOR THE DIVISION OF POLICE CRIME PREVENTION PROGRAM

WHEREAS, the Walmart Corporation has a history of supporting worthy causes in Grove City; and

WHEREAS, Walmart employees have graduated from the Grove City Citizens Police Academy; and

WHEREAS, Walmart continue to participate in Grove City Citizens Police Academy Alumni Association; and

WHEREAS, the Grove City Division of Police provides numerous crime prevention programs in the community; and

WHEREAS, the Walmart Corporation has a desire to support their employees and their community activities; and

WHEREAS, the Walmart Corporation has generously donated \$1,000.00 to support and advance the Grove City Division of Police Crime Prevention Programs.

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

SECTION 1. The City accepts the generous donation of \$1,000.00 from the Walmart Corporation, and appropriates it to account 100070-5319000 to be used to further the division's crime prevention goals.

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: 09/09/14  
Introduced By: Mr. Bennett  
Committee: Finance  
Originated By: Mr. Turner  
Approved: Mr. Boso  
Emergency: 30 Days:       
Current Expense:     

No.: CR-58-14  
1st Reading: 09/15/14  
Public Notice: 09/17/14  
2nd Reading: 10/06/14  
Passed:      Rejected:       
Codified:      Code No:       
Passage Publication:     

## ORDINANCE C-58-14

### AN ORDINANCE TO ACCEPT A \$1,000.00 DONATION FROM THE COLUMBUS/GROVE CITY ELKS LODGE 37 AND APPROPRIATE SAME FOR THE DIVISION OF POLICE DARE PROGRAM

WHEREAS, the Columbus/Grove City Elks Lodge 37 has a history of supporting worthy causes in Grove City; and

WHEREAS, the Grove City Division of Police provides Drug Awareness Recognition Education (DARE) to approximately 2,400 students annually; and

WHEREAS, the DARE helps young people develop skills in decision making relative to drug & alcohol abuse and bullying; and

WHEREAS, the Columbus/Grove City Elks Lodge 37 has generously donated \$1,000.00 to support and advance the Grove City DARE program.

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

SECTION 1. The City accepts the generous donation of \$1,000.00 from the Columbus/Grove City Elks Lodge 37, and appropriates it to account 100070-5319000 to be used to further the goals of the DARE program.

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

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: \_\_\_\_\_

*Postponed  
to 9-15  
XO*

## ORDINANCE C-47a-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 as a hobby 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 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 ten feet (10') off the property line;
- (4) There shall be no more than two (2) hives on any one parcel, with a height not to exceed five feet (5'), from grade and not exceed 16,020 cubic inches per hive.
- (5) the Colony's shall have Restrictive Access by either perimeter fencing, a solid hedge row or a solid barrier surrounding the hive(s).

(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 in front of the hive opening(s). 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.

(g) *Complaint.* Whenever the Safety Director determines, following an investigation, that a Nuisance condition exists, written notice shall be served upon the owner, lessee, agent or tenant having charge of such land notifying him or her of the nuisance conditions and requiring that the hives or other contrivances, where the bees are kept or harbored, be removed within ten days after receipt of the notice. Such notice shall be served by delivering the same personally to such person if he or she resides within the corporate limits of the City, by leaving such notice at his or her usual place of residence or by sending the same by certified mail, return receipt requested, addressed to his or her usual place of residence or to the address listed in the Franklin County tax records.

Any person failing to comply with a notice of abatement served in accordance with the requirements herein shall be deemed guilty of an unclassified misdemeanor and fined in an amount not to exceed \$100 per day, with each day constituting a separate offense. If the notice of violation is not complied with, the Safety Director shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such nuisance. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(h) *Appeal.* There is hereby created a three member Board to hear appeals under this Section. The Board shall consist of the City Administrator and two appointed members. One appointed member shall be familiar with the Chapter 909 of the Ohio Revised Code and/or a member of a state or local beekeeping association.

Any person directly affected by a decision of the Safety Director or a notice or order issued under this Section shall have the right to appeal to the Board within ten (10) days of receipt of the notice required hereunder. The Board shall conduct a hearing on the appeal in accordance with the procedures set forth in Chapter 119 of the Ohio Revised Code.

(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.

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Ted A. Berry, President of Council

Date: 09-29-14  
Introduced By: Mr. Davis  
Committee: Safety  
Originated By: Mr. Bennett/Berry  
Approved: \_\_\_\_\_  
Emergency: 30 Days: \_\_\_\_\_  
Current Expense: \_\_\_\_\_

No.: CR-54 14  
1st Reading: 10/06/14  
Public Notice:  
2nd Reading:  
Passed: \_\_\_\_\_ Rejected: \_\_\_\_\_  
Codified: \_\_\_\_\_ Code No: \_\_\_\_\_  
Passage Publication: \_\_\_\_\_

## RESOLUTION NO. CR-54-14

### A RESOLUTION TO SUPPORT ISSUE 38 - THE FIRE AND EMERGENCY SERVICES LEVY - ON THE NOVEMBER 04, 2014 BALLOT

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WHEREAS, the Citizens of Grove City are also citizens and residents of Jackson Township; and

WHEREAS, historically the City of Grove City long has made up the majority of the residents of the Jackson Township Fire District; and

WHEREAS, the residents of Grove City have paid a portion of their property tax to help maintain and enhance fire and emergency services to the residents of Grove City; and

WHEREAS, the City of Grove City has been well served by the Jackson Township Fire Department and recognizes the need for Jackson Township to procure additional millage to operate with the same high level of efficiency and professionalism as it has in the past.

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

SECTION 1. This Council and Mayor hereby endorse Issue 38 - Fire and Emergency Services Levy - on the November 04, 2014 ballot and urges the citizens of all Jackson Township and especially of the City of Grove City to vote for quality emergency services and Issue No. 38.

SECTION 2. The Clerk of Council shall serve a copy of this resolution to the Jackson Township Board of Trustee.

SECTION 3. This resolution shall take effect at the earliest opportunity allowed by law.

\_\_\_\_\_  
Ted A. Berry, President of Council

\_\_\_\_\_  
Richard L. Stage, Mayor

Passed:  
Effective:

Attest:

\_\_\_\_\_  
Tami K. Kelly, MMC, Clerk of Council

Date: 08/13/14  
Introduced By: Ms. K-McGraw  
Committee: Lands  
Originated By: Plan. Comm.  
Approved: \_\_\_\_\_  
Emergency: 30 Days: \_\_\_\_\_  
Current Expense: \_\_\_\_\_

No.: C-53-14  
1st Reading: 08/18/14  
Public Notice: 08/21/14  
2nd Reading: 10/06/14  
Passed: \_\_\_\_\_ Rejected: \_\_\_\_\_  
Codified: \_\_\_\_\_ Code No: \_\_\_\_\_  
Passage Publication: \_\_\_\_\_

## ORDINANCE C-53-14

AN ORDINANCE FOR THE REZONING OF LOT 26 OF GRANT'S BEULAH ADDITION  
LOCATED NORTH OF PARK ST. AND WEST OF CURTIS AVE. FROM R-2 TO D-1

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WHEREAS, a petition was filed with the Planning Commission of the City of Grove City praying for the recommendation of said Commission in regard to the rezoning of certain premises hereinafter described; and

WHEREAS, the Planning Commission approved the rezoning on August 5, 2014; and

WHEREAS, a copy of the ordinance, together with a map and plat and the report of the Planning Commission has been on file in the Clerk's office for thirty days for public inspection.

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

SECTION 1. The following described premises are rezoned from R-2 to D-1:

Situated in the State of Ohio, County of Franklin, City of Grove City and being Lot No. 26 in Grant's Beulah Addition, *as recorded in Official Records, Recorder's Office, Franklin County, Ohio*, and being more fully described in Exhibit "A" attached hereto and made a part hereof.

SECTION 2. The comprehensive zoning map is hereby amended to conform to the provisions of this ordinance.

SECTION 3. 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. Keely, MMC, Clerk of Council

I Certify that this ordinance  
is correct as to form.

\_\_\_\_\_  
Stephen J. Smith, Director of Law

2

C-53-14  
EXHIBIT A

RECEIVED  
JUN 27 2014  
GC PLANNING COMMISSION

155045-TTA

**LEGAL DESCRIPTION**

Real property in the City of Grove City, County of Franklin, State of Ohio, and is described as follows:

Being lot Number Twenty-six (26), in GRANT'S BEULAH ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 205, Recorder's Office, Franklin County, Ohio.

040-000487-00



**Disclaimer**

The information on this map was derived from Grove City's Geographic Information System (GIS). Extensive detail and attention was given to the creation of this map to maximize its accuracy but is provided "as is". Grove City cannot accept responsibility for any errors, omissions, or positional inaccuracies that may have occurred before, during, or after production. Therefore, no warranties accompany this product. Although information from land/field surveys may have been utilized during the creation of this product, in no way does this product represent or constitute a Land Survey. Users are cautioned to field verify information on this product prior to making any decisions.



C-53-14  
1 inch = 40 feet



Date: 09/09/14  
Introduced By: Ms. KMcGraw  
Committee: Lands  
Originated By: Plan. Comm.  
Approved:  
Emergency: 30 Days:  
Current Expense:

No.: C-60-14  
1st Reading: 09/15/14  
Public Notice: 09/18/14  
2nd Reading: 10/06/14  
Passed: Rejected:  
Codified: Code No:  
Passage Publication:

## ORDINANCE C-60-14

### AN ORDINANCE TO APPROVE THE USE FOR AN ELECTRICAL VEHICLE CHARGING STATION FOR TESLA MOTORS LOCATED AT 2161-2263 STRINGTOWN

WHEREAS, Tesla Motors, applicant, has submitted a request for the allowable Use of an Electrical Vehicle Charging Station, as provided for in Section 1135.09; and

WHEREAS, on September 02, 2014, the Planning Commission of the City of Grove City recommended the approval of this Use 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.** The Use of Electrical Vehicle Charging Stations for Tesla Motors located at 2161-2263 Stringtown Road is hereby approved, 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: 09/09/14  
Introduced By: Ms. K-McGraw  
Committee: Lands  
Originated By: Plan. Comm.  
Approved: \_\_\_\_\_  
Emergency: 30 Days: \_\_\_\_\_  
Current Expense: \_\_\_\_\_

No.: CR-48-14  
1st Reading: 09/15/14  
Public Notice: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Passed: \_\_\_\_\_ Rejected: \_\_\_\_\_  
Codified: \_\_\_\_\_ Code No: \_\_\_\_\_  
Passage Publication: \_\_\_\_\_

*Postponed to  
10-6-14*

## RESOLUTION NO. CR-48-14

### A RESOLUTION TO APPROVE THE DEVELOPMENT PLAN FOR THE TESLA MOTORS RECHARGING STATIONS LOCATED AT 2161-2263 STRINGTOWN ROAD

WHEREAS, on September 02, 2014, the Planning Commission recommended approval of the Development Plan for the Tesla Motors recharging stations, with the following stipulations:

1. A deviation be permitted for the fencing around the switchgear cabinets, as it exceeds the maximum permitted fence height by 2.5' in order to screen mechanicals;
2. A continuous 100% opaque landscape hedge or fencing shall be installed around the transformer. If fencing is utilized, supplemental landscaping shall be installed;
3. Any trees damaged during the installation or that become unhealthy because of the installation of the charging stations must be replaced at the discretion of the Urban Forester.

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 the Tesla Motors recharging stations, contingent upon the stipulations set by Planning Commission.

SECTION 2. This approval shall be good for 12 months from the date passed, or as otherwise provided in Section 1101.07(b) of the Codified Ordinances of the City of Grove City, Ohio.

SECTION 3. This resolution shall take effect at the earliest opportunity allowed by law.

\_\_\_\_\_  
Ted A. Berry, President of Council

\_\_\_\_\_  
Richard L. Stage, Mayor

Passed:  
Effective:

Attest:

\_\_\_\_\_  
Tami K. Kelly, MMC, Clerk of Council

I Certify that this resolution  
is correct as to form.

\_\_\_\_\_  
Stephen J. Smith, Director of Law

Date: 09/29/14  
Introduced By: Ms. K-McGraw  
Committee: Lands  
Originated By: Plan. Comm.  
Approved: \_\_\_\_\_  
Emergency: 30 Days: \_\_\_\_\_  
Current Expense: \_\_\_\_\_

No.: CR-55-14  
1st Reading: 10/06/14  
Public Notice: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Passed: \_\_\_\_\_ Rejected: \_\_\_\_\_  
Codified: \_\_\_\_\_ Code No: \_\_\_\_\_  
Passage Publication: \_\_\_\_\_

## RESOLUTION NO. CR-55-14

### A RESOLUTION TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR THE GROVE CITY LIBRARY LOCATED AT 3959-3963 BROADWAY

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WHEREAS, on September 24, 2014 the Planning Commission recommended approval of the preliminary development plan for the Grove City Library as submitted.

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

SECTION 1. This Council hereby accepts the Preliminary Development Plan for the Grove City Library located at 3959-3963 Broadway, as submitted.

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

\_\_\_\_\_  
Ted A. Berry, President of Council

\_\_\_\_\_  
Richard L. Stage, Mayor

Passed:  
Effective:

Attest:

\_\_\_\_\_  
Tami K. Kelly, MMC, Clerk of Council

I Certify that this resolution  
is correct as to form.

\_\_\_\_\_  
Stephen J. Smith, Director of Law