

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

November 07, 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 Mayor Grossman, who introduced Mr. Andy Leavitt, the Flag Lady Store, and Glen Hickman, American Legion. Mr. Leavitt explained that while at the Grove City American Legion one day, the members asked him how they could remember those who gave their lives in Iraq from LIMA Company. After much thought, he got the idea to create flag poles with the Legion's name, number and Grove City, Ohio printed on them. He asked if the Ohio Veterans Organization would sponsor the poles, call it the Avenue of Flags and then take them to Rickenbacker and line the Port Road with the flags. That way, when LIMA Co. comes home they will see the Veteran's organization in Ohio are saluting them on a job well done. For those who didn't make it home, there will be the Ohio Flags of Honor, portable poles with the rank, name and branch of service for each one. In eleven days, there were 339 flags posted in honor of LIMA Co. He said Grove City can be proud of their Legion. All he did was share a vision with four of those men. In addition, because of the G.C. Paschal Post 164, the Ohio Flags of Honor memorial will be traveling tour the State of Ohio. It will be dedicated on 11/10/05 at 10:30 a.m. at Columbus City Hall. He invited all to attend. *The Council Members thanked Mr. Leavitt and the Grove City American Legion for their vision and dedication.*
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 second reading and public hearing.

There being no questions or comments, Mr. Hatley moved that the rules of council be suspended and the waiting period waived; seconded by President Saxton.

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

Mr. Hatley moved it be approved as an emergency; seconded by President Saxton.

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

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 second reading and public hearing and Mr. Hatley moved it be approved; seconded by Ms. Klemack.

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

3. Ordinance C-102-05 (Appropriate \$57,681.00 from the Bond Retirement fund for the Current Expense of Interest Payment) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Ms. Klemack.

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

4. Ordinance C-103-05 (Appropriate \$625.00 from the General Fund for the Current Expense of Equipment Replacement) was given its second reading and public hearing and 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

5. Ordinance C-104-05 (Appropriate \$116,704.23 from the Cleveland Avenue CDBG Fund for the Current Expense of Reconstruction) was given its second reading and at the request of the administration, Mr. Hatley moved it be postponed to 11/21/05; seconded by President Saxton.

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

- 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 second reading and at the request of the administration, Mr. Hatley moved it be postponed to 11/21/05; seconded by Mr. Radi.

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

- Ordinance C-111-05 (Appropriate \$7,000.00 from the Senior Nutrition Fund for Current Expenses) was given its first reading. Second reading and public hearing will be held on 11/21/05.
- Ordinance C-112-05 (Appropriate \$6,163.91 from the General Fund for the Current Expense of making Necessary Payments to SWCS Pursuant to the Enterprise Zone Agreement) was given its first reading. Second reading and public hearing will be held on 11/21/05.
- Ordinance C-113-05 (Appropriate \$3,000.00 from the General Fund for the Current Expense of Police Equipment) was given its first reading. Second reading and public hearing will be held on 11/21/05.

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

- Ordinance C-106-05 (Amend Various Sections of Chapter 1136 of the Codified Ordinances of Grove City Ohio, titled Landscaping) was given its second reading and public hearing.

Mr. Hughes, Dir. of Service, explained that this is a cleanup of working for landscaping fees.

There being no additional questions or comments, Ms. Klemack 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 recognized, Mr. Lester, Chairman of Lands, for discussion and voting of legislative agenda items under said committee.

- 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 second reading and public hearing and Mr. Lester moved it be approved; seconded by Mr. Radi.

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

2. Ordinance C-108-05 (Change the name of Barron Park Drive to Pinnacle Club Drive) was given its second reading and public hearing and Mr. Lester moved it be approved; seconded by Ms. Klemack.

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

3. Ordinance C-109-05 (Change the name of a Portion of Orders Road to Orders Road Court) was given its second reading and public hearing.

Mr. Lester commented that the redundancy of Orders Road Court seemed confusing. He asked the Police & Fire Dept's if they had any opinion about dropping road and just making it Orders Court. The Fire Dept. agreed that it would be clearer if it were names Orders Court. The Police were indifferent. Mayor Grossman commented that she is aware that some of the residents have already ordered checks and other items in anticipation of this being called Orders Road Court. She asked Mr. Keller, City's Consulting Engineer, to explain what they have done for this project. Mr. Keller stated that the numbering of the homes will be distinct from Orders Road, so that Orders Road Court would stand out.

Mr. Lester moved to amend the ordinance to show the name change from Orders Road Court to Orders Court; seconded by Mr. Radi.

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

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

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

4. Ordinance C-110-05 (Change the name of a Portion of Flannigan's Drive to Flannigan's Place) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Ms. Klemack.

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

5. Ordinance C-114-05 (Approve the Annexation of 4.09 acres located at 4400 Anglebrook Dr. & 3207 Demorest Rd.) was given its first reading. Second reading and public hearing will be held on 03/06/06.
6. Ordinance C-115-05 (Approve the Use for a Telecommunications Tower located at 4665 Hoover Road) was given its first reading. Second reading and public hearing will be held on 11/21/05.
7. Resolution CR-87-05 (Approve the Amendment to a Development Plan for O’Charley’s Restaurant located at 1657 Stringtown Road) 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

8. Resolution CR-88-05 (Approve the Amendment to a Development Plan for Anchor Retail Center located at 3160 Broadway) was given its reading and public hearing.

Ms. Jeanne Cabral, Architect, was present. Mr. Lester noted that the Resolution was for a change to the roof and asked if there were any concerns with this before he reviewed other items that have been found. Hearing none, Mr. Lester proceeded with the issue of rooftop mechanical units being added to the building without any screening. This was not part of the original amendment application, but is in violation of the Code and needs to be addressed. Ms. Cabral stated that she was not the original architect on the project and stepped in about five months ago. She is trying to make it look as nice as possible. She said the original development plan called for a standing seam metal roof and the roof pitch is too shallow to allow that. They are asking that the rubber membrane roof that has been installed be permitted. In addition, there were no roof penetrations through the roof at all. When those were added, they were silver and they have since been painted black to match the roof. She has since sat down and tried to figure out how to screen them, per the Code. She explained that this is the original roof of the building and it is not a typical framed roof. It would require strengthening before a screen could be bolted on. She said she truly believes it would look worse to place a box around the rooftop units than it does to leave it uncovered. She said the only way to make it look right you would have to rip the whole roof off. She said she tried everything she could come up with to screen the units and submitted the best she found. Even that looks bad. She believes the building has an industrial look and those units don’t take away from it.

Mr. Radi asked Mr. Clark, Dir. of Law, and Mr. Holt, Planning Commission Chairman, if they believed our Code was clear enough for developers to know what needs to be submitted with a development plan. Mr. Holt said the Code is very clear when it comes to rooftop mechanical units. A parapet wall around the building, as high as the highest unit is required. He indicated that these rooftop units were not shown on the plan. He shared his concern over painting the units and the maintenance that will cause, along with grease that would run down the stack. He believes there is a reasonable way to screen them. Mr. Radi gave a little history on the regulation for screening and

noted that it is still asked of applicants if they are going to have rooftop mechanical units when they are not shown on the plan. He expressed his weariness of projects coming back after approval and wanting changes after the fact. He doesn't feel there is an excuse for it. He said if what Ms. Cabral is saying is correct, that there is no screening easily installed or look right, then the units should be removed and put elsewhere. Ms. Cabral said there is no other place to put them. Mr. Radi said it shouldn't be the City's problem. The onus is on the developer to build the project, as approved. He said they need to come up with a solution to get it done right. Ms. Cabral said she doesn't know any other way than ripping off the roof.

Mr. Hatley asked why the original plan wasn't followed. Ms. Cabral said she didn't know. She wasn't the architect at the time. Mr. Hatley said he agrees with Mr. Radi and feels it should be built as approved.

President Saxton commented that it appears evident that something needs to be done and asked if they needed time to find a solution. Ms. Cabral said there would need to be extensive investigation. President Saxton noted that there was a temporary occupancy permit for the tenant and asked Mr. Clark what needed to be done with that. Mr. Clark said the original agreement with the Administration provided occupancy until 11/17/05. He believes the developer is willing to comply and doesn't feel it is fair to shut the business down because a decision can't be made tonight, and Council won't meet before the 17th. Mr. Hatley asked if the Administration had the ability to extend that agreement. Mr. Clark said yes. Mr. Hatley said he felt an extension would be a way to resolve that issue.

There being no additional questions or comments, Mr. Hatley moved it be postponed to 11/21/05; seconded by Mr. Radi.

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

9. Resolution CR-89-05 (Approve the Development Plan for The Mews at Pinnacle Club located at 1535 White Rd) was given its reading and public hearing.

Mr. Mo Dioun, President of Stonehenge, was present. Mr. Lester reviewed the six stipulations set by Planning Commission, which Mr. Dioun agreed to.

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

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

10. Resolution CR-90-05 (Approve the Preliminary Development Plan for the Village at White Road located north of White Road and East of Buckeye Parkway) was given its reading and public hearing.

Mr. Don Plank, attorney for petitioner was present. Mr. Lester reviewed the eight stipulations set by Planning Commission, which Mr. Plank agreed to.

Mayor Grossman announced that legislation is in the process of being written to address pavement

width, guest parking and pavement depth that will apply to all condominium projects. Mr. Plank said as the new legislation applies to all, it would apply to them.

Mr. Hatley stated that when the Fountainview Condo's came before Council, he brought up issues that the Landings @ Quail Creek were having with high heating bills, the quality of the engineering and the quality of the windows. At that time, he was assured that the Fountainview project would be different. He is hearing that Fountainview is experiencing the same problems as the Landings. So, his opinion is that Epcon just gave him lip service in terms of what they were going to do in terms of quality of the engineering at Fountainview. Now we have another development and he said he will need more than lip service to insure that the residents do not have \$400 - \$600.00 heating bills. He said if this was the Development Plan, he would not vote for it. Mr. Joel Rhodes, Epcon Group, said he understood Mr. Hatley's comments. He said each generation is an improvement and they learn from the previous generation. He said there are significant changes in the system from The Landings to Fountainview and from Fountainview to this new project. Mr. Hatley asked why the residents are having the same issues. Mr. Rhodes said he believes there are a number of reasons and they are working with the residents and the Administration to address those issues. Mr. Hatley said he appreciates that and realizes there are a lot of variables involved. He said he wants to give them fair warning that something needs to be done. *President Saxton* concurred with Mr. Hatley and said he would not approve the Development Plan until the current development issues are corrected.

Mr. Lester asked Mr. Keller, EMH&T, if they would be coordinating efforts with the Franklin County Engineer to take care of stipulation #6. Mr. Keller said yes.

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

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

11. Resolution CR-91-05 (Approve the Development Plan for the Shops at Buckeye Grove located at 2578 London Groveport Road) was given its reading and public hearing.

Ms. Joann Goldhand, Skilkin Properties, was present to answer any questions. Mr. Lester reviewed the three stipulations set by Planning Commission, which she agreed to.

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

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 submitted the Mayor's Monthly Report and Ms. Klemack moved to accept same;

seconded by Mr. Radi.

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

2. The Mayor announced that there would be a Veteran's Day Ceremony in front of City Hall on Friday at 11:00 a.m. She noted that the Discovery Park, located at Fryer Park, was featured in Landscape Architect Magazine and it has received an award from American Concrete for the best use of concrete. She welcomed new businesses that opened last week; announced upcoming events and reminded everyone to vote tomorrow.
3. After additional comments from Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:10 p.m.

Tami K. Kelly, MMC
Clerk of Council

William E. Saxton
President