

CITY OF GROVE CITY, OHIO  
COUNCIL MINUTES

January 18, 2011

Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 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:

*Greg Grinch   Maria Klemack-McGraw   Ted Berry   Steve Bennett   Melissa Albright*

1. Mr. Bennett moved to dispense with the reading of the minutes from the previous two meetings and approve as written; seconded by Mr. Grinch.

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. President Berry recognized Mr. Jim Hale, Director of the G.C. Visitor's and Convention Bureau, and Mr. Mike Uhrin who presented their Annual Report. Mr. Uhrin said they plan to increase marketing efforts to increase lodging; make Grove City the lodging place in Central Ohio; establish it as a place for meetings, target tour bus and day trips, Military reunions, etc. He said communication is the key to their success. They are ready to meet new challenges to keep Grove City in the marketing forefront.
3. The Chair read the agenda items and they were approved by unanimous consent.

**The Chair recognized Mr. Bennett, Chairman of Finance, for discussion and voting under said Committee.**

1. Ordinance C-01-11 (Appropriate \$422,297.00 from the General Fund for the Current Expense of Professional Services for the Phase 2 Stringtown Road Corridor Improvements) was given its first reading. Second reading and public hearing will be held on February 7, 2011.
2. Resolution CR-01-11 (Authorize the City Administrator to Advertise for Bids and Sell Items no longer needed by the City) was given its reading and public hearing.

Mr. Honsey, City Administrator, explained that this and the next resolution are housekeeping measures that are done at the beginning of each year.

Mr. Berry asked what fund the monies go into once the items are sold. Mr. Honsey said they go into the fund from where the item originated. For example, a sewer item would go into the sewer fund.

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

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes

3. Resolution CR-02-11 (Authorize the City Administrator to Advertise for Bids and Award Contracts for Fiscal Year 2011) was given its reading and public hearing and Mr. Bennett moved it be approved; seconded by Ms. Albright.

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes

**The Chair recognized Ms. Albright, Chairman of Safety, for discussion and voting under said Committee.**

1. Ordinance C-02-11 (Amend Section 1301.04 of the Codified Ordinances titled Model Codes Adopted) was given its first reading. Second reading and public hearing will be held on February 7, 2011.

**The Chair recognized Ms. Klemack-McGraw, Chairman of Lands & Zoning, for discussion and voting under said Committee.**

1. Resolution CR-03-11 (Appeal the decision of the Board of Zoning Appeals granting a Variance for an Electronic Message Board for South-Western Career Academy located at 4750 Big Run Road) was given its reading and public hearing.

Mr. Mark Waller, Coordinator of Property Services, explained that when Central Crossing was built, a message board was installed at no charge to the School District. It is their desire to install one at the Career Center and replace the old sign that has changeable letters. They have these at two other high schools and find them to be a nice feature. He said they have checked with the Police Division, and there have been no accidents at this location. He said this sign will not scroll and agreed to stop scrolling messages on the Central Crossing sign. He said there was one concern during the BZA meeting from a resident and worked that out during the meeting to leave the message boards static during the hours when walkers were at their highest. He said the Career Center offers many programs and haven't been able to get the word out. He sees nothing but good for this sign.

Mr. Bennett asked why the existing sign could not be used for both schools. Mr. Waller said that wasn't considered. The idea was to create a separate identity for each school. Ms. Klemack-McGraw asked where the other two signs were. Mr. Waller said they are at Franklin Heights and Westland High Schools. Mr. Berry asked how much this sign cost. Mr. Waller said it was \$10,000.00, but didn't cost the District anything. Mr. Berry asked why they couldn't utilize the current message board and save \$10,000.00. Mr. Waller said just for the sake of two separate identities. He said there would be two signs with a message pertinent to each school.

Mr. Grinch asked if this new sign had already been installed. Mr. Waller said yes, but that was not to aggravate this situation. He said they did get a letter from the Building Division stating that if they chose to install the sign before the variance appeal timeline, they did so at their own risk. He said they had not heard that there was an appeal filed, so they scheduled the installation. He said a fax was placed on his desk informing them of an appeal on the day the installation was to take place.

Mr. Gary Leisure, former School Board member, said he was President when Central Crossing was built. It was done in the Township and their sign was grandfathered in. He said Columbus was not too keen on allowing this area to be annexed to Grove City, but did. He said many events take place at one location and people get confused and go to the wrong building.

Ms. Sherry Minton said she works with career technical education and believes that the Career Academy is a connection to the community. She said those students work with the community and get real experience. She believes that when the café or flower corner is open, the community would be aware and could stop in. She said by using the Central Crossing sign, people may get confused on which building to go to. She said they do have brochures, but the sign would be much more effective.

Mayor Stage commented about the annexation to Grove City of these schools. He said they did allow for some grandfathering. He said the Career Center is different and the thing offered in it. He voiced support for the sign.

Mr. Berry said the problem is when you keep making exception after exception, there is no consistency anymore. He suggested revisiting the Code to try and address some of this, yet not permit message board signs all along Stringtown Road. Mr. Mike Boso, Chief Building Official, said they looked at the Code and tried to apply the regulations. Unfortunately, you can't work every situation into the Code. He said this is a unique situation, with multiple buildings on one site with multiple events happening at one time. Trying to spend time to write something like this into the Code would be very difficult and that is why the variance process exists – to handle these situations. That is why they recommended approval from a staff review.

Mr. Bennett said he doesn't believe anyone is not for helping the schools, but no one in the District thought to use the existing sign for both schools. He said he doesn't want to set precedence here. He also doesn't want to discriminate between public and private entities. Mr. Honsey said at the request of Council, the BZA is now doing a Findings of Fact that reviews a variance issue and holds them to higher standards. With this review and needing special circumstances, he believes this handles the discriminatory factor.

Mr. Smith said that Council has the ability to allow differences for different signs. Discussion took place about the code wording, when the appeal was made and when the notice was sent out.

Mr. Dick Rutherford, resident, said he wants to see the City be consistent. He said just a year or so ago, Harrison College asked for a readable sign and was denied. They could come back and have a case that it should be approved now.

Ms. Klemack-McGraw said we are all supportive of the school system; however, she believes that this variance is contrary to the public interest by undermining a provision in our sign code and could affect the safety of pedestrians and drivers in the area by being a distraction. She agrees with the BZA, that granting this variance would be granting a special privilege for this applicant. She said she doesn't see how a literal enforcement of the Sign Code would result in an unnecessary hardship, by depriving the applicant of rights commonly enjoyed by other properties in the area. The only other such instance is in the same facility, where a non-conforming sign is allowed to remain. No other property has such a sign. She said she doesn't see any special conditions or circumstances which require some form of adjustment. She said by granting this variance, it violates the spirit of the zoning code. She asked Council to vote yes, to reverse the decision of the BZA.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Ms. Albright.

Mr. Bennett	Yes
Ms. Albright	No
Mr. Grinch	No
Ms. Klemack-McGraw	Yes
Mr. Berry	No

2. Resolution CR-04-11 (Approve the Exterior Modification for Guaranteed Heating and Cooling located at 3837 Broadway located in the Historical Preservation Area) was given its reading and public hearing.

Mr. Dean Bollinger, Architect representing Guaranteed Heating & Cooling, showed the site plan and explained all the improvements requested. He noted that the sign was approved previously, but the base hasn't been put up yet. That base will be done with this project so the brick will match the building. He said they agreed to the stipulations of Planning Commission.

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

Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

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

1. Mr. Smith, Director of Law, provided an update on the IRS issue. Mr. Harvey Dunn and Miranda Morgan of his office met with the Revenue Officer today. He said they asked the IRS for copies of some documents; they talked about the tax returns – the final two returns have been filed – and they coordinated paying the outstanding tax on those last two returns. He said once those are paid, it will remedy the delinquent tax, leaving only the interest and penalties. He said they spent a lot of time on the procedure to appeal the penalties. An appeal was filed and now the process will begin. He said the Revenue officer has obtained permission to withhold taking any type of adverse action against the City until March 30. He said on April 6, if we haven't worked out some type of resolution with the Revenue Officer, it will be taken from her and will go down the appeals track. He introduced representatives from GBQ Consulting. He said they were hired to conduct an internal review. Once that is complete, they will come to Council to provide their recommendations. He said they did get notice that special State Auditors will be coming in, as well as the regular annual Auditors. He said with all the different bodies that will be looking at this, they are cognizant of it so there is not duplication of efforts and excess expenditure of funds.

Mr. Berry asked a representative from GBQ, Rebecca Smith, what experience they had with Administrative Auditing. Ms. Smith said in terms of Administrative Auditing, they are not well known for that, but they do have some deep talent in payroll taxes and taxes, and professional experience in terms of conducting accounting investigations similar to this type. Mr. Berry asked if they have ever done a governmental audit. Ms. Smith said no, but they have done investigations related to public entities. Mr. Berry asked what type of clients they have had in the past that relate to Grove City and this situation. Ms. Smith said they have worked with similar agencies with similar issues – in terms of accounting irregularities, trying to determine what happened, and answering to boards and similar types of groups, such as yours.

Mr. Bennett asked what immediate, interim procedures and processes have been in place so we can move forward and prevent this from happening again. Mr. Turner said his part-time person has taken over the payroll functions and she and he are jointly doing these tasks.

Mr. Berry asked what safeguards have been taken since the last meeting regarding the mail. Mr. Honsey said the regular State Audit has begun. He said as for the mail, there were several sets of eyes on the mail, but there was a breakdown in passing significant pieces to the proper person. He said he immediately made it clear that those handling the mail need to look for content and pass those items to

the Department Head. They followed that up with a new administrative order on how mail is to be handled. All mail, with a few exceptions, is being opened, date stamped and put in Dept. mail boxes. Mr. Berry asked Mr. Turner if he is seeing all the mail for his department now. Mr. Turner said yes. Mr. Berry said there was a meeting that the Mayor, Mr. Wayslik, Mr. Turner and Stephen Smith, Sr. attended with the Columbus Dispatch and asked what that was about. The Mayor said a meeting was called to review with the staff of the Dispatch the situation we are faced with over the criminal investigation and the investigation they are trying to do as an administrative group. The purpose was to let the Dispatch know that there was a wall that has to be protected. Mr. Honsey also noted that notice was received of the retirement of the payroll clerk. He said they have advertised for that position. He said this doesn't mean that looking at an outside group for payroll won't occur, but they are getting about the business to make sure the Finance Office has the tools to operate in a good, effective, transparent manner.

2. Mayor Stage read a Press Release from the State of Ohio Auditor's Office stating that a Special Audit will take place of the Finance Office at the request of the Police Chief. No information will be available while the investigation is ongoing.
3. Mr. Gary Curry said he was surprised to find that the City was doing payroll themselves and not utilizing an outside payroll service. He said he called and asked Paychecks how much they would charge for 150 employees. They said \$13,442.00. He suggested that the City look into utilizing Paychecks or an outside service for the payroll of the City, which it sounds like the City is already looking into. He said they take the liability also.

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

1. The Mayor submitted a partial Mayor's Report. Mr. Berry moved to accept this partial report; seconded by Ms. Klemack-McGraw.

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

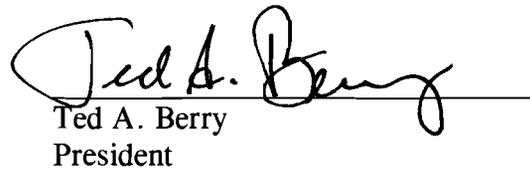
He noted that the last time he was involved in a 941A situation, the payroll processing company absconded with funds, and the non-profit agency got dinged because the third party processing agency absconded the funds. He said they have a lot of due diligence to do and it is going to take a good review/full scope of what happens in that department.

2. Mr. Honsey announced that State Rep. Cheryl Grossman has invited the Building Division and local officials to the State House this Thursday to recognize their statewide award. He also noted that we did receive a grant to cover several years of engineering costs for the SR665/I71 interchange.
3. Mr. Turner noted that he provided Council with the monthly Financial Report and if Council has questions, please call him.
4. Mr. Smith said he attended the Annexation hearing on the Interchange (SR665) and it was unanimously approved from the Franklin County Commissioners. It is effective upon passage.
5. Ms. Kelly, Clerk of Council, reported on Liquor Permit requests for BPOE Lodge 0037 & Patio; Two Berts LLC dba Garden Café on Broadway; and a transfer for Donericks Pub and asked if Council wished to request a hearing on any of them. Council said they did not want to request any hearings.

6. Chief Wise wanted to address some comments circulating around about the Police Division investigating the IRS issue. He explained that he is a Civil Service employee. He was appointed by Mayor Grossman and reports to the Safety Director on general office issues only. Investigations stop with him. He said any job action against the Chief cannot be political; it must be done through due process. So, he has no pressure by the Mayor or anyone about this investigation. Once the investigation is complete, the report becomes public and open to scrutiny. He has called on four outside agencies to assist them – Ohio Department of Taxation, Attorney General’s Office, State Auditor, and Fr. Co. Prosecutor’s office. He said it is their investigation and it doesn’t leave their building until it is finished and becomes public.
7. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:36 p.m.

  
Tami K. Kelly, MMC  
Clerk of Council

  
Ted A. Berry  
President